

EAST AFRICA PROTECTORATE.

ORDINANCES AND REGULATIONS,
VOL. XVI.

January 1st to December 31st, 1914.



3613

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Schedule of Legislation for the year 1914, showing the effect upon existing laws.

No. of Ordinance.	Subject.	Effect upon existing laws.
1 of 1914	Patents and Designs.	
2 of 1914	Exemption of certain documents from compulsory registration under the Registration Regulations, 1901.	Amends Registration Regulations, 1901.
3 of 1914	Grant of pension rights to Sub-Inspectors.	Amends Police Ordinance, 1911, §. 38.
4 of 1914	Arbitration.	Cancels application of Indian Civil Procedure Code §§. 523—526. Arbitrations not to be under the Arbitration Act 1889 (52 and 53 Vict. C. 49).
5 of 1914	Trespass.	
6 of 1914	Procedure in Criminal Courts.	To be read with Courts Ordinance, 1907. Cancels application of Indian Criminal Procedure Code (Act 5 of 1898). Repeals Criminal Procedure Ordinance, 1906. Repeals Courts Ordinance, 1907, §§. 26—41, Schedule I (part II) and Schedule II. Repeals Criminal Procedure Ordinance, 1907. Repeals Criminal Procedure Ordinance, 1908. Repeals Police Ordinance, 1911, §. 25.
7 of 1914	Power of Assistants to Provincial Commissioners.	
8 of 1914	Method of registration of documents.	Amends Registration Regulations 1901, §. 23.
9 of 1914	Loan of £375,000.	
10 of 1914	Pawnbrokers.	Amends Pawnbrokers Ordinance, 1913, 1st Schedule, part II, A.
11 of 1914	Appointment of managers of estates of Lunatics.	To be read with the Indian Lunacy (District Courts) Act, 1858.
12 of 1914	Provision for the Financial Year 1914-15.	
13 of 1914	Management of Prisons.	Repeals E. A. Prisons Regulations, 1902.
14 of 1914	Reserve Forces of the King's African Rifles.	
15 of 1914	British and Colonial Probates.	
16 of 1914	Access to Public Roads from Crown Lands.	
17 of 1914	Protection of Wild Birds' Eggs.	To be read with the East Africa Wild Birds Protection Ordinance, 1903.
18 of 1914	Procuration and detention for immoral purposes.	To be read with the Criminal Law Amendment Ordinance, 1913.
19 of 1914	Theft of stock and produce.	To be read with the Stock and Produce Theft Ordinance, 1912.
20 of 1914	Powers of Police in cases of Trespass.	To be read with the Trespass Ordinance, 1913.
21 of 1914	East Africa Volunteer Reserve.	Repeals the East Africa Volunteer Reserve Ordinance, 1911.
22 of 1914	Registration of Documents the copies of which are type-written.	To be read with Ordinance No. 8 of 1914, and Registration Regulations, 1901. Amends §. 3 of the former.
23 of 1914	Registration of Documents concerning Land Titles.	To be read with the Land Titles Ordinance, 1908, and the Land Titles Amendment Ordinance, 1910. Repeals §. 23 of the latter.
24 of 1914	Electric Supply Lines over land privately owned.	

Miscellaneous.

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Order of Precedence, East Africa Protectorate	8

Schedule of Rules and Regulations.

Act or Ordinance under which Rules, etc., have been issued.	Date of Rule, Proclamation, etc.	Reference in Official Gazette		Reference in Ordinances and Regulations.		Effect of Rule, Proclamation, etc.
		Year.	Page.	Volume.	Pg. of Appx.	
British Preferential Tariff Order-in-Council (Canada), 1913.	25- 1-13	1914	81	XVI.	5	Order-in-Council.
Criminal Procedure Ordinance, 1914.	2-11-14	"	1121	"	56	Notice of application.
	25-11-14	"	1186	"	57	Certificates under §. 400 of the Ordinance.
Crown Lands Ordinance, 1902.	6- 5-14	"	565	"	22	Licences of Crown Lands.
Currency (East Africa and Uganda) Order-in-Council, 1905.	21-10-14	"	1093	"	54	Proclamation under.
Diseases of Animals Ordinance, 1906.	19-12-13	"	3	"	1	Amends Rules of March 11th, 1912.
	16- 6-14	"	708	"	38	Diseases of Animals Rules, 1914.
	27- 6-14	"	729	"	38	" " " " No. 2 of 1914.
Diseases of Plants Prevention Ordinance, 1910.	9- 5-14	"	571	"	25	Coffee Leaf Disease Notification Regulations, 1914.
Fees and Royalties Ordinance, 1903.	24- 7-14	"	793	"	45	Cancellation of Tolls at Yonte.
Fish Protection Ordinance, 1908.	15- 6-14	"	682	"	34	Victoria Nyanza Fish Protection Rules, 1914.
	3- 8-14	"	864	"	46	" " " Amendment Rules, 1914.
Forest Ordinance, 1911.	24- 1-14	"	97	"	7	Royalty for timber sold by stack measurement.
	26- 1-14	"	121	"	8	" " Forest produce from mangrove swamps.
	4- 4-14	"	309	"	17	Arabuko-Sokoki Forest area.
	9- 6-14	"	681	"	33	Nakuru Forest Reserve.
	22- 7-14	"	792	"	44	Kapsaret Forest Reserve.
	30- 7-14	"	815	"	46	Arabuko-Sokoki Forest Rules.
	28- 7-14	"	815	"	46	Inclusion of building stone and murrum in term "Forest Produce."
	20-10-14	"	1093	"	54	Royalties for produce from Kapsaret Forest.
Game Ordinance, 1909.	10- 6-14	"	681	"	33	Transfer of Marabout and Egret to Schedule I.
	24-10-14	"	1093	"	55	Game (Ivory in Transit) Rules, 1914.
Indian Telegraph Act, 1885.	20- 6-14	"	706	"	35	Inland Telegraph Rules.
	17-12-14	"	1244	"	59	Inland telegrams handed in at Military Telegraph Offices.
Infectious Diseases Ordinance, 1903.	27- 1-14	"	97	"	7	Zanzibar declared infected area.
Land Titles Ordinance, 1908.	22- 5-14	"	629	"	25	Application to land N. of Mombasa and S. of Takaungu.
	18- 8-14	"	902	"	48	Fees in respect of applications for title.
	12- 9-14	"	957	"	49	Application to land S. of Mombasa.
	7-10-14	"	1054	"	54	Fees in respect of applications under §. 15 of the Ordinance.
Native Authority Ordinance, 1912.	22- 9-14	"	1003	"	51	Orders regarding game pits.
Native Passes Regulation, 1900.	28- 2-14	"	199	"	10	Amends Masai Pass form of April 24th, 1906.
	6- 4-14	"	310	"	18	Rules for Kamasia and Uasin Gishu Masai Reserve.

SCHEDULE OF RULES AND REGULATIONS.—Contd.

Act or Ordinance under which Rules, etc., have been issued.	Date of Rule, Proclamation, etc.	Reference in Official Gazette		Reference in Ordinances and Regulations.		Effect of Rule, Proclamation, etc.
		Year.	Page.	Volume.	Pg. of Appx.	
Opiates Prevention Ordinance, 1913, Abuse of.	28- 2-14	1914	200	XVI.	11	Forms and returns.
	5- 5-14	"	571	"	24	Rules <i>re</i> Indian Hemp.
Order-in-Council, 1902.	4- 4-14	"	308	"	16	Boundaries of Jubaland Province.
	4- 4-14	"	308	"	16	" " Districts in Jubaland Province.
	29- 5-14	"	629	"	26	" " Naivasha Province.
	22- 7-14	"	789	"	41	" " Malindi, Taita, Vanga, and Mombasa Districts.
	22- 7-14	"	790	"	42	Boundaries of Nairobi, Kikuyu, Machakos, and Kitui Districts.
	22- 7-14	"	791	"	43	Boundaries of Witu, Tana River and Lamu Districts.
	22- 7-14	"	791	"	43	Boundaries of Meru, Embu, Fort Hall, and Nyeri Districts.
Order-in-Council (Currency), 1905.	21-10-14	"	1093	"	54	Proclamation under.
Order-in-Council, 1914.	9- 3-14	"	705	"	34	Order-in-Council.
Patents and Designs Ordinance, 1913.	—	"	572	"	25	Notice of coming into operation.
Quarantine Ordinance, 1912. (<i>cancelled, vide p. 9</i>)	24- 1-14	"	97	"	7	Rules <i>re</i> vessels arriving from Zanzibar.
	13- 2-14	"	163	"	9	Cancelling Rules of January 24th, 1914.
Railways Ordinance, 1910.	16- 1-14	"	82	"	6	Railway piers on Lake Victoria, rates and tariff for.
Railway Provident Fund Ordinance, 1908.	1- 6-14	"	657	"	27	Provident Fund Rules.
Rules of Court, (Legal Practitioners, 1911).	7- 1-14	"	55	"	4	Date of filing agreement.
Seal Fisheries (Crown Colonies and Protectorates) Order-in-Council, 1914.	14- 5-14	"	765	"	39	Order-in-Council.
Stage Plays and Cinematograph Ordinance, 1912.	—	"	287	"	16	Supt. of Revenue, Mombasa, to exercise powers of D. C. under this Ordinance.
	16- 4-14	"	355	"	19	Fees for licences.
Townships Ordinance, 1903. (<i>vide p. 9</i>)	30-12-13	"	3	"	1	Amends Rules of August 1st, 1913, <i>re</i> Commercial area, Nairobi.
	7- 1-14	"	53	"	2	Amends Rules of August 1st, 1913, <i>re</i> Commercial area, Nairobi.
	7- 1-14	"	53	"	3	Fees for Eldama Ravine Township.
	12- 1-14	"	53	"	3	Nairobi Municipal Stock-yards Rules.
	19- 1-14	"	82	"	5	Extension of area of Nairobi Township.

SCHEDULE OF RULES AND REGULATIONS.—Cont.l.

Act or Ordinance under which Rules, etc., have been issued.	Date of Rule, Proclamation, etc.	Reference in Official Gazette		Reference in Ordinances and Regulations.		Effect of Rule, Proclamation, etc.	
		Year.	Page.	Volume.	Pg. of Appx.		
Townships Ordinance, 1903.—(Contd.)	9- 2-14	1914	137	XVI.	9	Enactment of Rules of January 12th, 1914.	
	14- 2-14	"	163	"	9	Cattle fees at Nyeri, Fort Hall, Embu, Meru.	
	20- 2-14	"	183	"	9	Application of Lodging House Rules to Nyeri.	
	28- 2-14	"	199	"	10	Amending Rules of July 5th, 1913.	
	(cancelled, vide p. 53)	3- 3-14	"	227	"	15	Registration of common Lodging Houses, Nairobi.
		3- 3-14	"	227	"	15	Re plots covered with bush.
		31- 3-14	"	309	"	18	Declaration of Chuka Township.
		31- 3-14	"	309	"	18	Repeal of Rule of May 16, 1913, as regards Embu.
		16- 4-14	"	355	"	19	" " Rules of 1904, as applied to Kisumu.
		16- 4-14	"	355	"	19	Addition to Mombasa Rules of Oct. 29th, 1913.
(amended, vide p. 33)	27- 4-14	"	381	"	20	Nairobi Fishmongers' Rules, 1914.	
	6- 4-14	"	<u>564</u>	"	20	Kisumu Township (Vehicles) Rules No. 1 of 1914 X	
	8- 6-14	"	<u>681</u>	"	33	Kisumu Township Rules No. 2 of 1914. X	
	24- 6-14	"	729	"	38	Produce sold in Nyeri, Fort Hall and Meru.	
	1- 7-14	"	753	"	38	General Townships Rules, 1914.	
	3- 7-14	"	754	"	39	Amends Cemetery Rules, February 19th, 1912.	
	8- 7-14	"	766	"	40	Kisumu Township Rules No. 3 of 1914.	
	(amended, vide p. 50)	22- 7-14	"	792	"	44	Nairobi Township Ricksha Rules, 1914.
		17- 8-14	"	901	"	47	Native Eating houses Rules for Gobwen and Kismayu.
		31- 8-14	"	913	"	48	Nairobi Township Rules No. 1 of 1914.
(cancelled, vide p. 57)	22- 9-14	"	1001	"	50	Nairobi Township Ricksha Amendment Rules, 1914.	
	25- 9-14	"	1001	"	50	Nairobi Building Amendment Rules, 1914.	
(amended, vide p. 56)	30- 9-14	"	1030	"	51	Nairobi Lodging House Rules, 1914.	
	8-10-14	"	1054	"	53	Powers of Supt. of Conservancy, Mombasa.	
	5-11-14	"	1138	"	56	Nairobi Lodging House Rules No. 2 of 1914.	
	7-11-14	"	1138	"	56	Rules applicable to Kipini, Siyu, Faza, Kiunga, Mkonumbi and Wangeh.	
	27-11-14	"	1185	"	57	Repealing Rules of September 22th, 1914.	
	8-12-14	"	1226	"	58	Nairobi Bill Posting Rules, 1914.	
	14-12-14	"	1227	"	58	Nairobi Building Amendment Rules No. 2 of 1914.	
	18-12-14	"	1243	"	59	Nairobi Municipal Committee Rules, 1914.	

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EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 1 OF 1914.

An Ordinance to make provision for the Protection of Inventions and Designs.

[7th January, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as “The Patents and Designs Ordinance, Short Title. 1913,” and shall come into operation on such date as the Governor shall by notice prescribe.

2. The Governor may appoint a Registrar of Patents and Designs (in this Ordinance called the Registrar) with an office to be called The Registry of Patents and Designs (in this Ordinance called the Registry). The term “Registrar” shall include any Deputy Registrar or person acting under the authority of such Registrar.

3. There shall be kept at the Registry a book called “The Register of Patents,” and a book called “The Register of Designs.”

4. Letters patent for any invention may be granted in the Protectorate to any person holding in the United Kingdom a valid patent for such invention or to any person to whom all interest in such patent in respect of the Protectorate has been assigned.

5. A certificate of registration of any new and original design may be granted in the Protectorate to any person who in the United Kingdom is the registered proprietor of such design or to any person to whom all interest in such design in respect of the Protectorate has been assigned.

6. Every application for the grant of letters patent or for the registration of a design under this Ordinance shall be addressed to the Registrar and there shall be transmitted with such application so far as the same shall be applicable—

(1) Two copies of the letters patent or certificate of registration granted in England.

(2) Two copies of the complete specification in relation to the patent.

(3) Two copies of any drawing in relation to the patent or design.

(4) Two exact representations or specimens of the design.

(5) An affidavit that the applicant holds a valid patent in the United Kingdom, or is the registered proprietor in the United Kingdom, of the design for which protection is asked, or that he is the person to whom all interest in such patent or design in respect of the Protectorate has been assigned.

7. The Registrar shall file every such application and the enclosures thereto in the register, and shall cause to be made in the proper register in the prescribed manner an entry of the nature of the patent or design and of the filing of the application and of the enclosures thereto.

8. The Registrar shall have a seal, and when an entry has been made in the register a certificate in duplicate in the prescribed form of the entry shall be made under the hand and seal of the Registrar. One copy of such certificate shall be issued to the applicant and one copy shall be filed by the Registrar. Such certificate shall be the grant of letters patent or certificate of the

registration of the design, as the case may be, and shall confer upon the person obtaining the same or other the lawful holder thereof within the limits of the Protectorate every right, title and advantage which the holder of the letters patent or of a certificate of the registration of a design has in England in respect of such patent or design provided that such certificate shall be null and void whenever the patent or certificate to which it refers shall finally cease in England.

Order affecting Registrar may be made by the High Court.

9. An order requiring the Registrar to do or abstain from doing anything under this Ordinance may be made by a Judge of the High Court on a summons in Chambers.

Certificate of Registrar to be evidence.

10. A certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing which he is authorised by this Ordinance, or any rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

Sealed copies to be evidence.

11. Printed or written copies or extracts purporting to be certified by the Registrar and sealed with the seal of the registry of or from registers and other books or documents kept there shall be admitted in evidence in all Courts in the Protectorate, and in all proceedings, without further proof or a production of the original.

High Court to afford all relief.

12. (1) The High Court shall have power, in accordance with the provisions of the Patents and Designs Acts of England, to grant, either absolutely or on such terms and conditions as shall seem just, all such remedies as any person may appear to be entitled to in respect of either claim to or defence of any right, title or interest in relation to any letters patent or registration in force in the Protectorate under a certificate granted under this Ordinance: Provided always that no such Act passed after the date of this Ordinance coming into force apply to the Protectorate until it shall be applied by Ordinance.

(2) Provided that nothing in this section contained shall entitle the holder of any certificate of entry to recover damages for infringements of any patent, or design happening prior to the actual date of the grant of such certificate of entry.

Offences.

13. If any person makes or causes to be made a false entry in any register kept under this Ordinance, or a writing falsely purporting to be a copy of an entry in any such register, or produces, or tenders, or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be liable on conviction to imprisonment of either description for a term not exceeding two years or to a fine not exceeding one thousand five hundred rupees, or to both.

Offences.

14. (1) If any person falsely represents that any article sold by him is a patented article or falsely describes any design applied to any article sold by him as registered, he shall be liable for every offence on conviction to a fine not exceeding Rs. 75.

If any person sells an article having stamped, engraved or impressed thereon or otherwise applied thereto the word "patent," "patented," "registered" or any other word expressing or implying that the article is patented or that the design applied thereto is registered, he shall be deemed for the purposes of this section to represent that the article is a patented article or that the design applied thereto is a registered design.

(2) Any person who, after the copyright in a design has expired, puts or causes to be put on any article to which the design has been applied the word "registered" or any word or words implying that there is a subsisting copyright in the design shall be liable for every offence on conviction to a fine not exceeding Rs. 75.

(3) Provided always that if the person alleged to have committed an offence under this section shall show to the satisfaction of the Court that the said article or design is in fact patented or registered under the provisions of the law in force in England or the Uganda Protectorate such representation or sale shall not constitute an offence under this section.

Offence.

15. If any person uses on his place of business or any document issued by him or otherwise the words "Registry of Patents or Designs" or any other words suggesting that his place of business is officially connected with, or is, the registry of Patents or Designs, he shall be liable on conviction to a fine not exceeding Rs. 300.

16. The Registrar shall on the first day of April in every year issue a Report of Registrar.
report respecting the execution by him of this Ordinance.

17. (1) The Governor may from time to time make, alter or revoke rules Powers to make
rules.

(1) prescribing the forms to be used under this Ordinance, (2) providing for and regulating the search and inspection of the registers, (3) otherwise regulating the practice of registration under this Ordinance, (4) prescribing the fees and fixing the charges to be made for any act, matter or thing under this Ordinance to be done or observed, and (5) generally for the better carrying into effect of the provisions of this Ordinance.

(2) Unless and until they be altered or revoked under this section, the provisions contained in the Schedule hereto shall be and remain in force.

18. Whenever in any Ordinance or other law reference is made to the Secretary under the Inventions and Designs Act 1888 of India or to the office of such Secretary such reference shall be read as if the Registrar and the Registry of Patents and Designs under this Ordinance were substituted for such Secretary and the Office of such Secretary respectively.

The Registrar and Registry under this Ordinance substituted for the Secretary of Inventions and Designs and the Office of such Secretary.

19. No application for leave to file a specification of a manufacture under section 5 of the Inventions and Designs Act 1888 of India as applied to the Protectorate, or for an order for the registration of a design under section 51 of the same Act shall be entertained unless such application is made before the coming into operation of this Ordinance.

Certain applications under the Inventions and Designs Act, 1888, not to be entertained after the commencement of this Ordinance.

Schedule.

Rules.

1. The forms for use under the Ordinance shall be those contained in the Forms.
Schedule A hereto.

2. The fees payable in respect of applications and registration and other Fees.
matters under the Ordinance shall be those contained in the Schedule B hereto.

3. The Registrar shall, on payment of the proper fee, cause a copy of Advertisement
each certificate of entry to be inserted in the Gazette. in the Gazette.

4. All assignments, transmissions, amendments, extensions, and revocations Assignments,
of any patent or design registered under the Ordinance shall be notified to the Registrar, who shall, on sufficient evidence thereof and on payment of the prescribed fee, enter the same in the proper register in the prescribed manner, and shall endorse the same on the certificate of entry referring to such patent or design. The Registrar shall, on payment of the proper fee, cause a copy of such entry to be inserted in the Gazette. etc.

5. (1) During the existence of copyright in a design, the design shall Inspection of
not be open to inspection except by the proprietor, or a person registered
authorised in writing by the proprietor, or a person authorised by designs.
the Registrar or by the Court, and furnishing such information as
may enable the Registrar to identify the design, nor except in
the presence of the Registrar or of an officer acting under him,
nor except on payment of the prescribed fee; and the person
making the inspection shall not be entitled to take any copy of
the design or of any part thereof.

(2) When the copyright in a design has ceased, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

(3) On the request of any person producing a particular design, Information as
together with its mark of registration, or producing only its to existence of
marks of registration, or furnishing such information as may copyright.
enable the Registrar to identify the design, and on payment
of the prescribed fee, it shall be the duty of the Registrar to
inform such person whether the registration still exists in

respect of such design, and if so, in respect of what class or classes of goods, and stating also the date of registration, and the name and address of the registered proprietor.

Inspection of and extracts from register.

6. Every register kept under the Ordinance and the specification of every registered patent shall be open to the inspection of the public on payment of the prescribed fee, subject to the provisions of the Ordinance and to the Rules made thereunder. Certified copies sealed with the seal of the Registrar of any entry in such register or of any such specification, shall be given to any person requiring the same on payment of the prescribed fee: Provided that whenever any specification or extract includes any tracing, drawing, or diagram, an additional fee for any copy thereof shall be paid equal to the cost of preparing such tracing, drawing, or diagram.

Power for Registrar to correct clerical errors, etc.

7. The Registrar may, on request in writing accompanied by the prescribed fee;—

- (a) correct any clerical error in or in connection with an application for a patent, or for registration of a design; or,
- (b) correct any clerical error in the name, style, or address of the registered proprietor of a patent, or design.

Schedule A.

Form of Original Entry in the Register of Patents (Designs)

- Number of application
- Date of application
- Name of applicant
- Address
- Number and date of Patent (Certificate of Registration) in the United Kingdom.
- Nature of Patent (Design)
- Documents, etc., filed in Registry

Form of Subsequent Entry in the Register of Patents (Designs).

- Number of original Certificate of Entry.
- Date of application.
- Name of applicant.
- Address.
- Nature of applicant
- Documents filed in Registry.
- Date of entry in Register and endorsement on Original Certificate.

Form of Certificate under Section 8.

EAST AFRICA PROTECTORATE.

The Patents and Designs Ordinance, 1913.

Certificate of entry in the Register of Patents (Designs).

Number of certificate.

NOTE.—To correspond with number of application.

This is to certify that an entry has been made in the Register of Patents (Designs) in the name of.....of.....as appears in the Schedule hereto.

This certificate is issued in pursuance of section 8 of the above mentioned Ordinance.

.....

Patents Office

Seal

.....

.....

Registrar.

Schedule.

To contain a copy of the entry in the Register of Patents (Designs.)

Schedule B.**Fees.**

	Rs.	Cts.
On application for a Certificate of Entry in the Register of Patents ...	50	00
On application for a Certificate of Entry in the Register of Designs ...	30	00
On publication in the Gazette of the grant of such Certificate of Entry ...	5	00
On registration of every assignment, transmission, amendment, extension or revocation of any patent, copyright in a design and endorsement on the Certificate of Entry ...	10	00
On publication in the Gazette of any application, declaration, disclaimer or other matter requiring to be published ...	5	00
On every search or inspection of any of the Registers ...	3	00
On inspection of any specification ...	3	00
Every Certificate under seal of the Registrar...	10	00

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 2 OF 1914.

An Ordinance to amend the East Africa Registration Regulations, 1901.

[February 6th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as “The Registration Regulations Amendment Ordinance, 1913.” Short Title.

2. Anything in the East Africa Registration Regulations, 1901 to the contrary notwithstanding, the registration under the said Regulations of the documents following shall not be compulsory:— Exemption of certain documents from compulsory registration under the Registration Regulations 1901.

- (a) any composition deed.
- (b) any document relating to shares in a joint stock Company, notwithstanding that the assets of such Company consist in whole or in part of immoveable property; or
- (c) any debenture issued by such Company, and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument, whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property, or any interest therein, to trustees upon trust for the benefit of the holders of such debentures; or
- (d) any endorsement upon or transfer of any debenture issued by any such Company; or
- (e) any document not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property but merely creating a right to obtain another document, which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 3 OF 1914.

An Ordinance to Amend the East Africa Police Ordinance, 1911.

[February 6th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

Short Title.

1. This Ordinance may be cited as "The East Africa Police Amendment Ordinance, 1913" and shall be read together with the East Africa Police Ordinance, 1911 hereinafter called the Principal Ordinance.

2. (1) Section 38 (1) of the Principal Ordinance shall be and is hereby amended as follows—:

By the insertion after the word "Constables" in line 1 the words "or Sub-Inspectors."

By the insertion before the word "Officials" in line 3 the words "or Non-European."

By the insertion after the word "Officials" in line 3 the words "as the case may be."

By the insertion after the word "Constable" in line 6 the words "or Sub-Inspector."

(2) Section 38 (2) of the Principal Ordinance shall be and is hereby amended as follows:—

By the deletion of the words:—

To Sub-Inspectors	Rs. 300
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To Sub-Inspectors	Rs. 500
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EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 4 OF 1914.

An Ordinance to amend the Law Relating to Arbitration.

[February 6th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council:—

Short Title and Commencement.

1. This Ordinance may be cited as "The Arbitration Ordinance, 1913," and shall come into operation on the first day of January 1914.

Repeal of certain provisions relating to Arbitration in the Civil Procedure Code.

2. On the coming into operation of this Ordinance Sections 523 to 526 (both inclusive) of the Indian Code of Civil Procedure shall cease to apply to the Protectorate.

Provided that nothing in this Ordinance shall affect any arbitration pending at the commencement of this Ordinance, but shall apply to every arbitration commenced after the commencement of this Ordinance under any agreement or order previously made.

Provided, also, nothing in this Ordinance shall affect the provisions of the Indian Companies Act 1882.

Definitions.

3. In this Ordinance, unless there is anything repugnant in the subject or context,

- (a) "the Court" means the High Court; and
 (b) "submission" means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

4. A submission, unless a different intention is expressed therein, shall be irrevocable, except by leave of the Court. Submission to be irrevocable except by leave of Court.

5. A submission, unless a different intention is expressed therein, shall be deemed to include the provisions set forth in the First Schedule, in so far as they are applicable to the reference under submission. Provisions implied in submission.

6. The parties to a submission may agree that the reference shall be to an arbitrator or arbitrators to be appointed by a person designated therein. Reference to arbitrator to be appointed by third person.

Such person may be designated either by name or as the holder for the time being of any office or appointment.

7. (1) In any of the following cases:—

(a) where a submission provides that the reference shall be to a single arbitrator, and all the parties do not, after differences have arisen, concur in the appointment of an arbitrator;

(b) if an appointed arbitrator neglects or refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties do not supply the vacancy;

(c) where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator, and do not appoint him;

(d) where an appointed umpire or third arbitrator refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties or arbitrators do not supply the vacancy;

any party may serve the other parties or the arbitrators, as the case may be, with a written notice to concur in appointing an arbitrator, umpire, or third arbitrator.

(2) If the appointment is not made within seven clear days after the service of the notice, the Court may, on application by the party who gave the notice, and after giving the other party an opportunity of being heard, appoint an arbitrator, umpire, or third arbitrator, who shall have the like power to act in the reference, and make an award, as if he had been appointed by consent of all parties.

8. Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless a different intention is expressed therein:— Power for parties in certain cases to supply vacancy.

(a) if either of the appointed arbitrators refuses to act, or is incapable of acting, or dies, or is removed, the party who appointed him may appoint a new arbitrator in his place;

(b) if, on such a reference, one party fails to appoint an arbitrator either originally, or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the party making default with a written notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent.

Provided that the Court may set aside any appointment made in pursuance of clause (b) of this section.

9. The arbitrators or umpire acting under a submission shall, unless a different intention is expressed therein:— Powers of arbitrator.

(a) have power to administer oaths to the parties and witnesses appearing;

(b) have power to state a special case for the opinion of the Court on any question of law involved; and

(c) have power to correct in an award any clerical mistake or error arising from any accidental slip or omission.

10. (1) When the arbitrators or umpire have made their award, they shall sign it, and shall give notice to the parties of the making and signing thereof, and of the amount of the fees and charges payable to the arbitrators or umpire in respect of the arbitration and award. Award to be signed and filed.

(2) The arbitrators or umpire shall, at the request of any party to the submission or any person claiming under him, and upon payment of the fees and charges due in respect of the arbitration and award, and of the costs and charges of filing the award, cause the award, or a signed copy of it, to be filed in the Court; and notice of the filing shall be given to the parties by the arbitrators or umpire.

(3) Where the arbitrators or umpire state a special case under Section 9, clause (b), the Court shall deliver its opinion thereon; and such opinion shall be added to, and shall form part of, the award.

Power for Court to enlarge time for making award.

11. The time for making an award may, from time to time, be enlarged by order of the Court, whether the time for making the award has expired or not.

Power to remit award.

12. (1) The Court may, from time to time, remit the award to the reconsideration of the arbitrators or umpire.

(2) Where an award is remitted under Sub-Section (1), the arbitrators or umpire shall, unless the Court otherwise directs, make a fresh award within three months after the date of the order remitting the award.

Power to set aside award.

13. Where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the Court may set aside the award.

Award when filed to be enforceable as a decree.

14. (1) An award on a submission, on being filed in the Court in accordance with the foregoing provisions, shall (unless the Court remits it to the reconsideration of the arbitrators or umpire, or sets it aside) be enforceable as if it were a decree of the Court.

(2) An award may be conditional or in the alternative.

Power to remove arbitrator or umpire.

15. Where an arbitrator or umpire has misconducted himself, the Court may remove him.

Costs.

16. Any order made by the Court under this Ordinance may be made on such terms as to costs or otherwise as the Court thinks fit.

Forms.

17. The forms set forth in the Second Schedule, or forms similar thereto, with such variations as the circumstances of each case require, may be used for the respective purposes there mentioned, and, if used, shall not be called in question.

Power to stay proceedings where there is a submission.

18. Where any party to a submission to which this Ordinance applies, or any person claiming under him, commences any legal proceedings against any other party to the submission or any person claiming under him, in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time after appearance and before filing a written statement, or taking any other steps in the proceedings, apply to the Court to stay the proceedings; and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission, and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

19. Section 513 of the Indian Code of Civil Procedure shall apply in the case of any submission under this Ordinance in like manner as to a reference under Chapter XXXVII of the said Code.

Power for High Court to make rules.

20. The High Court may make Rules consistent with this Ordinance as to:

(a) the filing of awards and all proceedings consequent thereon or incidental thereto;

(b) the filing and hearing of special cases and all proceedings consequent thereon or incidental thereto;

(c) the staying of any suit or proceeding in contravention of a submission to arbitration; and,

(d) generally, all proceedings in Court under this Ordinance.

Crown to be bound.

21. The provisions of this Ordinance shall be binding on the Crown

Application of this Ordinance to arbitrations under certain Ordinances and contracts.

22. Whenever in any Ordinance or contract it is directed or agreed that any arbitration under or in pursuance of such Ordinance or contract shall be under the Arbitration Act 1889, (52 and 53 Victoria C. 49), such Ordinance or contract shall be read as if this Ordinance were substituted for the aforesaid Act.

The First Schedule.

(SEE SECTION 5).

Provisions to be implied in Submissions.

1. If no other mode of reference is provided, the reference shall be to a single arbitrator.
2. If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.
3. The arbitrators shall make their award in writing within three months after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may, from time to time, enlarge the time for making the award.
4. If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire, a notice in writing stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.
5. The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire, by any writing signed by him, may, from time to time, enlarge the time for making his award.
6. The parties to the reference, and all persons claiming through them respectively, shall, subject to the provisions of any law for the time being in force, submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire all books, deeds, papers, accounts, writings, and documents within their possession or power respectively which may be required or called for, and do all other things which, during the proceedings on the reference, the arbitrators or umpire may require.
7. The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath.
8. The award to be made by the arbitrators or umpire shall be final and binding on the parties and the persons claiming under them respectively.
9. The cost of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom, and in what manner, those costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid or any part thereof, and may award costs to be paid as between solicitor and client.

The Second Schedule,

(SEE SECTION 17)

FORM I.

Submission to Single Arbitrator.

In the matter of the Arbitration Ordinance, 1913:—

Whereas differences have arisen and are still subsisting between A. B. of _____ and
C. D. of _____ concerning _____ ;

Now we, the said A. B. and C. D., do hereby agree to refer the said matters in difference
to the award of X. Y.

(Signed) A. B.
 C. D.

Dated the _____, 191 .

FORM II.

Submission of Particular Dispute to Single Arbitrator.

In the matter of the Arbitration Ordinance, 1913:—

Whereas differences have arisen and are still subsisting between A. B. of _____ and
C. D. of _____ concerning _____ ;

Now we, the said A. B. and C. D., do hereby agree to refer the said matters in difference
to the award of X. Y.

(Signed) A. B.
 C. D.

Dated the _____, 191 .

FORM III.

Appointment of Single Arbitrator under Agreement to refer future Differences to Arbitration.

In the matter of the Arbitration Ordinance, 1913 :—

Whereas, by an agreement in writing, dated the _____ day of _____, 191____, and made between A. B. of _____ and C. D. of _____, it is provided that differences arising between the parties thereto shall be referred to an arbitrator as therein mentioned.

And whereas differences within the meaning of the said provision have arisen and are still subsisting between the said parties concerning _____.

Now we, the said parties, A. B. and C. D., do hereby refer the said matters in difference to the award of X. Y.

Dated the _____, 191____.

(Signed) A. B.
C. D.

FORM IV.

Enlargement of Time by Arbitrator by Endorsement on Submission.

In the matter of the Arbitration Ordinance, 1913, and an arbitration between A. B. of _____ and C. D. of _____ :—

I hereby enlarge the time of making my award in respect of the matters in difference referred to me by the within (or above) submission until the _____ day of _____, 191____.

(Signed) X. Y.

Arbitrator.

FORM V.

In the matter of the Arbitration Ordinance, 1913, and an arbitration between A. B. of _____ and C. D. of _____ :—

The following special case is, pursuant to the provisions of Section 9, clause (b), of the said Ordinance, stated for the opinion of the _____* :

(Here state the facts concisely in numbered paragraphs).

The questions of law for the opinion of the said Court are :—

First whether.....

Secondly, whether.....

(Signed) X. Y.

Dated the _____, 191____.

Arbitrator.

*Here specify the Court

FORM VI.

Award.

In the matter of the Arbitration Ordinance, 1913. and an arbitration between A. B. of _____ and C. D. of _____ :—

Whereas, in pursuance of an agreement in writing dated the _____ day of _____, 191____, and made between A. B. of _____ and C. D. of _____, the said A. B. and C. D. have referred to me X. Y., the matters in difference between them concerning _____ (or as the case may be.)

Now I, the said X. Y., having duly considered the matters submitted to me, do hereby make my award as follows:—

I award—

(1) that.....

(2) that.....

(Signed) X. Y.
Arbitrator.

Dated the 191 .

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 5 OF 1914.

An Ordinance to make further and better provision for the Protection of Inclosed Lands from Intrusion and Trespass.

[April 4th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative council thereof:—

1. This Ordinance may be cited as "The Trespass Ordinance, 1913." Short Title.

2. Any person who shall without lawful excuse enter into the inclosed lands of any other person without the consent of the owner or occupier thereof or the person in charge of the same, shall be guilty of an offence and, on conviction, shall be liable to a fine not exceeding seventy five rupees, and, in default of payment, to imprisonment of either description for a term not exceeding one month; and the proof of such lawful excuse shall be upon the person charged with the offence. Penalty upon unlawful entry into inclosed lands.

3. Any person found creeping through a wire fence or tying the wires to each other, or loosening the poles or supports, may be prosecuted for an offence against this Ordinance by the owner or person under whose supervision such fence is, and on conviction shall be liable to the penalties prescribed in the preceding section. Damage to fences.

4. (1) When a person is seen or found committing an offence against this Ordinance the owner, occupier or person in charge of the inclosed lands or the owner or person having the supervision of the fence, as the case may be, may require him to give his name and address, and, if such person shall fail to give the same, or if such person is a Native not in the employ of any Non-Native, and the person demanding his name and address has reason to believe that except by arresting him he may not afterwards be found or made answerable to justice without undue delay, trouble or expense, he may without warrant arrest him. When person committing an offence under this Ordinance, may be arrested.

(2) A person apprehended under this section shall be taken with all practicable speed before a Magistrate and shall not be detained, without a warrant, longer than is necessary for the purpose.

5. Any person who upon being required to give his name and address shall give a false or fictitious name or address shall be guilty of an offence, and, on conviction, shall be liable to the penalties prescribed in Section 2 of this Ordinance. Penalty for giving false name or ess.

6. In this Ordinance.

The term "inclosed lands" shall mean any lands either private or public which may be inclosed or surrounded with any fence, wall or other erection by which the boundaries thereof may be known or recognised or which may be partly enclosed or surrounded with such fence, wall or other erection and partly with a river so that the whole of boundaries thereof can be known or recognised. Interpretations.

The term "Native" shall mean a Native of Africa not being of European or American origin.

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EAST AFRICA PROTECTORATE.

AN ORDINANCE.

No. 6 OF 1914.

An Ordinance to make provision for Procedure in Criminal Courts.

[May 5th, 1914.]

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PART I.

Preliminary.

CHAPTER I.

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. (1) This Ordinance may be cited as "The Criminal Procedure Ordinance, 1913" and shall come into operation on such date as the Governor by notification in the Gazette shall determine. Short Title.
Commencement.
- (2) This Ordinance shall be read with the Courts Ordinance, 1907, and any Ordinance amending or substituted for the same. Read with
Courts
Ordinance.
- (3) This Ordinance shall extend to the whole of the Protectorate, but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special or local law or Ordinance or rules thereunder now in force, or any special jurisdiction or power conferred or any special form or procedure prescribed by any other law or Ordinance for the time being in force. Extent.
2. (1) On the coming into operation of this Ordinance, the enactments mentioned in the first schedule hereto shall be repealed to the extent therein specified but not so as to restore any jurisdiction or form of procedure not then existing or followed, or to render unlawful the continuance of a confinement which is then lawful. Repeal of
Enactments.
- (2) All notifications published, proclamations issued, powers conferred, forms prescribed, local limits defined, sentences passed and orders, rules and appointments made under any enactment hereby repealed, or under any enactment repealed by any such enactment, and which are in force immediately before the coming into operation of this Ordinance, shall be deemed to have been respectively published, issued, conferred, prescribed, defined, passed and made under the corresponding sections of this Ordinance. Notifications, etc.
under repealed
Enactments.
- (3) The Provisions of this Ordinance shall apply to all Criminal proceedings instituted after the commencement of this Ordinance, and, so far as may be, to all cases pending in a Criminal Court when this Ordinance comes into force. Pending Cases.
3. In every enactment passed before this Ordinance came into operation, in which reference is made to, or to any chapter or section of, any enactment repealed by this Ordinance, such reference shall, so far as may be practicable, be taken to be made to this Ordinance, or to its corresponding chapter or section. References to
Code of Criminal
Procedure and
other repealed
Enactments.
4. (1) In this Ordinance the following words and expressions have the following meanings, unless a different intention appears from the subject or context:— Definitions.

- Advocate. (a) "Advocate" used with reference to any proceeding in any Court, means an advocate authorised under any law for the time being in force to practise in such Court.
- Bailable Offence. (b) "Bailable Offence" means an offence shewn as bailable in the second schedule hereto or which is made bailable by any other law for the time being in force; and "non-bailable offence" means any other offence.
- Non-bailable Offence.
- Charge. (c) "Charge" includes any head of charge when the charge contains more heads than one.
- Cognizable Offence. (d) "Cognizable Offence" means an offence for, and "cognizable case" means a case in, which a police officer may, in accordance with the second schedule hereto or under any law for the time being in force, arrest without warrant.
- Complaint. (e) "Complaint" means the allegation made orally or in writing to a Magistrate, with a view to his taking action, under this Ordinance, that some person, whether known or unknown, has committed an offence, but complaint does not include the report of a police officer.
- European. (f) "European" means a person of European origin or descent.
- High Court. (g) "High Court" means His Majesty's High Court of East Africa as constituted by the East Africa Order in Council, 1902.
- Inquiry. (h) "Inquiry" includes every inquiry other than a trial conducted under this Ordinance by a Magistrate or Court.
- Inspector of Police. (i) "Inspector of Police" includes an Assistant Inspector of Police.
- Investigation. (j) "Investigation" includes all the proceedings under this Ordinance for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf.
- Judicial Proceeding. (k) "Judicial Proceeding" includes any proceeding in the course of which evidence is or may be legally taken on oath or affirmation.
- Native. (l) "Native" means any native of Africa not of European or Asiatic extraction but includes any Arab and Somali and also any Beluchi born in Africa.
- Non-cognizable Offence. (m) "Non-cognizable Offence" means an offence for, and "non-cognizable case" means a case in, which a police officer may not arrest without warrant.
- Non-cognizable Case.
- Offence. (n) "Offence" means any act or omission made punishable by any law for the time being in force.
- Officer in charge of a Police-Station. (o) "Officer in charge of a police-station" includes, when the officer in charge of the police-station is absent from the station-house or unable from illness or other cause to perform his duties, the police officer present at the station-house who is next in rank to such officer and is above the rank of constable, or, when the Governor so directs, any other police officer so present. For the purposes of this clause a European constable shall be deemed to be above the rank of constable.
- Penal Code. (p) "Penal Code" means the Indian Penal Code as applied to the East Africa Protectorate at the coming into operation of this Ordinance and any amendment thereof or addition thereto hereafter applied or made by Ordinance and any codification of the criminal law hereafter substituted therefor.
- Place. (q) "Place" includes also a house, building, tent and vessel.
- Police Station. (r) "Police Station" means a post or place appointed by the Commissioner of Police to be a police-station, and includes any local area policed from such station.
- Public Prosecutor. (s) "Public Prosecutor" means any person appointed under Section 382 and includes the Attorney General and any person acting under the directions of the Attorney General and any person conducting a prosecution on behalf of His Majesty in the High Court in the exercise of its original criminal jurisdiction.
- Registrar. (t) "Registrar" means any person appointed to be a Registrar of the High Court and includes Deputy Registrar and District Registrar.
- Subordinate Court. (u) "Subordinate Court" includes a Subordinate Native Court.

- (v) "Summons-case" means a case relating to an offence and not being a warrant-case and
 - (w) "Warrant-case" means a case relating to an offence punishable with death, transportation, penal servitude or imprisonment for a term exceeding six months.
 - (2) Words which refer to acts done extend also to illegal omissions; and all words and expressions used herein and defined in the Penal Code and not hereinbefore defined shall be deemed to have the meanings respectively attributed to them by that Code.
5. (1) All offences under the Penal Code shall be investigated, inquired into, tried, and otherwise dealt with according to the provisions hereinafter contained. Words referring to acts.
Words to have the same meaning as in Penal Code.
- (2) All offences under any other law shall be investigated, inquired into, tried, and otherwise dealt with according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of investigating, inquiring into, trying or otherwise dealing with such offences. Trial of Offences under Penal Code.
Trial of Offences against other laws.
- (3) Provided, however, and notwithstanding anything in this Ordinance contained, the High Court may, subject to the provisions of any law for the time being in force in the Protectorate, in exercising its criminal jurisdiction in respect of any matter or thing to which the proceeding prescribed by this Ordinance is inapplicable, exercise such jurisdiction according to the course of procedure and practice observed by, and before, His Majesty's High Court of Justice in England on the coming into operation of this Ordinance. Saving power of High Court.

PART II.

Constitution and Powers of Criminal Courts.

CHAPTER II.

Of the Constitution of Criminal Courts.

6. Beside the High Court and the Courts, if any, constituted under any law for the time being in force, there shall be six classes of Subordinate Courts in the Protectorate, that is to say:—

- (1) Subordinate Courts of the 1st Class.
- (2) Subordinate Courts of the 2nd Class.
- (3) Subordinate Courts of the 3rd Class.
- (4) Liwali's Courts.
- (5) Cadi's Courts.
- (6) Mudir's Courts.

The last three Classes of Subordinate Criminal Courts herein mentioned shall be known as native Subordinate Courts.

7. The Magistrate in the respective Courts shall be by virtue of his office:— By whom held
In a Subordinate Court of the 1st Class—A Provincial Commissioner or a

- | | | | | | | | | | |
|--|--|----------------|--|--|--|--|--|--|--|
| | | | | | | | | | |
| | | | Resident Magistrate | | | | | | |
| | | | 2nd Class—A District Commissioner | | | | | | |
| | | | 3rd Class—An Asst. District Commissioner | | | | | | |
| | | Liwali's Court | —A Liwali | | | | | | |
| | | Cadi's | —A Cadi | | | | | | |
| | | Mudir's | —A Mudir. | | | | | | |

8. (1) The Governor may for any good and sufficient reason by appointment in the Gazette confer upon any person all or any of the powers conferred or conferrable by or under this Ordinance on a Subordinate Court of the 1st, 2nd or 3rd Class in respect to particular cases or to a particular class or particular classes of cases or in regard to cases generally. Special Subordinate Courts.

- (2) Such appointments shall define the local area in which the powers conferred thereby shall be exercised.
- (3) Such appointments shall continue in force until revoked by notice in the Gazette.
- (4) Each such appointment shall direct the person appointed thereby to hold a Subordinate Court of the 1st, 2nd or 3rd Class as the case may be and shall specify the powers to be exercised thereunder.

Special Native Subordinate Courts.

9. The Governor may appoint any native to hold a Native Subordinate Court.

Local limits of jurisdiction of Subordinate Courts.

10. The local limits within which Subordinate Courts shall ordinarily exercise their jurisdiction shall be as follows :—

A Subordinate Court of the 1st Class	Within the Province in which it is situated
" " 2nd Class	" District " "
" " 3rd Class	" " " "
A Liwali's Court	... In the Coast Districts within the District in which it is situated
A Cadi's Court	... In the Coast Districts within the District in which it is situated
A Mudir's Court	... In the Coast Districts within the District in which it is situated

Provided that where there is more than one Subordinate Court in the same District the High Court may direct the distribution of business between such Courts.

Place of Sittings

11. Subordinate Courts shall ordinarily be held at such places as the Governor may direct but may be held at any other place within the local limits of their jurisdiction.

In the absence of any such direction, Subordinate Courts shall continue to be held at such places as Courts of a similar character have hitherto been held.

CHAPTER III.

Powers of Courts.

Offences under Penal Code.

12. Subject to the other provisions of this Ordinance, any offence under the Penal Code may be tried :—

- (a) by the High Court, or
- (b) by any other Court by which such offence is shewn in the eighth column of the Second Schedule hereto to be triable, or by any Court with greater powers.

Offences under other laws.

- 13. (1) Any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court.
- (2) When no Court is so mentioned, it may, subject to the other provisions of this Ordinance, be tried by the High Court or by any Subordinate Court by which such offence is shewn in the eighth column of the second schedule to be triable.

Sentences which High Court may pass.

14. The High Court may pass any sentence authorized by law.

Sentences which Subordinate Courts may pass.

15. (1) Subordinate Courts of the 1st, 2nd and 3rd Class, subject to the provisions of Chapter XXVIII of this Ordinance, may, when the Accused is a non-native, pass the following sentences, namely :—

Subordinate Courts of the 1st Class.	{ Imprisonment for a term not exceeding two years including such solitary confinement as is authorized by law. Fine not exceeding Rs. 3,000/-. Whipping.
Subordinate Courts of the 2nd Class.	{ Imprisonment for a term not exceeding six months including such solitary confinement as is authorized by law. Fine not exceeding Rs. 750/-. Whipping (if specially empowered).
Subordinate Courts of the 3rd Class.	{ Imprisonment for a term not exceeding one month. Fine not exceeding Rs. 150/-.

Provided that Magistrates holding Subordinate Courts of the 3rd Class shall not have jurisdiction to try Europeans under Chapter XXVIII, but may take cognizance of an offence committed by

an European in any case in which they could take cognizance of a like offence if committed by another person, but so that if any such Magistrate issue process for the purpose of compelling the appearance of any European accused of an offence, such process shall be made returnable before a Magistrate having jurisdiction to enquire into or try the case.

- (2) A Subordinate Court may pass any lawful sentence combining any of the sentences which it is authorised by law to pass.
16. (1) Liwalis' and Cadis' Courts shall have the same powers in all matters with respect to natives only as a Subordinate Court of the 2nd class with respect to non-natives. Subordinate Native Courts powers and sentences.
- (2) Mudirs Courts shall have the same powers in all matters with respect to natives only as a Subordinate Court of the 3rd class with respect to non natives.
17. (1) Notwithstanding any other provision herein contained, but subject to the provisions of any other law for the time being in force, Subordinate Courts of the 1st, 2nd and 3rd class may try Natives for any offence under the Penal Code or any other law other than offences under Chapter VI of the Penal Code, murder, culpable homicide not amounting to murder, and attempt and abetment of such offences. Powers of 2nd and 3rd class Subordinate Courts over natives.
- (2) Subordinate Courts of the 1st and 2nd Class may pass on any native so tried any sentence authorised by the Penal Code or any other law.
- (3) Subordinate Courts of the 3rd class may pass on any native so tried a sentence of imprisonment for a term not exceeding six months or a fine not exceeding Rs. 200/- or both.
18. The High Court and Subordinate Courts of the 1st and 2nd Class and Liwali's Courts may, when the Accused is a native, impose a sentence of whipping not exceeding 24 lashes in addition to or in lieu of any other punishment authorized by law. Power to whip Natives.
19. (1) No sentence imposed on a native by a Subordinate Court exceeding six months imprisonment or 12 lashes shall be carried into effect and no fine exceeding Rs. 500/- shall be levied until the record of the case or a certified copy thereof has been transmitted to and the sentence has been confirmed by the High Court. Sentences needing confirmation.
- (2) Whenever a Subordinate Court shall pass a sentence which requires the confirmation of the High Court under the preceding sub-section, the Court passing such sentence may, in its discretion, release the person sentenced on bail pending the order of the High Court.
- (3) The High Court may exercise the same powers in confirmation as are conferred upon it in Revision by Chapter XXVII of this Ordinance. Powers in Confirmation.
20. (1) The Magistrate of any Subordinate Court may award such term of imprisonment in default of payment of fine as is authorised by law in case of such default : Power of Magistrates to sentence to imprisonment in default of fine.
 Provided that : Proviso as to certain cases.
- (a) the term is not in excess of the Magistrate's powers.
- (b) in any case decided by a Magistrate where imprisonment has been awarded as part of the substantive sentence, the period of imprisonment awarded in default of payment of the fine shall not exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.
- (2) The imprisonment awarded under this Section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate.
21. (1) When a person is convicted at one trial of two or more distinct offences the Court may sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict; such punishments when consisting of imprisonment to commence the one after the expiration of the other in such order as the Court may direct unless the Court directs that such punishments shall run concurrently. Sentence in cases of conviction of several offences at one trial.

- (2) In the case of consecutive sentences, it shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Provided as follows :—

- (a) in no case shall such person be sentenced to imprisonment for a longer period than fourteen years :—
- (b) if the case is tried by a Subordinate Court, the aggregate punishment shall not exceed twice the amount of punishment which the Court is, in the exercise of its ordinary jurisdiction, competent to inflict.
- (3) For the purposes of appeal or confirmation aggregate sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

Explanation :—Separable offences which come within the provisions of section 71 of the Penal Code are not distinct offences within the meaning of this section.

Illustration.

A breaks into a house with intent to commit theft and steals property therein. A has not committed distinct offences.

Ordinary Powers of Magistrates 22. All Magistrates of Subordinate Courts of the First, Second and Third Class and of Subordinate Native Courts shall have the powers respectively conferred upon them and specified in the Third Schedule. Such powers shall be called their "Ordinary Powers."

Over Natives. Provided that Magistrates empowered to hold Subordinate Courts of the 2nd or 3rd Class may subject to the provisions of this or any other Ordinance exercise over natives the ordinary powers exercisable under this Ordinance by a Magistrate empowered to hold a Subordinate Court of the 1st Class.

Additional powers conferrable on a Magistrate. 23. In addition to his ordinary powers, any Magistrate of a Subordinate Court of the first, second or third class may be invested by the Governor with any powers specified in the Fourth Schedule hereto as powers with which he may be invested by the Governor.

Mode of conferring powers. 24. (1) In conferring powers under this Ordinance the Governor may by order empower persons specially by name, or by virtue of their office, or classes of officials generally by their Official titles.

(2) Every such order shall take effect from the date on which it is communicated to the persons so empowered.

Withdrawal of powers. 25. The Governor may withdraw all or any of the powers conferred under this Ordinance on any person by him or by an officer of the Government.

PART III.

General Provisions.

CHAPTER IV.

Of Aid and Information to the Magistrates, the Police and Persons making Arrests.

Public when to assist Magistrates and police. 26. Every person is bound to assist a Magistrate or police officer reasonably demanding his aid :—

- (a) in the taking or preventing the escape of any other person whom such Magistrate or police officer is authorised to arrest;
- (b) in the prevention or suppression of a breach of the peace, or in the prevention of any injury attempted to be committed to any railway, canal, telegraph or public property.

Aid to person other than police officer, executing warrant. 27. When a warrant is directed to a person other than a police officer, any other person may aid in the execution of such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

28. Every person aware of the commission of, or of the intention of any other person to commit any offence punishable under any of the following sections of the Penal Code (namely), 121, 121 A, 122, 123, 124, 124 A, 126, 130, 143, 144, 145, 147, 148, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 and 460, shall, in the absence of any reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to the nearest Magistrate or police officer of such commission or intention. Public to give information of certain offences.

29. Every Headman appointed by or Chief recognised by the Government shall forthwith communicate to the nearest Magistrate or to the officer in charge of the nearest police-station, whichever is nearer, any information which he may obtain respecting :— Headmen to report.

- (a) the permanent or temporary residence of any notorious thief, receiver or vendor of stolen property in any area of which he is headman or chief.
- (b) The resort to any place within or the passage through such area of any person whom he knows or reasonably suspects to be a robber, escaped convict, or proclaimed offender.
- (c) the occurrence in or near such area of any sudden or unnatural death under suspicious circumstances.
- (d) any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which a Magistrate by general or special order has directed him to communicate information.

CHAPTER V.

Of Arrest, Escape and Retaking.

A.—Arrest Generally.

30. (1) In making an arrest the police officer or other person making the same shall actually touch or confine the body of person to be arrested, unless there be a submission to the custody by word or action. Arrest how made.
- (2) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such police officer or other person may use all means necessary to effect the arrest. Resisting endeavour to arrest.
- (3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with penal servitude or transportation for life.

31. If any person acting under a warrant of arrest, or any police officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such police officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein. Search of place entered by person sought to be arrested.

32. If ingress to such place cannot be obtained under Section 31, it shall be lawful in any case for a person acting under a warrant and in any case in which a warrant may issue, but cannot be obtained without affording the person to be arrested an opportunity to escape, for a police officer to enter such place and search therein, and, in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance: Procedure where ingress not obtainable.

Breaking open
Zenana.

Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public, such person or police officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

Power to break
open doors and
windows for
purposes of
liberation.

33. Any police officer or other person authorised to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

No unnecessary
restraint.

34. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Search of arrested
persons.

35. Whenever a person is arrested by a police officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail, the officer making the arrest, or, when the arrest is made by a private person the police officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing apparel, found upon him.

Mode of
searching women.

36. Whenever it is necessary to cause a woman to be searched the search shall be made by another woman with strict regard to decency.

Power to seize
offensive
weapons.

37. The officer or other person making any arrest may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by law to produce the person arrested.

B.—Arrest without Warrant.

When Police
may arrest with-
out warrant.

38. Any police officer may, without an order from a Magistrate and without a warrant, arrest

firstly—any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned;

secondly—any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking;

thirdly—any person who has been proclaimed as an offender either under this Ordinance or by order of the Governor;

fourthly—any person in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to such thing;

fifthly—any person who obstructs a police officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody;

sixthly—any person reasonably suspected of being a deserter from His Majesty's Army or Navy;

seventhly—any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of the Protectorate, which, if committed in the Protectorate, would have been punishable as an offence, and for which he is, under the Fugitive Criminals Surrender Ordinance, 1908, or under the Fugitive Offenders' Act, 1881, or otherwise, liable to be apprehended or detained in custody in the Protectorate; and

eighthly—any released convict committing a breach of any rule made under Section 446.

Arrest of
vagabonds,
habitual robbers,
etc.

39. Any officer in charge of a police-station may, in like manner, arrest or cause to be arrested:—

(a) any person found taking precautions to conceal his presence within the limits of such station under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence; or

(b) any person within the limits of such station who has no ostensible means of subsistence; or who cannot give a satisfactory account of himself;

- (c) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it be stolen or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury.

40. When any officer in charge of a police-station requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence or other cause for which the arrest is to be made.

Procedure when police officer deputed subordinate to arrest without warrant.

41. (1) When any person who in the presence of a police officer has committed or has been accused of committing a non-cognizable offence, refuses on demand of such officer, to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

Refusal to give name and residence.

(2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required;

Provided that, if such person is not resident in the Protectorate the bond shall be secured by a surety or sureties resident in the Protectorate.

(3) Should the true name and residence of such person not be ascertained within twenty four hours from the time of arrest or should he fail to execute the bond or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

42. A police officer may, for the purpose of arresting without warrant any person whom he is authorised to arrest under this chapter, pursue such person into any place in the Protectorate.

Pursuit of offenders into other jurisdictions.

43. (1) Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence, or who has been proclaimed as an offender;

Arrest by private persons.

and shall, without unnecessary delay, make over any person so arrested to a police officer, or, in the absence of a police officer, take such person to the nearest Police Station.

Procedure on such arrest.

(2) If there is reason to believe that such person comes under the provisions of section 38, a police officer shall re-arrest him.

(3) If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a police officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 41. If there is no sufficient reason to believe that he has committed any offence, he shall be at once released.

44. A police officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a police-station.

Person arrested to be taken before Magistrate or officer in charge of police-station.

45. No police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 134, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Person arrested not to be detained more than twenty-four hours.

Provided that if the Magistrate to whom a person arrested would ordinarily be forwarded is temporarily absent, and there be no other Magistrate to whom such person can conveniently be forwarded, such person may be detained in custody until the return of such first-mentioned Magistrate.

Proviso.

46. Officers in charge of police-stations shall report to the nearest Magistrate the cases of all persons arrested without warrant within the limits of their respective stations whether such persons have been admitted to bail or otherwise.

Police to report apprehensions.

47. No person who has been arrested by a police officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.

Discharge of person apprehended.

48. When any offence is committed in the presence of a Magistrate within the local limits of his jurisdiction, he may himself arrest or order any person to arrest the offender, and may, thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Offence committed in Magistrate's presence.

Arrest by or in presence of Magistrate.

Power, on escape to pursue and retake.

Provisions of sections 31, 32 and 33 to apply to arrests under section 50.

49. Any Magistrate may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

50. If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued, may immediately pursue and arrest him in any place in the Protectorate.

51. The provisions of Sections 31, 32 and 33 shall apply to arrests under Section 50, although the person making any such arrest is not acting under a warrant and is not a police officer having authority to arrest.

CHAPTER VI.

Of Processes to Compel Appearance.

A.—*Summons.*

Form of summons.

52. (1) Every summons issued by a Court under this Ordinance shall be in writing, in duplicate, signed and sealed by the presiding officer of such Court, or by such other officer as the High Court may from time to time, by rule, direct.

Summons by whom served.

(2) Such summons shall be served by a police officer or by an officer of the Court issuing it or other public servant.

Summons how served.

53. (1) The summons shall, if practicable, be served personally on the person summoned by delivering or tendering to him one of the duplicates of the summons.

Signature of receipt for summons.

(2) Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

(3) Service of a summons on an incorporated company or other body corporate may be effected by serving it on the secretary, local manager or other principal officer of the corporation or by registered post letter addressed to the chief officer of the corporation in the Protectorate. In such case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post.

Service when person summoned cannot be found.

54. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family, or with his servant residing with him; and the person with whom the summons is so left, shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Procedure when service cannot be effected as before provided.

55. If service in the manner mentioned in Sections 53 and 54 cannot by the exercise of due diligence be effected, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

Service on servant of Government or of Railway Company.

56. (1) Where the person summoned is in the active service of the Government or of a Railway Company, the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by Section 53, and shall return it to the Court under his signature with the endorsement required by that section.

(2) Such signature shall be evidence of the service.

Service of summons outside local limits.

57. When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served.

Proof of service in such cases, and when serving officer not present.

58. (1) When a summons issued by a Court is served outside the local limits of its jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in manner provided by Section 53

or Section 54) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.

- (2) The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.

B.—Warrant of Arrest.

59. (1) Every warrant of arrest issued by a Court under this Ordinance shall be in writing, signed in the case of the High Court by a Judge and in the case of a Subordinate Court by the presiding officer and shall bear the seal of the Court. Form of warrant of arrest.
- (2) Every such warrant shall remain in force until it is cancelled by the Court which issued it or until it is executed. Continuance of warrant of arrest.
60. (1) Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person executes a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody. Court may direct security to be taken.
- (2) The endorsement shall state :
- (a) the number of sureties,
- (b) the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound ; and
- (c) the time at which he is to attend before the Court.
- (3) Whenever security is taken under this section the officer to whom the warrant is directed shall forward the bond to the Court. Recognizance to be forwarded.
61. (1) A warrant of arrest shall ordinarily be directed to one or more police officers, or to one police officer and to all other police officers of the area within which the Court has jurisdiction, or generally to all police officers of such area. But any Court issuing such a warrant may, if its immediate execution is necessary and no police officer is immediately available, direct it to any other person or persons ; and such person or persons shall execute the same. Warrants to whom directed.
- (2) When a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more, of them. Warrant to several persons.
62. (1) A Magistrate empowered to hold a first class subordinate Court may direct a warrant to any landholder, farmer or manager of land within the local limits of his jurisdiction for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit. Warrants may be directed to landholders, etc.
- (2) Such landholder, farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued is in, or enters on, his land or farm, or the land under his charge.
- (3) When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest police officer, who shall cause him to be taken before a Magistrate having jurisdiction in the case, unless security is taken under section 60.
63. A warrant directed to any police officer may also be executed by any other police officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed. Warrant directed to police officer.
64. The police officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant. Notification of substance of warrant.
65. The police officer or other person executing a warrant of arrest shall (subject to the provisions of section 60 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person. Person arrested to be brought before Court without delay.
66. A warrant of arrest may be executed at any place in the Protectorate. Where warrant may be executed.
67. (1) When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a police officer, forward the same by post or otherwise to any Magistrate within the local limits of whose jurisdiction it is to be executed. Warrant forwarded for execution outside jurisdiction.

- (2) The Magistrate to whom such warrant is so forwarded shall endorse his name thereon and, if practicable, cause it to be executed in manner hereinbefore provided within the local limits of his jurisdiction.
- Warrant directed to police officer for execution outside jurisdiction. 68. (1) When a warrant directed to a police officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement to a Magistrate within the local limits of whose jurisdiction the warrant is to be executed.
- (2) Such Magistrate shall endorse his name thereon, and such endorsement shall be sufficient authority to the police officer to whom the warrant is directed to execute the same within such limits, and the local police shall, if so required, assist such officer in executing such warrant.
- (3) Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate within the local limits of whose jurisdiction the warrant is to be executed will prevent such execution, the police officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.
- Procedure on arrest of person against whom warrant issued 69. (1) When a warrant of arrest is executed outside the local limits of the jurisdiction of the Court by which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles of the place of arrest, or is nearer than the Magistrate within the local limits of whose jurisdiction the arrest was made, or unless security is taken under Section 60, be taken before the Magistrate within the local limits of whose jurisdiction the arrest was made.
- (2) Such Magistrate shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court :
- Procedure by Magistrate before whom person arrested is brought.
- Provided that, if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate, or a direction has been endorsed under section 60 on the warrant and such person is ready and willing to give the security required by such direction, the Magistrate shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant.
- (3) Nothing in this section shall be deemed to prevent a police officer from taking security under section 60.
- C.—Proclamation and Attachment.*
- Proclamation for person absconding 70. (1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.
- (2) The proclamation shall be published as follows :—
- (a) it shall be publicly read in some conspicuous place of the town or village or district in which such person ordinarily resides, or, if such person has no ordinary place of residence in the Protectorate, in which he was last known to be residing ;
- (b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village or district ; and
- (c) a copy thereof shall be affixed to some conspicuous part of the Court house.
- (3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

71. (1) The Court issuing a proclamation under section 70 may at any time order the attachment of any property, moveable or immovable, or both, belonging to the proclaimed person. Attachment of property of person absconding.
- (2) Such order shall authorize the attachment of any property belonging to such person within the local limits of the jurisdiction of the Court by which it is made; and it shall authorize the attachment of any property belonging to such person without such local limits when endorsed by a Judge of the High Court.
- (3) If the property ordered to be attached is a debt or other movable property, the attachment under this section shall be made:—
- (a) by seizure; or
 - (b) by the appointment of a receiver; or
 - (c) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or
 - (d) by all or any two of such methods, as the Court thinks fit.
- (4) If the property ordered to be attached is immovable, attachment under the section shall be made:—
- (e) by taking possession; or
 - (f) by the appointment of a receiver; or
 - (g) by an order in writing prohibiting the payment of rent or delivery of property to the proclaimed person or to any one on his behalf; or
 - (h) by all or any two of such methods, as the Court thinks fit.
- (5) If the property ordered to be attached consists of live-stock or is of a perishable nature, the Court may, if it thinks it expedient, order immediate sale thereof, and in such case the proceeds of the sale shall abide the order of the Court.
- (6) The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under Chapter XXXVI of the Code of Civil Procedure.
- (7) If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of Government; but it shall not be sold until the expiration of six months from the date of attachment, unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the Court may cause it to be sold when it shall think fit.

72. If within two years from the date of the attachment, any person whose property is or has been at the disposal of the Government, under sub-section (7) of section 71, appears voluntarily or is apprehended and brought before the Court by whose order the property was attached, or the High Court, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the nett proceeds of the sale, or, if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him. Restoration of attached property.

D.—Other Rules Regarding Processes.

73. A Court may, in any case in which it is empowered by this Ordinance to issue a summons for the appearance of any person other than a juror or assessor, issue, after recording its reasons in writing, a warrant for his arrest— Issue of warrant in lieu of, or in addition to summons.
- (a) If, either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or
 - (b) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

74. When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant is present in such Court, such officer may require such person to execute a bond, with or without sureties, for his appearance in such Court. Power to take bond for appearance.

Arrest on breach of bond for appearance

75. When any person, who is bound by any bond taken under this Ordinance to appear before a Court, does not so appear, the officer presiding in such Court may issue a warrant directing that such person be arrested and produced before him.

Provisions of this Chapter generally applicable to summonses and warrants of arrest.

76. The provisions contained in this Chapter relating to a summons and warrant, and their issue, service and execution, shall, so far as may be, apply to every summons and every warrant of arrest issued under this Ordinance or by a Justice of the Peace, and save in so far as the same may be inconsistent with any other law, the powers of a Magistrate or Court in relation to the issuing or endorsing of a summons or warrant may be exercised by a Justice of the Peace.

CHAPTER VII.

Of Processes to compel the Production of Documents and other moveable Property, and for Discovery of Persons wrongfully confined.

A.—Summons to Produce.

Summons to produce document or other thing.

- 77. (1) Whenever any Court or any officer in charge of a Police Station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Ordinance by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.
- (2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with requisition if he causes the document or thing to be produced instead of attending personally to produce the same.
- (3) Nothing in this section shall be deemed to affect the Indian Evidence Act, 1872, sections 123 and 124, or to apply to a letter, post-card, telegram or other document or any parcel or thing in the custody of the Postal or Telegraph authorities.

Procedure as to letters and telegrams.

- 78. (1) If any document, parcel or thing in the custody of the Postal or Telegraph Authorities is, in the opinion of the High Court or a Subordinate Court of the 1st class, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Ordinance, such Court may require the Postal or Telegraph authorities, as the case may be, to deliver such document, parcel or thing to such person as such Court directs.
- (2) If any such document, parcel or thing is, in the opinion of any other Magistrate, or of the Commissioner of Police, or any Superintendent of Police, or Assistant Superintendent of Police wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to cause search to be made for and to detain such document, parcel or thing pending the orders of the High Court or a Subordinate Court of the 1st class.

B.—Search-Warrants.

When search-warrant may be issued.

- 79. (1) Where any Court has reason to believe that a person to whom a summons or order under section 77 or a requisition under section 78 sub-section (1), has been or might be addressed, will not or would not produce the document or thing as required by such summons or requisition,
 - or where such document or thing is not known to the Court to be in the possession of any person,
 - or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Ordinance will be served by a general search or inspection,
 it may issue a search-warrant; and the person to whom such warrant is directed, may search or inspect in accordance therewith and the provisions hereinafter contained.

- (2) Nothing herein contained shall authorize any Court other than the High Court or a Subordinate Court of the 1st class to grant a warrant to search for a document, parcel or other thing in the custody of the Postal or Telegraph authorities.

80. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified. Power to restrict warrant.

81. If a Magistrate, empowered to hold a Subordinate Court of the 1st or 2nd class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property, or for the deposit or sale or manufacture of forged documents, false seals or counterfeit stamps or coin, or instruments or material for counterfeiting coin or stamps or for forging, Search of house suspected to contain stolen property, forged documents, &c.

or that any forged documents, false seals or counterfeit stamps or coin, or instruments or material used for counterfeiting coin or stamps or for forging are kept or deposited in any place,

he may by his warrant authorize any European police officer and any non-European police officer above the rank of a constable—

- (a) to enter, with such assistance as may be required, such place, and
- (b) to search the same in manner specified in the warrant, and
- (c) to take possession of any property, documents, seals, stamps or coin therein found which he reasonably suspects to be stolen unlawfully obtained, forged, false or counterfeit, and also of any such instruments and materials as aforesaid, and
- (d) to convey such property, documents, seals, stamps, coins, instruments or materials before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate or otherwise to dispose thereof in some place of safety, and
- (e) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments or materials, knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or stamps or for forging.

82. When, in the execution of a search warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, any of the things for which search is made are found, such things, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Court issuing the warrant, unless such place is nearer to the Magistrate having jurisdiction therein than to such Court, in which case the list and things shall be immediately taken before such Magistrate; and unless there be good cause to the contrary, such Magistrate shall make an order authorizing them to be taken to such Court. Disposal of things found in search beyond jurisdiction.

C.—Discovery of Persons Wrongfully Confined.

83. If any Magistrate empowered to hold a Subordinate Court of the first class has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person, if found, shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper. Search for persons wrongfully confined.

D.—General Provisions Relating to Searches.

84. The provisions of sections 27, 59, 61, 63, 66, 67 and 68 shall, so far as may be, apply to all search warrants issued under sections 79, 81 or section 83. Direction, etc., of search-warrants.

Persons in charge of closed place to allow search.

85. (1) Whenever any place liable to search or inspection under this Chapter is closed, any person residing in, or being in charge of, such place shall, on demand of the officer or other person executing the warrant, and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.
- (2) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in the manner provided by section 32.
- (3) Where any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched. If such person is a woman, the directions of section 36 shall be observed.

Search to be made in presence of witnesses.

86. (1) Before making a search under this Chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search.
- (2) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.
- (3) The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request.
- (4) When any person is searched under section 85 sub-section (3), a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such person at his request.

Occupant of place searched may attend.

The search warrant should, not except under special circumstances, be executed between sunset and sunrise.

E.—Miscellaneous.

Power to impound document, &c., produced.

87. Any Court may, if it thinks fit, impound any document or thing produced before it under this Ordinance.

Magistrate may direct search in his presence.

88. Any Magistrate may direct a search to be made in his presence of any place for the search of which he is competent to issue a search warrant.

PART IV.

Prevention of Offences.

CHAPTER VIII.

Of Security for Keeping the Peace and for Good Behaviour.

A.—Security for Keeping the Peace and for Good Behaviour.

Security for keeping the peace on conviction.

89. (1) Whenever any person accused of rioting, assault or other offence involving a breach of the peace or of abetting the same, or of assembling armed men or taking other unlawful measures with the evident intention of committing the same, or any person accused of committing criminal intimidation, is convicted of such offence before a High Court or a Subordinate Court of the first class,
- and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace,

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period, not exceeding three years, as it thinks fit to fix.

- (2) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.
- (3) An order under this section may also be made by the High Court when exercising its powers of appeal or revision.

B.—Security for Keeping the Peace in other Cases and Security for Good Behaviour.

90. (1) Whenever a Magistrate empowered to hold a Subordinate Court of the first class is informed that any person is likely to commit a breach of the peace or disturb the public tranquillity, or to do any wrongful act that may probably occasion a breach of the peace, or disturb the public tranquillity, the Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding one year as the Magistrate thinks fit to fix.
- (2) Proceedings shall not be taken under this section unless either the person informed against, or the place where the breach of the peace or disturbance is apprehended, is within the local limits of such Magistrate's jurisdiction.
- (3) When any Magistrate not empowered to proceed under sub-section (1) has reason to believe that any person who is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturbance cannot be prevented otherwise than by detaining such person in custody, such Magistrate may, after recording his reasons, issue a warrant for his arrest (if he is not already in custody or before the Court), and may send him before a Magistrate empowered to deal with the case, together with a copy of his reasons.
- (4) A Magistrate before whom a person is sent under this section, may in his discretion detain such person in custody until the completion of the inquiry hereinafter prescribed.

Security for keeping the peace in other cases

Procedure of Magistrate not empowered to act under sub-section (1)

91. Whenever a Magistrate empowered to hold a Subordinate Court of the first class has information that there is within the limits of his jurisdiction any person who, within or without such limits, either, orally or in writing, disseminates or attempts to disseminate, or in anywise abets the dissemination of:—

Security for good behaviour from persons disseminating seditious matter

- (a) any seditious matter, that is to say, any matter the publication of which is punishable under section 124A of the Penal Code, or
- (b) any matter the publication of which is punishable under section 153A of the Penal Code, or
- (c) any matter concerning a Judge which amounts to criminal intimidation or defamation under the Penal Code,

such Magistrate may (in manner hereinafter provided) require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit to fix.

No proceedings shall be taken under this section against the editor, proprietor, printer or publisher of any newspaper the proprietor of which is duly registered under the Newspaper's Registration Ordinance, 1906, except by the Order of under the authority of the Governor.

92. Whenever a Magistrate empowered to hold a Subordinate Court of the first class receives information:—

Security for good behaviour from vagrants and suspected persons

- (a) ~~that any person is taking~~ precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing any offence, or
- (b) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit to fix.

Security for good
behaviour from
habitual offenders

93. Whenever a Magistrate empowered to hold a Subordinate Court of the first class receives information that any person within the local limits of his jurisdiction:—

- (a) is by habit a robber, house-breaker or thief, or
- (b) is by habit a receiver of stolen property knowing the same to have been stolen, or
- (c) habitually protects or harbours thieves or aids in the concealment or disposal of stolen property, or
- (d) habitually commits mischief, extortion, or cheating, or counterfeiting coin, currency notes or stamps, or attempts so to do, or
- (e) habitually commits, or attempts to commit, or abets the commission of, offences involving a breach of the peace, or
- (f) is so desperate and dangerous as to render his being at large without security hazardous to the community,

such Magistrate may in manner hereinafter provided, require such person to shew cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit to fix.

Proviso as to
European vagrants

94. The provisions of sections 92 and 93 shall not apply to Europeans in cases where they may be dealt with under the Vagrancy Regulations 1900 or any Ordinance hereafter substituted for such Regulations.

Order to be made

95. When a Magistrate acting under section 90, section 91, section 92 or section 93, deems it necessary to require any person to shew cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required.

Procedure in respect
of person present
in Court

96. If the person in respect of whom such order is made is present in Court, it shall be read over to him, or, if he so desires, the substance thereof shall be explained to him.

Summons or
warrant in case of
person not so
present

97. If such person is not present in Court, the Magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is, to bring him before the Court:

Provided that whenever it appears to such Magistrate, upon the report of a police officer or upon other information (the substance of which report or information shall be recorded by the Magistrate), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest.

Copy of order under
section 95 to
accompany
summons or
warrant

98. Every summons or warrant issued under section 97 shall be accompanied by a copy of the order made under section 95 and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.

Power to dispense
with personal
attendance

99. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon to show cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by an advocate.

Inquiry as to truth
of information

100. (1) When an order under section 95 has been read or explained under section 96 to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant issued under section 97 the Magistrate shall proceed to inquire into the truth of the information upon which action has been taken, and to take such further evidence as may appear necessary.

(2) Such inquiry shall be made, as nearly as may be practicable where the order requires security for keeping the peace, in the manner hereinafter prescribed for conducting trials and recording evidence in summons-cases; and, where the order requires security for good behaviour, in the manner hereinafter prescribed for conducting trials and recording evidence in warrant-cases, except that no charge need be framed.

- (3) For the purposes of this section the fact that a person is an habitual offender may be proved by evidence of general repute or otherwise.
- (4) Where two or more persons have been associated together in the matter under inquiry they may be dealt with in the same or separate inquiries as the Magistrate may think just.

101. If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, with or without sureties, the Magistrate shall make an order accordingly:

Provided—

First, that no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 95.

Secondly, that the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive:

Thirdly, that, when the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his sureties.

102. If, on an inquiry under section 100 it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, the Magistrate shall make an entry on the record to that effect, and, if such person is in custody only for the purposes of the inquiry, shall release him, or, if such person is not in custody, shall discharge him.

C.—Proceedings in all Cases Subsequent to Order to Furnish Security.

103. (1) If any person in respect of whom an order requiring security is made under section 95 or section 101 is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

(2) In other cases such period shall commence on the date of such order unless the Magistrate, for sufficient reason, fixes a later date.

104. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit, or the abetment of any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

105. A Magistrate may refuse to accept any surety offered under this chapter on the ground that for reasons to be recorded by the Magistrate such surety is an unfit person.

106. (1) If any person ordered to give security under section 89 or section 101 does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison be detained in prison until such period expires or until within such period he gives the security to the Court or Magistrate who made the order requiring it.

(2) When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained in prison, pending the orders of the High Court; and the proceedings shall be laid, as soon as conveniently may be, before such Court.

(3) Such Court, after examining such proceedings and requiring from the Magistrate any further information or evidence which it thinks necessary, may pass such order on the case as it thinks fit.

Provided that the period (if any) for which any person is imprisoned for failure to give security, shall not exceed three years.

(4) If the security is tendered to the officer in charge of the Jail, he shall forthwith refer the matter to the Court or Magistrate who made the order, and shall await the orders of such Court or Magistrate.

any
vice

Kind of imprisonment

- (5) Imprisonment for failure to give security for keeping the peace shall be simple.
- (6) Imprisonment for failure to give security for good behaviour may be rigorous or simple as the Court or Magistrate in each case directs.

Power to release persons imprisoned for failure to give security

107. Whenever a Magistrate empowered to hold a Subordinate Court of the first class is of opinion that any person imprisoned for failing to give security under this Chapter may be released without hazard to the community, such Magistrate shall make an immediate report of the case for the orders of the High Court and such Court may, if it thinks fit, order such person to be discharged.

Power of High Court to cancel any bond for keeping the peace or good behaviour

108. The High Court may at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace or for good behaviour executed under this Chapter by order of any Court.

Discharge of sureties

- 109. (1) Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a Magistrate empowered to hold a Subordinate Court of the first class to cancel any bond executed under this Chapter within the local limits of his jurisdiction.
- (2) On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.
- (3) When such person appears or is brought before the Magistrate, such Magistrate shall cancel the bond, and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 104, 105, 106 and 107 be deemed to be an order made under section 89 or section 101 as the case may be.

CHAPTER IX.

Unlawful Assemblies.

Assembly to disperse on command of Magistrate or police officer

110. Any Magistrate or officer in charge of a police station may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

Use of civil force to disperse

111. If, upon being so commanded, such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a police-station may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or soldier in His Majesty's Army and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

Use of military force

112. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by armed force.

Duty of officer commanding troops required by Magistrate to disperse assembly

113. (1) When a Magistrate determines to disperse any such assembly by armed force, he may require any commissioned or non-commissioned officer or police officer in command of any members of an armed force belonging to the Protectorate to disperse such assembly by armed force, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

- (2) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

114. When the public security is manifestly endangered by any such assembly, and when no Magistrate can be communicated with, any commissioned officer of His Majesty's Army or a police officer not below the rank of an Assistant Superintendent may disperse such assembly by armed force, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; but if, while he is acting under this section, it becomes practicable for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

Power of commissioned military officers to disperse assembly.

115. No prosecution against any person for any act purporting to be done under this chapter shall be instituted in any Criminal Court, except with the sanction of the Governor; and—

Protection against prosecution for acts done under this chapter.

- (a) no Magistrate or police officer acting under this chapter in good faith,
- (b) no officer acting under section 114 in good faith,
- (c) no person doing any act in good faith, in compliance with a requisition under section 111 or section 113 and,
- (d) no inferior officer or soldier, or police officer, doing any act in obedience to any order which he was bound to obey,

shall be deemed to have thereby committed an offence.

CHAPTER X.

Preventive Action of the Police.

116. Every police officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent, the commission of any cognizable offence.

Police to prevent cognizable offences.

117. Every police officer receiving information of a design to commit any cognizable offence shall communicate such information to the police officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

Information of design to commit such offences.

118. A police officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Arrest to prevent such offences.

119. A police officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immovable, or the removal or injury of any public landmark or buoy or other mark used for navigation.

Prevention of injury to public property.

CHAPTER XI.

Temporary Orders in Urgent Cases of apprehended Disturbance or Riot.

120. (1) In case where, in the opinion of a Magistrate empowered to hold a Subordinate Court of the first class, immediate prevention is desirable, such Magistrate may by a written order stating the material facts of the case and served as hereinafter provided, direct any person to abstain from a certain act or to take certain order with certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance, or injury, or risk of obstruction annoyance or injury, to any person lawfully employed, or a disturbance of the public tranquillity, or a riot or an affray.
- (2) An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed *ex-parte*.
- (3) An order under this section may be directed to a particular individual or to the public generally when frequenting or visiting a particular place.

Powers to Magistrates of 1st class to issue order in urgent cases of apprehended disturbance or riot.

- (4) The order shall, if practicable, be served on the person against whom it is made, in manner herein provided for the service of a summons. If such order cannot be so served, it shall be notified by proclamation in such manner as the Magistrate may direct, and a copy thereof shall be exhibited at such place or places as may be fittest for conveying the information to such person.
- (5) Any Magistrate may rescind or alter any order made by himself under this section or by his predecessor in office.

PART V.

Information to the Police and their Powers to Investigate.

CHAPTER XII.

Information in
cognizable cases

121. Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Governor may prescribe in this behalf.

Information in non-
cognizable cases

122. (1) When information is given to an officer in charge of a police-station of the commission within the limits of such station of a non-cognizable offence he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate.

(2) No police officer shall investigate a non-cognizable case without the order of a Magistrate empowered to hold a Subordinate Court of the first or second class having power to try such case or commit the same for trial.

Investigation into
non-cognizable cases

(3) Any police officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a police-station may exercise in a cognizable case.

Investigation into
cognizable cases

123. (1) Any officer in charge of a police-station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII relating to the place of inquiry or trial.

(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate may order such an investigation as above mentioned.

Procedure where
cognizable offence
suspected

124. (1) If, from information received or otherwise, an officer in charge of a police-station has reason to suspect the commission of an offence which he is empowered under section 123 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report, and shall proceed in person, or shall depute one of his subordinate officers to proceed, to the spot, to investigate the facts and circumstances of the case and to take such measures as may be necessary for the discovery and arrest of the offender :—

Provided as follows :

- (a) When any information as to the commission of any such offence is given against any person by name and the case is not of a very serious nature, the officer in charge of a police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot. Where local investigation dispensed with
- (b) If it appear to the officer in charge of a police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case. Where police officer in charge sees no sufficient ground for investigation
- (2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer in charge of the police-station shall state in his said report his reasons for not fully complying with the requirements of that sub-section.
125. (1) Every report sent to a Magistrate under section 124 shall, if the Governor so directs, be submitted through such superior officer of police as the Governor by general or special order shall appoint in that behalf. Report under section 124 how submitted
- (2) Such superior officer may give such instructions to the officer in charge of the police-station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.
126. Such Magistrate, on receiving such report, may direct an investigation or, if he thinks fit, at once proceed, to hold a preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Ordinance. Power to hold investigation or preliminary inquiry
127. Any police officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required. Police officer's power to require attendance of witnesses
128. (1) Any police officer making an investigation under this Chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may, if he shall be of opinion that any person examined by him will or may be required as a witness, require such person to execute a bond to appear and give evidence before a Magistrate if and when required to do so. Examination of witnesses by police
- (2) Such person shall be bound to answer all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.
129. (1) No statement made by any person to a police officer in the course of an investigation under this Chapter shall, if taken down in writing, be signed by the person making it, nor shall such writing be used as evidence. Statements to police not to be signed or admitted in evidence
- Provided that, when any witness is called for the prosecution whose statement has been taken down in writing as aforesaid, the Court shall, on the request of the accused, refer to such writing and may then, if the Court thinks it expedient in the interest of justice, direct that the accused be furnished with a copy thereof; and such statement may be used to impeach the credit of such witness in manner provided by the Indian Evidence Act, 1872.
- (2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of section 32, clause (1), of the Indian Evidence Act, 1872.
130. (1) No police officer or person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Indian Evidence Act 1872, section 24. No inducement to be offered

- (2) But no police officer or other person shall prevent by any caution or otherwise, any person from making in the course of any investigation under this Chapter any statement which he may be disposed to make of his own free will.

Power to record statements and confessions

131. (1) Every Magistrate not being a police officer may record any statement or confession made to him in the course of an investigation under this Chapter or at any time afterwards before the commencement of the inquiry or trial.
- (2) Such statement shall be recorded in such of the manners hereinafter prescribed for recording evidence as is, in his opinion, best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 293 and such statements or confessions shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.
 - (3) No Magistrate shall record any such confessions unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and, when he records any confession, he shall make a memorandum at the foot of such record to the following effect:—

“ I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

.....
Magistrate.

Explanation :—It is not necessary that the Magistrate receiving and recording a confession or statement should be a Magistrate having jurisdiction in the case.

Search by police officer

132. (1) Whenever an officer in charge of a police-station, or a police officer making an investigation, considers that the production of any document or thing is necessary to the conduct of an investigation into any offence which he is authorised to investigate, and there is reason to believe that a person to whom a summons or order under section 77 has been or might be issued will not or would not produce such document or thing according to the directions of the summons or order, or when such document or thing is not known to be in the possession of any person, such officer may search, or cause search to be made, for the same, in any place within the limits of the station of which he is in charge, or to which he is attached.
- (2) Such officer shall, if practicable, conduct the search in person.
 - (3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the document or thing for which search is to be made, and the place to be searched; and such subordinate officer may thereupon search for such thing in such place.
 - (4) The provisions of this Ordinance as to search-warrants shall, so far as may be, apply to a search made under this section.

When officer in charge of police-station may require another to issue search warrant

- 133 (1) An officer in charge of a police station may require an officer in charge of another police station, whether in the same or a different district, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made within the limits of his own station.
- (2) Such officer, on being so required, shall proceed according to the provisions of section 132, and shall forward the thing found, if any, to the officer at whose request the search was made.

134. (1) When it appears that any investigation under this Chapter cannot be completed within the period of twenty-four hours fixed by section 45, and there are grounds for believing the accusation or information is well founded, the officer in charge of that police station shall, subject however to the *provisio* to section 45, if the accused is in custody, forward the accused to the nearest Magistrate, together with the diary (hereinafter prescribed) or a copy of the entries of such diary. Procedure when investigation cannot be completed in twenty-four hours.
- (2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole. If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction.
- (3) A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.
135. When any subordinate police officer has made any investigation under this Chapter, he shall report the result of such investigation to the officer in charge of the police station. Report of investigation by subordinate police officer
136. If, upon an investigation under this Chapter, it appears to the officer in charge of the police station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police report and to try the accused or commit him for trial. Release of accused when evidence deficient
137. (1) If, upon an investigation under this Chapter, it appears to the officer in charge of the police station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police-report and to try the accused or to commit him for trial, or if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed for his attendance from day to day before such Magistrate until otherwise directed. Case to be sent to Magistrate when evidence is sufficient
- (2) When the officer in charge of a police station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant (if any) and so many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence (as the case may be) in the matter of the charge against the accused :
- (3) The day fixed under this section shall be the day whereon the accused person is to appear, if security for his appearance has been taken, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.
- (4) The officer in whose presence the bond is executed, shall deliver a copy thereof to one of the persons who executed it and shall then send to the Magistrate the original with his report.

Complainants with witnesses not to be required to accompany police officer. Complainants and witnesses not to be subjected to restraint

138. No complainant or witness on his way to the Court of the Magistrate shall be required to accompany a police officer, or shall be subject to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond:

Reesant complainant or witness may be forwarded in custody

Provided that, if any complainant or witness refuses to attend or to execute a bond or to give other security as directed in section 137, the officer in charge of the police station may forward him in custody to the Magistrate who may detain him in custody until he has executed such bond or given other security, or until the hearing of the case is completed.

Diary of proceedings in investigation

139. (1) Every police officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

(2) Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial. Neither the accused nor his agent shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but if they are used by the police officer who made them, to refresh his memory, or if the Court uses them for the purpose of contradicting such police officer, the provisions of the Indian Evidence Act, 1872, section 161 or section 145, as the case may be, shall apply.

Report of police officer

140. (1) Every investigation under this Chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of the police station shall forward to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form prescribed by the Governor, setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused person has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties.

(2) Where a superior officer of police has been appointed under section 125, the report shall, in any case in which the Governor by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officers in charge of the police station to make further investigation.

(3) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

Police to enquire and report on suicide, &c

141. (1) The officer in charge of a police station, or some other police officer specially empowered by the Governor in that behalf, on receiving information that a person:—

- (a) has committed suicide, or
- (b) has been killed by another, or by an animal or machinery, or by an accident, or
- (c) has died under circumstances raising a reasonable suspicion that some other person has committed an offence, shall immediately give intimation thereof to the nearest Magistrate empowered to hold inquests, and unless otherwise directed by any rule prescribed by the Governor, shall proceed to the place where the body of such deceased person is, and there, in

the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted.

- (2) The report shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the nearest Magistrate empowered to hold inquests.
 - (3) When there is any doubt regarding the cause of death, or when for any other reason the police officer considers it expedient so to do, he shall, subject to such rule as the Governor may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Medical Officer or other person appointed by the Governor in this behalf, if the state of the weather and the distance and admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.
 - (4) The following Magistrates are empowered to hold inquests namely any Magistrate empowered to hold a subordinate Court of the first or second class and any Magistrate specially empowered in this behalf by the Governor.
142. (1) A police officer proceeding under section 141 may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation and any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture. Power to summon persons
- (2) If the facts do not disclose a cognizable offence to which section 137 applies, such persons shall not be required by the police officer to attend a Magistrate's Court.
143. (1) When any person dies while in the custody of the police, the nearest Magistrate empowered to hold inquests shall, and, in any other case mentioned in section 141 clauses (a), (b) and (c) of sub-section (1), any Magistrate so empowered may, hold an inquiry into the cause of death, either instead of, or in addition to the investigation held by the police officer, and, if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence. Inquiry by Magistrate into cause of death
- (2) Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined. Power to disinter corpses
- (3) If before or at the termination of the inquiry the Magistrate is of opinion that the commission by some known person or persons of an offence has been disclosed, he shall issue a summons or a warrant for his or their arrests, as the case may be, or take such other steps as may be necessary to secure his or their attendance to answer the charge. Power to issue summons or warrant of arrest
- (4) If at the termination of the inquiry the Magistrate is of opinion that an offence has been committed by some person or persons unknown, he shall record his opinion and forthwith send a copy thereof to the Commissioner of Police. Information to police
- (5) If at the termination of the inquiry the Magistrate is of opinion that no offence has been committed he shall record his opinion accordingly. If no offence committed

PART VI.

Proceedings in Prosecutions.

CHAPTER XIII.

Of the Jurisdiction of the Criminal Courts in Inquiries and Trials.

A.—Place of Inquiry or Trial.

144. Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed.

Ordinary place of inquiry and trial

145. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued.

Accused triable in district where the act is done or where consequence ensues

Illustrations.

(a) *A* is wounded within the local limits of the jurisdiction of Court *X*, and dies within the local limits of the jurisdiction of Court *Z*. The offence of the culpable homicide of *A* may be inquired into or tried either by *X* or *Z*.

(b) *A* is wounded within the local limits of the jurisdiction of Court *X*, and is, during ten days within the local limits of the jurisdiction of Court *Y*, and during ten days more within the local limits of the jurisdiction of the Court *Z*, unable in the local limits of the jurisdiction of either Court *Y* or Court *Z* to follow his ordinary pursuits. The offence of causing grievous hurt to *A* may be inquired into or tried by *X*, *Y* or *Z*.

(c) *A* is put in fear of injury within the local limits of the jurisdiction of Court *X*, and is thereby induced, within the local limits of the jurisdiction of Court *Y*, to deliver property to the person who put him in fear. The offence of extortion committed on *A* may be inquired into or tried either by *X* or *Y*.

Place of trial where act is offence by reason of relation to other offence

146. When an act is an offence by reason of its relation to any other act which is also an offence or which would be an offence if the doer were capable of committing an offence, a charge of the first-mentioned offence, may be inquired into or tried by a Court within the local limits of whose jurisdiction either act was done.

Illustrations.

(a) A charge of abetment may be inquired into or tried either by the Court within the local limits of whose jurisdiction the abetment was committed, or by the Court within the local limits of whose jurisdiction the offence abetted was committed.

(b) A charge of receiving or retaining stolen goods may be inquired into or tried either by the Court within the local limits of whose jurisdiction the goods were stolen, or by any Court within the local limits of whose jurisdiction any of them were at any time dishonestly received or retained.

(c) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into or tried by the Court within the local limits of whose jurisdiction the wrongful concealing, or by the Court within the local limits of whose jurisdiction the kidnapping, took place.

Belonging to a gang of dacoits, escape from custody, etc.

147. (1) The offence of dacoity, of dacoity with murder, of having belonged to a gang of dacoits, or of having escaped from custody, may be inquired into or tried by a Court within the local limits of whose jurisdiction the person charged is.

Criminal misappropriation and criminal breach of trust

(2) The offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within the local limits of whose jurisdiction any part of the property which is the subject of the offence was received or retained by the accused person, or the offence was committed.

Stealing

(3) The offence of stealing any thing may be inquired into or tried by a Court within the local limits of whose jurisdiction such thing was stolen or was possessed by the thief or by any person who received or retained the same knowing or having reason to believe it to be stolen.

Kidnapping and abduction

(4) The offence of kidnapping or abduction may be inquired into or tried by a Court within the local limits of whose jurisdiction the person kidnapped or abducted was kidnapped or abducted or was conveyed or concealed or detained.

148. When it is uncertain in which of several local areas an offence was committed, or where an offence is committed partly in one local area and partly in another, or where an offence is a continuing one, and continues to be committed in more local areas than one, or where it consists of several acts done in different local areas, it may be inquired into or tried by a Court having jurisdiction over any of such local areas.

Place of inquiry or trial where scene of offence is uncertain or not in one district only; or where offence is continuing or consists of several acts

149. An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into or tried by a Court through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

Offence committed on a journey

150. Whenever any doubt arises as to the Court by which any offence should under the preceding provisions of this Chapter be inquired into or tried, the High Court may decide by which Court the offence shall be inquired into or tried.

High Court to decide, in case of doubt, district where inquiry or trial shall take place

151. (1) When a Magistrate empowered to hold a subordinate court of the first class sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits (whether within or without the Protectorate) an offence which cannot, under the provisions of sections 144 to 149 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under some law for the time being in force triable in the Protectorate, such Magistrate may inquire into the offence as if it had been committed within such local limits, and compel such person in manner hereinbefore provided to appear before him, and send such person to the Magistrate having jurisdiction to inquire into or try such offence, or, if such offence is bailable, take a bond with or without sureties for his appearance before such Magistrate.

Powers to issue summons or warrant for offence committed beyond local jurisdiction

(2) Where there are more Magistrates than one having such jurisdiction, and the Magistrate acting under this section cannot satisfy himself as to the Magistrate to or before whom such person should be sent, or bound to appear, the case shall be reported for the orders of the High Court.

Magistrate's procedure on arrest.

B.—Conditions requisite for Initiation of Proceedings.

152. (1) A Magistrate competent to try an offence or commit for trial in respect of it may, except as hereinafter provided, take cognizance of any offence:—

Cognizance of offences by Magistrates

- (a) upon receiving a complaint of facts which constitute such offence;
- (b) upon a police report of such facts;
- (c) upon information received from any person other than a police officer, or upon his knowledge or suspicion, that such offence has been committed.

(2) A Magistrate holding a subordinate court of the third class may, except as hereinafter provided, take cognizance of an offence which he is not competent to try or to commit for trial:

- (a) upon receiving a complaint of facts which constitute such offence;
- (b) upon a police report of such facts.

Provided that if any such Magistrate shall issue process for compelling the appearance of any person accused of such offence such process shall be made returnable before a Magistrate having jurisdiction to try such offence or to commit for trial in respect of it.

153. If, when a Magistrate takes cognizance of an offence under sub-section (1) clause (c) of the preceding section, the accused, or any of the accused if there be more than one, objects before any evidence is taken, to being tried by such Magistrate, the case shall, instead of being tried by such Magistrate, be committed to the High Court or transferred to another Magistrate.

Transfer or commitment on application of accused

Transfer of cases
by Magistrates

154. Any Magistrate holding a subordinate court of the first class.
- (1) may transfer any case of which he has taken cognizance for inquiry or trial to any Magistrate holding a subordinate court empowered to hold an inquiry in or try such case within the local limits of such first class subordinate court's jurisdiction, and
 - (2) may direct or empower any Magistrate holding a subordinate court of the second or third class or any native subordinate court who has taken cognizance of any case, and whether evidence has been taken in such case or not, to transfer it for inquiry or trial to himself or any other specified Magistrate within the local limits of his jurisdiction who is competent to try the accused or commit him for trial and such Magistrate may dispose of the case accordingly.

Transfer of case
by the High Court

155. (1) Whenever it is made to appear to the High Court
- (a) that a fair and impartial inquiry or trial cannot be had in any criminal court subordinate thereto, or
 - (b) that some question of law of unusual difficulty is likely to arise, or
 - (c) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same, or
 - (d) that an order under this section will tend to the general convenience of the parties or witnesses, or
 - (e) that such an order is expedient for the ends of justice, or is required by any provision of this Ordinance, it may order
 - (i) that any offence be inquired into or tried by any court not empowered under sections 144 to 149 (both inclusive) but in other respects competent to inquire into or try such offence;
 - (ii) that any particular criminal case or class of such cases, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction;
 - (iii) that an accused person be committed to itself for trial.
 - (2) The High Court may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative.
 - (3) Every application for the exercise of the power conferred by this section shall be made by motion which shall, except when the applicant is the Attorney General, be supported by affidavit or affirmation.
 - (4) When an accused person makes an application under this section, the High Court may direct him to execute a bond, with or without sureties, conditioned that he will, if convicted, pay the cost of the prosecutor.
 - (5) Every accused person making any such application shall give to the Attorney General notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.
 - (6) Nothing in this section shall be deemed to effect any order made under section 159.
 - (7) If, in any criminal case, before the commencement of the hearing, the Attorney General, the complainant or the accused notifies to the Court before which the case is pending his intention to make an application under this section in respect of the case, the Court shall exercise the powers of postponement or adjournment given by section 251 in such manner as will afford a reasonable time for the application being made and an order being obtained thereon, before the accused is called on for his defence.

Notice to Attorney
General of
application under
this section

Adjournment on
application under
this section

Cognizance of
offences by High
Court

156. (1) The High Court may take cognizance of any offence upon a commitment made to it in manner hereinafter provided.

Nothing herein shall be deemed to affect any other provisions of this Ordinance or the jurisdiction of the High Court under any other law.

- (2) (a) Notwithstanding anything in this Ordinance contained the Attorney General may, with the previous sanction of the Governor in Council, exhibit to the High Court, against persons subject to the jurisdiction of the High Court, informations for all purposes for which His Majesty's Attorney-General may exhibit informations on behalf of the Crown in the High Court of justice in England. Informations by Attorney General
- (b) Such proceedings may be taken upon every such information as may lawfully be taken in the case of similar informations filed by His Majesty's Attorney-General so far as the circumstances of the case and the practice and procedure of the said High Court will admit.
- (c) The High Court may make rules for carrying into effect the provisions of this section.
157. (1) No Court shall take cognizance—
- (a) of any offence punishable under sections 172 to 188 (both inclusive) of the Penal Code, except with the previous sanction, or on the complaint, of the public servant concerned or of some public servant to whom he is subordinate; Prosecution for contempts of lawful authority of public servants
- (b) of any offence punishable under sections 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the same Code, when such offence is committed in, or in relation to, any proceeding in any Court, except with the previous sanction or on the complaint of such Court, or of the High Court. Prosecution for certain offences against public justice
- (c) of any offence described in section 463 or punishable under sections 471, 475 or 476 of the same Code, when such offence has been committed by a party to any proceedings in any Court in respect of a document produced or given in evidence in such proceeding except with the previous sanction or on the complaint of such Court, or of the High Court. Prosecution for certain offences relating to documents given in evidence
- (2) In clauses (b) and (c) of sub-section (1) the term "Court" means a Civil or Criminal Court.
- (3) The provisions of sub-section (1) with reference to the offences named therein, apply also to the abetment of such offences, and attempts to commit them.
- (4) The sanction referred to in this section may be expressed in general terms, and need not name the accused person; but it shall, so far as practicable, specify the Court or other place in which, and the occasion on which the offence was committed. Nature of sanction necessary
- (5) When sanction is given in respect of any offence referred to in this section, the Court taking cognizance of the case may frame a charge of any other offence so referred to which is disclosed by the facts.
- (6) Any sanction given or refused by a subordinate court under this section may be revoked or granted by the High Court and no sanction shall remain in force for more than six months from the date on which it was given: provided that the High Court may, for good cause shown, extend the time.
158. No Court shall take cognizance of any offence punishable under Chapter VI of the Penal Code (except section 127), or punishable under section 108 A, or section 153A, or section 294A, or section 505 of the same Code, unless upon complaint made by order of, or under authority from, the Governor in Council. Prosecutions for offences against the State
159. (1) When any Judge, or any public servant who holds office during His Majesty's pleasure, is accused as such Judge or public servant of any offence, no Court shall take cognizance of such offence, except with the previous sanction of the Governor in Council. Prosecution of Judges and public servants
- (2) The Governor in Council may determine the person by whom, the manner in which, the offence or offences for which, the prosecution of such Judge or public servant is to be conducted, and may specify the Court before which the trial is to be held. Power of Government as to prosecution.

Prosecution for breach of contract, defamation and offences against marriage.

160. No Court shall take cognizance of an offence failing under Chapter XIX or Chapter XXI of the Penal Code or under sections 493 to 496 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence.

Prosecution for adultery or enticing a married woman.

161. No Court shall take cognizance of an offence under section 497 or section 498 of the Penal Code, except upon a complaint made by the husband of the woman, or, in his absence, by some person who had care of such woman on his behalf at the time when such offence was committed.

CHAPTER XIV.

Of Complaints to Magistrates.

Examination of complainant.

162. Subject to the provisions of section 372 a Magistrate taking cognizance of an offence on complaint shall at once examine the complainant upon oath, and the substance of the examination shall be reduced to writing and shall be signed by the complainant, and also by the Magistrate:

Provided as follows:—

- (a) when the complaint is made in writing, nothing herein contained shall be deemed to require a Magistrate to examine the complainant before transferring the case under section 154.
- (b) when the case has been transferred under section 154 and the Magistrate so transferring it or issuing process has already examined the complainant, the Magistrate to whom it is so transferred shall not be bound to re-examine the complainant.

Procedure by Magistrate not competent to take cognizance of the case

163. (1) If the complaint has been made in writing to a Magistrate who is not competent to take cognizance of the case, he shall return the complaint for presentation to the proper Court with an endorsement to that effect.
- (2) If the complaint has not been made in writing, such Magistrate shall direct the complainant to the proper Court.

Postponement of issue of process

164. (1) If any Magistrate empowered to hold a subordinate court of the first, second or third class is not satisfied as to the truth of a complaint of an offence of which he is authorised to take cognizance, he may, when the complainant has been examined, record his reasons, and may then postpone the issue of process for compelling the attendance of the person complained against, and either inquire into the case himself or direct a previous local investigation to be made by any officer subordinate to such Magistrate, or by a police officer, or by such other person, not being a Magistrate or police officer, as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.
- (2) If such investigation is made by some person not being a Magistrate or a police officer, he shall exercise all the powers conferred by this Ordinance on an officer in charge of a police-station, except that he shall not have power to arrest without warrant.

Dismissal of complaint

165. The Magistrate before whom a complaint is made or to whom it has been transferred, may dismiss the complaint, if, after examining the complainant and considering the result of the investigation (if any) made under section 164 there is in his judgment no sufficient ground for proceeding. In such case he shall briefly record his reasons for so doing.

CHAPTER XV.

Of the Commencement of Proceedings before Magistrates.

Issue of process

166. (1) If, in the opinion of a Magistrate taking cognizance of an offence, there is sufficient ground for proceeding, and the case appears to be one in which according to the second Schedule hereto a summons should issue in the first instance, he shall issue his summons for the attendance of the accused. If the case appears to be one in which according to such Schedule, a warrant should issue

in the first instance, he may issue a warrant, or, if he thinks fit a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or (if he has not jurisdiction himself) some other Magistrate having jurisdiction.

- (2) Nothing in this section shall be deemed to affect the provisions of section 73.
- (3) When by any law for the time being in force any process fees or other fees are payable, no process shall be issued until the fees are paid, and, if such fees are not paid within a reasonable time, the Magistrate may dismiss the complaint.
167. (1) Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his advocate. Magistrate may dispense with personal attendance of accused
- (2) But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided.

CHAPTER XVI.

Of Inquiry into Cases triable by the High Court.

168. Any Magistrate empowered to hold a subordinate court of the first second or third class may commit any person for trial to the High Court for any offence triable by such court. Power to commit for trial

Provided that it shall not be competent for a Magistrate empowered to hold a subordinate court of the third class to commit a European for trial to the High Court.

169. The following procedure shall be adopted in inquiries before Magistrates where the case is triable exclusively by the High Court, or in the opinion of the Magistrate, ought to be tried by such court. Procedure in inquiries preparatory to commitment

170. (1) The Magistrate shall, when the accused appears or is brought before him, proceed to hear the complainant (if any), and take in manner hereinafter provided all such evidence as may be produced in support of the prosecution or in behalf of the accused, or as may be called for by the Magistrate. Taking of evidence produced
- (2) The accused shall be at liberty to cross-examine the witnesses for the prosecution, and in such case the prosecutor may re-examine them.
- (3) If the complainant or officer conducting the prosecution or the accused applies to the Magistrate to issue process to compel the attendance of any witness or the production of any document or thing, the Magistrate shall issue such process unless, for reasons to be recorded, he deems it unnecessary to do so. Process for production of further evidence

171. (1) When the evidence referred to in section 170, sub-sections (1) and (3), has been taken, and the accused has been given an opportunity of making a statement, and such statement, if any, has been recorded by the Magistrate, such Magistrate shall, if he finds that there are not sufficient grounds for committing the accused person for trial, record his reasons and discharge him, unless it appears to the Magistrate that such person should be tried before himself or some other Magistrate, in which case he shall proceed accordingly. When accused person to be discharged
- (2) Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

172. (1) When upon such evidence being taken, and such statement (if any) being made, the Magistrate is satisfied that there are sufficient grounds for committing the accused for trial, he shall frame a charge under his hand, declaring with what offence the accused is charged. When charge is to be framed

Charge to be explained, and copy furnished to accused

(2) As soon as the charge has been framed, it shall be read and explained to the accused, and a copy thereof shall, if he so require, be given to him free of cost.

List of witnesses for defence on trial

173. (1) The accused shall be required at once to give in, orally or in writing, a list of the persons (if any) whom he wishes to be summoned to give evidence on his trial.

(2) Nothing in this section shall be deemed to preclude the accused from giving, at any time before his trial, to the Registrar a further list of the persons whom he wishes to be summoned to give evidence on such trial.

(3) The Magistrate may, in his discretion, summon and examine any witnesses named in any list given to him under sub-section (1) of this section.

Order of Commitment

174. (1) When the accused, on being required to give in a list under section 173, has declined to do so, or when he has given in such list and the witnesses (if any) included therein whom the Magistrate desires to examine have been summoned and examined under sub-section (3) of section 173 the Magistrate may make an order committing the accused for trial by the High Court and shall also record briefly the reasons for such commitment.

(2) If the Magistrate after hearing the witnesses for the defence, is satisfied that there are not sufficient grounds for committing the accused, he may cancel the charge and discharge the accused.

Summons to witnesses for defence when accused is committed

175. When the accused has given in any list of witnesses under section 173 and has been committed for trial, the Magistrate shall summons such of the witnesses included in the list as have not appeared before him to appear before the High Court:

Provided that the Magistrate may, in his discretion, leave such witnesses to be summoned by the Registrar, and such witnesses shall be summoned accordingly:

Refusal to summon unnecessary witness unless deposit made

Provided also that if the Magistrate or Registrar think that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice, the Magistrate or Registrar may require the accused to satisfy him that there are reasonable grounds for believing that the evidence of such witness is material, and, if he is not so satisfied, may refuse to summon the witness (recording his reasons for such refusal), or may before summoning him require such sum to be deposited as such Magistrate or Registrar think necessary to defray the expense of obtaining the attendance of the witness and all other proper expenses.

Bond of complainants and witnesses

176. (1) Complainants and witnesses for the prosecution and defence, whose attendance before the High Court is necessary and who appear before the Magistrate, shall execute before him bonds binding themselves to be in attendance when called upon at the High Court to prosecute or to give evidence, as the case may be.

(2) If the complainant or witness refuses to attend before the High Court, or execute the bond above directed, the Magistrate may detain him in custody, until he executes such bond, or until his attendance at the High Court is required, when the Magistrate shall send him in custody to the High Court.

(3) The Magistrate may take such steps for securing the attendance of native complainants and witnesses before the High Court as may seem to him necessary.

Detention in custody in case of refusal to attend or to execute bond

Native complainants and witnesses

Commitment when to be notified

177. When the accused is committed for the trial, the Magistrate shall forthwith notify the Attorney General, stating the offence in the same words as the charge, and shall send the charge, the record of the inquiry and any weapon or other thing which is to be produced in evidence, to the Registrar of the High Court.

Charge etc. to be forwarded to High Court

Power to summon supplementary witnesses

178. (1) The Magistrate may, if he thinks fit, summon and examine supplementary witnesses after the commitment and before the commencement of the trial, and bind them over in manner hereinbefore provided to appear and give evidence.

(2) Such examination shall, if possible, be taken in the presence of the accused or his advocate and a copy of the evidence of such witnesses shall, if the accused so require, be given to him free of cost.

179. Until and during the trial the Magistrate shall, subject to the provision of this Ordinance regarding the taking of bail commit the accused by warrant to custody. Custody of accused pending trial.

CHAPTER XVII.

Of the Charge.

180. (1) Every charge under this Ordinance shall state the offence with which the accused is charged. Charge to state offence.
- (2) If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only. Specific name of offence sufficient description.
- (3) If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged. How stated where offence has no specific name.
- (4) The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.
- (5) The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case. What implied in charge.
- (6) The charge shall be written either in English or in any other language of the Court. Language of charge.
- (7) If the accused has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court is competent to award, the fact, date and place of the previous convictions shall be stated in the charge. If such statement is omitted, the Court may add it at any time before sentence is passed. Previous conviction when to be set out.
181. (1) The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or the thing (if any) in respect of which, it was committed, as are reasonably sufficient, to give the accused notice of the matter with which he is charged. Particulars as to time, place and person.
- (2) When the accused is charged with criminal breach of trust or dishonest misappropriation of money, it shall be sufficient to specify the gross sum in respect of which the offence is alleged to have been committed, and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of section 193. Provided that the time included between the first and last of such dates shall not exceed one year.

182. When the nature of the case is such that the particulars mentioned in sections 180 and 181 do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose. When manner of committing offence must be stated.

Illustrations.

(a) *A* is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(b) *A* is accused of cheating *B* at a given time and place. The charge must set out the manner in which *A* cheated *B*.

(c) *A* is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by *A* which is alleged to be false.

(d) *A* is accused of obstructing *B*, a public servant, in the discharge of his public functions at a given time and place. The charge must set out the manner in which *A* obstructed *B* in the discharge of his functions.

(e) *A* is accused of the murder of *B* at a given time and place. The charge need not set out the manner in which *A* murdered *B*.

(f) *A* is accused of disobeying a direction of the law with intent to save *B* from punishment. The charge must set out the disobedience charged and the law infringed.

183. In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable. Words in charge taken in sense of law under which offence is punishable.

Effect of errors.

184. No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was in fact misled by such error or omission, and it has occasioned a failure of justice.

Procedure on commitment without charge or with imperfect charge.

185. When any person is committed for trial without a charge, or with an imperfect or erroneous charge, the High Court may frame a charge, or add to or otherwise alter the charge, as the case may be, having regard to the rules contained in this Ordinance as to the form of charges.

Court may add to or alter charge.

186. (1) Any Court may alter or add to any charge at any time before judgment is pronounced, or, in the case of trials before the High Court before the verdict of the jury is returned or the opinions of the assessors expressed.

(2) Every such alteration or addition shall be read and explained to the accused.

When trial may proceed immediately after alteration.

187. If the charge framed or alteration or addition made under section 185 or section 186 is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence or the prosecutor in the conduct of the case, the Court may, in its discretion, after such charge or alteration or addition has been framed or made, proceed with the trial as if the new or altered charge had been the original charge.

When new trial may be directed, or trial suspended.

188. If the new or altered or added charge is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused or the prosecutor as aforesaid, the Court may either direct a new trial or adjourn the trial for such period as may be necessary.

Stay of proceedings if prosecution of offence in altered charge requires previous sanction.

189. If the offence stated in the new or altered or added charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the new or altered charge is founded.

Recall of witnesses when charge altered.

190. Whenever a charge is altered or added to by the Court after the commencement of the trial, the prosecutor and the accused shall be allowed to re-call or re-summon, and examine with reference to such alteration or addition, any witness who may have been examined, and also to call any further witness whom the Court may think to be material.

Effect of material error

191. (1) If the High Court in the exercise of its powers of revision or on appeal is of opinion that any person convicted of an offence was misled in his defence by the absence of a charge or by an error in the charge, it shall direct a new trial to be had upon a charge framed in whatever manner it thinks fit.

(2) If the Court is of opinion that the facts of the case are such that no valid charge could be preferred against the accused in respect of the facts proved, it shall quash the conviction.

Joinder of Charges.

Separate charges for distinct offences.

192. For every distinct offence of which any person is accused there shall be a separate charge, and every such charge shall be tried separately except in the cases mentioned in sections 193, 194, 195 and 198.

Three offences of same kind within year may be charged together.

193. (1) When a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences, he may be charged with, and tried at one trial for, any number of them not exceeding three.

(2) Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Penal Code or of any Ordinance or other law.

Trial for more than one offence.

194. (1) If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

Offence falling within two definitions.

(2) If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with, and tried at one trial for, each of such offences.

- (3) If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with, and tried at one trial for, the offence constituted by such acts, when combined and for any offence constituted by any one, or more of such acts. Acts constituting one offence, but constituting when combined a different offence.
- (4) Nothing contained in this section shall affect the Penal Code, section 71.

Illustrations.

to sub-section (1).

(a) *A* rescues *B*, a person in lawful custody, and in so doing causes grievous hurt to *C*, a constable in whose custody *B* was. *A* may be charged with, and convicted of, offences under sections 225 and 333 of the Indian Penal Code.

(b) *A* commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with *B*'s wife. *A* may be separately charged with, and convicted of, offences under section 454 and 497 of the Indian Penal Code.

(c) *A* entices *B*, the wife of *C*, away from *C*, with intent to commit adultery with *B* and then commits adultery with her. *A* may be separately charged with, and convicted of, offences under sections 498 and 497 of the Indian Penal Code.

(d) *A* has in his possession several seals, knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 466 of the Indian Penal Code. *A* may be separately charged with, and convicted of, the possession of each seal under section 473 of the Indian Penal Code.

(e) With intent to cause injury to *B*, *A* institutes a criminal proceeding against him knowing that there is no just or lawful ground for such proceeding; and also falsely accuses *B* of having committed an offence, knowing that there is no just or lawful ground for such charges. *A* may be separately charged with, and convicted of, two offences under section 211 of the Indian Penal Code.

(f) *A* with intent to cause injury to *B*, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, *A* gives false evidence against *B*, intending thereby to cause *B* to be convicted of a capital offence. *A* may be separately charged with, and convicted of, offences under sections 211 and 194 of the Indian Penal Code.

(g) *A*, with six others, commits the offences of rioting, grievous hurt and assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. *A* may be separately charged with, and convicted of, offences under sections 147, 325 and 152 of the Indian Penal Code.

(h) *A* threatens *B*, *C* and *D*, at the same time with injury to their persons with intent to cause alarm to them. *A* may be separately charged with, and convicted of, each of the three offences under section 506 of the Indian Penal Code.

The separate charges referred to in illustrations (a) to (h) respectively may be tried at the same time.

to sub-section (2).

(i) *A* wrongly strikes *B* with a cane. *A* may be separately charged with, and convicted of offences under sections 352 and 323 of the Indian Penal Code.

(j) Several stolen sacks of corn are made over to *A* and *B*, who know they are stolen property, for the purpose of concealing them. *A* and *B* thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. *A* and *B* may be separately charged with, and convicted of, offences under sections 411 and 414 of the Indian Penal Code.

(k) *A* exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. *A* may be separately charged with, and convicted of, offences under sections 317 and 304 of the Indian Penal Code.

(l) *A* dishonestly uses a forged document as genuine evidence in order to convict *B*, a public servant, of an offence under section 167 of the Indian Penal Code. *A* may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the same Code.

to sub-section (3).

(m) *A* commits robbery on *B*, and in doing so voluntarily causes hurt to him. *A* may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code.

195. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the said offences. Where it is doubtful what offence has been committed.

Illustrations.

(a) *A* is accused of an act which may amount to theft, or receiving stolen property or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust or cheating.

(b) *A* states on oath before the Magistrate that he saw *B* hit *C* with a club. Before the High Court *A* states on oath that *B* never hit *C*. *A* may be charged in the alternative and convicted of intentionally giving false evidence, although it cannot be proved which of these contradictory statements was false.

When a person is charged with one offence, he can be convicted of another.

196. (1) If, in the case mentioned in section 195, the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

(2) When the accused is charged with an offence, he may be convicted of having attempted to commit that offence, although the attempt is not separately charged.

When offence proved included in offence charged.

197. (1) When a person is charged with an offence consisting of several particulars a combination of some only of which constitutes a complete minor offence, and such combination is proved, but the remaining particulars are not proved, he may be convicted of the minor offence, though he was not charged with it.

(2) When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence, although he is not charged with it.

(3) Nothing in this section shall be deemed to authorise a conviction of any offence referred to in section 160 or section 161 when no complaint has been made as required by such sections.

Illustrations.

(a) *A* is charged, under section 407 of the Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(b) *A* is charged, under section 325 of the Indian Penal Code, with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of that Code.

What persons may be charged jointly.

198. When more persons than one are accused of the same offence or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together or separately as the Court thinks fit; and the provisions contained in the former part of this Chapter shall apply to all such charges.

Illustrations.

(a) *A* and *B* are accused of the same murder. *A* and *B* may be charged and tried together for the murder.

(b) *A* and *B* are accused of a robbery, in the course of which *A* commits murder with which *B* has nothing to do. *A* and *B* may be tried together on a charge, charging both of them with the robbery, and *A* alone with the murder.

(c) *A* and *B* are both charged with a theft, and *B* is charged with two other thefts committed by him in the course of the same transaction. *A* and *B* may be both tried together on a charge, charging both with the one theft, and *B* alone with the two other thefts.

Withdrawal of remaining charges on conviction on one of several charges.

199. When a charge containing more heads than one is framed against the same person, and when a conviction has been had on one or more of them, the complainant, or the officer conducting the prosecution, may with the consent of the Court, withdraw the remaining charge or charges, or the Court of its own accord may stay the inquiry into, or trial of such charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges, unless the conviction be set aside, in which case the said Court (subject to the order of the Court setting aside the conviction) may proceed with the inquiry into or trial of the charge or charges so withdrawn.

CHAPTER XVIII.

Of the Trial of Summons Cases by Magistrates.

200. The following procedure shall be observed by Magistrates in the trial of summons-cases. Procedure in Summons cases.

201. When the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted; but it shall not be necessary to frame a formal charge. Substance of accusation to be stated.

202. If the accused admits that he has committed the offence of which he is accused, his admission shall be recorded as nearly as possible in the words used by him; and, if he shows no sufficient cause why he should not be convicted, the Magistrate shall convict him accordingly. Conviction on admission of truth of accusation.

203. (1) If the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence. Procedure when no such admission is made.

(2) The Magistrate may, if he thinks fit, on the application of the complainant or accused, issue process to compel the attendance of any witness or the production of any document or other thing.

(3) The Magistrate may, before summoning any witness on such application, require that his reasonable expenses, incurred in attending for the purposes of the trial, be deposited in Court.

204 (1) If the Magistrate upon taking the evidence referred to in section 203 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal. Acquittal.

(2) If he finds the accused guilty, he shall pass sentence upon him according to law. Sentence.

205. A Magistrate may, under section 202 or section 204, convict the accused of any offence triable under this Chapter which from the facts admitted or proved he appears to have committed, whatever may be the nature of the complaint or summons. Finding not limited by complaint or summons.

206. If the summons has been issued on complaint, and upon the day appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks proper to adjourn the hearing of the case to some other day. Non-appearance of complainant.

Provided that where the complainant is a public servant and his personal attendance is not required, the Magistrate may dispense with his attendance and proceed with the case.

207. If a complainant, at any time before a final order is passed in any case under this Chapter, satisfies the Magistrate there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused. Withdrawal of complaint.

208. In any case instituted otherwise than upon complaint, a Magistrate empowered to hold a subordinate court of the first class, or, with the previous sanction of the High Court, any other Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction, and may thereupon release the accused. Power to stop proceedings when no complainant.

Frivolous Accusations in Summons and Warrant Cases.

209. (1) If, in any case instituted by complaint as defined in this Ordinance, or upon information given to a police officer or to a Magistrate, a person is accused before a Magistrate of any offence triable by a Magistrate, and the Magistrate by whom the case is heard discharges or acquits the accused and is satisfied that the accusation against him was frivolous or vexatious, the Magistrate may, in his discretion, by his order of discharge or acquittal, direct the person upon whose complaint or information the accusation was made to pay to the accused or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit: Frivolous or vexatious accusations.

Provided that, before making any such direction, the Magistrate shall,

- (a) record and consider any objection which the complainant or informant may urge against the making of the direction; and
 - (b) if the Magistrate directs any compensation to be paid, state in writing, in his order of discharge or acquittal, his reasons for awarding the compensation.
- (2) Compensation of which a Magistrate has awarded payment under sub-section (1) shall be recoverable as if it were a fine:
 Provided that, if it cannot be recovered the imprisonment to be awarded shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs.
- (3) A complainant or informant who has been ordered under sub-section (1) by a Magistrate of the second or third class to pay compensation to an accused person may appeal from the order, in so far as the order relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate.
- (4) Where an order for payment of compensation to an accused person is made in a case which is subject to appeal under sub-section (3), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided.
- (5) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any compensation paid or recovered under this section.

CHAPTER XIX.

Of the Trial of Warrant Cases by Magistrates.

Procedure in warrant-cases.

210. The following procedure shall be observed by Magistrates in the trial of warrant cases.

Evidence for prosecution.

211. (1) When the accused appears or is brought before a Magistrate, such Magistrate shall proceed to hear the complainant (if any) and take all such evidence as may be produced in support of the prosecution.
- (2) The Magistrate shall ascertain, from the complainant or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon to give evidence before himself such of them as he thinks necessary.

Discharge of accused.

212. (1) If, upon taking all the evidence referred to in section 211, and making such examination (if any) of the accused as the Magistrate thinks necessary, he finds that no case against the accused has been made out which, if unrebutted, would warrant his conviction, the Magistrate shall discharge him.
- (2) Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

Charge to be framed when offence appears proved.

213. If, when such evidence and examination have been taken and made, or at any previous stage of the case, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this Chapter, which such Magistrate is competent to try, and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

Plea.

214. (1) The charge shall then be read and explained to the accused, and he shall be asked whether he is guilty or has any defence to make.
- (2) If the accused pleads guilty, the Magistrate shall record the plea, as nearly as possible in the words used by him, and may in his discretion convict him thereon.

215. (1) If the accused refuses to plead, or does not plead, or claims to be tried he shall be required to state whether he wishes to cross-examine any, and, if so, which, of the witnesses for the prosecution whose evidence has been taken. If he says he does so wish, the witnesses named by him shall be re-called and, after cross-examination and re-examination (if any), they shall be discharged. The evidence of any remaining witnesses for the prosecution shall next be taken, and, after cross-examination and re-examination (if any), they also shall be discharged. The accused shall then be called upon to enter upon his defence and produce his evidence. Defence
- (2) If the accused puts in any written statement, the Magistrate shall file it with the record.
216. (1) If the accused, after he has entered upon his defence, applies to the Magistrate to issue any process for compelling the attendance of any witness for the purpose of examination or cross-examination, or the production of any document or other thing, the Magistrate shall issue such process unless he considers that such application should be refused on the ground that it is made for the purpose of vexation or delay or for defeating the ends of justice. Such ground shall be recorded by him in writing: Provided that, when the accused has cross-examined, or had the opportunity of cross-examining any witness after the charge is framed, the attendance of such witness shall not be compelled under this section unless the Magistrate is satisfied that it is necessary for the purposes of justice. Process for compelling production of evidence at instance of accused.
- (2) The Magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.
217. (1) If in any case under this Chapter in which a charge has been framed the Magistrate finds the accused not guilty, he shall record an order of acquittal. Acquittal.
- (2) If in any such case the Magistrate finds the accused guilty, he shall pass sentence upon him according to law. Conviction.
218. When the proceedings have been instituted upon complaint, and upon any day fixed for the hearing of the case the complainant is absent, and the offence may be lawfully compounded, the Magistrate may, in his discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused. Absence of Complainant.

CHAPTER XX.

Of Summary Trials.

219. (1) Notwithstanding anything contained in this Ordinance any Magistrate holding a first class subordinate court specially empowered in this behalf by the Governor may if he thinks fit try in a summary way all or any of the following offences;— Power to try summarily
- (a) offences not punishable with death, transportation or imprisonment for a term exceeding six months;
- (b) offences against the East Africa Weights and Measures Ordinance 1912;
- (c) hurt, under section 323 of the Penal Code;
- (d) theft, under section 379, 380 or 381 of the same Code, where the value of the property stolen does not exceed fifty rupees;
- (e) dishonest misappropriation of property or criminal breach of trust, under section 403 or 406 of the same Code, where the value of the property misappropriated does not exceed fifty rupees;
- (f) receiving or retaining stolen property, under section 411 of the same Code; where the value of such property does not exceed fifty rupees;
- (g) assisting in the concealment or disposal of stolen property, under section 414 of the same Code, where the value of such property does not exceed fifty rupees;
- (h) mischief, under section 427 of the same Code;
- (i) house trespass, under section 448 and offences under sections 451, 453, 454, 456 and 457 of the same Code;

- (i) insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, under section 506, of the same Code ;
 - (k) abetment of any of the foregoing offences ;
 - (l) an attempt to commit any of the foregoing offences, when such attempt is an offence ;
- (2) When in the course of a summary trial it appears to the Magistrate that the case is one which is of a character which renders it undesirable that it should be tried summarily, the Magistrate shall recall any witnesses who may have been examined and proceed to re-hear the case in manner provided by this Ordinance.
220. (1) In trials under this Chapter, the procedure prescribed for summons-cases shall be followed in summons-cases, and the procedure prescribed for warrant-cases shall be followed in warrant-cases, except as hereinafter mentioned.
- (2) No sentence of imprisonment for a term exceeding three months shall be passed in the case of any conviction under this Chapter.
221. (1) In cases where no appeal lies, the Magistrate need not record the evidence of the witnesses or frame a formal charge, but he shall enter in such form as the High Court may direct the following particulars :—
- (a) the serial number ;
 - (b) the date of the commission of the offence ;
 - (c) the date of the report or complaint ;
 - (d) the name of the complainant (if any) ;
 - (e) the name, parentage and residence of the accused ;
 - (f) the offence complained of and the offence (if any) proved, and in cases coming under clause (d), clause (e), clause (f), or clause (g), of sub-section (1) of section 219 the value of the property in respect of which the offence has been committed ;
 - (g) the plea of the accused and his examination (if any) ;
 - (h) the finding, and, in the case of a conviction, a brief statement of the reasons therefor ;
 - (i) the sentence or other final order ; and
 - (j) the date on which the proceedings terminated.
- (2) In every case where an appeal lies the Magistrate shall in addition to the particulars mentioned in sub-section (1) before passing sentence record a judgment embodying the substance of the evidence.

Procedure for summons and warrant cases applicable.

Record in cases where there is no appeal.

Record in case where there is an appeal.

CHAPTER XXI.

Of Trials Before the High Court.

A.—Preliminary.

222. All trials before the High Court shall, save where otherwise provided, be by jury or with the aid of assessors.
223. (1) The Governor in Council may by order in the "Official Gazette" direct that the trial of all offences or of any particular class of offences before the High Court shall be by jury and may revoke or alter such order.
- (2) When the accused is charged at the same trial with several offences of which some are and some are not triable by jury he shall be tried by jury for such offences as are triable by jury and with the aid of the jurors as assessors for such of them as are not triable by jury.
- (3) In the absence of any such order and subject to the other provisions of this Ordinance or any other law, trials before the High Court shall be with the aid of assessors.

B.—Commencement of Proceedings.

224. (1) When the High Court is ready to commence the trial, the accused shall appear or be brought before it, and the charge shall be read out in Court and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.
- (2) If the accused pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Trial before High Court to be by jury or with assessors.

Governor may order trials before the High Court to be by jury.

Cases to be tried with assessors.

Commencement of trial.

Plea of guilty.

225. If the accused refuses to, or does not plead, or if he claims to be tried, the Court shall proceed to choose jurors or assessors, as hereinafter directed and to try the case: Refusal to plead or claim to be tried.

Provided, that, subject to the right of objection hereinafter mentioned, the same jury may try, or the same assessors may aid in the trial of, as many accused persons successively as the Court thinks fit. Trial by same jury or assessors of several offenders in succession.

226. (1) In trials before the High Court, when it appears to the High Court, at any time before the commencement of the trial of the person charged, that any charge or any portion thereof is clearly unsustainable, the Judge may make on the charge an entry to that effect. Entry on unsustainable charges.

(2) Such entry shall have the effect of staying proceedings upon the charge or portion of the charge, as the case may be. Effect of entry.

C.—Choosing a Jury.

227. (1) The Governor may by order fix the number of the Jury by whom any class of offence shall be tried, provided that is no case shall the number of the Jury be less than five, and in the absence of any such order the jury shall consist of five persons. Number of jury. Juror to be chosen by lot.

(2) The jurors shall be chosen by lot from the persons summoned to act as such in such manner as the High Court may from time to time by rule direct:

Provided that—

first—pending the issue under this section of rules, the practice now prevailing in such Court in respect to the choosing of jurors shall be followed; Existing practice maintained.

secondly—in case of a deficiency of persons summoned, the number of jurors required may, with the leave of the Court, be chosen from such other persons as may be present; Persons not summoned when eligible

228. (1) As each juror is chosen, his name shall be called aloud, and upon his appearance, the accused shall be asked if he objects to be tried by such juror. Names of jurors to be called.

(2) Objection may then be taken to such juror by the accused or by the prosecutor, and the grounds of objection shall be stated. Provided that objections without grounds stated shall be allowed to the number of eight on behalf of the Crown and eight on behalf of the person or all the persons charged. Objection to jurors.

229. Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:— Grounds of objection

(a) some presumed or actual partiality in the juror;

(b) some personal ground, such as alienage, deficiency in the qualification required by any law or rule having the force of law for the time being in force or being under the age of twenty-one or above the age of sixty years;

(c) his having by habit or religious vows relinquished all care of worldly affairs;

(d) his holding any office in or under the Court;

(e) his executing any duties of police or being entrusted with police-duties;

(f) his having been convicted of any offence which, in the opinion of the Court, renders him unfit to serve on the jury;

(g) his inability to understand the language in which the evidence is given or when such evidence is interpreted the language in which it is interpreted;

(h) any other circumstances which, in the opinion of the Court, renders him improper as a juror.

230. (1) Every objection taken to a juror shall be decided by the Court, and such decision shall be recorded and be final. Decision of objection.

(2) If the objection is allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons and chosen in manner provided by section 227, or if there is no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury; Supply of place of juror against whom objection allowed.

Provided that no objection to such juror or other person is taken under section 229 and allowed.

231. (1) When the jurors have been chosen, they shall appoint one of their number to be foreman. Foreman of jury.

- (2) The foreman shall preside in the debates of the jury, deliver the verdict of the jury, and ask any information from the Court that is required by the jury or any of the jurors.
- (3) If a majority of the jury do not, within such time as the Judge thinks reasonable, agree in the appointment of a foreman, he shall be appointed by the Court.

Swearing of jurors

232. When the foreman has been appointed, the jurors shall be sworn.

Procedure when juror ceases to attend, etc.

233. (1) If, in the course of a trial by jury, at any time before the return of the verdict, any juror, from any sufficient cause, is prevented from attending throughout the trial, or if any juror absent himself, and it is not practicable to enforce his attendance, or it appears that any juror is unable to understand the language in which the evidence is given, or, when such evidence is interpreted, the language in which it is interpreted, a new juror shall be added or the jury shall be discharged and a new jury chosen.

(2) In each of such cases the trial shall commence anew.

Discharge of jury in case of sickness of prisoner

234. The Judge may also discharge the jury whenever the prisoner becomes incapable of remaining at the bar.

D.—Choosing Assessors.

Assessors how chosen

235. When the trial is to be held with the aid of assessors three shall be chosen from the persons summoned.

Procedure when assessor is unable to attend

236. (1) If, in the course of a trial with the aid of assessors, at any time before the finding, any assessor is, from any sufficient cause, prevented from attending throughout the trial, or absents himself, and it is not practicable to enforce his attendance, the trial shall proceed with the aid of the other assessors.

(2) If two or more of the assessors are prevented from attending, or absent themselves, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh assessors.

E.—Trial to close of Cases for Prosecution and Defence.

Opening case for prosecution

237. (1) When the jurors or assessors have been chosen, the prosecutor shall open his case by stating the description of the offence charged, and stating shortly by what evidence he expects to prove the guilt of the accused.

(2) The prosecutor shall then examine his witnesses.

Examination of witnesses

238. (1) The statement, if any, of the accused duly recorded by or before the committing Magistrate shall be tendered by the prosecutor and read as evidence.

Statement of accused before Magistrate to be evidence

(2) The evidence on oath of an accused competent to give evidence on oath, duly recorded by or before the committing Magistrate, may be tendered by the prosecutor and read as evidence.

Evidence of accused given at preliminary inquiry admissible

239. The evidence of a witness duly taken in the presence of the accused before the committing Magistrate may in the discretion of the presiding Judge, if such witness is produced and examined, be treated as evidence in the case.

Procedure after examination of witnesses for prosecution

240. (1) When the evidence of the witnesses for the prosecution and examination (if any) of the accused are concluded, the accused shall be asked whether he means to adduce evidence.

(2) If he says that he does not, the prosecutor may sum up his case; and if the Court considers that there is no evidence that the accused committed the offence, it may then in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict of not guilty.

(3) If the accused, or any one of several accused, says that he means to adduce evidence and the Court considers that there is no evidence that the accused committed the offence, the Court may then, in a case tried with the aid of assessors, record a finding, or in a case tried by a jury direct the jury to return a verdict, of not guilty.

(4) If the accused, or any one of several accused, says that he means to adduce evidence and the Court considers that there is evidence, that he committed the offence, or if, on his saying that he does not mean to adduce evidence, the prosecutor sums up his case and the Court considers that there is evidence, that the accused committed the offence, the Court shall call on the accused to enter on his defence.

241. The accused or his advocate may then open his case, stating the facts or law on which he intends to rely, and making such comments as he thinks necessary on the evidence of the prosecution. He may then examine his witnesses (if any) and after their cross-examination and re-examination (if any) may sum up his case. Defence.

242. The accused shall be allowed to examine any witness not previously named by him, if such witness is in attendance, but he shall not, except as provided in sections 173 and 190 be entitled of right to have any witness summoned, other than the witnesses named in the list delivered to the Magistrate by whom he was committed for trial. Right of accused as to examination and summoning of witness.

243. If the accused, or any of the accused, adduces any evidence, the prosecutor shall be entitled to reply. Prosecutor's right of reply.

244. (1) Whenever the Court thinks that the jury or assessors should view the place in which the offence charged is alleged to have been committed, or any other place in which any other transaction material to the trial is alleged to have occurred, the Court shall make an order to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to such place, which shall be shown to them by a person appointed by the Court. View by jury or assessors.

(2) Such officer shall not, except with the permission of the Court, suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and unless the Court otherwise directs, they shall, when the view is finished, be immediately conducted back to Court.

245. If a juror or assessor is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be sworn, examined, cross-examined and re-examined in the same manner as any other witness. When juror or assessor may be examined.

246. If a trial is adjourned, the jury or assessors shall attend at the adjourned sitting, and at every subsequent sitting until the conclusion of the trial. Jury or assessors to attend at adjourned sitting.

247. The High Court may, from time to time, make rules as to keeping the jury together during a trial before such Court lasting for more than one day; and subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of the Court, or whether they shall be allowed to return to their respective homes. Locking up jury.

F.—Conclusion of Trials in Cases Tried by Jury.

248. In cases tried by jury, when the case for the defence and the prosecutor's reply (if any) are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided. Charge to jury.

249. (1) In such cases it is the duty of the Judge— Duty of Judge.

- (a) to decide all questions of law arising in the course of the trial, and especially all questions as to the relevancy of facts which it is proposed to prove, and the admissibility of evidence or the propriety of questions asked by or on behalf of the parties; and, in his discretion, to prevent the production of inadmissible evidence whether it is or is not objected to by the parties;
- (b) to decide upon the meaning and construction of all documents given in evidence at the trial;
- (c) to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given;
- (d) to decide whether any question which arises is for himself or for the jury, and upon this point his decision shall bind the jurors.

(2) The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

250. It is the duty of the jury—

- (a) to decide which view of the facts is true and then to return the verdict which under such view ought, according to the direction of the Judge, to be returned; Duty of jury.

- (b) to determine the meaning of all technical terms (other than terms of law) and words used in an unusual sense which it may be necessary to determine, whether such words occur in documents or not;
- (c) to decide all questions which according to law are to be deemed questions of fact;
- (d) to decide whether general indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Retirement of consider

251. In cases tried by jury, after the Judge has finished his charge, the jury may retire to consider their verdict.

Except with the leave of the Court, no person other than a juror shall speak to or hold any communication with, any member of such jury.

Delivery of verdict

252. When the jury have considered their verdict the foreman shall inform the Judge what is their verdict, or that they are not unanimous.

Procedure where jury differ

253. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such period as the Judge considers reasonable, the jury may deliver their verdict, or state that they are not unanimous.

Verdict to be given on each charge

254. (1) Unless otherwise ordered by the Court the jury shall return a verdict on all the charges on which the accused is tried, and the Judge may ask them such questions as are necessary to ascertain what their verdict is.

Judge may question jury

(2) Such questions and the answers to them shall be recorded.

Questions and answers to be recorded

Amending verdict

255. When by accident or mistake a wrong verdict is delivered, the jury may, before or immediately after it is recorded, amend the verdict, and it shall stand as ultimately amended.

Verdict

256. (1) (a) When the jury are unanimous in their opinion the Judge shall give judgment in accordance with that opinion.

(b) If the accused is found not guilty the Judge shall record a judgment of acquittal. If the accused is found guilty the judge shall pass sentence on him according to law,

(2) If the Jury are not unanimous in this opinion, the Judge shall after the lapse of such time as he thinks reasonable, discharge the jury.

Retrial of accused after discharge of jury

257. Whenever the jury is discharged, the accused shall be detained in custody or on bail, (as the case may be) and shall be tried by another jury unless the Judge considers that he should not be retried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal.

G.—Conclusion of Trial in Cases tried by Assessors.

Delivery of opinions of assessors.

258. (1) When, in a case tried with the aid of assessors, the case for the defence and the prosecutor's reply (if any) are concluded, the Court may sum up the evidence for the prosecution and defence, and shall then require each of the assessors to state his opinion orally, and shall record such opinion.

Judgment

(2) The Judge shall then give judgment but in doing so shall not be bound to conform to the opinions of the assessors.

(3) If the accused is convicted, the Judge shall pass sentence on him according to law.

H.—Procedure in case of Previous Conviction.

Procedure in case of previous conviction

259. In the case of a trial by jury or with the aid of assessors, where the accused is charged with an offence committed after a previous conviction for any offence, the procedure laid down in sections 224, 237, 256 and 258 shall be modified as follows:—

(a) the part of the charge stating the previous conviction shall not be read out in Court, nor shall the accused be asked whether he has been previously convicted as alleged in the charge unless and until he has either pleaded guilty to, or been convicted of, the subsequent offence:—

(b) if he pleads guilty to, or is convicted of, the subsequent offence, he shall then be asked whether he has been previously convicted as alleged in the charge:

- (c) if he answers that he has been so previously convicted, the Judge may proceed to pass sentence on him accordingly but if he denies that he has been so previously convicted, or refuses to, or does not, answer such question, the jury, or the Court and the assessors (as the case may be), shall then hear evidence concerning such previous conviction, and in such case (where the trial is by jury) it shall not be necessary to swear the jurors again.

260. Notwithstanding anything in the last foregoing section, evidence of the previous conviction may be given at the trial for the subsequent offence, if the fact of the previous conviction is relevant under the provisions of the Indian Evidence Act, 1872. When evidence of previous conviction may be given.

I.—List of Jurors and Summoning Jurors.

261. The Registrar of the High Court shall before the first day of March in each year, and subject to such rules as the High Court may from time to time prescribe, prepare a list of all persons in East Africa other than natives of African extraction liable to serve as jurors or assessors. Preparation of list of jurors and assessors.

262. All male persons between the ages of 21 and 60 shall be liable to serve as assessors and all male persons of European extraction between the ages of 21 and 60 shall be liable also to serve as jurors, at any trial held within the Protectorate. Liability to serve.

Provided that the High Court may from time to time make rules regulating the area within which a person may be summoned to serve as a juror or assessor.

263. The following persons are exempt from liability to serve as jurors or assessors, namely :— Exemptions.

- (a) members of the Executive Council.
- (b) salaried Judges ;
- (c) police officers and persons engaged in the Preventive Service in the Customs Department ;
- (d) persons actually officiating as priests or ministers of their respective religions ;
- (e) surgeons and others who openly and constantly practise the medical profession ;
- (f) legal practitioners in actual practice ;
- (g) persons employed in the Post Office and Telegraph Department ;
- (h) persons exempted from personal appearance in Court under the provisions of the Code of Civil Procedure.
- (i) other persons exempted by the Governor from liability to serve as jurors or assessors.

264. (1) A copy of the list made by the Registrar of persons liable to serve as jurors or assessors shall be published in the "Official Gazette" of the first day of March, and extracts therefrom containing the names of the persons liable to serve as jurors or assessors residing in each Province shall be exposed to public inspection at the Offices of the Provincial Commissioner of each Province respectively. Publication of lists.

(2) To every such copy or extract shall be subjoined a notice stating that objections to the list will be heard and determined by a Judge of the High Court and such Magistrate as the High Court may appoint at a time and place to be mentioned in such notice. Objections to list.

265 (1) For the hearing of such objections a Judge shall sit with the Magistrate, and shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not suitable in their judgment to serve as a juror or as an assessor, or who may establish his right to any exemption from service given by section 263 and insert the name of any person omitted from the list whom they deem qualified for such service. Revision of list.

- (2) In the event of a difference of opinion between the Judge and the Magistrate, the name of the proposed juror or assessor shall be omitted from the list.
- (3) A copy of the revised list shall be signed by the Judge and Magistrate and sent to the High Court.
- (4) Any order of the Judge and Magistrate as aforesaid in preparing and revising the list shall be final.
- (5) Any exemption not claimed under this section shall be deemed to be waived until the list is next revised.
- (6) The list so prepared and revised shall be again revised once in every year.
- (7) The list so revised shall be deemed a new list, and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

Annual revision list

Magistrate to summon jurors and assessors

266. (1) The Registrar shall ordinarily, seven days at least before the day which from time to time may be fixed for holding a Sessions of the High Court send a letter to a Magistrate holding a subordinate court of the first class having jurisdiction in the Province in which such Sessions are to be held requesting him to summon as many persons named in the said revised list as seem to the Judge to be needed for trials by jury and trials with the aid of assessors at the said Sessions.
- (2) The names of the persons to be summoned shall be drawn by lot by such Magistrate in open Court, excluding those who have served within six months unless the number cannot be made up without them.

Form and contents of summons

267. Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor, as the case may be, at a time and place to be therein specified.

When Government or Railway servant may be excused

268. When any person summoned to serve as a juror or assessor is in the service of Government or of a Railway Company, the Court to serve in which he is so summoned may excuse his attendance if it appears on the representation of the head of the office in which he is employed that he cannot serve as a juror or assessor, as the case may be, without inconvenience to the public.

Court may excuse attendance of juror or assessor

269. (1) The High Court may, for reasonable cause, excuse any juror or assessor from attendance at any particular sessions; and.

Court may relieve jurors from liability to serve again as jurors for twelve months

- (2) The High Court may, if it shall think fit, at the conclusion of any trial, direct that the jurors or assessors who have served at such trial shall not be summoned to serve again as jurors or assessors for a period of twelve months.

List of jurors and assessors attending

270. (1) At each session the High Court shall cause to be made a list of the names of those who have attended as jurors and assessors at such session.
- (2) Such list shall be kept with the list of the jurors and assessors as revised under section 265.
- (3) A reference shall be made in the margin of the said revised list of each of the names which are mentioned in the list prepared under this section.

Penalty for non-attendance of juror or assessor

271. (1) Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the High Court, or fails to attend after adjournment of the High Court, after being ordered to attend, shall be liable by order of the High Court to a fine not exceeding two hundred rupees.
- (2) Such fine shall be levied by a Magistrate empowered to hold a subordinate court of the first class by attachment and sale of any moveable property belonging to such juror or assessor within the local limits of the jurisdiction of such Magistrate.

- (3) For good cause shewn, the High Court may remit or reduce any fine so imposed.
- (4) In default of recovery of the fine by attachment and sale, such juror or assessor may, by order of the High Court be imprisoned as a civil prisoner for the term of 15 days, unless such fine is paid before the end of the said term.

J.—Special Provisions.

272. At any stage of any trial before the High Court under this Ordinance, before the return of the verdict, the Attorney General may, if he thinks fit, inform the Court on behalf of His Majesty that he will not further prosecute the defendant upon the charge; and thereupon all proceedings on such charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal unless the presiding Judge otherwise directs.

Power of Attorney General to stay Prosecution.

273. (1) For the exercise of its original criminal jurisdiction the High Court shall hold sittings at such places and on such days as the Chief Justice may direct.
- (2) The Registrar shall ordinarily give notice beforehand in the "Gazette" of all such sittings.

Places and date of sitting of the High Court.

Notice of sitting.

CHAPTER XXII.

General Provisions as to Inquiries and Trials.

274. (1) In the case of any offence triable exclusively by the High Court any Magistrate empowered to hold a subordinate court of the first class or any other Magistrate with the sanction of such Magistrate, may, with the view of obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, the offence under inquiry, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to such offence, and to every other person concerned, whether as principal or abettor, in the commission thereof.
- (2) In the case of offences not triable exclusively by the High Court but which are punishable with more than three years imprisonment a Magistrate empowered to hold a subordinate court of the first or second class may tender a pardon with the previous sanction of the High Court.
- (3) Every person accepting a tender under this section shall be examined as a witness in the case.
- (4) Such person, if not on bail, shall be detained in custody until the termination of the trial by the High Court.
- (5) Every Magistrate, who tenders a pardon under this section, shall record his reasons for so doing; and, when any Magistrate has made such tender and examined the person to whom it has been made, he shall not try the case himself, although the offence which the accused appears to have committed may be triable by such Magistrate.

Tender of pardon to accomplice.

275. At any time after commitment, but before judgment is passed, the High Court may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, any such offence tender, or order the committing Magistrate to tender, a pardon on the same condition as specified in section 274 to such person.

Power to direct tender of pardon.

Commitment of person to whom pardon has been tendered.

276. (1) Where a pardon has been tendered under section 274 or section 275, any person who has accepted such tender has, either by wilfully concealing anything essential or by giving false evidence, not complied with the conditions on which the tender was made, he may be tried for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the same matter.
- (2) The statement made by a person who has accepted a tender of pardon may be given in evidence against him when the pardon has been forfeited under this section.
- (3) No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the High Court.

Right of accused to be defended.

277. Every person accused before the High Court or any Criminal Court constituted under this Ordinance may of right be defended by an advocate.

Procedure when accused does not understand proceedings.

278. If the accused, though not insane, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and, in the case of a Court other than a High Court, if such inquiry results in a commitment, or if such trial results in a conviction, the proceeding shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

Power to examine the accused.

279. (1) For the purpose of enabling the accused to explain any circumstances appearing in the evidence against him, the Court may, at any stage of any inquiry or trial, without previously warning the accused, put such questions to him as the Court considers necessary.
- (2) The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them; but the Court and the jury (if any) may draw such inference from such refusal or answers as it thinks just.
- (3) The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed.
- (4) No oath shall be administered to the accused, except as hereinafter provided by Chapter XXVIII.

No influence to be used to induce disclosure.

280. Except as provided in sections 274 and 275, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

Power to postpone or adjourn proceedings.

281. (1) If, from the absence of a witness, or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn any inquiry or trial, the Court may, if it thinks fit, by order in writing, stating the reasons therefor, from time to time, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody:

Remand.

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time.

- (2) Every order made under this section shall be in writing signed by the presiding Magistrate.

Reasonable cause for remand.

EXPLANATION.—If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

282. (1) The offences punishable under the sections of the Penal Code described in the first two columns of the table next following may be compounded by the persons mentioned in the third column of that table:

Offence.	Sections of Penal Code applicable.	Person by whom offence may be compounded.
Uttering words, etc., with deliberate intent to wound the religious feelings of any person	298	The person whose religious feelings are intended to be wounded.
Causing hurt	323, 334	The person to whom the hurt is caused.
Wrongfully restraining or confining any person	341, 342	The person restrained or confined.
Assault or use of criminal force	352, 355, 358	The person assaulted or to whom criminal force is used.
Unlawful compulsory labour	374	The person compelled to labour.
Mischief, when the only loss or damage caused is loss or damage to a private person	426, 427	The person to whom the loss or damage is caused.
Criminal trespass	447	The person in possession of the property trespassed upon.
House trespass	448	
Criminal breach of contract or service	490, 491, 492	The person with whom the offender has contracted.
Adultery	497	The husband of the woman
Enticing or taking away or detaining with a criminal intent a married woman	498	
Defamation	500	The person defamed.
Printing or engraving matter knowing it to be defamatory	501	The person defamed.
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter	502	
Insult intended to provoke a breach of the peace	504	The person insulted.
Criminal intimidation, except when the offence is punishable with imprisonment for seven years	506	The person intimidated.

- (2) The offences of causing hurt and grievous hurt, punishable under section 324, section 325, section 335, section 337, or section 338, of the Penal Code, may with the permission of the Court before which any prosecution for such offence is pending, be compounded by the person to whom the hurt has been caused.
- (3) When any offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.
- (4) When the person who would otherwise be competent to compound an offence under this section is a minor, an idiot or a lunatic, any person competent to contract on his behalf may compound such offence.
- (5) When the accused has been committed for trial or when he has been convicted and an appeal is pending, no composition for the offence shall be allowed without the leave of the Court to which he is committed, or as the case may be, before which the appeal is to be heard.
- (6) The composition of an offence under this section shall have the effect of an acquittal of the accused.
- (7) No offence shall be compounded except as provided by this section.

Procedure when after commencement of inquiry or trial, Magistrate finds case should be committed or tried by another Magistrate.

- 283 (1) If in the course of an enquiry or a trial before a Magistrate the evidence appears to warrant a presumption that the case is one which should be tried or committed for trial by some other Magistrate, he shall stay proceedings and submit the case with a brief report thereon to a Magistrate holding a subordinate court of the first class empowered to direct the transfer of the case under sub-section (2) of section 154.
- (2) If in any inquiry before a Magistrate, or in any trial before a Magistrate before signing judgment, it appears to him at any stage of the proceedings that the case is one which ought to be tried by the High Court, and if he is empowered to commit for trial, he shall stop further proceedings and commit the accused under the provisions hereinbefore contained.
- (3) If such magistrate is not empowered to commit for trial, he shall proceed under sub-section (1) of this section.

Conviction or commitment on evidence partly recorded by one Magistrate and partly by another.

284. Whenever any Magistrate, after having heard and recorded the whole or any part of the evidence in an inquiry or a trial, ceases to exercise jurisdiction therein, and is succeeded by another Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself; or he may re-summon the witnesses and re-commence the inquiry or trial:—

Provided as follows:—

- (a) in any trial the accused may, when the second Magistrate commences his proceedings, demand that the witnesses or any of them be re-summoned and re-heard;
- (b) the High Court may, whether there be an appeal or not, set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was held, if it is of opinion that the accused has been materially prejudiced thereby, and may order a new inquiry or trial.

Detention of offenders attending court.

285. (1) Any person attending a Criminal Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of inquiry into or trial of any offence of which such Court can take cognizance and which, from the evidence, may appear to have been committed, and may be proceeded against as though he had been arrested or summoned.
- (2) When the detention takes place in the course of an inquiry under Chapter XVI or after a trial has been begun, the proceedings in respect of such person shall be commenced afresh, and the witnesses re-heard.

Courts to be open.

286. The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed an open Court, to which the public generally may have access, so far as the same can conveniently contain them:

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into or trial of any particular case that the public generally, or any particular person, shall not have access to, or be, or remain in, the room or building used by the Court.

CHAPTER XXIII.

Of the Mode of Taking and Recording Evidence in Inquiries and Trials.

Evidence to be taken in presence of accused.

287. Except as otherwise expressly provided, all evidence taken under Chapters XVI, XVIII, XIX, XX, and XXI shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in the presence of his advocate.

Manner of recording evidence.

288. In inquiries and trials (other than summary trials) under this Ordinance by or before a Magistrate, the evidence of the witnesses shall be recorded in the following manner:—

Record in summons cases.

- (1) In summons-cases tried before a Magistrate and in all proceedings under section 403 (if not in the course of a trial), the Magistrate shall make a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

- (2) Such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.
- (3) In all other trials before Magistrates and in all inquiries under Chapter XVI the evidence of each witness shall be taken down in writing in the language of the Court by the Magistrate, or in his presence and hearing and under his personal direction and superintendence, and shall be signed by the Magistrate. Record in other cases.
- (4) If the Magistrate is prevented from making a memorandum or taking down the evidence or record of evidence as above required, he shall record the reason of his inability to do so, and shall as the examination of each witness proceeds cause such memorandum or record of evidence to be made in writing from his dictation in open Court, and shall sign the same; and such memorandum or record of evidence shall form part of the record.

289. (1) Evidence taken under section 288 shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative. Mode of recording evidence under section 288.

(2) The Magistrate may, in his discretion take down, or cause to be taken down, any particular question and answer.

290. (1) As the evidence of each witness taken down under section 288 is completed, it shall be read over to him in the presence of the accused if in attendance or his advocate, if he appears by advocate, and shall, if necessary, be corrected. Procedure in regard to such evidence when completed.

(2) If the witness denies the correctness of any part of the evidence when the same is read over to him, the Magistrate may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

(3) If the evidence is taken down in a language different from that in which it has been given, and the witness does not understand the language in which it is taken down the evidence so taken down shall be interpreted to him in the language in which it was given, or in a language which he understands.

291. (1) Whenever any evidence is given in a language not understood by the accused, and he is present in person, it shall be interpreted to him in open Court in a language understood by him. Interpretation of evidence to accused or his advocate.

(2) If he appears by advocate and the evidence is given in a language other than the language of the Court, and not understood by the advocate, it shall be interpreted to such advocate in the language of the Court.

(3) When documents are put in for the purpose of formal proof, it shall be in the discretion of the Court to interpret as much thereof, as appears necessary.

292. When a Magistrate has recorded the evidence of a witness he shall also record such remarks (if any) as he thinks material respecting the demeanour of such witness whilst under examination. Remarks respecting demeanour of witness

293. (1) Whenever the accused is examined by any Magistrate the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full in the language of the Court and such record shall be shown or read to him, or, if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands and he shall be at liberty to explain or add to his answers. Examination of accused how recorded.

(2) When the whole is made conformable to what the accused declares is the truth, the record shall be signed by the Magistrate, and such Magistrate shall certify under his own hand that the examination was taken in his presence and hearing, and that the record contains a full and true account of the statement made by the accused.

(3) In cases in which the examination of the accused is not recorded by the Magistrate himself, he shall be bound, as the examination proceeds, to make a memorandum thereof in the language of the Court, and such memorandum shall be written and signed by the Magistrate with his own hand, and shall be annexed to the record. If the Magistrate is unable to make a memorandum as above required, he shall record the reason of such inability.

- (4) Nothing in this section shall be deemed to apply to the examination of an accused person under section 221.

Record of evidence
in High Court.

294. The High Court may, from time to time, by rule, prescribe the manner in which evidence shall be taken down in cases coming before the Court, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

CHAPTER XXIV.

Of the Judgment.

Mode of delivering
Judgment.

295. (1) The judgment in every trial in any Criminal Court or original jurisdiction shall be pronounced, or the substance of such judgment shall be explained,—
- (a) in open Court either immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties or their advocates,
- and
- (b) in the language of the Court, or in some other language which the accused or his advocate understands:
- Provided that the whole judgment shall be read out by the presiding Judge or Magistrate, if he is requested so to do either by the prosecution or the defence.
- (2) The accused shall, if in custody, be brought up, or, if not in custody, be required by the Court to attend, to hear judgment delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only or he is acquitted, in either of which cases it may be delivered in the presence of his advocate.
- (3) No judgment delivered by any Criminal Court shall be deemed to be invalid by reason only of the absence of any party or his advocate on the day or from the place notified for the delivery thereof, or of any omission to serve, or defect in serving, on the parties or their advocates, or any of them, the notice of such day and place.
- (4) Nothing in this section shall be construed to limit in any way the extent of the provisions of section 420.

Language of Judgment

Contents of Judgments.

296. (1) Every such judgment shall, except as otherwise expressly provided by this Ordinance be written by the presiding Officer of the Court in the language of the Court, and shall contain the point or points for determination, the decision thereon and the reasons for the decision; and shall be dated and signed by the presiding Officer in open Court at the time of pronouncing it.
- (2) It shall specify the offence (if any) of which, and the section of the Penal Code or other law under which, the accused is convicted, and the punishment to which he is sentenced.
- (3) When the conviction is under the Penal Code, and it is doubtful under which of two sections, or under which of two parts of the same section, of that Code the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative.
- (4) If it be a judgment of acquittal, it shall state the offence of which the accused is acquitted and direct that he be set at liberty.
- (5) If the accused is convicted of an offence punishable with death, and the Court sentences him to any alternative punishment provided other than death, the Court shall in its judgment state the reason why sentence of death was not passed:
- Provided that, in trials by jury, the Court need not write a judgment, but shall record the heads of the charge to the jury.

Judgment in
alternative.

Sentence of death.

Sentence of
transportation.

297. (1) When any person is sentenced to death the sentence shall direct that he be hanged by the neck till he is dead.
- (2) No sentence of transportation shall specify the place to which the person sentenced is to be transported.

298. No Court, when it has signed its judgment, shall alter or review the same, except as provided in sections 313 and 375 or to correct a clerical error. Court not to alt Judgment.

299. (1) On the application of the accused a copy of the judgment, or, when he so desires, a translation in his own language, if practicable, shall be given to him without delay. Such copy shall be given free of costs. Copy of Judgment etc., to be given to accused on application.

(2) In trials by jury, a copy of the heads of the charge to the jury shall, on the application of the accused, be given to him without delay and free of costs.

(3) When the accused is sentenced to death by a Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred. Case of person sentenced to death.

CHAPTER XXV.

Of Execution.

300. When a sentence of death is passed by the High Court the Court shall on receiving the order of the Appeal Court, if any, thereon and the order of confirmation of sentence or other order by the Governor issue a warrant or take such other steps as may be necessary to carry such order or orders into effect. Execution of sentence of death.

301. If a woman sentenced to death is found to be pregnant, the High Court shall order the execution of the sentence to be postponed. Postponement of capital sentence on pregnant woman.

302. Where the accused is sentenced to transportation or imprisonment in cases other than those provided for by section 300 the Court passing the sentence shall forthwith forward a warrant to the jail in which he is, or is to be, confined, and unless the accused is already confined in such jail, shall forward him to such jail, with the warrant. Execution of sentences of transportation or imprisonment in other cases.

303. (1) Every warrant for the execution of a sentence of imprisonment shall be directed to the officer in charge of the jail or other place in which the prisoner is, or is to be, confined. Direction of warrant for execution.

(2) When the prisoner is to be confined in a jail, the warrant shall be lodged with the jailor. Warrant with whom to be lodged.

304. Whenever an offender is sentenced to pay a fine the Court passing the sentence may, in its discretion, issue a warrant for the levy of the amount by the sale of any property belonging to the offender, although the sentence directs that, in default of payment of the fine, the offender shall be imprisoned. Warrant for levy of fine.

305. Such warrant may be executed within the local limits of the jurisdiction of such Court, and it shall authorise the distress and sale of any such property without such limits, when endorsed by a Magistrate holding a subordinate court of the 2nd Class within the local limits of whose jurisdiction such property is found. Effect of such warrant.

306. (1) When an offender has been sentenced to fine only and to imprisonment in default of payment of the fine, and the Court issues a warrant under section 304, it may suspend the execution of the sentence of imprisonment and may release the offender on his executing a bond, with or without sureties, as the Court thinks fit, conditioned for his appearance before such Court on the day appointed for the return to such warrant, such day not being more than fifteen days from the time of executing the bond; and in the event of the fine not having been realised the Court may direct the sentence of imprisonment to be carried into execution at once. Suspension of execution of sentence of imprisonment.

(2) In any case in which an order for the payment of money has been made, on non-recovery of which imprisonment may be awarded, and the money is not paid forthwith, the Court may require the person ordered to make such payment to enter into a bond as prescribed in sub-section (1), and in default of his so doing may at once pass sentence of imprisonment as if the money had not been recovered.

307. Every warrant for the execution of any sentence may be issued either by the Judge or Magistrate who passed the sentence or by his successor in office. Who may issue warrant.

308. When the accused is sentenced to whipping only, the sentenced shall be executed as such place and time as the Court may direct. Execution of sentence of whipping only.

Execution of sentence of whipping, in addition to imprisonment.

309. (1) When the accused is sentenced to whipping in addition to imprisonment exceeding 15 days in a case which is subject to appeal, the whipping shall not be inflicted until fifteen days from the date of the sentence, or, if an appeal is made within that time, until the sentence is confirmed by the Appellate Court; but the whipping shall be inflicted as soon as practicable after the expiry of the fifteen days, or, in case of an appeal, as soon as practicable after the receipt of the order of the Appellate Court confirming the sentence.
- (2) The whipping shall be inflicted in the presence of the officer in charge of the jail, unless the Judge or Magistrate order it to be inflicted in his own presence.
- (3) Save as otherwise provided by section 18 no accused person shall be sentenced to whipping in addition to imprisonment when the term of imprisonment to which he is sentenced is less than three months.

Mode of inflicting punishment.

310. (1) Whipping shall be inflicted in such mode, and on such part of the person and with such instrument as the Governor directs.

Limit of number of stripes.

- (2) In no case shall such punishment exceed 24 stripes.

Not to be executed by instalments.

311. No sentence of whipping shall be executed by instalments: and none of the following persons shall be punishable with whipping (namely):—

- (a) females;
- (b) males sentenced to death,
- (c) males whom the Court considers to be more than forty-five years of age.

Exemptions. Whipping not to be inflicted if offender not in fit state of health.

312. (1) The punishment of whipping shall not be inflicted unless a Medical Officer, if present, certifies or, if there is not a Medical Officer present, unless it appears to the Magistrate or officer present, that the offender is in a fit state of health to undergo such punishment.

Stay of execution.

- (2) If, during the execution of a sentence of whipping, a Medical officer certifies, or it appears to the magistrate or officer present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

Procedure if punishment cannot be inflicted under section 312.

313. (1) In any case in which, under section 312 a sentence of whipping is, wholly or partially, prevented from being executed, the offender shall be kept in custody till the Court which passed the sentence, can revise it; and the said Court may, at its discretion, either remit such sentence, or sentence the offender in lieu of whipping or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any term not exceeding twelve months which may be in addition to any other punishment to which he may have been sentenced for the same offence.

- (2) Nothing in this section shall be deemed to authorise any Court to inflict imprisonment for a term exceeding that to which the accused is liable by law, or that which the said Court is competent to inflict.

Execution of sentences on escaped convicts.

314. (1) When sentence is passed under this Ordinance on an escaped convict, such sentence, if of death, fine or whipping, shall, subject to the provisions hereinbefore contained, take effect immediately, and, if of imprisonment, penal servitude or transportation, shall take effect according to the following rules, that is to say:—

- (2) if the new sentence is severer in its kind than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

- (3) When the new sentence is not severer in its kind than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment, penal servitude or transportation, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

EXPLANATION.—For the purposes of this section—

- (a) a sentence of penal servitude shall be deemed severer than a sentence of imprisonment;
- (b) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement; and
- (c) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

315. When a person already undergoing a sentence of imprisonment, penal servitude or transportation is sentenced to imprisonment, penal servitude or transportation, such imprisonment, penal servitude or transportation shall commence at the expiration of the imprisonment, penal servitude or transportation to which he has been previously sentenced. Sentenced offender already sentenced for another offence.

316. (1) Nothing in section 314 or section 315 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction. Saving as to sections 314 and 315.

(2) When an award of imprisonment in default of payment of a fine is annexed to a substantive punishment of imprisonment, or to a sentence of transportation or penal servitude for an offence punishable with imprisonment, and the person undergoing the sentence is after its execution to undergo a further substantive sentence, or further substantive sentences of imprisonment, transportation or penal servitude, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences.

317. When a sentence has been fully executed, the officer executing it shall return the warrant to the Court from which it is issued, with an endorsement under his hand certifying the manner in which the sentence has been executed. Return of warrant on execution of sentence.

CHAPTER XXVI.

Of Previous Acquittals or Convictions.

318. (1) A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 195 or for which he might have been convicted under section 196. Person once convicted or acquitted not to be tried.
- (2) A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under section 194, sub-section (1).
- (3) A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last mentioned offence, if the consequences had not happened, or were not known to that Court to have happened, at the time when he was convicted.
- (4) A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction be subsequently charged with, and tried for any other offence constituted by the same acts which he may have committed if the Court by which he first tried was not competent to try the offence with which he is subsequently charged.

EXPLANATION.—The dismissal of a complaint, the stopping of proceedings under section 208, the discharge of the accused or any entry made upon a charge under section 226 is not an acquittal for the purposes of this section.

(a) *A* is tried upon a charge of theft as a servant and acquitted. He cannot afterwards while the acquittal remains in force, be charged with theft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

(b) *A* is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that *A* committed robbery at the time when the murder was committed, he may afterwards be charged with, and tried for, robbery.

(c) *A* is tried for causing grievous hurt and convicted. The person injured afterwards dies. *A* may be tried again for culpable homicide.

(d) *A* is charged before the High Court and convicted of the culpable homicide of *B*. *A* may not afterwards be tried on the same facts for the murder of *B*.

(e) *A* is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to *B*. *A* may not afterwards be tried for voluntarily causing hurt to *B* on the same facts, unless the case comes within paragraph 3 of the section.

(f) *A* is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of *B*. *A* may be subsequently charged with, and tried for robbery on the same facts.

(g) *A*, *B* and *C* are charged by a Magistrate of the first class with and convicted by him of robbing *D*. *A*, *B* and *C* may afterwards be charged with, and tried for, dacoity on the same facts.

PART VII.

Of Appeal and Revision.

CHAPTER XXVII.

Of Appeals.

Unless otherwise provided, no appeal to lie.

319. No appeal shall lie from any Judgment or order of a Criminal Court except as provided for by this Ordinance or by any other law for the time being in force.

Appeals from High Court to His Majesty's Court of Appeal for Eastern Africa.

320. Any person convicted on a trial held by the High Court may appeal to His Majesty's Court of Appeal for Eastern Africa.

(a) against his conviction on any ground of appeal which involves a question of law alone; and

(b) with the leave of such Court of appeal or upon the certificate of the Judge who tried him that it is a fit case for appeal on any ground of appeal which involves a question of fact alone or a question of mixed law and fact or any other ground which appears to the Court to be a sufficient ground of appeal; and

(c) with the leave of such Court of Appeal against the sentence passed on conviction unless such sentence is one fixed by law.

Provided that where the trial was by jury an appeal shall lie on a matter of law only. For the purposes of this proviso the alleged severity of a sentence shall be deemed to be a matter of law.

Appeal from order rejecting application for restoration of attached property.

321. Any person whose application under section 72 for the delivery of property or the proceeds of the sale thereof has been rejected by any Court, may appeal to the High Court.

Appeal from order requiring security for good behaviour.

322. Any person ordered by a Magistrate to give security for good behaviour under section 101 may appeal to the High Court.

Appeal to High Court.

323. (1) Any person convicted on a trial held by any subordinate court may appeal to the High Court save as hereinafter provided.

(2) An appeal to the High Court may be on a matter of fact as well as a matter of law.

No appeal in petty cases.

324. (1) Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which a Magistrate empowered to hold a subordinate court of the first class passes sentence of imprisonment not exceeding one month only, or of fine not exceeding fifty rupees only, or of whipping only.

Provided that there shall be no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has also been passed.

- (2) Notwithstanding anything hereinbefore contained there shall be no appeal by an accused person who has pleaded guilty and has been convicted on such plea by a subordinate court of the first class except as to the extent or legality of the sentence. No appeal in certain cases where accused has pleaded guilty.

325. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in any case tried summarily in which a Magistrate empowered to act under section 219 passes a sentence of imprisonment not exceeding three months only or of fine not exceeding two hundred rupees only, or of whipping only. No appeal from certain summary convictions.

326. An appeal may be brought against any sentence referred to in section 324 or section 325 by which any two or more of the punishments therein mentioned are combined, but no sentence which would not otherwise be liable to appeal, shall be appealable merely on the ground that the person convicted is ordered to find security to keep the peace. Proviso to sections 324 and 325.

EXPLANATION.—A sentence of imprisonment in default of payment of fine is not a sentence by which two or more punishments are combined within the meaning of this section.

327. Every appeal under this Ordinance shall be entered within thirty days of the date of the order or sentence appealed against. Time within which appeal shall be entered.

328. The Indian Limitation Act, 1877 shall apply to all appeals under this Ordinance except in so far as the said Act prescribes the period within which appeals in criminal matters shall be entered. Indian Limitation Act to apply.

329. Every appeal to the High Court shall be made in the form of a petition in writing presented by the appellant or his advocate, and every such petition shall (unless the High Court otherwise directs) be accompanied by a copy of the judgment or order appealed against. Petition of appeal.

330. If the appellant is in jail, he may present his petition of appeal and the copies accompanying the same to the officer in charge of the jail, who shall thereupon forward such petition and copies to the Registrar of the High Court. Procedure when appellant in jail.

331. (1) On receiving the petition and copy under section 329 or section 330 the High Court shall peruse the same, and if it considers that there is no sufficient ground for interfering, it may dismiss the appeal summarily: Summary dismissal of appeal.

Provided that no appeal presented under section 329 shall be dismissed unless the appellant if not in custody or his advocate has had a reasonable opportunity of being heard in support of the same.

- (2) Before dismissing an appeal under this section, the Court may call for the record of the case, but shall not be bound to do so.

332. If the High Court does not dismiss the appeal summarily, it shall cause notice to be given to the appellant or his advocate, and to the Attorney General of the time and place at which such appeal will be heard, and shall furnish the Attorney General with a copy of the grounds of appeal; Notice of appeal.

333. The High Court shall then send for the record of the case, if such record is not already in Court. After perusing such record, and hearing the appellant or his advocate, if he appears, and the Public Prosecutor, if he appears, the Court may, if it considers that there is no sufficient ground for interfering dismiss the appeal, or may:— Powers of Appellate Court in disposing of appeal.

- (a) in an appeal from a conviction, (1) reverse the finding and sentence and acquit or discharge the accused, or order him to be retried by a Court of competent jurisdiction or commit him for trial, or (2) alter the finding, maintaining the sentence, or with or without altering the finding, reduce the sentence, or (3) with or without such reduction and with or without altering the finding, alter the nature of the sentence but subject to the provisions of section 89 not so as to enhance the same.

- (b) in an appeal from any other order alter or reverse such order
- (c) make any amendment or any consequential or incidental order that may be just or proper.

Powers of His Majesty's Court of Appeal for Eastern Africa.

334. His Majesty's Court of Appeal for Eastern Africa may exercise in an appeal from the High Court any of the powers conferred by this Ordinance upon the High Court in the exercise of its appellate jurisdiction.

Provided that nothing shall authorize such Court of Appeal to alter or reverse the verdict of a jury unless it is of opinion that such verdict is erroneous owing to a misdirection by the Judge or to a misunderstanding on the part of the jury of the law as laid down by him.

Order by High Court on appeal to be certified to lower Court.

335. (1) Whenever a case is decided on appeal by the High Court under this chapter, it shall certify its judgment or order to the Court by which the finding, sentence or order appealed against was recorded or passed.
- (2) The Court to which the High Court certifies its judgment or order shall thereupon make such orders as are conformable to the judgment or order of the High Court; and, if necessary, the record shall be amended in accordance therewith.

Suspension of sentence pending appeal. Release of appellant on bail.

336 Pending any appeal by a convicted person, the High Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, also, if he is in confinement, that he be released on bail or on his own bond.

Period of suspension to be excluded from time.

337 When the appellant is ultimately sentenced to imprisonment, penal servitude or transportation, the time during which he is so released shall be excluded in computing the term for which he is so sentenced.

Appellate Court may take further evidence or direct it to be taken.

338. (1) In dealing with any appeal under this chapter, the High Court, if it thinks additional evidence be necessary, shall record its reasons, and may either take such evidence itself, or direct it to be taken by a Magistrate.
- (2) When the additional evidence is taken by the Magistrate, he shall certify such evidence to the High Court, and such Court shall thereupon proceed to dispose of the appeal.
- (3) Unless the High Court otherwise directs, the accused or his advocate shall be present when the additional evidence is taken.
- (4) The taking of evidence under this section shall be subject to the provisions of Chapter XXIII as if it were an inquiry.

Number of Judges to hear appeal.

339. All appeals to the High Court shall be heard by not less than two Judges. Provided that any interlocutory matter may be heard and disposed of by one Judge. If on the hearing of an appeal the Court is equally divided in opinion the appeal shall be dismissed.

Abatement of appeals.

340. Every appeal under this chapter (except an appeal from a sentence of fine) shall finally abate on the death of the appellant.

Of Revision.

Power of High Court to call for records.

341. The High Court may call for and examine the records of any criminal proceedings before any subordinate court for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed and as to the regularity of any proceeding of such subordinate court.

Power of subordinate to call for records of inferior courts and to report to the High Court.

342. (1) Any Magistrate may call for and examine the record of any proceeding before any inferior criminal Court situate within the local limits of his jurisdiction for the purpose of satisfying himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court.
- (2) If any Magistrate acting under sub-section (1) considers that any such finding, sentence or order is illegal or improper, or that any such proceedings are irregular, he shall forward the record, with such remarks thereon as he thinks fit, to the High Court.

343. (1) In the case of any proceeding in a subordinate court the record of which has been called for or which has been reported for orders, or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by sections 333, 336, and 338 and may enhance the sentence. High Court's powers of revision.
- (2) No order under this section shall be made to the prejudice of the accused unless he has had an opportunity of being heard either personally or by advocate in his own defence.
- (3) Where the sentence dealt with under this section has been passed by a subordinate court, the High Court shall not inflict a greater punishment for the offence which in the opinion of the High Court the accused has committed than might have been inflicted for such offence by a Magistrate empowered to hold a subordinate court of the 1st class.
- (4) Nothing in this section shall be deemed to authorize a High Court to convert a finding of acquittal into one of conviction.
- (5) Where under this Ordinance an appeal lies and no appeal is brought, no proceeding by way of revision shall be entertained at the instance of the party who could have appealed.

344. No party has any right to be heard either personally or by advocate before the High Court when exercising its powers of revision : Optional with Court to hear parties.

Provided that such Court may, if it thinks fit, when exercising such powers, hear any party either personally or by advocate and that nothing in this section shall be deemed to affect section 343 sub-section (2).

345. All proceedings before the High Court in the exercise of its revisional jurisdiction may be heard and any judgment or order thereon may be made or passed by one Judge, provided that when such Court is composed of more than one Judge and such Court is equally divided in opinion, the sentence or order of the subordinate court shall be upheld. Number of Judges in revision.

346. When a case is revised by the High Court it shall certify its decision or order to the Court by which the sentence or order so revised was recorded or passed and the Court to which the decision or order is so certified, shall thereupon make such orders as are conformable to the decision so certified and if necessary the record shall be amended in accordance therewith. High Courts' order to be certified to lower Court.

PART VIII.

Special Proceedings.

CHAPTER XXVIII.

Trial of Europeans.

347. Save as hereinafter provided every case in which a European shall appear before a Magistrate accused of any offence punishable with imprisonment which may exceed six months shall be enquired into under Chapter XVI of this Ordinance as if the offence were one triable exclusively by the High Court and if there are sufficient grounds for committing the accused for trial the Magistrate shall, if he has power to commit, commit him for trial by the High Court. Method of inquiry into certain offences committed by Europeans.

348. Notwithstanding anything contained in the preceding section a Magistrate holding a subordinate court of the 1st and 2nd class may try and pass sentence according to law upon a European in any of the following cases :— Offences committed by Europeans triable by Magistrate.

- (a) If the maximum term of imprisonment prescribed by law as a punishment for the offence alleged does not exceed three years and the Magistrate after hearing the evidence for the prosecution is of opinion that the accused would be adequately punished for the offence by a fine or by imprisonment for a term not exceeding six months with or without fine and the person accused shall consent to be tried by such Magistrate.

- (b) If after inquiry into any case in which a person is accused of an offence punishable with imprisonment which may exceed six months, the Magistrate considers for reasons to be recorded by him that there is not evidence against the accused of the alleged offence but there is evidence against the accused of a lesser offence, the punishment for which does not exceed imprisonment for six months with or without fine.
- (c) If after enquiring into a case in which a person is accused of an offence punishable with imprisonment which may exceed three years, the Magistrate considers for reasons to be recorded by him that there is not sufficient evidence of the commission of the alleged offence but there is evidence against the accused of a lesser offence the punishment for which does not exceed imprisonment for three years with or without fine, and the Magistrate is of opinion that the accused would be adequately punished for the offence by a fine, or by imprisonment for a term not exceeding six months with or without fine, and the person accused shall consent to be tried by such Magistrate.
- (d) Cases in which, notwithstanding the provisions of this Chapter, a Magistrate is given jurisdiction over Europeans by any other Ordinance or law.
- (e) If the Magistrate is empowered to try offences in a summary way and the offence alleged is triable summarily under the provisions of section 219 of the Ordinance.

Nature of imprisonment

349. Imprisonment for the purposes of this Chapter shall mean rigorous or simple imprisonment or imprisonment with or without hard labour.

When accused to be asked if he is a European

350. (1) Unless the Magistrate has reasons to believe that any person brought before him is not a European, the Magistrate shall ask such person if he is a European.

When right to be tried as a European to be deemed to be relinquished

(2) If a person does not claim to be a European when before the Magistrate by whom he is tried or by whom he is committed for trial, or, if when such claim has been made and disallowed by the committing Magistrate it is not again made before the High Court, he shall be held to have relinquished his right to be dealt with as a European and shall not assert it at any subsequent stage of the same case.

Europeans committed to be tried by jury of Europeans

351. Every person committed for trial to the High Court under the provisions of this Chapter shall be tried by a jury composed of Europeans.

European accused jointly with a non-European

352. In any case in which a European is accused jointly with a person not being a European and such persons are committed for trial, they shall be tried together and the procedure at the trial shall be the same as it would have been had the European been tried separately.

Grounds of claim to be dealt with as a European to be stated and inquired into

353. (1) When any person claims to be dealt with under this Chapter he shall state the grounds of such claim to the Magistrate before whom he is brought for the purpose of inquiry or trial: and such Magistrate shall if necessary inquire into the truth of such statement and allow the person making it reasonable time within which to prove that it is true and shall then decide whether he is or is not a European. If any such person is convicted by such Magistrate and appeals from such conviction the burden of proving that the Magistrate's decision on such claim was wrong shall lie upon such person.

(2) The question of any person claiming to be dealt with under this Chapter as a European is a question of fact for the Court.

Saving of proceedings when a non-European is tried under this Chapter

354. When a person who is not a European is dealt with under this Chapter and does not object, the inquiry, commitment, trial, finding or sentence as the case may be shall not by reason thereof be invalid.

Accused, and wife or husband competent witnesses

355. Every European accused of an offence and the wife or husband, as the case may be, of the person so accused shall be a competent witness for the accused solely or jointly with any other person.

Provided as follows:—

- (a) A person so accused shall not be called as a witness in pursuance of this Chapter except upon his own application.
- (b) The failure of any person accused of an offence or of the wife or husband, as the case may be, of the person so accused to give evidence shall not be made the subject of any comment by the prosecution.
- (c) The wife or husband of the person so accused shall not, save as hereinbefore mentioned, be called as a witness except upon the application of the person so accused.
- (d) Nothing in this Ordinance shall make a husband compellable to disclose any communication made to him by his wife during the marriage or a wife compellable to disclose any communication made to her by her husband during the marriage.
- (e) A person accused and being a witness in pursuance of this Chapter may be asked any questions in cross-examination notwithstanding that it will tend to criminate him as to the offence accused.
- (f) A person accused and called as a witness in pursuance of this Chapter shall not be asked and if asked shall not be required to answer any question tending to show that he has committed or been convicted of or been accused of any offence other than that wherewith he is then accused or is of bad character unless:—
 - (i) the proof that he has committed or been convicted of such offence is admissible evidence to show that he is guilty of the offence wherewith he is then accused.
 - (ii) he has personally or by his advocate asked questions of the witnesses for the prosecution with a view to establishing his own good character, or the nature or conduct of the defence is such as to involve imputation on the character of the prosecutor or the witnesses for the prosecution; or
 - (iii) he has given evidence against any other person accused of the same offence.
- (g) Every person called as a witness in pursuance of this Chapter shall, unless otherwise ordered by the Court, give his evidence from the witness box or other place from which the other witnesses have given their evidence.
- (h) Nothing in this Chapter shall affect the other provisions of this Ordinance with regard to the examination of an accused person or the right of the person accused to make a statement.

356. Where the only witness to the facts of the case called by the defence is the person accused he shall be called as a witness immediately after the close of the evidence for the prosecution. Procedure when accused is only witness for the defence.

357. In a case where the right of reply depends upon the question whether evidence has been called for the defence the fact that the person accused has been called as a witness shall not of itself confer on the prosecution the right of reply. Right of reply.

358. In any inquiry or trial in which the wife or husband of a person accused might be called as a witness for the prosecution under any law in force for the time being the wife or husband may be called as a witness for the prosecution or defence and without the consent of the person charged. Cases when wife or husband may be called without the consent of the accused.

359. The procedure otherwise prescribed by this Ordinance shall be followed in every inquiry, trial, finding or sentence in every case in which a European is the person or one of the persons accused except in so far as such procedure is repugnant to the provisions of this Chapter. Procedure on trial of European.

CHAPTER XXIX.

Lunatics.

Procedure in case of accused being lunatic.

360. (1) When a Magistrate holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by a Medical Officer, and thereupon shall examine such medical officer as a witness, and shall reduce the examination to writing.
- (2) If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he shall postpone further proceedings in the case.

Procedure in case of person committed before High Court being lunatic.

361. (1) If any person committed for trial before the High Court appears to the Court at his trial to be of unsound mind and consequently incapable of making his defence, the jury, or the Court with the aid of assessors, shall, in the first instance, try the fact of such unsoundness and incapacity, and, if satisfied of the fact, shall pass judgment accordingly, and thereupon the trial shall be postponed.
- (2) The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.

Release of lunatic pending investigation or trial

362. (1) Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or the High Court, as the case may be, if the case is one in which bail may be taken, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or the High Court or such officer as the Magistrate or the High Court appoints in this behalf.

Custody of lunatic

- (2) If the case is one in which bail may not be taken, or if sufficient security is not given, the Magistrate or the High Court as the case may be shall report the case to the Governor, remanding the accused to custody pending orders, and the Governor may order the accused to be confined in a lunatic asylum, jail or other suitable place of safe custody, and the Magistrate or the High Court shall give effect to such order.

Resumption of inquiry or trial

363. (1) Whenever an inquiry or a trial is postponed under section 360 or section 361 the Magistrate or the High Court, as the case may be, may at any time resume the inquiry or trial, and require the accused to appear or be brought before such Magistrate or High Court.
- (2) When the accused has been released under section 362, and the sureties for his appearance produce him to the officer whom the Magistrate or the High Court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

Procedure on accused appearing before Magistrate or Court

364. (1) If, when the accused appears or is again brought before the Magistrate or the High Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the inquiry or trial shall proceed.
- (2) If the Magistrate or the High Court considers the accused person to be still incapable of making his defence, the Magistrate or the High Court shall again act according to the provisions of section 360 or section 361, as the case may be.

When accused appears to have been insane

365. When the accused appears to be of sound mind at the time of inquiry or trial, and the Magistrate is satisfied from the evidence given before him that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was, at the time

when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Magistrate shall proceed with the case, and, if the accused ought to be committed to the High Court, send him for trial before the High Court.

366. Whenever any person is acquitted upon the ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, the finding shall state specifically whether he committed the act or not. Judgment of acquittal on ground of lunacy.

367. (1) Whenever such judgment states that the accused person committed the act alleged, the Magistrate or the High Court before whom or which the trial has been held, shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be kept in safe custody in such place and manner as such Magistrate or Court thinks fit, and shall report the case for the orders of the Governor. Person acquitted on such ground to be kept in safe custody.

(2) The Governor may order such person to be confined in a lunatic asylum, jail or other suitable place of safe custody.

(3) The Governor in Council may, by general or special order, direct that any person who has been ordered under this Chapter to be confined in a lunatic asylum, jail or other place of safe custody, shall be removed from the place where he is confined, to any lunatic asylum, jail or other place of safe custody in the Protectorate. Power of Governor in Council to order criminal lunatics confined by order of government to be removed from one place to another.

368. When any person is confined under the provisions of section 362 or section 367 if such person is confined in a jail, the visiting justices of the prison or the visitors of the lunatic asylum, or any two of them, if he is confined in a lunatic asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by two of such visitors as aforesaid: and such visitors shall make a special report to the Governor as to the state of mind of such person. Lunatic prisoners to be visited.

369. If such person is confined under the provisions of section 362, and such visitors shall certify that, in their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or High Court as the case may be, at such time as the Magistrate or High Court appoints, and the Magistrate or High Court shall deal with such person under the provisions of section 364 and the certificate of such visitors as aforesaid shall be receivable as evidence. Procedure where lunatic prisoner is reported capable of making his defence.

370. (1) If such person is confined under the provisions of section 362 or section 367 and such visitors shall certify that, in their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Governor may thereupon order him to be discharged, or to be detained in custody, or to be transferred to a public lunatic asylum if he has not been already sent to such an asylum, and, in case he orders him to be transferred to an asylum, may appoint a Commission, consisting of a judicial and two medical officers. Procedure where lunatic confined under section 362 or 365 is declared fit to be discharged.

(2) Such Commission shall make formal inquiry into the state of mind of such person, taking such evidence as necessary, and shall report to the Governor, who may order his discharge or detention as he thinks fit.

371. (1) Whenever any relative or friend of any person confined under the provisions of section 362 or section 367 desires that he shall be delivered over to his care and custody, the Governor upon the application of such relative or friend, and, on his giving security to the satisfaction of the Governor that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order such person to be delivered to such relatives or friends. Delivery of lunatic to care of relative.

(2) Whenever such person is so delivered, it shall be upon condition that he shall be produced for the inspection of such officer and at such times as the Governor directs.

(3) The provisions of sections 368 and 370 shall, *mutatis mutandis*, apply to persons delivered under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be receivable as evidence.

CHAPTER XXX.

**Proceedings in case of certain Offences affecting the
Administration of Justice.**

Procedure in case mentioned in section 157

372. (1) When any Civil or Criminal Court is of opinion that there is ground for inquiring into any offence referred to in section 157 and committed before it or brought under its notice in the course of a judicial proceeding, such Court, after making any preliminary inquiry that may be necessary, may send the case for inquiry or trial to the nearest Magistrate empowered to hold a subordinate court of the first class, and may send the accused in custody, or take sufficient security for his appearance, before such Magistrate; and may bind over any person to appear and give evidence on such inquiry or trial.

(2) Such Magistrate shall thereupon proceed according to law, and as if upon complaint made and recorded under section 162.

Powers of High Court as to such offences committed before itself

(3) The High Court may charge a person for any offence referred to in section 157 and committed before it or brought under its notice in the course of a judicial proceeding and may commit or admit to bail and try such person upon its own charge.

Procedure in certain cases of contempt.

373. When any such offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Penal Code is committed in the view or presence of any civil or criminal Court, the Court may cause the offender, whether he is a European or not, to be detained in custody; and at any time before the rising of the Court on the same day may, if it thinks fit, take cognizance of the offence and sentence the offender to a fine not exceeding two hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid.

Record in such cases.

374. (1) In every case the Court shall record the facts constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

(2) If the offence is under section 228 of the Penal Code, the record shall show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult.

Discharge of offender on submission or apology.

375. When any Court has under section 373 adjudged an offender to punishment for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may, in its discretion, discharge the offender or remit the punishment on his submission to the order or requisition of such Court, or an apology being made to its satisfaction.

Procedure where Court considers that case should not be dealt with under section 373.

376. (1) If the Court in any case considers that a person accused of any of the offences referred to in section 373 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 373, such Court after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try or enquire into the same, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, shall forward such person in custody to such Magistrate.

The Magistrate to whom any case is forwarded under this section, shall proceed to hear the complaint against the accused person in manner hereinbefore provided.

377. If any witness or person called to produce a document or thing before a Criminal Court refuses to answer such questions as are put to him or to produce any document or thing in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, such Court may, for reasons to be recorded in writing, sentence him to simple imprisonment, or by warrant under the hand of the presiding Magistrate or Judge commit him to the custody of an Officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer, or to produce the document or thing. In the event of his persisting in his refusal, he may be dealt with according to the provisions of section 373 or 376, and, in the case of the High Court, shall be deemed guilty of a contempt.

Imprisonment or committal of person refusing to answer or produce document.

378. (1) Any person sentenced by any Court under section 373 or section 377 may, notwithstanding anything hereinbefore contained, appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.
- (2) The provisions of Chapter XXVII shall, so far as they are applicable, apply to appeals under this section, and the Appellate Court may alter or reverse the finding, or reduce or reverse the sentence appealed against.

Appeals from convictions in contempt cases.

379. (1) Except as provided in sections 372, 373 and 377, no Judge of a Criminal Court or Magistrate, other than a Judge of a High Court, shall try any person for any offence referred to in section 157, when such offence is committed before himself or in contempt of his authority, or is brought under his notice as such Judge or Magistrate in the course of a judicial proceeding.
- (2) Nothing in section 372 shall prevent a Magistrate empowered to commit to the High Court from himself committing any case to such Court.

Certain Judges and Magistrates not to try offences referred to in section 157 when committed before themselves.

CHAPTER XXXI.

Directions of the Nature of a Habeas Corpus and Writs.

380. (1) The High Court may, whenever it thinks fit, direct:—
- (a) that a person within the limits of the Protectorate be brought up before the Court to be dealt with according to law;
- (b) that a person illegally or improperly detained in public or private custody within such limits be set at liberty;
- (c) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court;
- (d) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners acting under the authority of any commission from the Governor in Council for trial to be examined touching any matter pending before such Court-martial or Commissioners respectively;
- (e) that a prisoner within such limits be removed from one custody to another for the purpose of trial; and
- (f) that the body of a defendant within such limits be brought in on a return of *cepi corpus* to a writ of attachment.
- (2) The High Court may, from time to time, frame rules to regulate the procedure in cases under this section.
381. (1) The High Court may in the exercise of its criminal jurisdiction issue any writ which may be issued by the High Court of Judicature in England.
- (2) The High Court may from time to time frame rules to regulate the procedure in cases under this section.

Power to issue directions of the nature of a habeas corpus.

Power of the High Court to issue writs.

PART IX.

Supplementary Provisions.

CHAPTER XXXII.

Of the Public Prosecutor.

Power to appoint
Public Prosecu-
tors.

382. (1) The Governor may appoint generally, or in any case, or for any specified class of cases, in any local area, one or more officers to be called Public Prosecutors.
- (2) In any case committed for trial to the High Court the Attorney General may appoint any advocate of the High Court, or officer of the administration not being an officer of police below the rank of Inspector of Police to be Public Prosecutor for the purpose of such case.

Public Pro-
secutors may
plead in all
Courts in cases
under his charge.
Advocates
privately in-
structed to be
under his
direction.

383. The Public Prosecutor may appear and plead without any written authority before any Court in which any case of which he has charge is under inquiry, trial or appeal; and, if any private person instructs an advocate to prosecute in any Court any person in any such case, the Public Prosecutor may conduct the prosecution, and the advocate so instructed shall act therein under his directions.

Effect of with-
drawal from
prosecution.

384. Any Public Prosecutor may, with the consent of the Court, or on the instructions of the Attorney General, in cases tried by jury before the return of the verdict, and in other cases before the judgment is pronounced, withdraw from the prosecution of any person; and, upon such withdrawal,—

- (a) if it is made before a charge has been framed, the accused shall be discharged;
- (b) if it is made after a charge has been framed, or when under this Ordinance no charge is required, he shall be acquitted.

Permission to
conduct
prosecution.

385. (1) Any Magistrate inquiring into or trying any case may permit the prosecution to be conducted by any person, but no person other than a Public Prosecutor or other officer generally or specially empowered by the Governor in this behalf shall be entitled to do so without such permission.
- (2) Any such person or officer shall have the like power of withdrawing from the prosecution as is provided by section 384, and the provisions of that section shall apply to any withdrawal by such person or officer.
- (3) Any person conducting the prosecution may do so personally or by an advocate.
- (4) An officer of police shall not be permitted without the consent of the Magistrate having jurisdiction in the case to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted.

CHAPTER XXXIII.

Of Bail.

In what cases
bail to be taken.

386. When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a police-station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceedings before such Court to give bail, such person shall be released on bail; Provided that such officer or Court if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

387. (1) When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police-station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused. When bail may be taken in case of non-bailable offence.

Provided that nothing in this section shall prevent a Magistrate from admitting to bail a person whom he has committed for trial, or a person whose sentence requires confirmation under section 19, or shall prevent a convict appellant from being admitted to bail as provided by section 336.

- (2) If it appears to such officer or Court at any stage of the investigation, inquiry or trial as the case may be, that there are not reasonable grounds for believing that the accused has committed such offence, but there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court on the execution by him of a bond without sureties for his appearance as hereinafter provided.
- (3) Any Court may, at any subsequent stage of any proceeding under this Ordinance cause any person who has been released under this section to be arrested, and may commit him to custody.

388. The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive; and the High Court may, in any case whether there be an appeal on conviction or not, direct that any person be admitted to bail or that the bail required by a police officer or Magistrate be reduced. Power to direct admission to bail or reduction of bail.

389. (1) Before any person is released on bail or released on his own bond, a bond for such sum of money as the police officer or Court, as the case may be, thinks sufficient, shall be executed by such person, and, when he is released on bail, by one or more sufficient sureties conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the police officer or Court, as the case may be. Bond of accused and sureties.
- (2) If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court, or other Court to answer the charge.

390. (1) As soon as the bond has been executed the person for whose appearance it has been executed shall be released; and when he is in jail, the Court admitting him to bail shall issue an order of release to the officer in charge of the jail and such officer on receipt of the order shall release him. Discharge from custody.
- (2) Nothing in this section, section 386 or section 387 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

391. If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it and may order him to find sufficient sureties, and on his failing so to do commit him to jail. Power to order sufficient bail when that first taken is insufficient.

392. (1) All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond either wholly or so far as relates to the applicants. Discharge of sureties.
- (2) On such application being made the Magistrate shall issue his warrant of arrest directing that the person so released be brought before him.
- (3) On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as it relates to the applicants, and shall call upon such person to find other sufficient sureties, and, if he fails to do so, may commit him to custody.

CHAPTER XXXIV.

Of Commissions for the Examinations of Witnesses.

- When attendance of witness may be dispensed with.
393. (1) Whenever, in the course of an inquiry, a trial or any other proceeding under this Ordinance the High Court is satisfied that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, the Court may issue a commission to any Magistrate, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.
- Issue of Commission, and procedure thereunder.
- (2) The Magistrate to whom the commission is issued, shall proceed to the place where the witness is or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Ordinance.
- Parties may examine witnesses.
394. (1) The parties to any proceeding under this Ordinance in which a commission is issued, may respectively forward any interrogatories in writing which the Court directing the commission may think relevant to the issue, and the Magistrate or officer to whom the commission is directed, shall examine the witness upon such interrogatories.
- (2) Any such party may appear before such Magistrate or officer by advocate, or, if not in custody, in person, and may examine, cross-examine, and re-examine (as the case may be) the said witness.
- Power of Magistrate to apply for issue of commission.
395. Whenever, in the course of an inquiry or a trial or any other proceeding under this Ordinance before any Magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate shall apply to the High Court, stating the reasons for the application; and the High Court may either issue a commission in the manner hereinbefore provided or reject the application.
- Return of Commission.
396. (1) After any commission issued under section 393 or section 395 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the High Court and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.
- (2) Any deposition so taken, if it satisfies the conditions prescribed by section 33 of the Indian Evidence Act, 1872, may also be received in evidence at any subsequent stage of the case before another Court.
- Adjournment of inquiry or trial.
397. In every case in which a commission is issued under section 393 or section 395 the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

CHAPTER XXXV.

Special Rules of Evidence.

- Deposition of medical witness.
398. (1) The deposition of a Civil Surgeon or other medical witness, taken and attested by a Magistrate in the presence of the accused, or taken on commission under Chapter XXXIV may be given in evidence in any inquiry, trial or other proceeding under this Ordinance although the deponent is not called as a witness.
- Power to summon medical witness.
- (2) The Court may, if it thinks fit, summon and examine each deponent as to the subject matter of his depositions.

399. Any document purporting to be a report under the hand of any Report of Government Analyst, upon any matter or thing duly submitted to him for Government examination or analysis and report in the course of any proceeding under this Analyst. Ordinance, may be used as evidence in any inquiry, trial or other proceeding under this Ordinance.

400. In any inquiry, trial or other proceeding under this Ordinance, a Previous conviction or acquittal— previous conviction or acquittal may be proved, in addition to any other mode how proved. provided by any law for the time being in force—

- (a) by an extract certified, under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had, to be a copy of the sentence or order ; or
- (b) in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered ;

together with, in each of such cases, evidence as to the identity of the accused person with the person so convicted or acquitted.

A certificate, in the form prescribed by the Governor given under the hand of an officer appointed by the Governor on that behalf, who shall have compared the finger prints of an accused person with the finger prints of a person previously convicted or acquitted shall be *prima facie* evidence of all facts therein set forth provided it is produced by the person who took the finger prints of the accused.

401. (1) If it is proved that an accused person has absconded, and that Record of evidence in absence of accused. there is no immediate prospect of arresting him, the Court competent to try or commit for trial such person for the offence complained of, may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions. Any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into, or trial for, the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience, which, under the circumstances of the case, would be unreasonable.

(2) If it appears that an offence punishable with death or transportation Record of evidence when offender unknown. has been committed by some person or persons unknown, the High Court may direct that any Magistrate empowered to hold a subordinate court of the first class shall hold an inquiry and examine any witnesses who give evidence concerning the offence. Any depositions so taken may be given in evidence against any person who is subsequently accused of the offence if the deponent is dead or incapable of giving evidence or beyond the limits of the Protectorate.

CHAPTER XXXVI.

Provisions as to Bonds.

402. When any person is required by any Court or officer to execute a Deposit instead of recognizance. bond, with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government Currency Notes to such amount as the Court or officer may fix, in lieu of executing such a bond, and may permit a native to deposit any property.

403. (1) Whenever it is proved to the satisfaction of the Court by which Procedure on forfeiture of bond. a bond under this Ordinance has been taken, or when the bond is for appearance before a Court, to the satisfaction of such Court, that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

- (2) If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the property belonging to such person or his estate if he be dead.
- (3) Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorise the distress and sale of any property belonging to such person without such limits, when endorsed by a Magistrate empowered to hold a subordinate court of the first class within the local limits of whose jurisdiction such property is found.
- (4) If such penalty is not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment as a civil prisoner for a term which may extend to six months.
- (5) The Court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.
- (6) Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond, but the party who gave the bond may be required to find a new surety.
- (7) When money or other property deposited in lieu of executing a bond has been forfeited, the person who has deposited the same may, at any time within one month of the date on which the same became forfeited, appear and show cause against such forfeiture, and the Court may make such order therein for the return or otherwise of the whole or any part of the money or property deposited, as to the Court may seem proper.

Appeal from,
and revision of
orders under
section 403

404. All orders passed under section 403 by any Magistrate shall be appealable to and may be revised by the High Court.

Power to direct
levy of amount
due on certain
recognizances

405. The High Court may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court.

CHAPTER XXXVII.

Of the Disposal of Property.

Order for
disposal of
property regard-
ing which
offence commit-
ted

406. (1) When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal of any property or document produced before it or in its custody or regarding which any offence appears to have been committed, or which has been used for the commission of any offence.
- (2) When the High Court makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by a Magistrate.
- (3) When an order is made under this section in a case in which an appeal lies, such order shall not (except when the property is live-stock or is subject to speedy and natural decay) be carried out until the period allowed for presenting such appeal has passed or if such appeal is presented within such period, until such appeal has been disposed of.

Explanation.—In this section the term “property” includes in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

407. When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowledge, or without having reason to believe that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Payment to innocent purchaser of money found on accused.

408. (1) On a conviction under the Penal Code, section 292, section 293, section 501 or section 502, the Court may order the destruction of all the copies of the things in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted.

Destruction of libellous and other matter.

(2) The Court may, in like manner, on a conviction under the Penal Code, section 272, section 273, section 274, or section 275, order the food, drink, drug or medical preparation in respect of which the conviction was had, to be destroyed.

409. (1) Whenever a person is convicted of an offence attended by criminal force and it appears to the Court that by such force any person has been dispossessed of any immovable property, the Court may, if it thinks fit, order such person to be restored to the possession of the same.

Power to restore possession of immovable property

(2) No such order shall prejudice any right or interest to or in such immovable property which any person may be able to establish in a civil suit.

410. (1) The seizure by any police-officer of property taken under section 35 or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or, if such person cannot be ascertained respecting the custody and production of such property.

Procedure by police upon seizure of property taken under section 35 or stolen.

(2) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation.

Procedure where owner of property seized unknown.

411. (1) If no person within such period establishes claim to such property, and if the person in whose possession such property was found, is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government of the Protectorate and may be sold under the orders of a Magistrate empowered to hold a subordinate court of the first class.

Procedure where no claimant appears within six months.

(2) In the case of every order passed under this section an appeal shall lie to the High Court.

412. If the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay, or the Magistrate to whom its seizure is reported, is of opinion that its sale would be for the benefit of the owner, the Magistrate may at any time direct it to be sold; and the provisions of section 410 and section 411 shall, as nearly as may be practicable, apply to the nett-proceeds of such sale.

Power to sell perishable property.

CHAPTER XXXVIII.

Of Irregular Proceedings.

413. If any Magistrate not empowered by law to do any of the following things namely:—

Irregularities which do not vitiate proceedings.

(a) to issue a search-warrant under section 81;

(b) to order under section 122, the police to investigate an offence

- (c) to hold an inquest under section 143 ;
- (d) to transfer a case under section 154 ;
- (e) to tender a pardon under section 274 or section 275 ;
- (f) to sell property under section 411 or section 412 ;
erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so-empowered.

Irregularities which vitiate proceedings.

414. If any Magistrate, not being empowered by law in this behalf, does any of the following things, namely :—

- (a) attaches and sells property under section 71 ;
- (b) issues a search-warrant for a letter, parcel or other thing in the Post Office, or a telegram in the Telegraph Department ;
- (c) demands security to keep the peace ;
- (d) demands security for good behaviour ;
- (e) discharges a person lawfully bound to be of good behaviour ;
- (f) cancels a bond to keep the peace ;
- (g) calls, under section 342, for proceedings ;
- (h) tries an offender ;
- (i) tries an offender summarily ; or
- (j) decides an appeal ; his proceedings shall be void.

Proceedings in wrong place.

415. No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceeding in the course of which it was arrived at or passed, took place in a wrong Province, District or other local area, unless it appears that such error has in fact occasioned a failure of justice.

When irregular commitments may be validated.

416. (1) If any Magistrate or other authority purporting to exercise powers duly conferred which were not so conferred, commits an accused person for trial before the High Court, the High Court may, after perusal of the proceedings, accept the commitment if it considers that the accused has not been injured thereby, unless, during the inquiry and before the order of commitment objection was made on behalf either of the accused or of the prosecution to the jurisdiction of such Magistrate or other authority.
- (2) If such Court considers that the accused was injured, or if such objection was so made, it shall quash the commitment and direct a fresh inquiry by a competent Magistrate.

Non-compliance with provisions of section 131 or 293.

417. (1) If any Court before which a confession or other statement of an accused person recorded or purporting to be recorded under section 131 or section 293 is tendered or has been received in evidence, finds that any of the provisions of either of such sections have not been complied with by the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded ; and notwithstanding anything contained in the Indian Evidence Act, 1872, section 91, such statement shall be admitted, if the error has not injured the accused as to his defence on the merits.
- (2) The provisions of this section shall also apply to the High Court as a Court of Appeal and Revision.

Effect of omission to prepare charge

418. (1) No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed, unless, in the opinion of the High Court sitting as a Court of Appeal or Revision, a failure of justice has in fact been occasioned thereby.
- (2) If such Court thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge be framed, and that the trial be re-commenced from the point immediately after the framing of the charge.

Trial by jury of offence triable with assessors. Trial with assessors of offence triable by jury

419. (1) If an offence triable with the aid of assessors is tried by a jury, the trial shall not on that ground only be invalid.
- (2) If an offence triable by a jury is tried with the aid of assessors, the trial shall not on that ground only be invalid, unless the objection is taken before the Court records its finding.

420. Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered on appeal or revision on account:—

Finding or sentence when reversible by reason of error or omission in charge or other proceedings.

- (a) of any error, omission or irregularity in the complaint, summons warrant, charge, proclamation, order, judgment or other proceedings before or during trial or in any inquiry or other proceedings under this Ordinance or,
- (b) of the want of or any irregularity in any sanction required by section 157 or any irregularity in proceedings taken under section 372 or,
- (c) of the omission to revise any list of jurors or assessors in accordance with section 265 or,
- (d) of any misdirection in any charge to a jury unless such error, omission, irregularity, want or misdirection has in fact occasioned a failure of justice.

Explanation.—In determining whether any error, omission or irregularity in any proceeding under this Ordinance has occasioned a failure of justice, the Court shall have regard to the fact whether the objection could and should have been raised at an earlier stage in the proceedings.

421. No distress made under this Ordinance shall be deemed unlawful, nor shall any person making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, writ of distress or other proceedings relating thereto.

Distress not illegal nor dis-trainer a tres-passer for defect or want of form in proceedings.

CHAPTER XXXIX.

Miscellaneous.

422. Affidavits and affirmations to be used before the High Court may be sworn and affirmed before a Judge of the High Court, or any Magistrate or the Registrar or Deputy Registrar of the High Court.

Courts and persons before whom affidavits may be sworn.

423. Any Court may, at any stage of any inquiry, trial or other proceeding under this Ordinance summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or re-call and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

Power to summon material witness, or examine person present.

424. Unless when otherwise provided by any law for the time being in force, the Governor may direct in what place any person liable to be imprisoned or committed to custody under this Ordinance shall be confined.

Power to appoint place of imprisonment.

425. (1) Any Magistrate desirous of examining, as a witness or an accused person, in any case pending before him, any person confined, in any jail within the local limits of his jurisdiction, may issue an order to the officer in charge of the said jail requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Magistrate for examination.

Power of Magistrate to order prisoner in jail to be brought up for examination.

(2) The officer so in charge, on receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from the jail for the purpose aforesaid.

426. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

Interpreter to be bound to interpret truthfully.

427. Subject to any rules made by the Governor, any Criminal Court may, if it thinks fit, order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court under this Ordinance.

Expenses of complainants and witnesses.

Power of Court to pay expenses or compensation out of fine.

428. (1) Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or a sentence of which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied—

- (a) in defraying expenses properly incurred in the prosecution ;
 (q) in compensation for the injury caused by the offence committed, where substantial compensation is, in the opinion of the Court, recoverable by civil suit.

(2) If the fine is imposed in a case which is subject to appeal no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

Payments to be taken into account in subsequent suit.

429. At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under section 428.

Moneys ordered to be paid recoverable as fines.

430. Any money payable by virtue of any order made under this Ordinance otherwise than as a fine shall be recoverable as if it were a fine.

Copies of proceedings.

431. If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of the Judge's charge to the jury or of any order or deposition or other part of the record, he shall, on applying for such copy, be furnished therewith :

Provided that he pays for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

Delivery to military authorities of persons liable to be tried by Court-martial

432. (1) The Governor may make rules, consistent with this Ordinance and the Army Act or any similar law for the time being in force as to the cases in which persons subject to military law shall be tried by a Court to which this Ordinance applies, or by Court-martial ; and when any person is brought before a Magistrate and charged with an offence for which he is liable, under the Army Act, section 41, to be tried by a Court-martial, such Magistrate shall have regard to such rules, and shall in proper cases deliver him, together with a statement of the offence of which he is accused to the Commanding Officer of the regiment, corps or detachment to which he belongs, or to the Commanding Officer of the nearest military station, for the purpose of being tried by Court-martial.

(2) Every Magistrate shall, on receiving a written application for that purpose by the Commanding Officer of any body of troops stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence.

Apprehension of such persons.

Powers to police to seize property suspected to be stolen.

433. Any police officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence. Such police officer, if subordinate to the officer in charge of a police station, shall forthwith report the seizure to that officer.

Powers of superior officers of police.

434. Police officers superior in rank to an officer in charge of a police station may exercise the same powers throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station.

Power to compel restoration of abducted females.

435. Upon complaint made to a Magistrate empowered to hold a subordinate court of the first class on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian, or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.

Compensation to persons groundlessly given in charge.

436. (1) Whenever any person causes a police-officer to arrest another person, if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding fifty rupees, to be paid by the person so causing the arrest to the person so arrested, for his loss of time and expenses in the matter, as the Magistrate thinks fit.

- (2) In such cases, if more persons than one are arrested, the Magistrate may, in like manner, award to each of them such compensation, not exceeding fifty rupees, as such Magistrate thinks fit.
- (3) All compensation awarded under this section may be recovered as if it were a fine, and, if it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the Magistrate directs, unless such sum is sooner paid.

437. Such forms as the High Court may from time to time approve with Forms. such variation as the circumstances of each case require, may be used for the respective purposes therein mentioned, and if used shall be sufficient.

438. A Judge of the High Court shall periodically inspect the records of all subordinate courts and may give such instructions and advice thereon as may be deemed necessary. Inspection of records by High Court.

439. Subordinate courts shall furnish returns of cases tried by them to the High Court in such manner as the High Court may from time to time direct. Subordinate court to furnish records.

440. No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from his Court, try or commit for trial any case to or in which he is a party, or personally interested. Case in which Judge or Magistrate is personally interested.

Explanation.—A Judge or Magistrate shall not be deemed to be a party, or personally interested, within the meaning of this section, to or in any case by reason only that he is a Municipal Councillor or otherwise concerned therein in a public capacity, or by reason only that he has viewed the place in which an offence is alleged to have been committed, or any other place in which any other transaction material to the case is alleged to have occurred, and made an inquiry in connection with the case.

441. A public servant having any duty to perform in connection with the sale of any property under this Ordinance shall not purchase or bid for the property. Officers concerned in sales not to purchase or bid for property.

442. (1) The language of the High Court shall be English. Language of Court.

(2) The language of subordinate courts shall be English or Swahili.

First Offenders.

443. In any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, cheating, or any other offence under the Penal Code or any other law punishable with not more than three years' imprisonment before any Court, and no previous conviction is proved against him, if it appears to the Court before whom he is so convicted, that, regard being had to the youth, character and antecedents of the offender, to the trivial nature of the offence and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond with or without sureties, and during such period, (not exceeding one year) as the Court may direct, to appear and receive sentence when called upon, and in the mean-time to keep the peace and be of good behaviour. Power to Court to release upon probation of good conduct instead of sentencing to punishment.

444. (1) If the Court which convicted the offender, is satisfied that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension. Provisions in case of offender failing to observe conditions of his recognizances.

(2) An offender, when apprehended on any such warrant, shall be brought forthwith before the Court issuing the warrant, and such Court may either remand him in custody until the case is heard or admit him to bail with a sufficient surety conditioned on his appearing for sentence. Such Court may, after hearing the case, pass sentence.

Condition as to abode of offender. 445. The Court, before directing the release of an offender under section 443, shall be satisfied that the offender or his surety (if any) has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely to live during the period named for the observance of the condition.

Previously Convicted Offenders.

- Order for notifying address of previously convicted offender.
446. (1) When any person, having been convicted of any offence punishable under chapter XII or Chapter XVII of the Penal Code with imprisonment for a term of three years or upwards, is again convicted of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards the Court or Magistrate may, if it or he thinks fit, at the time of passing sentence of transportation or imprisonment on such person, also order that his residence and any change of residence after release be notified, as hereinafter provided, for a term not exceeding five years from the date of the expiration of such sentence.
- (2) If such conviction is set aside on appeal or otherwise, such order shall become void.
- (3) The Governor may make rules to carry out the provisions of this section relating to the notification of residence by released convicts.
- (4) Any person refusing or neglecting to comply with any rule so made shall be punishable as if he had committed an offence under section 176 of the Penal Code.

Reference.

- Reference by Magistrate holding subordinate courts of the first class.
447. Any Magistrate empowered to hold a subordinate court of the first class may, if he thinks fit, refer for the opinion of the High Court any question of law which arises in the hearing of any case pending before him, or may give judgment in any such case subject to the decision of the High Court on such reference and, pending such decision, may either commit the accused to jail, or release him on bail to appear for judgment when called upon.
- Disposal of case according to decision of the High Court.
448. (1) When a question has been so referred, the High Court shall pass such order thereon as it thinks fit, and shall cause a copy of such order to be sent to the Magistrate by whom the reference was made, who shall dispose of the case conformably to the said order.
- (2) The High Court may order by whom the costs of such reference be paid.
- Power to reserve questions arising in original jurisdiction of High Court.
449. (1) When any person has, in a trial before a judge of the High Court acting in the exercise of its original criminal jurisdiction, been convicted of an offence, the Judge, if he thinks fit, may reserve and refer for the decision of a Court consisting of two or more Judges of the High Court any question which has arisen in the course of the trial of such person, and the determination of which would affect the event of the trial.
- (2) If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail, or, if the Judge thinks fit, be admitted to bail; and the High Court shall have power to review the case, or such part thereof as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original Jurisdiction, and to pass such Judgment or order as the High Court thinks fit.

SCHEDULE I.

Enactments Repealed.

ACT OR ORDINANCE.	EXTENT OF REPEAL.
The Code of Criminal Procedure, 1898 (Indian Act 5 of 1898) as applied to the East Africa Protectorate	The whole.
The Criminal Procedure Ordinance, 1906 (No. 5 of 1906)	The whole.
The Courts Ordinance, 1907 (No. 13 of 1907)	Sections 26-41 inclusive. Schedule I (part II), and Schedule II.
The Criminal Procedure Ordinance, 1907 (No. 14 of 1907)	The whole.
The Criminal Procedure Ordinance, 1908 (No. 16 of 1908)	The whole.
The Police Ordinance, 1911 (No. 4 of 1911)	Section 25.

SCHEDULE II.

Statement of Offences.

EXPLANATORY NOTE.—The entries in the second and seventh columns of this Schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code" are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

Chapter V.—Abetment.

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant if offence abetted may be made without warrant, but not otherwise	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	The same punishment as for the offence abetted.	The Court by which the offence abetted is triable.
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	ditto	ditto	ditto	ditto	ditto	ditto
111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso.	ditto	ditto	ditto	ditto	The same punishment as for the offence intended to be abetted.	ditto
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	ditto	ditto	ditto	ditto	The same punishment as for the offence committed.	ditto
114	Abetment of any offence, if abettor is present when offence is committed.	ditto	ditto	ditto	ditto	ditto	ditto
115	Abetment of an offence, punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	ditto	ditto	Not bailable	ditto	Imprisonment of either description for seven years and fine.	ditto
	If an act which causes harm be done in consequence of the abetment.	ditto	ditto	ditto	ditto	Imprisonment of either description for fourteen years and fine.	ditto

	Abetment of an offence, punishable with imprisonment, if the offence be not committed in consequence of the abetment.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	Imprisonment extending to a quarter part of the longest term and of any description, provided for the offence, or fine, or both.	The Court by which the offence abetted is triable.
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	ditto	ditto	ditto	ditto	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	ditto
117	Abetting the commission of an offence by the public, or by more than ten persons.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both.	ditto
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	ditto	ditto	Not bailable	ditto	Imprisonment of either description for 7 years and fine.	ditto
	If the offence be not committed.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine.	ditto
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	ditto	ditto	According as the offence abetted is bailable or not.	ditto	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	ditto
	If the offence be punishable with death or transportation for life.	ditto	ditto	Not bailable	ditto	Imprisonment of either description for 10 years.	ditto
	If the offence be not committed.	ditto	ditto	According as the offence abetted is bailable or not.	ditto	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	ditto
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	ditto	ditto	ditto	ditto	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	The Court by which the offence abetted is triable
	If the offence be not committed.	ditto	ditto	ditto	ditto	Imprisonment extending to one eighth part of the longest term, and of the description provided for the offence, or fine, or both.	ditto

1 Section	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
121	Waging or attempting to wage war, or abetting the waging of war, against the King.	Shall not arrest without warrant.	Warrant	Not bailable	Not Compoundable.	Death or transportation for life, and forfeiture of property.	High Court.
121a	Conspiring to commit certain offences against the State.	ditto	ditto	ditto	ditto	Transportation for life or any shorter term, or imprisonment of either description for 10 years.	ditto
122	Collecting arms, etc., with the intention of waging war against the King.	ditto	ditto	ditto	ditto	Transportation for life or imprisonment of either description for 10 years and forfeiture of property.	ditto
123	Concealing with intent to facilitate a design to wage war.	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine.	ditto
124	Assaulting Governor-General, Governor, etc., with intent to compel or restrain the exercise of any lawful power.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	ditto
124a	Sedition.	ditto	ditto	ditto	ditto	Transportation for life or for any term and fine, or imprisonment of either description for 3 years and fine, or fine.	High Court or Subordinate Court of the first class specially empowered by the Governor in that behalf.
125	Waging war against any Asiatic Power in alliance or at peace with the King, or abetting the waging of such war.	ditto	ditto	ditto	ditto	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	High Court.
3	Committing depredation on the territories of any power in alliance or at peace with the King.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.	ditto
	Receiving property taken by war or depredation mentioned in sections 125 and 126.	ditto	ditto	ditto	ditto	ditto.	ditto
	Public servant voluntarily allowing prisoner of State or war in his custody to escape.	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	ditto

Public servant negligently suffering prisoner of state or war in his custody to escape.	Shall not arrest without warrant,	Warrant	Bailable	Not Compoundable.	Simple imprisonment for 3 years and fine.	High Court or Subordinate Court of the first class.
Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	ditto	ditto	Not bailable	ditto	Transportation for life or imprisonment of either description for 10 years and fine.	High Court.

Chapter VII.—Offences relating to the Army and Navy.

131	Abetting mutiny, or attempting to seduce an officer, soldier or sailor from his allegiance or duty.	May arrest without warrant.	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	ditto
132	Abetment of mutiny, if mutiny is committed in consequence thereof.	ditto	ditto	ditto	ditto	Death, or transportation for life, or imprisonment of either description for 10 years and fine.	ditto
133	Abetment of an assault by an officer, soldier or sailor on his superior officer, when in the execution of his office.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine.	High Court or Subordinate Court of the first class.
134	Abetment of such assault, if the assault is committed.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	High Court.
135	Abetment of the desertion of an officer, soldier or sailor.	ditto	ditto	Bailable	ditto	Imprisonment of either description for 2 years, or fine, or both.	Subordinate Court of the first and second Class.
136	Harbouring such an officer soldier or sailor who has deserted.	ditto	ditto	ditto	ditto	ditto	ditto
137	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant,	Summons	ditto	ditto	Fine of 500 rupees.	ditto
138	Abetment of act of insubordination by an officer, soldier or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant	ditto	ditto	Imprisonment of either description for 6 months, or fine, or both.	ditto
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	ditto	Summons	ditto	ditto	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

Chapter VIII.—Offences against the Public Tranquillity.

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
143	Being member of an unlawful assembly.	May arrest without warrant.	Summons	Bailable	Not Compoundable.	Imprisonment of either description for 6 months, or fine, or both.	ditto
144	Joining an unlawful assembly armed with any deadly weapon.	ditto	Warrant	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both.	ditto
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
147	Rioting.	ditto	ditto	ditto	ditto	ditto	ditto
148	Rioting, armed with a deadly weapon.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both.	High Court or Subordinate Court of the first class.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence	According as the offence is bailable or not	ditto	The same as for the offence.	The Court by which the offence is triable.
150	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged or employed.	ditto	ditto	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	ditto
	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	ditto	Summons	Bailable	ditto	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
	Assaulting or obstructing public servant when repressing riot, etc.	ditto	Warrant	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both.	High Court or Subordinate Court of the first class.

153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	ditto	ditto	ditto	ditto	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed.	ditto	Summons	ditto	ditto	Imprisonment of either description for 6 months, or fine, or both.	ditto
153a	Promoting enmity between classes.	Shall not arrest without warrant.	Warrant	Not bailable	ditto	Imprisonment of either description for 2 years, or fine, or both.	Subordinate Court of the first class.
154	Owner or occupier of land not giving information of riot, etc.	ditto	Summons	Bailable	ditto	Fine of 1,000 rupees.	Subordinate Court of the first and second Class.
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	ditto	ditto	ditto	ditto	Fine.	ditto
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	ditto	ditto	ditto	ditto	ditto	ditto
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Summons	Bailable	Not Compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Subordinate Court of the first and second Class.
158	Being hired to take part in an unlawful assembly or riot.	ditto	ditto	ditto	ditto	ditto	ditto
159	Or to go armed.	ditto	Warrant	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both.	ditto
160	Committing affray.	Shall not arrest without warrant.	Summons	ditto	ditto	Imprisonment of either description for 1 month, or fine, or both.	Any Magistrate.

Chapter IX.—Offences by or relating to Public Servants.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both	High Court or Subordinate Court of the first class.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	ditto	ditto	ditto	ditto	ditto	ditto
163	Taking gratification for the exercise of personal influence with a public servant.	ditto	ditto	ditto	ditto	Simple imprisonment for 1 year, or fine, or both.	Subordinate Court of the first class.

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Shall not arrest without warrant.	Summons	Bailable	Not Compoundable.	Imprisonment of either description for 3 years, or fine, or both.	High Court or Subordinate Court of the first class.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	ditto	ditto	ditto	ditto	Simple imprisonment for 2 years, or fine, or both.	Subordinate Court of the first class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	ditto	ditto	ditto	ditto	Simple imprisonment for 1 year, or fine, or both.	ditto
167	Public servant framing an incorrect document with intent to cause injury.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both.	High Court or Subordinate Court of the first class.
168	Public servant unlawfully engaging in trade.	ditto	ditto	ditto	ditto	Simple imprisonment for 1 year, or fine, or both.	Subordinate Court of the first class.
169	Public servant unlawfully buying or bidding for property.	ditto	ditto	ditto	ditto	Simple imprisonment for 2 years, or fine, or both and confiscation of property, if purchased.	Subordinate Court of the first class.
170	Personating a public servant.	May arrest without warrant.	Warrant	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	ditto	Summons	ditto	ditto	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Any Magistrate.

Chapter X.—Contempts of the Lawful Authority of Public Servants.

172	Absconding to avoid service of summons or other proceeding from a public servant. If summons or notice require attendance in person, etc., in a Court of Justice.	Shall not arrest without warrant. ditto	Summons ditto	Bailable ditto	Not Compoundable. ditto	Simple imprisonment for 1 month, or fine of 500 rupees, or both, Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Any Magistrate. ditto
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation. If summons, etc., require attendance in person, etc., in a Court of Justice.	ditto	ditto	ditto	ditto	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Subordinate Court of the first and second Class. ditto
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority. If the order require personal attendance, etc., in a Court of Justice.	ditto	ditto	ditto	ditto	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate ditto
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document. If the document is required to be produced in or delivered to a Court of Justice.	ditto	ditto	ditto	ditto	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	The Court in which the offence is committed subject to the provisions of Chapter XXX. or, if not committed in a Court, a Subordinate Court of the first or second class. ditto
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information. If the notice or information required respects the commission of an offence, etc.	ditto	ditto	ditto	ditto	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both. Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Subordinate Court of the first or second class. ditto
177	Knowingly furnishing false information to a public servant. If the information required respects the commission of an offence, etc.	ditto	ditto	ditto	ditto	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both. ditto Imprisonment of either description for 2 years, or fine, or both.	Subordinate Court of the first and second Class. ditto ditto

Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
178	Refusing oath when duly required to take oath by a public servant.	Shall not arrest without warrant.	Summons	Bailable	Not Compoundable.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXX., or if not committed in a Court, a Subordinate Court of the first or second class.
179	Being legally bound to state truth, and refusing to answer questions.	ditto	ditto	ditto	ditto	ditto	ditto
180	Refusing to sign a statement made to a public servant when legally required to do so.	ditto	ditto	ditto	ditto	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	ditto
181	Knowingly stating to a public servant on oath as true that which is false.	ditto	Warrant	ditto	ditto	Imprisonment of either description for 3 years, and fine.	High Court or Subordinate Court of the first class.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	ditto	Summons	ditto	ditto	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Subordinate Court of the first or second class.
183	Resistance to the taking of property by the lawful authority of a public servant.	ditto	ditto	ditto	ditto	ditto	ditto
184	Obstructing sale of property offered for sale by authority of a public servant.	ditto	ditto	ditto	ditto	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	ditto
185	Bidding by a person under a legal incapacity to purchase it, for property at a lawfully authorised sale, or bidding without intending to perform the obligation incurred thereby.	ditto	ditto	ditto	ditto	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	ditto

186	Obstructing public servant in discharge of his public functions.	ditto	ditto	ditto	ditto	Imprisonment or either description for 3 months, or fine of 500 rupees, or both.	ditto
187	Omission to assist public servant when bound by Law to give such assistance.	ditto	ditto	ditto	ditto	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	ditto
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, etc.	ditto	ditto	ditto	ditto	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	ditto
188	Disobedience to an order lawfully promulgated by a public servant causing obstruction annoyance or injury to persons lawfully employed.	ditto	ditto	ditto	ditto	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	ditto
	If such disobedience causes danger to human life, health or safety, etc.	ditto	ditto	ditto	ditto	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	ditto
189	Threatening a public servant with injury to him or one in whom he is interested, to induce him to do or forbear to do any official act.	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both.	ditto
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	ditto	ditto	ditto	ditto	Imprisonment of either description for 1 year, or fine, or both.	ditto
193	Giving or fabricating false evidence in a judicial proceeding.	ditto	Warrant	ditto	ditto	Imprisonment of either description for 7 years, and fine.	High Court or Subordinate Court of the first class.
	Giving or fabricating false evidence in any other case.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine.	ditto
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	ditto	ditto	Not bailable	ditto	Transportation for life or rigorous imprisonment for 10 years and fine.	High Court.
	If innocent person be thereby convicted and executed.	ditto	ditto	ditto	ditto	Death or as above.	ditto
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwards.	ditto	ditto	Bailable	ditto	The same as for the offence.	High Court.

1	2	3		5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Shall not arrest without warrant.	Warrant	According as the offence of giving such evidence is bailable or not.	Not Compoundable.	The same as for giving or fabricating false evidence.	High Court or Subordinate Court of the first class.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	ditto	ditto	Bailable	ditto	The same as for giving false evidence.	ditto
198	Using as a true certificate one known to be false in a material point.	ditto	ditto	ditto	ditto	ditto	ditto
199	False statement made in any declaration which is by law received as evidence.	ditto	ditto	ditto	ditto	ditto	ditto
200	Using as true any such declaration known to be false.	ditto	ditto	ditto	ditto	ditto	ditto
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	High Court.
	If punishable with transportation for life or imprisonment for ten years.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine.	High Court or Subordinate Court of the first class.
	If punishable with less than ten years' imprisonment.	ditto	ditto	ditto	ditto	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both.	Subordinate Court of the first class, or Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	ditto	Summons	ditto	ditto	Imprisonment of either description for 6 months, or fine, or both.	Subordinate Court of the first or second class.
203	Giving false information respecting an offence committed.	ditto	Warrant	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both.	ditto
204	Secreting or destroying any document to prevent its production as evidence.	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both.	Subordinate Court of the first class.

204	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both.	High Court or Subordinate Court of the first class.
206	Fraudulent removal or concealment, etc., of property to prevent seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both.	Subordinate Court of the first or second class.
207	Claiming property without right or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	ditto	ditto	ditto	ditto	ditto	ditto
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	ditto	ditto	ditto	ditto	ditto	Subordinate Court of the first class.
209	False claim in a Court of Justice.	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both.	ditto
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, and fine.	ditto
211	False charge of offence made with intent to injure.	ditto	ditto	ditto	ditto	ditto	ditto
	If offence charged be punishable with imprisonment for seven years or upwards.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	High Court or Subordinate Court of the first class.
	If offence charged be capital or punishable with transportation for life.	ditto	ditto	ditto	ditto	ditto	High Court.
212	Harbouring an offender, if the offence be capital.	May arrest without warrant.	ditto	ditto	ditto	Imprisonment of either description for 5 years and fine.	High Court or Subordinate Court of the first class.
	If punishable with transportation for life, or with imprisonment for ten years.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine.	High Court or Subordinate Court of the first class.
	If punishable with imprisonment for one year and not for ten years.	ditto	ditto	ditto	ditto	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Subordinate Court of the first class, or Court by which the offence is triable.

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
213	Taking gift, etc., to screen an offender from punishment, if the offence be capital. If punishable with transportation for life or with imprisonment of ten years. If with imprisonment for less than ten years.	Shall not arrest without warrant. ditto ditto	Warrant ditto ditto	Bailable ditto ditto	Not Compoundable. ditto ditto	Imprisonment of either description for 7 years and fine. Imprisonment of either description for 3 years and fine. Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine or both.	High Court. High Court or Subordinate Court of the first class. Subordinate Court of the first class, or Court by which offence is triable.
214	Offering gift or restoration of property in consideration of screening offender, if the offence be capital. If punishable with transportation for life or with imprisonment for ten years. If imprisonment for less than ten years.	ditto ditto ditto	ditto ditto ditto	ditto ditto ditto	ditto ditto ditto	Imprisonment of either description for 7 years and fine. Imprisonment of either description for 3 years and fine. Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	High Court. High Court or Subordinate Court of the first class. Subordinate Court of the first class, or Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years or fine, or both.	Subordinate Court of the first class.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital. If punishable with transportation for life, or with imprisonment for ten years. If with imprisonment for one year, and not for ten years.	May arrest without warrant. ditto ditto	ditto ditto ditto	ditto ditto ditto	ditto ditto ditto	Imprisonment of either description for 7 years and fine. Imprisonment of either description for 3 years, with or without fine. Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	High Court or Subordinate Court of the first class. ditto Subordinate Court of the first class, or Court by which the offence is triable.
216a	Harbouring robbers or dacoits.	ditto	ditto	ditto	ditto	Rigorous imprisonment for 7 years and fine.	High Court or Subordinate Court of the first class.

217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons	Bailable	Not Compoundable.	Imprisonment of either description for 2 years or fine, or both.	Subordinate Court of the first or second class.										
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	ditto	Warrant	ditto	ditto	Imprisonment of either description for 5 years, or fine, or both.	High Court.										
219	Public servant in a judicial proceeding corruptly making and pronouncing an order, report verdict or decision which he knows to be contrary to law.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years or fine, or both.	ditto										
220	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	ditto	ditto	ditto	ditto	ditto	ditto										
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital. If punishable with transportation for life or imprisonment for ten years. If imprisonment for less than ten years.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years, with or without fine.	High Court.										
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death. If under sentence of transportation or penal servitude for life, or transportation, imprisonment or penal servitude for ten years or upwards. If under sentence of imprisonment for less than ten years or lawfully committed to custody.	ditto	ditto	Not bailable	ditto	Transportation for life, or imprisonment of either description for 14 years with or without fine.	High Court.										
								ditto	ditto	ditto	Imprisonment of either description for 7 years, with or without fine.	ditto					
													ditto	ditto	ditto	Imprisonment of either description for 3 years, with or without fine.	High Court or Subordinate Court of the first class.
223	Escape from confinement negligently suffered by a public servant.	ditto	Summons	ditto	ditto	Simple imprisonment for 2 years, or fine, or both.	Subordinate Court of the first or second class.										
								Warrant	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both.	ditto					
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant	ditto	ditto												

Section	2 Offence.	3 Whether the police may arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
225	Resistance or obstruction to the lawful apprehension of another person or rescuing him from lawful custody.	May arrest without warrant.	Warrant	Not bailable	Not Compoundable.	Imprisonment of either description for 2 years or fine, or both.	Subordinate Court of the first or second class.
	If charged with an offence punishable with transportation for life or imprisonment for ten years.	ditto	ditto	Not bailable	ditto	Imprisonment of either description for 3 years and fine.	High Court or Subordinate Court of the first class.
	If charged with a capital offence.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	High Court.
	If the person is sentenced to transportation for life, or to transportation, penal servitude or imprisonment for ten years or upwards.	ditto	ditto	ditto	ditto	ditto	ditto
	If under sentence of death.	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	ditto
225a	Omission to apprehend, or suffering of escape, on part of public servant, in cases not otherwise provided for:— (a) In case of intentional omission, or sufferance. (b) in case of negligent omission or sufferance.	Shall not arrest without warrant.	ditto	Bailable	ditto	Imprisonment of either description for 3 years, or fine, or both.	High Court or Subordinate Court of the first class.
225b	Resistance or obstruction to lawful apprehension, or escape or rescue in cases not otherwise provided for.	May arrest without warrant.	Warrant	ditto	ditto	Simple imprisonment for 2 years or fine, or both.	Subordinate Court of the first or second class.
226	Unlawful return from transportation.	ditto	ditto	Not bailable	ditto	Imprisonment of either description for 6 months, or fine, or both.	ditto
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons	ditto	ditto	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	High Court.
						Punishment of original sentence, or if part of the punishment has been undergone, the residue.	The Court by which the original offence was triable.

228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	ditto	ditto	Bailable	ditto	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed subject to the provisions of chapter XXX.
229	Personation of a juror or assessor.	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both.	Subordinate Court of the first class.

Chapter XII.—Offences relating to Coin and Government Stamps.

231	Counterfeiting, or performing any part of the process of counterfeiting coin.	May arrest without warrant.	Warrant	Not bailable	Not Compoundable.	Imprisonment of either description for 7 years and fine.	High Court.
232	Counterfeiting or performing any part of the process of counterfeiting the King's Coin.	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	ditto
233	Making, buying or selling instrument for the purpose of counterfeiting coin.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine.	High Court or Subordinate Court of the first class.
234	Making buying or selling instrument for the purposes of counterfeiting King's coin.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	High Court.
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine.	High Court or Subordinate Court of the first class.
	If King's coin.	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine.	High Court.
236	Abetting in British India the counterfeiting out of British India of coin.	ditto	ditto	ditto	ditto	The punishment provided for abetting the counterfeiting of such coin within British India.	High Court.
237	Import or export of counterfeit coin knowing the same to be counterfeit.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine.	High Court or Subordinate Court of the first class.
238	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit.	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	High Court.
239	Having any counterfeit coin known to be such when it came into possession, and delivering, etc., the same to any person.	ditto	ditto	ditto	ditto	Imprisonment of either description for 5 years and fine.	High Court or Subordinate Court of the first class.

1 Section	2 Offence.	3 Whether the police may arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable
240	The same with respect to the King's coin.	May arrest without warrant.	Warrant	Not bailable	Not Compoundable.	Imprisonment of either description for 10 years and fine.	High Court or Subordinate Court of the first class.
241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years or fine of ten times the value of the coin counterfeited, or both.	Subordinate Court of the first or second class.
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine.	High Court or Subordinate Court of the first class.
243	Possession of King's coin by a person who knew it to be counterfeit when he became possessed thereof.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	High Court.
244	Person employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	ditto	ditto	ditto	ditto	ditto	ditto
245	Unlawfully taking from a Mint any coining instrument.	ditto	ditto	ditto	ditto	ditto	ditto
246	Fraudulently diminishing the weight or altering the composition of any coin.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine.	High Court or Subordinate Court of the first class
247	Fraudulently diminishing the weight or altering the composition of King's coin.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	ditto
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine.	ditto
249	Altering appearance of the King's coin with intent that it shall pass as a coin of a different description.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	ditto
250	Delivery to another of coin possessed with the knowledge that it is altered.	ditto	ditto	ditto	ditto	Imprisonment of either description for 5 years and fine.	ditto
251	Delivery of King's coin possessed with the knowledge that it is altered.	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine.	ditto

252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both.	ditto
253	Possession of King's coin by a person who knew it to be altered when he became possessed thereof.	ditto	ditto	ditto	ditto	Imprisonment of either description for 5 years, or fine, or both.	ditto
254	Delivery to another of coin as genuine, which, when first possessed, the deliverer did not know to be altered.	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.	Subordinate Court of the first or second class.
255	Counterfeiting a Government stamp.	ditto	ditto	Bailable	ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	High Court.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	ditto
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	ditto
258	Sale of counterfeit Government stamp.	ditto	ditto	ditto	ditto	ditto.	ditto
259	Having possession of a counterfeit Government stamp.	ditto	ditto	ditto	ditto	ditto	High Court or Subordinate Court of the first class.
260	Using as genuine a Government stamp known to be counterfeit.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years, or fine, or both.	ditto
261	Issuing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both.	ditto
262	Using a Government stamp known to have been before used.	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both.	Subordinate Court of the first or second class.
263	Erasure of mark denoting that stamp has been used.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both.	High Court or Subordinate Court of the first class.
263a	Fictitious stamp.	ditto	ditto	ditto	ditto	Fine of 200 rupees.	Subordinate Court of the first class.

Chapter XIII.—Offences relating to Weights and Measures.

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons	Bailable	Not Compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Subordinate Court of the first or second class.
265	Fraudulent use of false weight or measure.	ditto	ditto	ditto	ditto	ditto.	ditto
266	Being in possession of false weights or measures for fraudulent use.	ditto	ditto	ditto	ditto	ditto.	ditto
267	Making or selling false weights or measures for fraudulent use.	ditto	ditto	ditto	ditto	ditto.	ditto

Chapter XIV.—Offences affecting the Public Health, Safety, Convenience, Decency and Morals.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons	Bailable	Not Compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Subordinate Court of the first or second class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine or both.	ditto
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	ditto	ditto	ditto	Imprisonment of either description for 6 months, or fine, or both.	ditto
272	Adulterating food or drink intended for sale, so as to make the same noxious.	ditto	ditto	ditto	ditto	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	ditto
273	Selling any food or drink as food and drink, knowing the same to be noxious.	ditto	ditto	ditto	ditto	ditto.	ditto
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	ditto	ditto	ditto	ditto	ditto	ditto

275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	ditto	ditto	ditto	ditto	ditto.	ditto
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	ditto	ditto	ditto	ditto	ditto	Any Magistrate
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	ditto	ditto	ditto	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	ditto
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	ditto	ditto	ditto	Fine of 500 rupees.	ditto
279	Driving or riding on a public way so rashly or negligently as to endanger human life, etc.	May arrest without warrant.	ditto	ditto	ditto	Imprisonment of either description for 6 months, or fine 1,000 rupees, or both.	ditto
280	Navigating any vessel so rashly or negligent as to endanger human life, etc.	ditto	ditto	ditto	ditto	ditto.	Subordinate Court of the first and second class.
281	Exhibition of a false light, mark or buoy.	ditto	Warrant	ditto	ditto	Imprisonment of either description for 7 years, or fine or both.	High Court.
282	Conveying for hire any person by water in a vessel in such a state, or so loaded as to, endanger his life.	ditto	summons	ditto	ditto	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Subordinate Court of the first or second class.
283	Causing danger, obstruction or injury in any public way or line of navigation.	ditto	ditto	ditto	ditto	Fine of 200 rupees.	ditto
284	Dealing with any poisonous substance so as to endanger human life, etc.	Shall not arrest without warrant.	ditto	ditto	ditto	Imprisonment of either description for 6 months or fine of 1,000 rupees or both.	ditto
285	Dealing with fire or any combustible matter so as to endanger human life, etc.	May arrest without warrant.	ditto	ditto	ditto	ditto.	Any Magistrate
286	So dealing with any explosive substance	ditto	ditto	ditto	ditto	ditto.	ditto
287	So dealing with any machinery.	Shall not arrest without warrant.	ditto	ditto	ditto	ditto	Subordinate Court of the first or second class.

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Shall not arrest without warrant.	Summons	Bailable	Not Compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Subordinate Court of the first and second class.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant.	ditto	ditto	ditto	ditto	Any Magistrate
290	Committing a public nuisance.	Shall not arrest without warrant.	ditto	ditto	ditto	Fine of 200 rupees.	ditto
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	ditto	ditto	ditto	Simple imprisonment for 6 months, or fine, or both.	Subordinate Court of the first or second class.
292	Sale, etc. of obscene books, etc.	ditto	Warrant	ditto	ditto	Imprisonment of either description for 3 months or fine, or both.	ditto
293	Having in possession obscene books, etc., for sale or exhibition.	ditto	ditto	ditto	ditto	ditto	ditto
294	Obscene songs.	ditto	ditto	ditto	ditto	ditto.	ditto
294a	Keeping a lottery office.	Shall not arrest without warrant.	Summons	ditto	ditto	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate
	Publishing proposals relating to lotteries.	ditto	ditto	ditto	ditto	Fine of 1,000 rupees.	ditto

Chapter XV.—Offences relating to Religion.

295	Destroying, damaging or defiling a place of worship or sacred object with intent to insult the religion of any class of person.	May arrest without warrant.	Summons	Bailable	Not Compoundable.	Imprisonment of either description for 2 years, or fine or both.	Subordinate Court of the first or second class.
296	Causing a disturbance to an assembly engaged in religious worship.	ditto	ditto	ditto	ditto	Imprisonment of either description for 1 year, or fine, or both.	ditto

297	Trespassing in place of worship or sepulture, disturbing funeral, with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	ditto	ditto	ditto	ditto	ditto.	ditto
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	ditto	ditto	Compoundable.	ditto.	ditto

**Chapter XV.—Offences affecting the Human Body.
Of Offences affecting life.**

302	Murder.	May arrest without warrant.	Warrant	Not bailable	Not Compoundable.	Death or transportation for life and fine.	High Court.
303	Murder by a person under sentence of transportation for life.	ditto	ditto	ditto	ditto	Death.	ditto
304	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, etc.	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	ditto
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, etc.	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years, or fine, or both.	ditto
304a	Causing death by rash or negligent act.	ditto	ditto	Bailable	ditto	Imprisonment of either description for 2 years, or fine or both.	High Court or Subordinate Court of the first class.
305	Abetment of suicide committed by a child, or insane or delirious person or an idiot, or person intoxicated.	ditto	ditto	Not bailable	ditto	Death, or transportation for life, or imprisonment for 10 years and fine.	High Court.
306	Abetting the commission of suicide.	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine.	ditto
307	Attempt to murder.	ditto	ditto	ditto	ditto	ditto.	ditto
	If such act cause hurt to any person.	ditto	ditto	ditto	ditto	Transportation for life or as above.	ditto
	Attempt by life-convict to murder, if hurt is caused.	ditto	ditto	ditto	ditto	Death or as above.	ditto
308	Attempt to commit culpable homicide.	ditto	ditto	Bailable.	ditto	Imprisonment of either description for 3 years, or fine or both.	ditto
	If such act cause hurt to any person.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years, or fine or both.	ditto
309	Attempt to commit suicide.	ditto	ditto	ditto	ditto	Simple imprisonment for 1 year, or fine, or both.	Subordinate Court of the first or second class.
311	Being a thug.	ditto	ditto	Not bailable	ditto	Transportation for life and fine.	High Court.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.

1		3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
312	Causing miscarriage. If the woman be quick with child.	Shall not arrest without warrant. ditto	Warrant. ditto	Bailable. ditto	Not Compoundable. ditto	Imprisonment of either description for 3 years or fine or both. Imprisonment of either description for 7 years and fine.	High Court. ditto
313	Causing miscarriage without woman's consent.	ditto	ditto	Not bailable	ditto	Transportation for life or imprisonment of either description for 10 years and fine.	ditto
314	Death caused by an act done with intent to cause miscarriage. If act done without woman's consent.	ditto ditto	ditto ditto	ditto ditto	ditto ditto	Imprisonment of either description for 10 years and fine. Transportation for life or as above.	ditto ditto
315	Act done with intent to prevent a child being born alive or to cause it to die after its birth.	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years, or fine, or both.	ditto
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine.	ditto
317	Exposure of a child under 12 years of age by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	ditto	Bailable.	ditto	Imprisonment of either description for 7 years, or fine, or both.	ditto
318	Concealment of birth by secret disposal of dead body.	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both.	High Court or Subordinate Court of the first or second class.
Of Hurt							
323	Voluntarily causing hurt.	Shall not arrest without warrant	Summons.	Bailable.	Compoundable.	Imprisonment of either description for 1 year, or fine of 1,000 rupees or both.	Any Magistrate
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	ditto	ditto	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 3 years, or fine, or both.	High Court or Subordinate Court of the first or second class.

325	Voluntarily causing grievous hurt.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	ditto
326	Voluntarily causing grievous hurt by dangerous weapons or means.	ditto	ditto	Not bailable	ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	High Court or Subordinate Court of the first class.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.	ditto	warrant	ditto	ditto	Imprisonment of either description for 10 years and fine.	High Court.
328	Administering stupefying drug with intent to cause hurt, etc.	ditto	ditto	ditto	ditto	ditto.	ditto
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	ditto
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, etc.	ditto	ditto	Bailable.	ditto	Imprisonment of either description for 7 years and fine.	ditto
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, etc.	ditto	ditto	Not bailable	ditto	Imprisonment of either description for 10 years and fine.	ditto
332	Voluntarily causing hurt to deter public servant from his duty.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years or fine, or both.	High Court or Subordinate Court of the first class
333	Voluntarily causing grievous hurt to deter public servant from his duty.	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine.	High Court.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Shall not arrest without warrant.	Summons	Bailable.	Compoundable.	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	ditto	ditto	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 4 years, or fine of 2,000 rupees or both.	High Court or Subordinate Court of the first or second class.

Sect. or	Offence.	Whether the police may arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
336	Doing any act which endangers human life or the personal safety of others.	May arrest without warrant.	Summons	Bailable.	Not Compoundable.	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate
337	Causing hurt by an act which endangers human life, etc.	ditto	ditto	ditto	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 6 months, or fine of 500 rupees or both.	Subordinate Court of the first or second class.
338	Causing grievous hurt by an act which endangers human life, etc.	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years or fine of 1,000 rupees or both.	ditto

Of Wrongful Restraint and Wrongful Confinement.

341	Wrongfully restraining any person.	ditto	ditto	ditto	Compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate
342	Wrongfully confining any person.	ditto	ditto	ditto	ditto	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Subordinate Court of the first or second class.
343	Wrongfully confining for three or more days.	ditto	ditto	ditto	Not Compoundable.	Imprisonment of either description for 2 years, or fine, or both.	ditto
344	Wrongful confinement for ten or more days.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine.	High Court or Subordinate Court of the first or second class.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	ditto	ditto	ditto	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	High Court or Subordinate Court of the first or second class.
346	Wrongful confinement in secret.	May arrest without warrant.	ditto	ditto	ditto	ditto.	ditto

347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, etc.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine.	ditto
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, etc.	ditto	ditto	ditto	ditto	ditto.	High Court or Subordinate Court of the first class.

Of Criminal Force and Assault.

352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons	Bailable	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	warrant	ditto	Not Compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Subordinate Court of the first or second class.
354	Assault or use of criminal force to a woman in attempting to commit rape.	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years or fine or both.	High Court
354a	Assault or use of criminal force to a woman with intent to outrage her modesty.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years, or fine or both	High Court or Subordinate Court of the first class.
355	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons.	ditto	Compoundable.	Imprisonment of either description for 2 years or fine or both.	Subordinate Court of the first class or second class
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	warrant	Not bailable	Not Compoundable.	ditto.	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	ditto	ditto	Bailable.	ditto	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	ditto
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant	Summons	ditto	Compoundable.	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	ditto

Of Kidnapping, Abduction, Slavery and Forced Labour.

363	Kidnapping.	May arrest without warrant.	warrant	Not bailable	Not Compoundable.	Imprisonment of either description for 7 years and fine.	High Court or Subordinate Court of the first class.
364	Kidnapping or abducting in order to murder.	ditto	ditto	ditto	ditto	Transportation for life or rigorous imprisonment for 10 years and fine.	High Court.

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person	May arrest without warrant.	Warrant	Not bailable	Not Compoundable.	Imprisonment of either description for 7 years and fine.	High Court or Subordinate Court of the first class.
366	Kidnapping or abducting a woman to compel her marriage or to a cause her defilement, etc.	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine.	High Court.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.	ditto	ditto	ditto	ditto	ditto.	ditto
368	Concealing or keeping in confinement a kidnapped person.	ditto	ditto	ditto	ditto	Punishment for kidnapping or abduction.	ditto
369	Kidnapping or abducting a child with intent to take property from the person of such child.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	High Court or Subordinate Court of the first class.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	ditto	Bailable	ditto	ditto.	High Court.
371	Habitual dealing in slaves.	May arrest without warrant.	ditto	Not bailable	ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	ditto
372	Selling or letting to hire a minor for purposes of prostitution, etc.	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine.	High Court or Subordinate Court of the first class.
373	Buying or obtaining possession of a minor for the same purposes.	ditto	ditto	ditto	ditto	ditto.	ditto
374	Unlawful compulsory labour.	ditto	ditto	Bailable.	Compoundable.	Imprisonment of either description for 1 year, or fine or both.	Any Magistrate.
Of Rape							
376	Rape.—If the sexual intercourse was by a man with his own wife.	Shall not arrest without warrant.	Summons.	ditto	Not Compoundable.	Transportation for life or imprisonment of either description for 10 years and fine.	High Court.
	In any other case.	May arrest without warrant.	warrant	Not bailable	ditto	ditto.	ditto

377	Unnatural offences.	May arrest without warrant.	warrant	Not bailable	Not Compoundable.	Transportation for life or imprisonment of either description for 10 years and fine.	High Court or Subordinate Court of the first class.
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Chapter XVII.—Offences against Property. Of Theft

379	Theft.	ditto	ditto	ditto.	ditto	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate
380	Theft in a building, tent or vessel.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	ditto
381	Theft by clerk or servant of property in possession of master or employer.	ditto	ditto	ditto	ditto	ditto	High Court or Subordinate Court of the first or second class.
382	Theft, preparation having been made for causing death or hurt, or restraint or fear of death or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.	ditto	ditto	ditto	ditto	Rigorous imprisonment for 10 years and fine.	High Court or Subordinate Court of the first class

Of Extortion.

384	Extortion.	Shall not arrest without warrant.	warrant	Bailable	Not Compoundable.	Imprisonment of either description for 3 years, or fine, or both.	High Court or Subordinate Court of the first or second class
385	Putting or attempting to put in fear of injury, in order to commit extortion.	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both.	ditto
386	Extortion by putting a person in fear of death or grievous hurt.	ditto	ditto	Not bailable	ditto	Imprisonment of either description for 10 years and fine.	ditto
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	ditto
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for ten years. If the offence threatened be an unnatural offence.	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine.	High Court.
		ditto	ditto	ditto	ditto	Transportation for life.	ditto

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
389	Putting a person in fear of accusation of offence punishable with death transportation for life, or with imprisonment for ten years, in order to commit extortion. If the offence be an unnatural offence.	Shall not arrest without warrant ditto	Warrant ditto	Not Bailable ditto	Not Compundable. ditto	Imprisonment of either description for 10 years and fine. Transportation for life.	High Court. ditto
Of Robbery and Dacoity.							
392	Robbery. If committed on the high way between sunset and sunrise.	May arrest without warrant. ditto	ditto ditto	ditto ditto	ditto ditto	Rigorous imprisonment for 10 years and fine. Rigorous imprisonment for 14 years and fine.	High Court or Subordinate Court of the first class. ditto
393	Attempt to commit robbery.	ditto	ditto	ditto	ditto	Rigorous imprisonment for 7 years and fine.	ditto
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery.	ditto	ditto	ditto	ditto	Transportation for life, or rigorous imprisonment for 10 years and fine.	ditto
395	Dacoity.	ditto	ditto	ditto	ditto	ditto.	High Court
396	Murder in dacoity.	ditto	ditto	ditto	ditto	Death, transportation for life, or rigorous imprisonment for 10 years and fine.	ditto
397	Robbery or dacoity, with attempt to cause death or grievous hurt.	ditto	ditto	ditto	ditto	Rigorous imprisonment for not less than 7 years.	ditto
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	ditto	ditto	ditto	ditto	ditto.	ditto
399	Making preparation to commit dacoity.	ditto	ditto	ditto	ditto	Rigorous imprisonment for 10 years and fine.	ditto
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	ditto	ditto	ditto	ditto	Transportation for life, or rigorous imprisonment for 10 years and fine.	ditto

401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	ditto	ditto	ditto	ditto]	Rigorous imprisonment for 7 years and fine.	High Court or Subordinate Court of the first class.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	ditto	ditto	ditto	ditto	ditto.	High Court.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property or converting it to one's own use.	Shall not arrest without warrant.	ditto	Bailable	ditto	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine.	High Court or Subordinate Court of the first or second class.
405	If by clerk or person employed by deceased.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	ditto

Of Criminal Breach of Trust.

406	Criminal breach of trust.	May arrest without warrant.	ditto	Not bailable	Compoundable.	Imprisonment of either description for 3 years, or fine, or both.	High Court or Subordinate Court of the first or second class.
407	Criminal breach of trust by a carrier, wharfinger, etc.	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	High Court or Subordinate Court of the first class.
408	Criminal breach of trust by a clerk or servant.	ditto	ditto	ditto	ditto	ditto.	High Court or Subordinate Court of the first or second class.
409	Criminal breach of trust by public servant or by banker, merchant or agent, etc.	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	High Court or Subordinate Court of the first class.

Of the Receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	ditto	ditto	ditto	Not Compoundable.	Imprisonment of either description for 3 years, or fine, or both.	High Court or Subordinate Court of the first or second class.
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1	2		4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	May arrest without warrant.	Warrant	Not bailable	Not Compoundable.	Transportation for life, or rigorous imprisonment for 10 years and fine.	High Court.
	Habitually dealing in stolen property.	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	ditto
413							
414	Assisting in concealment or disposal of stolen property knowing it to be stolen.	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both.	High Court or Subordinate Court of the first or second class.

Of Cheating.

417	Cheating.	Shall not arrest without warrant.	ditto	Bailable	ditto	Imprisonment of either description for 1 year, or fine, or both.	Subordinate Court of the first or second class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	ditto	ditto	ditto	ditto.	Imprisonment of either description for 3 years, or fine, or both.	High Court or Subordinate Court of the first or second class.
419	Cheating by personation.	May arrest without warrant.	ditto	ditto	ditto.	ditto.	ditto
420	Cheating and thereby dishonestly inducing delivery of property, or the making alteration or destruction of a valuable security.	ditto	ditto	ditto	ditto.	Imprisonment of either description for 7 years and fine.	High Court or Subordinate Court of the first class.

Of Fraudulent Deeds and Dispositions of Property.

421	Fraudulent removal or concealment of property, etc., to prevent distribution among creditors.	Shall not arrest without warrant.	ditto	ditto	ditto.	Imprisonment of either description for 2 years, or fine, or both.	Subordinate Court of the first or second class.
422	Fraudulent preventing from being made available for his creditors a debt or demand due to the offender.	ditto	ditto	ditto.	ditto.	ditto.	ditto

423	Fraudulent execution of deed of transfer containing a false statement of consideration.	ditto	ditto	ditto.	ditto.	ditto.	ditto
424	Fraudulent removal or concealment of property, of himself, or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	ditto	ditto	ditto.	ditto.	ditto.	ditto

Of Mischief.

426	Mischief.	ditto	Summons.	ditto	Compoundable when the only loss or damage caused is loss or damage to a private person.	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	ditto	warrant	ditto	ditto.	Imprisonment of either description for 2 years, or fine, or both.	Subordinate Court of the first or second class.
428	Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of 10 rupees or upwards.	May arrest without warrant.	ditto	ditto	Not Compoundable	ditto.	ditto
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, etc., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	ditto	ditto	ditto	ditto.	Imprisonment of either description for 5 years, or fine or both.	High Court or Subordinate Court of the first or second class.
430	Mischief by causing diminution of supply of water for agricultural purposes, etc.	ditto	ditto	ditto	ditto.	ditto.	ditto
431	Mischief by injury to public road, bridge, navigable river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	ditto.	ditto.	ditto	ditto.	ditto.	ditto
432	Mischief by causing inundation or obstruction to public drainage, attended with damage.	ditto.	ditto.	ditto	ditto.	ditto.	ditto

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
433	Mischief by destroying or moving, etc., or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	May arrest without warrant	Warrant	Bailable	Not Compoundable	Imprisonment of either description for 7 years, or fine, or both.	High Court.
434	Mischief by destroying or moving a land mark fixed by public authority.	Shall not arrest without warrant.	ditto	ditto	ditto	Imprisonment of either description for 1 year, or fine, or both.	Subordinate Court of the first or second class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards, or, in case of agricultural produce, 10 rupees or upwards.	May arrest without warrant.	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine.	High Court or Subordinate Court of the first class.
436	Mischief by fire or explosive substance with intent to destroy a house, etc.	ditto	ditto.	Not bailable	ditto	Transportation for life or imprisonment of either description for 10 years and fine.	High Court.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	ditto.	ditto.	ditto	ditto.	Imprisonment of either description for 10 years and fine.	ditto
438	The mischief described in the last section when committed by fire or any explosive substance.	ditto	ditto.	ditto.	ditto.	Transportation for life, or imprisonment of either description for 10 years and fine.	ditto
439	Running vessel ashore with intent to commit theft, etc.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 10 years and fine.	ditto
440	Mischief committed after preparation made for causing death, or hurt, etc.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 5 years and fine.	High Court or Subordinate Court of the first class

Of Criminal Trespass.

447	Criminal trespass.	May arrest without warrant.	Summons.	Bailable	Compoundable	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
448	House trespass.	ditto.	warrant	ditto.	ditto.	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both	ditto
449	House-trespass in order to the commission of an offence punishable with death.	ditto.	ditto.	Not bailable	Not Compoundable	Transportation for life or rigorous imprisonment for 10 years and fine.	High Court.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 10 years and fine	ditto
451	House-trespass in order to the commission of an offence punishable with imprisonment.	ditto	ditto.	Bailable	ditto.	Imprisonment of either description for 2 years and fine.	Any Magistrate
	If the offence is theft.	ditto	ditto.	Not bailable	ditto.	Imprisonment of either description for 7 years and fine.	High Court or Subordinate Court of the first or second class.
452	House trespass, having made preparation for causing hurt, assault, etc.	ditto	ditto.	ditto.	ditto.	ditto.	ditto
453	Lurking house-trespass or house breaking.	ditto	ditto.	ditto.	ditto.	Imprisonment of either description for 2 years and fine.	Subordinate Court of the first and second class.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	ditto	ditto.	ditto.	ditto.	Imprisonment of either description for 3 years and fine.	High Court or Subordinate Court of the first or second class.
	If the offence is theft.	ditto	ditto.	ditto.	ditto.	Imprisonment of either description for 10 years and fine.	ditto
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, etc.	ditto	ditto.	ditto.	ditto.	ditto.	High Court or Subordinate Court of the first class.
456	Lurking house-trespass or house-breaking by night.	ditto	ditto.	ditto.	ditto.	Imprisonment of either description for 3 years and fine.	High Court or Subordinate Court of the first or second class.

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment. If the offence is theft.	May arrest without warrant. ditto	warrant ditto.	Not bailable ditto.	Not Compoundable. ditto.	Imprisonment of either description for 5 years and fine. Imprisonment of either description for 14 years and fine. ditto.	High Court or Subordinate Court of the first or second class. ditto
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, etc.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 14 years and fine. ditto.	High Court or Subordinate Court of the first class.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	ditto	ditto.	ditto.	ditto	Transportation for life or imprisonment of either description for 10 years and fine.	High Court.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, etc.	ditto.	ditto.	ditto.	ditto.	ditto.	ditto
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	ditto.	ditto.	Bailable.	ditto.	Imprisonment of either description for 2 years, or fine, or both.	Subordinate Court of the first or second class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property and fraudulently opening the same.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 3 years, or fine or both.	High Court or Subordinate Court of the first or second class.

Chapter XVIII.—Offences relating to Documents and to Trade or Property Marks.

465	Forgery.	Shall not arrest without warrant.	ditto	ditto	ditto.	Imprisonment of either description for 3 years, or fine, or both.	High Court or Subordinate Court of the first class
466	Forgery of a record of a Court of Justice or of a Registrar of births, etc., kept by a public servant.	ditto	ditto	Not bailable	ditto.	Imprisonment of either description for 7 years and fine.	High Court.

	Forgery of a valuable security, will or authority to make or transfer any valuable security, or to receive any money, etc.	ditto	ditto.	ditto.	ditto.	Transportation for life or imprisonment of either description for 10 years and fine.	
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	ditto.	ditto.	ditto.	ditto.	ditto
463	Forgery for the purpose of cheating.	Shall not arrest without warrant.	ditto.	ditto.	ditto.	Imprisonment of either description for 7 years and fine.	High Court or Subordinate Court of the first class
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	ditto.	ditto.	Bailable.	ditto.	Imprisonment of either description for 3 years and fine.	ditto
471	Using as genuine a forged document which is known to be forged.	ditto.	ditto.	ditto.	ditto.	Punishment for forgery of such document.	Same Court as that by which the forgery is triable.
	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	ditto.	ditto.	ditto.	ditto.	High Court.
472	Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable under section 467 of the Indian Penal Code or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit.	Shall not arrest without warrant.	ditto.	ditto.	ditto.	Transportation for life or imprisonment of either description for 7 years and fine.	ditto
473	Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 7 years and fine.	ditto
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine, if the document is one of the description mentioned in section 466 of the Indian Penal Code.	ditto.	ditto.	ditto.	ditto.	ditto.	ditto
	If the document is one of the description mentioned in section 467 of the Indian Penal Code.	ditto.	ditto.	ditto.	ditto.	Transportation for life, or imprisonment of either description for 7 years and fine.	ditto

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Shall not arrest without warrant,	warrant	Bailable	Not Compoundable	Transportation for life or imprisonment of either description for 7 years and fine.	High Court.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	ditto.	ditto.	Not bailable	ditto.	Imprisonment of either description for 7 years and fine.	ditto
477	Fraudulently destroying or defacing or attempting to destroy or deface, or secreting a will, etc.	ditto.	ditto.	ditto.	ditto.	Transportation for life, or imprisonment of either description for 7 years and fine.	ditto
477a	Falsification of accounts.	ditto.	ditto.	ditto.	ditto.	ditto.	ditto

Of Trade and Property Marks.

482	Using a false trade or property mark with intent to deceive or injure any person.	ditto.	ditto.	Bailable	ditto.	Imprisonment of either description for 1 year or fine, or both.	Subordinate Court of the first or second class.
483	Counterfeiting a trade or property mark used by another with intent to cause damage or injury.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 2 years or fine, or both.	ditto
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, etc., of any property.	ditto.	Summons.	ditto.	ditto.	Imprisonment of either description for 3 years and fine.	High Court or Subordinate Court of the class.
485	Fraudulently making or having possession of any die, plate or other instrument for counterfeiting any public or private property or trade mark.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 3 years or fine, or both.	ditto
486	Knowingly selling goods marked with a counterfeit property or trade mark.	ditto	ditto.	ditto.	ditto.	Imprisonment of either description for 1 year, or fine, or both.	Subordinate Court of the first or second class.

487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, etc.	ditto	ditto.	ditto.	ditto.	Imprisonment of either description for 3 years or fine, or both.	High Court or Subordinate Court of the first or second class.
488	Making use of any such false mark.	ditto.	ditto.	ditto.	ditto.	ditto.	ditto
489	Removing, destroying or defacing any property-mark with intent to cause injury.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 1 year, or fine, or both.	Subordinate Court of the first or second class.

Chapter XIX.—Criminal Breach of Contracts of Service.

490	Being bound by contract to render personal service during a voyage or journey or to convey or guard any property or person and voluntarily omitting to do so.	ditto.	ditto.	ditto.	Compoundable	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	ditto
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	ditto
492	Being bound by contract to render personal service for a certain period at a distant place to which the employe is conveyed at the expense of the employer, and voluntarily deserting the service or refusing to perform the duty.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	ditto

Chapter XX.—Offences relating to Marriage.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him and to cohabit with him in that belief.	ditto.	warrant	Not bailable	Not Compoundable	Imprisonment of either description for 10 years and fine.	High Court.
494	Marrying again during the life-time of a husband or wife.	ditto	ditto	Bailable	ditto	Imprisonment of either description for 7 years and fine.	ditto
495	Same offence with concealment of the former marriage from the person with who subsequent marriage is contracted.	ditto.	ditto.	Not bailable	ditto.	Imprisonment of either description for 10 years and fine.	ditto

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Shall not arrest without warrant,	warrant	Not bailable	Not Compoundable	Imprisonment of either description for seven years and fine.	High Court.
497	Adultery.	ditto.	ditto.	Bailable	Compoundable	Imprisonment of either description for 5 years, or fine, or both.	High Court or Subordinate Court of the first class
498	Enticing or taking away or detaining with a criminal intent a married woman.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 2 years, or fine, or both.	Subordinate Court of the first and second class.

Chapter XXI.—Defamation.

500	Defamation.	ditto.	ditto.	ditto.	ditto.	Simple imprisonment for 2 years, or fine, or both.	High Court or Subordinate Court of the first class.
501	Printing or engraving matter knowing it to be defamatory.	ditto.	ditto.	ditto.	ditto.	ditto.	ditto
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	ditto.	ditto.	ditto.	ditto.	ditto.	ditto

Chapter XXII.—Criminal Intimidation, Insult and Annoyance.

504	Insult intended to provoke a breach of the peace.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumour, etc., circulated with intent to cause mutiny or offence against the public peace.	ditto.	ditto.	Not bailable	Not Compoundable.	ditto.	Subordinate Court of the first class.
506	Criminal intimidation.	ditto.	ditto.	Bailable	Compoundable	ditto.	ditto
	If threat be to cause death or grievous hurt, etc.	ditto.	ditto.	ditto.	Not Compoundable	Imprisonment of either description for 7 years, or fine, or both.	High Court or Subordinate Court of the first class.

507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 2 years, in addition to the punishment under above section.	ditto
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 1 year, or fine, or both.	Subordinate Court of the first and second class.
509	Uttering any word or making any gesture intended to insult the modesty of a woman, etc.	ditto.	ditto.	ditto.	ditto.	Imprisonment of either description for 1 year, or fine, or both.	Subordinate Court of the first class.
510	Appearing in a public place, etc., in a state of intoxication, and causing annoyance to any person.	ditto.	ditto.	ditto.	ditto.	Simple imprisonment for 24 hours or fine of 10 rupees, or both.	Any Magistrate.

Chapter XXIII.—Attempts to Commit Offences.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Compoundable when the offence attempted is compoundable.	Transportation or imprisonment not exceeding half of the longest term, and of any description provided for the offence, or fine, or both.	The Court by which the offence attempted is triable.
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Offences Against other Laws.

If punishable with death, transportation or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant.	Not bailable	Not Compoundable	High Court.
If punishable with imprisonment for three years and upwards but less than seven.	ditto.	ditto.	ditto.	ditto.	High Court or Subordinate Court of the first class.
If punishable with imprisonment for one year and upward, but less than three years.	Shall not arrest without warrant.	Summons.	Bailable	ditto.	High Court or Subordinate Court of the first or second class.
If punishable with imprisonment for less than one year, or with fine only.	ditto.	ditto.	ditto.	ditto.	Any Magistrate

Ordinary Power of Magistrates.

I.—ORDINARY POWERS OF A MAGISTRATE EMPOWERED TO HOLD A SUBORDINATE COURT OF THE THIRD CLASS.

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| <ol style="list-style-type: none"> 1. Power to take cognizance of offence, although committed by European British subject and to issue process returnable before a Magistrate having jurisdiction, Section 15. 2. Power to arrest or direct the arrest of and to commit to custody, a person committing an offence in his presence, Section 48. 3. Power to arrest, or direct the arrest in his presence, of an offender, Section 49. 4. Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, Sections 67, 68 and 69. 5. Power to issue proclamations in cases judicially before him, Section 70. 6. Power to attach and sell property in cases judicially before him, Section 71. 7. Power to restore attached property, Section 72. 8. Power to require search to be made for letters and telegrams, Section 78. 9. Power to issue search-warrant, Section 79. 10. Power to endorse a search-warrant and order delivery of thing found, Section 82. 11. Power to command unlawful assembly to disperse, Section 110. 12. Power to use civil force to disperse unlawful assembly, Section 111. 13. Power to require military force to be used to disperse unlawful assembly, Section 113. 14. Power to order investigation into cognizable case, Section 123. | <ol style="list-style-type: none"> 15. Power to record statements or confessions during a police-investigation, Section 131. 16. Power to authorise detention of a person during a police-investigation, Section 134. 17. Power to receive police reports and pass orders, Sections 140, 152. 18. Power to take cognizance of offences, Section 152. 19. Power to entertain complaints, Section 152. 20. Power to entertain cases without complaint, Section 152. 21. Power to postpone issue of process, Section 164. 22. Power to commit for trial, Section 168. 23. Power to detain an offender found in Court, Section 285. 24. Power to take evidence on commission, Section 393. 25. Power to apply to High Court to issue commission for examination of witness, Section 395. 26. Power to recover forfeited bond for appearance before Magistrate's Court, Section 403. 27. Power to make order as to disposal of property, Section 406. 28. Power to sell perishable property of a suspected character, Section 412. 29. Power to order prisoner in gaol to be brought up for examination, Section 425. 30. Power to make order as to first offenders, Section 443. 31. Power to issue warrant for the arrest of released first offenders, Section 444. 32. Power to order released convicts to notify residence, Section 446. |
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—ORDINARY POWERS OF A MAGISTRATE EMPOWERED TO HOLD A SUBORDINATE COURT OF THE SECOND CLASS.

1. The ordinary powers of a Subordinate Court of the third class.
2. Power to issue a search-warrant, Section 81.
3. Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, Section 122.
4. Power to hold inquests, Section 141.
5. Power to commit for trial, Section 168.
6. Power to call for records of inferior courts and forward them to the High Court, Section 342.
7. Power to try Europeans, Section 348.
8. Power to order destruction of libellous and other matter, Section 408.

III.—ORDINARY POWERS OF A MAGISTRATE EMPOWERED TO HOLD A SUBORDINATE COURT OF THE FIRST CLASS.

1. The ordinary powers of a Subordinate Court of the second class.
2. Power to direct warrants to landholders, Section 62.
3. Power to require delivery of letters, telegrams, etc., Section 78.
4. Power to issue search-warrants for documents in custody of postal or telegraph authorities, Section 79.
5. Power to issue search-warrant for discovery of persons wrongfully confined, Section 83.
6. Power to require security to keep the peace, Sections 89 and 90.
7. Power to require security for good behaviour in case of sedition, Section 91.
8. Power to require security for good behaviour, Sections 92 and 93.
9. Power to discharge sureties, Section 109.
10. Power to make order under Section 120
11. Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, Section 151.
12. Power to transfer cases to a Subordinate Magistrate, Section 154.
13. Power to commit for trial, Section 168.
14. Power to stop proceedings when no complainant, Section 208.
15. Power to tender pardon, Section 274.
16. Power to sell property alleged or suspected to have been stolen, &c., Section 411.
17. Power to compel restoration of abducted female, Section 435.
18. Powers to refer questions of law Section 447.

SCHEDULE IV.

ADDITIONAL POWERS WITH WHICH SUBORDINATE COURT OF THE FIRST CLASS MAY BE INVESTED.

1. Power to try summarily, Section 219.
2. Power to try cases under Section 124a of the Indian Penal Code.

POWERS WITH WHICH A SUBORDINATE COURT OF THE SECOND CLASS MAY BE INVESTED.

Power to Whip, Section 15.

POWERS WITH WHICH A SUBORDINATE COURT OF THE THIRD CLASS MAY BE INVESTED.

Power to hold inquests, Section 141.

EAST AFRICA PROTECTORATE .

AN ORDINANCE.

No. 7 OF 1914.

An Ordinance to make provision for the Duties and Powers of Assistants to the Provincial Commissioners.

[May 14th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as “The Provincial Commissioners (Assistants) Ordinance, 1914.”

Power of Assistants to Provincial Commissioners.

2. Where in any Ordinance, Regulation or Rule the Provincial Commissioner is named as the authority for granting any licence or permit or for exercising any duties or powers under such Ordinance, Regulation or Rule an Assistant to the Provincial Commissioner may in addition to or in lieu of the Provincial Commissioner grant such licence or permit or exercise the duties and powers conferred on the Provincial Commissioner under such Ordinance, Regulation or Rule. Provided that an Assistant to a Provincial Commissioner shall not hold a Subordinate Court of the first class.

Assistants to Provincial Commissioners to hold 2nd class Subordinate Court.

3. An Assistant to a Provincial Commissioner shall be empowered to hold a Subordinate Court of the second class within the limits of the Province in which he is acting as an Assistant to the Provincial Commissioner.

EAST AFRICA PROTECTORATE .

AN ORDINANCE.

No. 8 OF 1914.

An Ordinance to amend the East Africa Registration Regulations, 1901.

[May 14th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

Short Title.

1. This Ordinance may be cited as “The Registration of Documents Amendment Ordinance, 1914,” and shall be read as one with the East Africa Registration Regulations, 1901, hereinafter referred to as the Regulations.

Repeal

2. Section 23 of the Regulations is hereby repealed and the following section is hereby substituted therefor:

3. (1) Every person desiring to register a document shall produce the original document to be registered at the office of the Registrar and shall also produce a printed or written copy of such document.
- (2) (a) The Registrar shall compare and verify the printed or written copy with the document to be registered.
- (b) The Registrar shall after such verification and subject to the provisions of the Regulations register the document to be registered by affixing the printed or written copy to the register in such manner as the Principal Registrar may direct and shall number every such copy consecutively and shall inscribe thereon the day of the month and year when it was presented for registration and also a certificate that such copy has been compared and verified with the original. Such certificate shall be signed by the Registrar.
- (3) All copies shall be entered in the register in the order in which the documents to be registered are presented for registration. Provided that if before the enactment of this Ordinance any document has been registered in the way prescribed by this section such registration shall be valid and have as full force and effect as if such registration had been made in accordance with the provisions of the Regulations repealed by this Ordinance.

EAST AFRICA PROTECTORATE.

AN ORDINANCE.

No. 9 OF 1914.

An Ordinance to Charge the Principal and Interest of Certain Advances made to the Government of the East Africa Protectorate by Way of Loan for the Construction of certain Public Works upon the General Revenues of the Protectorate.

[May 14th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

WHEREAS His Majesty's Government have advanced by way of loan £375,000 to the Government of the East Africa Protectorate AND WHEREAS it is expedient to make provision to effect the expenditure of such loan and to prescribe that the monies advanced shall be applied to the purposes of supplying engines, rolling stock and other improvements on the Uganda Railway and improvements at the Ports on Lake Victoria and also for the supply of an additional cargo steamer for service on Lake Victoria or the provision of further shipping facilities at Ports on Lake Victoria and also for the provision of improvements in terminal facilities on the Uganda Railway at Kilindini AND WHEREAS it is expedient to prescribe that any monies advanced shall be applied to the purposes for which the advance was made and to provide for the payment of interest and sinking fund on the loan.

1. This Ordinance may be cited as "The Public Works Loan Ordinance, Short title. 1914."

2. It shall be lawful for the Government of the East Africa Protectorate from time to time to provide from the monies advanced by the Imperial Treasury for the purposes of supplying further engines, rolling stock and other improvements on the Uganda Railway and improvements at the Ports on Lake Victoria and also for the supply of an additional cargo steamer for service on Lake Victoria or for the provision of further shipping facilities at the Ports on Lake Victoria and also for the provision of improvements in terminal facilities on the Uganda Railway at Kilindini and for no other purposes sums not exceeding in the whole £375,000.

Power to borrow
for certain purposes

Principal and interest a charge on general revenue and assets.

3. The principal of and the interest on such loan shall be charged on the General Revenue and assets of the Protectorate with priority over any subsequent charges.

Payment of interest and sinking fund.

4. The Treasurer is hereby authorised and required to pay annually to the Imperial Treasury out of the revenues of the Protectorate interest at the rate of three and a half per cent on the amount advanced and also by way of sinking fund a further sum equal to one and a half per cent on the amount advanced, the first sinking fund payment to be made on the first day of April, 1916, until sinking fund payments have been made sufficient if accumulated at three and a half per cent with yearly rests to produce an amount equal to the advance.

EAST AFRICA PROTECTORATE.

AN ORDINANCE.

No. 10 OF 1914.

An Ordinance to amend the law relating to the Business of Pawnbroking.

[May 14th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

Short Title.

1. This Ordinance may be cited as “The Pawnbrokers Amendment Ordinance, 1914,” and shall be read as one with “The Pawnbrokers Ordinance, 1913,” herein referred to as the principal Ordinance.

Provision for interest.

2. In the words “For profit on each Rs. 2 or part of Rs. 2 lent on this pledge for not more than one calendar month.....Cents five” used in the 1st Schedule, part II, A, to the principal Ordinance the word “five” is hereby repealed and the word “six” is hereby substituted therefor.

EAST AFRICA PROTECTORATE.

AN ORDINANCE.

No. 11 OF 1914.

An Ordinance to amend the law relating to Lunacy.

[May 14th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as the “Lunacy Amendment Ordinance, 1914,” and shall be read as one with the Indian Lunacy (District Courts) Act, 1858, as applied to the Protectorate herein referred to as the Principal Act.

Power to appoint a manager of the estate of a lunatic residing elsewhere than in the Protectorate.

2. Where any property of whatsoever kind is standing in the name of or vested in a person residing out of the jurisdiction of the High Court a Judge of the High Court upon proof to his satisfaction that the person has been declared lunatic or of unsound mind may appoint a manager of the estate of such person.

Powers of manager.

3. A Manager appointed under the preceding section shall have the powers of a manager of a lunatic’s estate under the Principal Act and shall be subject to all the provisions of the Principal Act relating to the manager of a lunatic’s estate.

EAST AFRICA PROTECTORATE.

AN ORDINANCE.

No. 12 OF 1914.

An Ordinance to apply a Sum of Money for the Service of the year ending the 31st day of March, 1915.

[May 14th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. The Public Revenue for the year 1914-15, and other funds of the East Africa Protectorate are hereby charged towards the service of the year ending the thirty-first day of March, one thousand nine hundred and fifteen, with a sum of one million three hundred and eighty-four thousand nine hundred and fifty-one pounds. Public Revenue charged.

2. The money granted by this Ordinance shall be applied to the purposes and services expressed in the Schedule annexed hereto. Application of money granted.

3. The Treasurer of the Protectorate is hereby authorised and required, from time to time, upon the warrant or order of the Governor, to pay out of the Revenue and other Funds of the Protectorate, for the several services specified in the Schedule, the said sum of one million three hundred and eighty-four thousand nine hundred and fifty-one pounds, which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifteen. Treasurer's authority for payment.

4. This Ordinance may be cited as "The Appropriation Ordinance, 1914." Short Title.

Schedule.

DIVISION.	AMOUNT.
	£
1. Rent to H. H. the Sultan	17,000
2. Pensions	4,316
3. His Excellency the Governor	7,444
4. Secretariat	6,420
5. "Official Gazette" and Printing	4,814
5a. do. do. Special Expenditure	1,000
6. Provincial Administration	132,477
6a. Provincial Administration, Special Expenditure	6,577
7. Treasury	9,943
8. Customs	17,942
9. Port and Marine	5,452
9a. do. Special Expenditure	3,020
Carried forward	216,405

Schedule.—Contd.

DIVISION.							AMOUNT.
							£
Brought forward						...	216,405
10.	Audit	...	...	...	...	...	4,450
11.	Legal Departments	...	...	...	...	...	19,434
12.	Police	...	...	...	...	...	55,426
13.	Prisons	...	...	...	...	...	18,222
14.	Medical Departments	...	...	...	...	...	56,886
14a.	do.	Special Expenditure	...	...	...	...	600
16.	Education	...	...	...	...	...	9,467
17.	Transport	...	...	...	...	...	4,040
17a.	Transport,	Special Expenditure	...	...	...	...	200
18.	Military	...	...	...	...	...	74,280
18a.	do.	Special Expenditure	...	...	...	...	3,160
19.	Miscellaneous Services	...	...	...	...	...	8,975
20.	Post Office	...	...	...	...	...	51,323
20a.	do.	Special Expenditure	...	...	...	...	8,850
21.	Railway Department	...	...	...	...	...	467,986
21a.	do.	Special Expenditure	...	...	...	...	27,000
21b.	Busoga Railway	...	...	...	...	...	41,223
22.	Agricultural Department	...	...	...	...	...	40,923
22a.	do.	Special Expenditure	...	...	...	...	3,000
23.	Forest Department	...	...	...	...	...	11,892
24.	Game Department	...	...	...	...	...	4,382
25.	Immigration Department	...	...	...	...	...	394
26.	Survey Department	...	...	...	...	...	35,601
27.	Land Department	...	...	...	...	...	8,445
28.	Public Works Department	...	...	...	...	...	32,068
29.	„	„	Recurrent	....	...	...	38,600
30.	„	„	Extraordinary	...	...	...	104,755
31.	Abolition of Slavery	...	...	...	...	...	370
32.	Coast Land Settlement	...	...	...	...	...	13,699
33.	Loan Charges	...	...	...	...	...	15,240
34.	Special Expenditure for Magadi	...	...	...	...	...	7,000
35.	Currency Department	...	...	...	...	...	655
Total						...	1,384,951

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 13 OF 1914.

An Ordinance to make further and better provision for the Organisation of the Prisons Staff and the Management of Prisons.

[August 10th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Prisons Ordinance, 1914" and Short Title shall come into operation on such date as the Governor may by notice in the "Gazette" appoint.

2. In this Ordinance the following words and expressions shall have the Interpretations. meaning assigned to them unless there be something in the subject or context repugnant to such meaning; that is to say:—

"Commissioner" means the Commissioner of Prisons and includes an Assistant Commissioner of Prisons.

"Superintendent" means a Superintendent of Prisons.

"Subordinate Officer" means an officer of a Prison below the rank of Gaoler or Matron.

"Prison Officer" means all officers of the Prisons of whatever rank.

"Prison" means any prison declared a prison under section 3 hereof.

"Prisoner" means any person whether convicted or not under detention in any prison.

"Criminal Prisoner" means any prisoner duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction or by order of a Court-martial.

"Civil prisoner" means any prisoner other than a criminal prisoner.

"Convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial and includes a person detained in prison under the provisions of Chapter VIII of the Indian Criminal Procedure Code.

"Juvenile" means a person under the age of sixteen years.

"European" means a person of European origin or extraction.

"Native" means any native of Africa not being of European or Asiatic race or origin and includes any Swahili and Somali.

"Remission System" means the regulations for the time being in force regulating the shortening of sentences of prisoners.

"Prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by this Ordinance or any regulation thereunder.

Establishment of Prisons.

3. The Governor may, by notice in the "Official Gazette" declare any Governor may prison in the Protectorate whether established before or after the coming into declare any operation of this Ordinance, to be a prison for the purposes of this Ordinance, prison to be a and may, in like manner, declare that any such prison shall cease to be a prison, prison for the purposes of this for the purposes of the Ordinance. Ordinance.

4. (a) Whenever it appears to the Commissioner that the number of Temporary prisoners in any prison is greater than can be conveniently kept Prisons. therein, and that it is not convenient to transfer the excess number to some other prison, or

(b) whenever, from the outbreak of epidemic disease, within any prison, or for any other reason, it is desirable to provide for temporary shelter and safe custody of any prisoners, provision shall be made as the Commissioner, with the approval of the Governor, may direct for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison, and every such temporary prison shall be a prison for the purposes of this Ordinance.

Constitution of Prison Officers.

Constitution of prison officers.

5. The prison officers shall be of such a number and shall, subject to the conditions of this Ordinance or any other law for the time being in force, be constituted in such manner and shall receive such pay, as shall from time to time be ordered by the Governor.

Appointment and duties of Inspector of Prisons.

6. The Governor may from time to time appoint such person or persons as he may think fit to be an Inspector or Inspectors of Prisons and may prescribe the duties of the same.

Prison-officers.

7. Prison officers shall consist of the following:—

Commissioner.
Superintendents.

European Gaolers and Matrons:—

1st Class Gaolers.
2nd Class Gaolers.
3rd Class Gaolers.
Matron.

Asiatic and Native Subordinate Officers:—

1st Grade Chief Warders.
2nd Grade Chief Warders.
3rd Grade Chief Warders.
1st Grade Warders.
2nd Grade Warders.
3rd Grade Warders.
4th Grade Warders.
5th Grade Warders.
6th Grade Warders.
Wardresses.

Administration of prisons to be vested in the Commissioner of Prisons.

8. The Governor may from time to time appoint a Commissioner of Prisons with such Assistant Commissioners as he may deem fit.

The administration of prisons throughout the Protectorate shall be vested in the Commissioner, subject to the directions of the Governor.

Administration of each Prison to be vested in Superintendent.

9. The administration of each prison shall be vested in a Superintendent who shall be appointed by the Governor and who shall be subject to the orders and directions of the Commissioner.

Appointment of Gaoler and Matron.

10. Gaolers and Matrons shall be appointed and shall be removable in like manner as other officers in the Protectorate Service.

Appointment of Subordinate officers.

11. Subordinate officers shall, under such regulations as the Governor shall from time to time prescribe, be appointed and may be removed by the Commissioner or by a Superintendent with the general or special sanction of the Commissioner.

POWERS AND DUTIES OF PRISON OFFICERS AND OF THE MEDICAL OFFICER.

(a) Commissioner.

Commissioner to have control of prisons.

12. The Commissioner, subject to the orders and directions of the Governor shall have the control and direction of the prisons and prison officers throughout the Protectorate, and may from time to time make such appointments, promotions, reductions and transfers of subordinate officers as he may think fit, and may direct the employment and distribution of prison officers.

May issue orders and instructions.

13. The Commissioner may, subject to the provisions of this Ordinance and to the orders and directions of the Governor, issue instructions and directions respecting the appointment, duties, discipline, leave, discharge, training, arms and accoutrements, clothing and equipment of prison officers and for the maintenance of discipline.

Commissioner to inspect prisons.

14. The Commissioner shall periodically visit and inspect, or cause to be visited and inspected, all prisons within the Protectorate.

(b) Superintendents.

15. The Superintendents shall supervise and control all matters in connection with the prisons to which they are appointed, and shall be responsible to the Commissioner for the conduct and treatment of the prison officers and prisoners under their control and for the due observance by prison officers and prisoners of the provisions of this Ordinance and of all instructions and orders issued thereunder.

16. Whenever any person shall die while in the custody of a prison officer the Superintendent shall cause immediate notice of such death to be given to the Medical Officer and to the nearest Magistrate empowered to hold inquests.

Duties of Superintendents
To cause notice of the death of a prisoner to be given to the Medical Officer and to the nearest Magistrate authorised to hold inquest.

17. The Superintendent shall be responsible for the due discharge of all prisoners immediately upon their becoming entitled to release, whether by the expiration of their terms of sentence, or by pardon, or by commutation, or by remission of sentence.

Superintendent to be responsible for the discharge of prisoners.

(c) Medical Officer.

18. The Principal Medical Officer shall appoint from the staff of the Medical Department of the Government a Medical Officer for each prison, and whenever the circumstances permit, the officer so appointed shall be a European Medical Officer.

Appointment of Medical Officer

Whenever the officer appointed to be the Medical Officer of any prison shall owing to illness or temporary absence from the station or place where the prison is situate or for other sufficient reason is unable to perform his duties as such Medical Officer, such duties shall be performed by a Member of the staff of the Medical Department of the Government stationed at such place or station and appointed on that behalf by the Medical Officer or in default of the Medical Officer by the Superintendent.

19. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison. He shall visit the prison at least once a week and shall make a complete sanitary inspection of the prison at least once in every month.

Medical Officer and sanitary administration.

20. The Medical Officer or his subordinate shall visit the prison daily. The Medical Officer or his subordinate shall examine every convicted criminal or civil prisoner on admission and prior to discharge. He shall from time to time inspect the prisoners while at work and shall make such recommendations to the Superintendent as he may consider desirable in regard to modifications of labour, diet and punishment. The Medical Officer or his subordinate shall examine daily, every prisoner in solitary confinement or hospital, or reported to him as being sick.

Medical Officer and prisoners.

21. (a) The Medical Officer or his subordinate shall enter in a register, kept for the purpose, his comment on the cases sent to him for treatment.

Books to be kept by Medical Officer.

(b) The Medical Officer shall, on the death of any prisoner, record in the register the following particulars, so far as they can be ascertained, namely:—

- (1) The day on which the deceased first complained of illness, or was observed to be ill.
- (2) The labour, if any, on which he was engaged on that day.
- (3) The scale of his diet on that day.
- (4) The day on which he was admitted to Hospital.
- (5) The day on which the Medical Officer or his subordinate was first informed of the illness.
- (6) The nature of the disease.
- (7) When the deceased was last seen before death by the Medical Officer or his subordinate.
- (8) When the prisoner died, and (in cases where a *post-mortem* examination is made) an account of the appearance after death, together with any special remarks that appear to the Medical Officer to be required.

(d) Gaolers, Matrons and Subordinate Officers.

Duty of Gaolers, Matrons and Prison officers.

22. Gaolers, Matrons and Subordinate officers shall perform such duties as may be prescribed by the regulations or as may be ordered by the Commissioner and shall obey strictly the regulations, instructions and orders from time to time issued.

(e) Prison Officers Generally.

Prison officers not to be interested in supply of goods nor to take gratuities.

23. Prison officers shall not have any interest, direct or indirect, in any contract for the supply of goods to the prison, nor receive any fee or gratuity, or have any business dealings with the prisoners, or with the friends of the prisoners, or with the visitors to the prisons.

Use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape.

24. (a) A prison officer may use his weapons against any prisoner escaping or attempting to escape. Provided that resort shall not be had to the use of any such weapons unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape.

(b) A prison officer may use his weapons on any prisoner engaged in any combined outbreak, or in any attempt to force or break open the outside door or gate or enclosure wall of the prison, and may continue to use such weapons so long as such combined outbreak or attempt is being actually prosecuted.

(c) A prison officer may use his weapons against any prisoner using violence to any prison officer or other person. Provided that such officer has reasonable ground to believe that the prison officer or other person is in danger of life or limb, or that other grievous hurt is likely to be caused to him.

(d) Before using firearms against a prisoner under the authority conveyed in clause (a) the prison-officer shall give a warning to the prisoner that he is about to fire on him.

(e) No prison officer shall, in the presence of his superior officer, use arms of any sort against a prisoner in the case of an outbreak or attempt to escape except under the orders of such superior officer.

(f) The use of weapons under this section shall be as far as possible to disable and not to kill.

Prison officers not to enter cells at night except as mentioned.

25. No prison officer shall except in case of sickness or emergency, enter a prisoner's cell at night unless accompanied by another prison officer.

Examination of articles taken into or out of prison.

26. Any prison officer may examine anything carried in or out of the prison, and may stop and search, or cause to be stopped and searched, any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Superintendent or Gaoler.

Enlistment, Discharge and Service of Asiatic and Native Subordinate Officers.

27. All the provisions of this Ordinance, and of all rules, orders, or regulations that may at any time be made in pursuance thereof, shall extend to all persons who at the commencement of this Ordinance shall be enrolled or serving in the Prison Department, in like manner as if such persons had been appointed under this Ordinance.

First term of engagement.

28. Every Subordinate Officer shall be enlisted for the first term of his engagement to serve for three years, or such less period as may from time to time be fixed by the Governor, the term to be reckoned from the day on which the recruit shall have been finally approved for service and taken on the strength of the Prison Department.

29. (1) Any Subordinate Officer of good character who at any time has completed, or who is within three months of completing the term of his engagement, may, with the approval of the Commissioner re-engage to serve for a further term of three years or less from the expiration of such term of engagement. Re-engagement and continuance in service.
- (2) Any Subordinate Officer of good character who has completed at least twelve years service may, with the approval of the Commissioner re-engage for any period or periods until he shall complete a total period of twenty one years' service reckoning from the time of his first enlistment.
- (3) Upon completing such period of twenty one years' service, any Subordinate Officer may, if he shall so desire, and with the approval of the Commissioner and of the Governor continue in the Department in the same manner in all respects as if the term of his service was still unexpired, except that it shall be lawful for him to claim his discharge at the expiration of any period of three months after he has given notice to the officer in charge of the Prison at the place at which such Subordinate Officer is stationed, of his wish to be discharged.
30. (1) Any Asiatic Subordinate Officer will be eligible for leave in accordance with rules from time to time laid down for the non-European staff in the service of the Protectorate. Conditions of leave and re-engagements.
- (2) Any African Subordinate Officer who, being entitled to his discharge at the end of his period of service, re-engages for further service, may, with the approval of the Commissioner be permitted to proceed on furlough for a period not exceeding one month for each year of service in respect of which no furlough shall have been granted and not exceeding in any case three months, and will receive during that period the half pay of his rank.
- (3) If a Subordinate Officer offers to re-enlist within three months after having received a certificate of discharge, he shall, if the Commissioner approves of his re-enlistment, be entitled to the advantages to which he was entitled, with regard to rank, grade, or gratuity at the time of his discharge. If, however, a longer period than three months from the date of his discharge has elapsed, then it shall be discretionary with the Commissioner subject to the approval of the Governor to allow the service, or part of the service, of such person previous to the date of such re-enlistment to reckon towards gratuity; the question of the rank in which the Officer may re-enlist shall be left to the discretion of the Commissioner.

31. Every Subordinate Officer enlisting as aforesaid shall, previous to his being approved, make the following declaration by oath in his native language in such manner as he may declare to be most binding on his conscience:— Declaration on enlistment.

“ I, A. B., do most solemnly and sincerely declare and promise that I will be faithful and bear true allegiance to His Majesty King George V, his heirs and successors, for a period of three years and for such other period or periods as I may re-engage to serve, and will obey all orders of His Majesty and of the Officers placed over me, and subject myself to all Ordinances, rules and regulations relating to the Prison Service now in force, or which may from time to time be in force, within the said period or periods. And I hereby declare that I have not at any time served in any capacity in any of His Majesty's Forces or Prison Services* ”

 (Signature or mark of recruit).

Declared at.....this.....day of.....191 .

Before me

 “ (Signature of Magistrate or Officer.) ”

* In a case where a man has served as mentioned and is nevertheless enrolled, this paragraph to be deleted.

The declaration by oath shall be made before a Superintendent and be signed or marked by the recruit and shall be preserved as part of the enlistment papers of every recruit.

Prolongation of service in case of war, etc.

32. Any prison officer whose period of service expires during a state of war, insurrection or hostilities, may be detained and his service prolonged for such further period, not exceeding twelve months, as the Governor may direct.

Discharge on completion of service.

33. Subject to the provisions of section 43 and of the last preceding section, every Subordinate Officer who has completed his period or periods of engagement of service, according to the provisions of this Ordinance, shall be discharged by the Officer in charge of the Prison at the place at which such Subordinate Officer is stationed, unless at the expiration of any period he is undergoing punishment for, or stands charged with, the commission of any offence, and in case he is undergoing such punishment, or is charged with any such offence, his service may be prolonged and his discharge deferred until such punishment shall have terminated, or until he has undergone his trial and any punishment awarded in respect of the offence with which he is charged.

34. Every Subordinate Officer shall, until he has received a certificate of discharge, remain subject to all the provisions of this Ordinance and to all the rules and regulations made in pursuance thereof.

Prison officers subject to all regulations until formal discharge.

35. Any Subordinate Officer may be discharged by a Superintendent at any time during the currency of any term of engagement,

- (a) When pronounced by a Medical Officer mentally or physically unfit for further service.
- (b) When sentenced to be dismissed from the Prison Service for misconduct.
- (c) If the Superintendent shall consider that he is unlikely to become an efficient Officer.
- (d) On reduction of establishment.
- (e) On purchase of discharge at the following rates:—

Discharge when unfit for service or on being dismissed, or on purchase of discharge.

Asiatics.	Africans.
Rs. 60	Rs. 40 during the first year of service.
„ 45	„ 30 during the second year of service.
„ 30	„ 20 during the third or any subsequent year of service.

and on refunding the whole or such portion of the cost, if any, incurred by the Government in bringing such Subordinate Officer to the Protectorate as the Commissioner shall determine.

Rules for reckoning service.

36. In reckoning the service of any Subordinate Officer for discharge, either in the case of limited engagement, or for the total period of 21 years service, there shall be excluded therefrom all periods during which he has been absent from his duty for any of the following causes:—

- (a) Imprisonment for any cause save that of detention awaiting any trial which results in the acquittal or discharge of the prisoner.
- (b) Desertion for any period.
- (c) Absence without leave exceeding 48 hours.

Consequence of discharge or dismissal.

37. Whenever any Subordinate Officer ceases to belong to the Prison Service, all powers and authorities vested in him shall immediately cease and determine, and he shall, before a certificate of discharge is delivered to him, deliver over his arms, ammunition, accoutrements, uniform, and other appointments which are the property of the Government, to such person at such time and place as shall be directed by the Superintendent or Gaoler of the Prison at which such Subordinate Officer is stationed at the time of ceasing to belong to the Prison Service.

Gratuities on discharge.

38. (1) Gratuities at the following rates, in lieu of pension, shall be granted to Subordinate Officers on discharge after a continuous good service extending to a period of 12 years, viz;—

1st and 2nd grade Chief Warders	...	Rs. 250.
3rd grade Chief Warders & 1st & 2nd grade Warders	„	100.
3rd grade Warders	... ..	„ 70.
4th, 5th and 6th grade Warders	... ..	„ 50.
Wardresses	... ..	50.

and at the following rates after total continuous good service extending to 21 years, viz :—

1st and 2nd grade Chief Warders	...	Rs.	400.
3rd grade Chief Warders & 1st & 2nd grade Warders	„		150.
3rd grade Warders	... ..	„	95.
4th, 5th and 6th grade Warders	...	„	75.
Wardresses	... ..	„	75.

For the purpose of this sub-section the service of a man who has enlisted under section 30 (3) shall, subject to the provisions of such sub-section, be deemed to be continuous.

- (2) No increased rates of gratuities shall be paid in respect of any period of service in excess of a total service of 21 years ; and no Subordinate Officer, who has received a gratuity on discharge after 12 years service shall, in the event of his afterwards re-enlisting, receive in respect of his service after such re-enlistment any higher gratuity, than may, together with such first gratuity, be equal to the gratuity which he would have earned by continuous service for 21 years.
- (3) When any Subordinate Officer is discharged as medically unfit for further service or on account of reduction of establishment, before completing such continuous service of twelve years or 21 years as aforesaid, he may receive such proportion of the gratuity which he would have if he had completed the period of service he is then passing through as the Commissioner may in his discretion determine and, in the event of the death of a Chief Warder or Warder, before receipt by him of such gratuity, it shall be lawful for the Governor to direct and cause the amount thereof to be paid to or for the benefit of the widow or widows, or child or children or to any next-of-kin of the Subordinate Officer so dying, on such conditions, and if to or for the benefit of more than one person, in such proportions as the Governor shall deem fit.

39. Any gratuity that would have been due and payable to any Subordinate Officer had he taken his discharge under the provisions of this Ordinance shall, in the event of his re-engaging for a further term and dying in the service before completion of such term, be deemed for the purposes of this Ordinance to be his personal property in the charge of the Protectorate Treasurer for the time being and shall be paid out and distributed by the Protectorate Treasurer or such other person as he may appoint in accordance with the provisions of this Ordinance. Gratuities on
decease.

40. All articles of clothing, accoutrements, appointments, and other necessities which shall have been supplied to any Subordinate Officer for the execution of his duty are the property of the Government, and shall be returned by such Subordinate Officer on his discharge. Provided that when the full period of wear has expired such Subordinate Officer may be permitted to hold any such article of clothing in possession so long as he shall continue a prison officer, but no such article of clothing shall be sold, exchanged, pledged, lent or given or otherwise transferred to any other person save as hereinafter provided. Upon any such article of clothing being delivered up by any Subordinate Officer in manner aforesaid, the Commissioner may direct that it be destroyed or sold by auction. The purchasers at any such auction shall be limited to prison officers and the proceeds of such sale shall be handed over to such Subordinate Officer taking his discharge or shall be otherwise dealt with as the Commissioner shall direct. No purchaser of such articles of clothing may resell the same. Provided always that in the case of such purchaser taking his discharge or dying any article of clothing so purchased may be resold by auction in a similar manner and subject to the same conditions as hereinbefore provided, and the proceeds of such sale shall be handed over to such prison officer taking his discharge or his personal representatives. Articles of cloth-
ing, etc., are the
property of
Government.

41. Any Subordinate Officer having ceased to be a prison officer under this Ordinance, who shall not forthwith deliver up the clothing, accoutrements, appointments and other necessities which shall have been supplied to him for the execution of his duty, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred rupees, or to imprisonment of either description, for a period not exceeding six months, or to both. Failure to
deliver up
accoutrements
on ceasing to be
a prison officer.

Admission, Removal and Discharge of Prisoners.

Admission of prisoners and warrants.

42. Every prisoner on admission must be accompanied by a warrant stating his name, order for detention, or crime and sentence. These particulars, together with a photograph of him (if procurable) and a statement of his nationality, father's name, tribe, clan, village, chief, trade or occupation, probable age, weight, height, general appearance, finger prints (if procurable), identification marks, previous convictions (if any), and date of release, shall be taken and shall be entered in a register kept for that purpose.

Admission register.

Search of prisoners on admission. Medical examination.

43. Every prisoner, male or female, shall be searched on admission by a prison officer of his or her own sex not in the presence of any other prisoner, and all prohibited articles taken from him or her. Every prisoner shall be medically examined either before or as soon as possible after, admission and until so examined shall so far as is possible be kept apart from other prisoners.

Convicted criminal prisoner to be provided with prison suit, blanket, and sleeping mat.

44. On admission every convicted criminal prisoner shall be put into a prison suit and shall be supplied with a blanket and a sleeping mat. His private clothes, money or other articles in respect whereof no order of a competent Court has been made shall be placed in the custody of the Gaoler or, if there is no Gaoler appointed to the Prison, of the Superintendent and shall be returned to him when released, an inventory of the same being entered in the prisoner's history sheet. Provided that in any case where such prisoner's clothing is so old, worn out or filthy as to be useless or not capable of being cleaned the Superintendent or Gaoler may order the same to be destroyed, and in such case, on the release of such prisoner, the Superintendent or Gaoler may give him clothing suitable to his position in life.

Prisoners may be removed to any prison in accordance with the orders of the Governor.

45. (1) Prisoners on being sentenced or during confinement may be removed to any prison in the Protectorate, in accordance with any general or special order to be made by the Governor.

Prisoners sentenced at a place where there is no prison.

(2) Prisoners if sentenced to imprisonment at a station at which there is no prison, shall be removed as soon as possible to the prison specified in such general or special orders.

Removal of lunatic prisoners.

46. If any prisoner shall become or be found to be of unsound mind in any prison the Superintendent shall forthwith report to the Medical Officer and the Medical Officer shall visit and enquire into the state of mind of such prisoner, and if the Medical Officer shall sign a certificate with respect to such prisoner according to the form in the Schedule, and the Superintendent shall forward a copy of such certificate to the Chief Secretary, it shall be lawful for the Chief Secretary, by order in writing under his hand directed to the Superintendent of such prison, to order that such prisoner shall be forthwith removed to any fit place for the custody and treatment of lunatics, which may from time to time be appointed by the Governor for that purpose either within any prison or elsewhere. Any person so removed shall remain in such place until it shall be certified by a Medical Officer in the service of the Government that such prisoner has become of sound mind whereupon he shall by order of the Chief Secretary be re-delivered into the custody of the Superintendent of such prison if still liable to be confined there, and if not so liable released.

Removal of prisoners from one prison to another.

47. All prisoners previously to being removed to any other prison shall be examined by the Medical Officer or his subordinate.

Removal of prisoners from one prison to another.

48. No prisoner shall be removed from one prison to another unless the Medical Officer or his subordinate certifies that the prisoner is free from any illness rendering him unfit for removal.

Discharge of sick prisoners.

49. No prisoner if labouring under any acute or dangerous illness, shall be discharged against his will from prison, nor until, in the opinion of the Medical Officer, such discharge is safe.

Release of prisoners.

50. All prisoners shall be discharged at 1 p.m. on the date on which they are entitled to be released, but should that date fall on a Sunday, Christmas Day, Good Friday, or any public holiday, they shall be released at 1 p.m. on the day previous.

Discharge of prisoners in a District to which they do not belong.

51. Prisoners discharged from a prison situate in a District to which they do not belong may, by the direction of the Superintendent, be returned at Government expense to their own District, or supplied with a sum of money sufficient to take them back.

52. With a view to prevent the repetition of crime, when prisoners are discharged without friends or means of subsistence, it shall be in the discretion of the Superintendent to pay a gratuity not exceeding three rupees, in deserving cases and only after full enquiry has been made. Should the Superintendent not consider this sum sufficient, he must obtain authority in writing from the Commissioner before paying any higher gratuity.

Discipline of Prisoners.

53. (1) Male and female prisoners shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with each other.

(2) European prisoners and Non-European prisoners shall, when possible, be imprisoned in separate buildings or in separate parts of the same building.

54. Male prisoners under the age of 16 shall, if the accommodation of the prison permits, be separated from the other prisoners.

55. Unconvicted criminal prisoners, and all others committed for custody only, shall be kept apart from convicted criminal prisoners. They shall not be required to do any labour other than such as is required to keep their cells, furniture and utensils clean, and they shall be allowed to have this work done for them at their own expense. Employment may be given to them at their own request.

56. Civil prisoners shall be kept apart from criminal prisoners.

57. Subject to the requirements of sections 53 to 60 convicted criminal prisoners may be confined either in association or individually in cells and partly in one way or partly in the other.

58. The cells or wards where a number of prisoners are confined shall be lighted at night, and be under the constant supervision of the prison officers.

59. No male prison officer shall enter or remain in a cell in which female prisoners are confined unless accompanied by a matron or wardress.

60. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with a prison officer.

Prisoners under Sentence of Death.

61. Every prisoner under sentence of death shall be confined apart from other prisoners in a special cell and shall be under constant supervision by day and night.

62. Except on the written order of the Superintendent, no one shall have access to a prisoner under sentence of death except prison officers, the Medical Officer or his assistant, Visiting Justices, and a minister of the religious denomination to which he belongs.

63. Executions shall be attended by the Superintendent, the Gaoler (if any) and the Medical Officer, and may be attended by a minister of the denomination to which prisoners belong.

Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners.

64. A civil prisoner or unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such regulations as may be approved by the Commissioner.

65. No part of any food, clothing, bedding or other necessaries belonging to a civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any such prisoner transgressing the provisions of this section shall lose the privilege of purchasing food, or receiving it from private sources, for such time as the Superintendent thinks proper.

Supply of clothing and bedding to civil and unconvicted criminal prisoner.

66. Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary. When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall, within 48 hours after receipt by him of a demand in writing, pay to the Superintendent the cost of the food, clothing and bedding for the prisoner; and in default of such payment the prisoner may be released.

Labour.

Prisoners sentenced to hard labour.

67. Prisoners sentenced to hard labour or rigorous imprisonment shall be employed on the construction of roads, buildings or other works, in scavenging, chopping firewood, or in such other work as the Superintendent may direct, with the approval of the Commissioner.

Prisoners sentenced to simple imprisonment.

68. Prisoners sentenced to simple imprisonment must not leave the prison but shall be given light employment within the walls, such as tailoring, cooking, or drawing water.

Female prisoners.

69. Female prisoners shall not be employed outside the prison, except on the recommendation of the Medical Officer, and then only on such labour as is suitable for women.

Superintendent to supervise labour.

70. All prison labour shall be under the supervision of the Superintendent.

Visits to Prisoners.

Visits from friends and letters.

71. Convicted criminal prisoners shall be allowed, once in every three months, to receive a visit from friends in the sight and hearing of a prison officer, and to write and receive a letter. No other visit or communications, save under the next following section, shall be permitted except by an order in writing from the Superintendent or a Visiting Justice. In no case shall a prisoner under punishment for any offence committed within the prison or in solitary confinement under the sentence of a Court be permitted to receive any visit or communication, except on special grounds stated in the order.

72. If a prisoner, dangerously sick, desires to be visited by any relation or friend, the Medical Officer may give an order in writing for the admission of such relation or friend if he considers it advisable.

Prisoners other than convicted criminal prisoners.

73. All prisoners other than convicted criminal prisoners shall be given all reasonable opportunities, daily, of communicating with their friends or legal adviser, and they may write or receive letters. Prisoners awaiting trial shall be allowed to see their advocates in the sight, but as far as possible, out of the hearing of a prison officer, unless for special reason the Superintendent shall order otherwise.

Ministers of religion.

74. The minister of the denomination to which a prisoner belongs shall be invited to visit the prison if any prisoner so desires it and shall be permitted to hold services at such hours and in such places as the Superintendent may sanction.

Visitors to prison.

75. The Superintendent or Gaoler shall demand the name and address of any visitor to any prisoner, and shall enter the same in the book provided for the purpose, and, when the Superintendent or Gaoler has any ground for suspicion, he may search any visitor, or cause him to be searched but the search shall not be made in the presence of any prisoner or of any other visitor. In case of any such visitor refusing to permit himself to be searched, the Superintendent or Gaoler may deny him admission, and the grounds of such proceeding, with the particulars thereof, shall be mentioned in the said book.

Inquiry in event of the death of a Prisoner.

Inquiry into the cause of the death of a prisoner.

76. When any person dies while in the custody of a prison officer the procedure prescribed by the Indian Criminal Procedure Code or any Ordinance substituted therefor for inquiring into the cause of the death of a person dying in police custody shall be followed in like manner as if such person had died while in the custody of the police.

Visiting Justices.

- 77. (a) There shall be Visiting Justices of every Prison. Visiting Justices.
- (b) The following are ex-officio Visiting Justices of every prison in the Protectorate, namely, the Judges of the High Court, the members of the Executive Council, the Officer Commanding Troops and the Principal Medical Officer.
- (c) The Governor shall in the case of every prison appoint such other persons as he may deem expedient to be Visiting Justices for the Prison to which they are appointed.
- (d) The Governor shall by Regulations provide for the frequent visitation of all prisons by a Visiting Justice.

78. An ex-officio Visiting Justice may at any time visit any prison and an appointed Visiting Justice may at any time visit the prison to which he is appointed, and either such Visiting Justice may call for all the books, papers and records relating to the management and discipline of the prison; may visit every ward, yard and cell and see every prisoner in confinement; may inspect and test the quality and quantity of the prisoners' food; and shall ascertain, so far as possible, whether the rules and regulations are adhered to. On the completion of the visit, he or they shall enter in the Visiting Justices' Book such remarks, suggestions or recommendations as may seem advisable. Duties of Visiting Justices.

79. Every Visiting Justice shall, for the purpose of this Ordinance, have power to summon witnesses and to administer oaths. Visiting Justices witnesses and oaths.

Remission System.

80. Convicted criminal prisoners shall be divided into two classes, viz:— Short term prisoners sentenced to imprisonment for six months and under; long term prisoners whose sentences exceed six months. Classes of convicted criminal prisoners.

81. Long term prisoners, by industry and good conduct, may after the completion of six months' imprisonment earn a remission of one-seventh of the remaining period of their sentence. Long term prisoners and remission of part of sentence.

For the purpose of giving effect to the provision of this section each prisoner on admission shall be credited with the full amount of remission to which he would be entitled, and shall only lose such remission as a punishment for idleness, lack of industry or other offence against prison discipline.

82. The Commissioner may recommend to the Governor, and the Governor may grant, a further remission on special grounds, such as exceptional merit or permanent ill-health. Governor may grant further remission of sentence.

83. The sentence of a prisoner sentenced to imprisonment for life shall be specially considered at the end of fifteen years with a view to the release of such prisoner and the Governor shall give such directions in the matter as he shall think fit. Life sentence to be considered at the end of fifteen years.

Offences in Relation to Prisons.

84. Save as is provided by section 64 any person who brings, throws or attempts by any means whatever to introduce into any prison, or to give to any prisoner, any spirituous liquor, tobacco, any intoxicating or poisonous drug, or contrary to the regulations any article whatsoever, and whoever contrary to any rule or regulation communicates or attempts to communicate with any prisoner, and whoever abets any offence made punishable by this section shall, on conviction, be liable to imprisonment of either description for a period not exceeding six months, or to a fine not exceeding three hundred rupees or both. Penalty for introduction or removal of prohibited articles into and from prison and unauthorised communication with prisoners.

85. When any person, in the presence of any prison officer, commits or attempts to commit any offence specified in the last foregoing section, and refuses on demand of such prison officer to state his name and residence, or gives a name or residence which such prison officer knows or has reason to believe to be false, such prison officer may arrest him and shall without unnecessary delay make him over to a police officer, and thereupon such police officer shall proceed as if the offence had been committed in his presence. Power of arrest for offences under preceding section.

86. The Superintendent shall cause to be affixed, in a conspicuous place outside the Prison, a notice in English setting forth the acts prohibited under section 84, and the penalties incurred by their commission. Publication of penalties.

Prison Offences.

Punishment for prison offences. 87. The punishment for misconduct shall be loss of remission, solitary confinement, penal diet, hard labour and in very serious cases in respect to male convicted criminal prisoners corporal punishment. A prisoner shall not be subjected to solitary confinement or penal diet until certified medically fit to undergo it by a Medical Officer or in case no Medical Officer is available by a prison officer of or above the rank of Superintendent, and shall not be subjected to corporal punishment until certified medically fit to undergo it by a Medical Officer.

Prisoner to be allowed to make his defence. 88. No prisoner shall be punished until he has had an opportunity of hearing the charge and evidence against him, and making his defence.

Corporal punishment. 89. Where corporal punishment is awarded, the number of strokes shall be limited in the case of adults to 24 with such instrument only as the Governor has approved, and in the case of juveniles to 12 with a light cane

Solitary confinement. 90. Solitary confinement may be combined with penal diet, but penal diet shall not be combined with hard labour.

Prison offences. 91. The following acts are declared to be prison offences when committed by a prisoner:—

- (1) Quarrelling with any other prisoner.
- (2) Making groundless complaints.
- (3) Making false charges against prison officers in reply to any question as to matters concerning the gaol or gaol discipline, or answering untruthfully any question as to matters contained in section 42 put by a prison officer.
- (4) Holding any communication, in writing, by word of mouth or otherwise, with an outsider or with a prisoner in disobedience of the regulations of the prison.
- (5) Doing any act calculated to create any unnecessary alarm in the minds of the prisoners or prison officers.
- (6) Omitting or refusing to march in file when moving about the prison, or proceeding to or returning from work.
- (7) Refusing to eat the food prescribed by the prison diet scale.
- (8) Eating or appropriating any food not assigned to him or taking or adding to the portions assigned to other prisoners.
- (9) Without permission of a prison officer removing food from the cook-house, or from the place where meals are served, or disobeying any order as to the issue and distribution of food and drink.
- (10) Wilfully destroying food, or throwing it away without orders.
- (11) Introducing into food or drink anything likely to render it unpalatable or unwholesome.
- (12) Omitting or refusing to wear the clothing given to him, or exchanging any portion of it for the clothing of other prisoners, or losing, discarding, damaging, or altering any part of it.
- (13) Removing, defacing, or altering any distinctive number, mark or badge attached to, or worn on, the clothing or person.
- (14) Omitting or refusing to keep the person clean, or disobeying any order regulating the cutting or shaving of hair.
- (15) Omitting or refusing to keep clothing, blankets, bedding or fetters clean, or disobeying any order as to the arrangement or disposition of such articles.
- (16) Tampering in any way with prison locks, lamps or lights, or other property with which he has no concern.
- (17) Stealing the prison clothing or any part of the prison kit of any other prisoner.
- (18) Committing a nuisance in any part of the prison.
- (19) Defacing or injuring the walls, furniture or other property of the prison.
- (20) Spitting on or otherwise soiling any floor, doors, wall or other part of the prison building or any article in the prison.
- (21) Wilfully befouling the wells, latrines, washing or bathing places.
- (22) Omitting or refusing to take due care of all prison property intrusted to him.

- (23) Omitting or refusing to take due care of, or injuring, destroying or misappropriating the materials and implements intrusted to him for work.
- (24) Wilfully causing to himself any illness, injury or disability.
- (25) Causing, or omitting to assist the suppressing of, violence or insubordination of any kind.
- (26) Taking part in any attack upon any prison officer or upon another prisoner.
- (27) Omitting or refusing to help any prison officer in case of an attempted escape, or of an attack upon such officer or upon another prisoner.
- (28) Disobeying any of the regulations or any lawful order of a prison officer, or omitting or refusing to perform duties in the manner prescribed.
- (29) Treating with disrespect any prison officer or servant of the prison, or any visitor, or any person employed in connection with the prison.
- (30) Being idle, careless or negligent at work, or refusing to work.
- (31) Leaving his cell or other appointed location, or his place of work, or file assigned to him without permission.
- (32) Having in his possession any article he is not entitled to have.
- (33) Any assault or use of criminal force.
- (34) Cursing, swearing or making unnecessary noise.
- (35) Immoral, or disorderly, or indecent behaviour.
- (36) Using insulting, threatening or indecent language.
- (37) Malingering.
- (38) Wilfully bringing a false accusation against any prison officer or prisoner.
- (39) Escaping, or conspiring to escape or assist in escaping, or to commit or attempt to commit any other of the offences aforesaid.
- (40) Abetting the commission of any prison offence.
- (41) Any other act, conduct, disorder or neglect to the prejudice of good order or discipline though not specified in the foregoing sub-sections.

92. A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a Prison Officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

93. A Superintendent, or Visiting Justice may, after due enquiry, punish any prisoner guilty of any prison offence by :—

- (a) Solitary confinement up to 48 hours,
- (b) Penal diet not exceeding 4 days.
- (c) Loss of remission not exceeding 7 days.
- (d) Hard labour for a period not exceeding 7 days in the case of a convicted criminal prisoner not sentenced to rigorous imprisonment.

94. In every case of aggravated, more serious or repeated offence, any one or more of the following punishments may be imposed by a Superintendent or Visiting Justice after due enquiry :—

- (a) Solitary confinement, with or without penal diet, for a period not exceeding 28 days.
- (b) Loss or remission not exceeding 28 days.
- (c) Corporal punishment.
- (d) Hard labour for a period not exceeding 14 days in the case of a convicted criminal prisoner not sentenced to rigorous imprisonment.

Provided as follows :—

- (a) The solitary confinement shall not be continuous for more than 7 days, and an interval of 7 days shall elapse before a further period of such confinement.
- (b) If an offender is sentenced to penal diet for a longer period than 4 days :—

- (i) In the case of a person, not being a native, the penal diet shall not be imposed for more than three days continuously with an interval of three days before it is again imposed.
- (ii) In the case of a native, the penal diet shall not be imposed for more than seven days continuously with an interval of three days before it is again imposed.
- (c) Every sentence of corporal punishment imposed on a European shall, before being carried into execution, be confirmed by the Governor.
- (d) Every sentence of corporal punishment imposed by a Visiting Justice shall, before being carried into execution, be confirmed by the Superintendent.
- (e) Corporal punishment shall not be awarded except for mutiny or incitement to mutiny, personal violence to any person, grossly abusive or offensive language, or any act of grave misconduct or insubordination, or for repeated serious offences against prison discipline.
- (f) A sentence of corporal punishment shall not be carried out except in the presence of a Medical Officer or, if no Medical Officer is available, in the presence of a Magistrate, nor before such Medical Officer or Magistrate has after the examination of the offender certified that he is physically fit to undergo the sentence imposed upon him.
- (g) No sentence of corporal punishment shall be carried out in instalments.
- (h) The Medical Officer or Magistrate may at any time during the execution of the sentence of corporal punishment intervene and prohibit the remainder of the sentence being carried out if he considers the offender unable to bear it without risk of serious physical injury.
- (i) Corporal punishment shall not be inflicted upon any female prisoner, or any male prisoner over the age of 55, or any unconvicted prisoner, or any prisoner under civil process.
- (j) No prisoner may be detained in custody after his sentence expires, regard being had to section 49, unless he shall have been again brought before a Court of Justice and again sentenced.

Trial before Magistrate for prison offence.

95. A Prisoner may, when necessary, be charged before any Magistrate of the 1st or 2nd class with any offence against prison discipline, whether included in section 91 or not, and such Magistrate shall have power to award imprisonment of either description for a term not exceeding six months, together with any such punishment as may, under this Ordinance, be awarded by a Superintendent. Such sentence shall run from the expiration of any previous sentence. Provided that nothing in this Ordinance shall be construed to exempt any prisoner from being proceeded against for any offence by the ordinary course of law, and provided that no prisoner shall be punished twice for the same offence.

Entries in punishment book, and prisoner's record sheet.

- 96. (1) In the space allotted in the prisoner's record sheet shall be recorded the prison offence of which he is guilty and the punishment awarded and the date of infliction.
- (2) In every case of a prison offence the names of the witnesses proving the offence shall be recorded, and in the case of offences for which corporal punishment is awarded, the Superintendent or Visiting Justice who awarded the punishment shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons thereof in the crime sheet form provided for that purpose.
- (3) Against the entries relating to such punishment the Superintendent, or Visiting Justice shall affix his initials as evidence of the correctness of the entries.

Discipline of Asiatic and African Subordinate Staff.

Law applicable to the Prison Staff.

97. The Prison Staff shall, subject to the provisions of this Ordinance and Rules made thereunder, be amenable to the ordinary course of law.

98. No pay shall accrue or become due to any Subordinate Officer in respect of any period during which he is undergoing any sentence of imprisonment or is detained in a prison guard room or cell awaiting any trial which results in his conviction either for any offence against discipline or for any other crime. Pay not to accrue during imprisonment under sentence.

99. (1) All fines imposed under this Ordinance by a prison officer upon a Subordinate Officer for offences under this Ordinance or any Regulations thereunder shall be recovered by stoppages from the offender's pay due at the time of committing such offence, or thereafter accruing due, and not from any other source or in any other manner. Fines to be recovered by stoppages.

(2) The amount of stoppages shall be in the discretion of the officer authorised to impose fines, in no case exceeding one-half of the daily pay of the offender; and whenever more than one order of stoppage is enforced for any cause against the same person, so much only of his pay shall be stopped as shall leave him a residue of at least one-half of his daily pay.

(3) When more than one order of stoppage is made upon the same person, the enforcement of the later order or orders shall, if necessary, be postponed until the earlier orders are discharged.

100. (1) All fines imposed under this Ordinance by a prison officer and all stoppages of pay and the proceeds of sale of any prohibited article seized including money at any prison shall be paid over to the Treasurer of the Protectorate, to be placed to the credit of a fund to be styled the "Prison Rewards and Fines Fund." Disposal of fines

(2) No payment shall be made from the "Prison Rewards and Fines Fund" except upon the authority of the Governor.

(3) The Governor may, on the recommendation of the Commissioner, sanction payments from the "Prison Rewards and Fines Fund" for any of the following purposes, that is to say:—

(a) Assistance to the wives or families of a deceased Subordinate Officer or to a Subordinate Officer discharged as an invalid, who may be in immediate want.

(b) Payment to a Subordinate Officer as rewards for special services when such payments cannot otherwise be met out of Protectorate funds.

(c) Replacing property in respect of which stoppages have been credited to the fund.

(d) Such other purpose as may from time to time be approved by the Governor.

(4) Annual statements of receipts and expenditure on account of the "Prison Rewards and Fines Fund" shall be rendered by the Commissioner to the Governor.

101. Upon reasonable suspicion that any person is a deserter from the prison service any prison officer or other person may apprehend him without warrant, and forthwith bring him before a Magistrate of the District wherein he was found; and upon conviction of being a deserter such person shall be liable to imprisonment of either description for a period which may extend to two years and shall be liable to a fine not exceeding five hundred rupees. Apprehension of deserters.

102. Any prison officer who has forfeited any period of past service qualifying towards gratuity may have such service restored to him by the Governor on the recommendation of the Commissioner at any time as a reward for conspicuous gallantry in the field or other notable service, or when he has served with uninterrupted good conduct as shown by his having no entries in the defaulter's book for two years in case of a first conviction entailing loss of service, for five years in case of a second conviction of the same nature, and for seven years in case of a third conviction of the same nature or should circumstances of an aggravated character have attended the offence on account of which his service was forfeited. Such period of probation shall be reckoned from the release of the person convicted from imprisonment or other completion of the punishment and his return to duty. Restoration of forfeited service.

Mode of complaint by a prison official.

101. If any prison official thinks himself wronged in any matter by any other prison official, he may complain thereof to the Commissioner through his superior officer, and if he thinks himself wronged by the Commissioner either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to the Governor, and the Commissioner or the Governor upon any complaint being made in pursuance of this section shall cause such complaint to be enquired into, and shall, if on enquiry he is satisfied of the justice of the complaint so made, take such steps as may be necessary for giving full redress to the complainant in respect of the matter complained of.

Offences by Subordinate Officers.

Offence by Subordinate Officers.

104. Provided that nothing in this Ordinance shall be construed to exempt any prison officer from being proceeded against for any offence by the ordinary course of law, or any Subordinate Officer who :—

- (1) Uses traitorous or disloyal words regarding the Sovereign ; or,
- (2) Strikes or uses or offers any violence against his superior officer, or uses threatening or insubordinate language to his superior officer ; or,
- (3) Wilfully disobeys any lawful command ; or,
- (4) Is drunk ; or drinks intoxicants while actually on duty ; or,
- (5) Absents himself without leave ; or,
- (6) Sleeps on his post ; or leaves it before being regularly relieved except in fresh pursuit of any offender whom he ought to apprehend ; or,
- (7) Being under arrest or confinement, leaves or escapes from his arrest or confinement before he is set at liberty by proper authority ; or,
- (8) Neglects or refuses to assist in the apprehension of any prison officer charged with any offence ; or,
- (9) Allows any prisoner to escape who is committed to his charge or whom it is his duty to keep or guard ; or,
- (10) Offers unwarrantable personal violence to any person in his custody ; or,
- (11) Is guilty of cowardice ; or,
- (12) Fires his rifle without just cause or orders ; or,
- (13) Without cause fails to appear at any parade appointed by his superior officer ; or,
- (14) Pawns, sells, loses by neglect, makes away with or wilfully spoils his arms, accoutrements, clothing, or necessaries or any medal or decoration granted to him for service or good conduct ; or,
- (15) Steals any money or goods the property of any prison officer or prisoner, or steals or embezzles any Government money or goods, or receives any such money or goods knowing them to have been stolen or embezzled from any prison officer or prisoner or the Government ; or,
- (16) Commits any act of plunder or wanton destruction of property ; or,
- (17) Solicits or accepts a gratuity ; or,
- (18) Is slovenly, inattentive, uncivil, or quarrelsome ; or,
- (19) Does not keep his rifle clean ; or
- (20) Loses without any reasonable cause any ammunition issued to him ; or,
- (21) Without due authority discloses or conveys any information concerning any investigation or departmental matter ; or,
- (22) Malingers or feigns or produces any disease or infirmity ; or,
- (23) Is wilfully guilty of misconduct, or wilfully disobeys, whether in hospital or otherwise, any orders by means of which misconduct or disobedience he produces or aggravates disease or infirmity or delays its cure ; or,
- (24) Incurs debt ; or,
- (25) Without proper authority exacts from any person carriage, portorage or provisions ; or,
- (26) Resists an escort whose duty it is to apprehend him or to have him in charge ; or,

- (27) Breaks out of Warders' lines, camp or quarters; or,
- (28) Makes any false statement on becoming a prison officer; or,
- (29) Refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send; or,
- (30) Makes a false accusation against any prison officer or prisoner knowing such accusation to be false; or,
- (31) In making a complaint, where he thinks himself wronged, knowingly makes any false statement affecting the character of any prison officer or knowingly and wilfully suppresses any material facts; or,
- (32) Engages without authority in any employment other than his duty as a prison officer; or,
- (33) Is guilty of any other act, conduct, disorder, or neglect to the prejudice of good order and discipline;

shall be deemed to have committed an offence against discipline.

105. The Superintendent may enquire into any such offence and thereupon punish the offender by:—

- (a) Fine not exceeding Rs. 10.
- (b) Reduction in Grade.
- (c) Dismissal.

Punishment for offences by Subordinate Officers.

Provided that any sentence of reduction of more than one Grade or dismissal shall be confirmed by the Commissioner.

106. Every Gaoler, or Matron or Subordinate Officer who shall be guilty of any violation of duty, or wilful breach of any rule or regulation, or lawful order made by a competent authority, or who shall withdraw from the duties of his office without permission or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred rupees, or to imprisonment with or without hard labour for a period not exceeding six months or both.

Trial by Magistrate of Gaoler or Subordinate Officer for offences.

Safe Custody of Prisoners.

107. The Commissioner shall direct the manner in which prisoners are to be secured. The directions of the Commissioner in regard to these matters shall be submitted to the Governor for his approval or otherwise.

Commissioner to direct method of securing prisoners.

Licence to Prisoner to be at large.

108. The Governor may grant to any prisoner a licence to be at large within the Protectorate or in such part thereof as is in such licence expressed, during such portion of his term of imprisonment and upon such conditions as the Governor may deem fit. The Governor may at any time revoke or alter such licence.

Power to Governor to grant licence to prisoner to be at large.

109. So long as such licence continues in force and unrevoked, such prisoner shall not be liable to imprisonment by reason of his sentence, but shall be allowed to go and remain at large according to the terms of such licence.

Holder of licence to be allowed to go at large.

110. In case of the revocation of any such licence as aforesaid, the Governor may by order in writing signify to any Justice of the Peace or Magistrate that such licence has been revoked, and require him to issue a warrant for the apprehension of the prisoner to whom such licence was granted, and such Justice of the Peace or Magistrate shall issue his warrant accordingly.

Apprehension of prisoner where licence revoked.

111. Such warrant may be executed by any officer to whom it may be directed or delivered for that purpose in any part of the Protectorate, and shall have the same force in any place within the Protectorate as if it had been originally issued or subsequently endorsed by the Justice of the Peace or Magistrate or other authority having jurisdiction in the place where the same is executed.

Execution of warrant.

112. The prisoner, when apprehended under such warrant, shall be brought, as soon as conveniently may be, before the Justice of the Peace or Magistrate by whom it has been issued or before some other Justice of the Peace or Magistrate of the same place or before a Justice of the Peace or Magistrate having jurisdiction in the District in which the prisoner is apprehended. Such Justice of the Peace or Magistrate shall thereupon make out his warrant under his hand and seal for the re-commitment of the prisoner to the prison from which he was released by virtue of the said licence.

Apprehended prisoner to be brought up for re-commitment.

Recommitment. 113. Such prisoner shall be recommitted accordingly and shall thereupon be liable to be imprisoned for such further term as, with the time during which he may have been imprisoned under the original sentence and the time during which he may have been at large under an unrevoked licence, is equal to the term mentioned in the original sentence.

Penalty for breach of condition of the licence. 114. If a licence be granted under section 108 upon any condition specified therein, and the prisoner to whom the licence is granted violates any such condition, or goes beyond the limits specified in the licence, or, knowing of the revocation of such licence, neglects forthwith to surrender himself, or conceals himself, or endeavours to avoid being apprehended, he shall be liable upon conviction to be sentenced to imprisonment of either description for a term not exceeding two years.

Superintendent, witnesses and oath. 115. Every prison officer of or above the rank of a Superintendent or lawfully performing the duties of a Superintendent shall for the purposes of this Ordinance have power to summon witnesses and to administer oaths.

Regulations.

Governor may make Regulations. 116 (1) The Governor may from time to time make alter or revoke Regulations not being inconsistent with the provisions of this Ordinance for any of the purposes following :
(1) For the government of prisons and for the guidance of officers appointed thereto.
(2) For the classification of prisons.
(3) For the supply to prisoners of a sufficient quantity of plain and wholesome food and framing dietary tables for such purpose.
(4) Generally for carrying out the purposes of this Ordinance.
(2) Every Regulation shall be published in the "Gazette", and, on such publication, or from the date named therein, shall have the force of law, subject to disallowance by His Majesty.

Repeal.

Repeal. 117. The East Africa Prisons Regulations, 1902, are hereby repealed. Provided, however, that all appointments, orders, notices, rules or regulations issued or made thereunder in respect of any matters or things for which appointments, orders, notices, rules or regulations are required or may be issued or made under this Ordinance, shall have effect as if issued or made under this Ordinance until other provision be made under this Ordinance.

SCHEDULE.

Medical Certificate.

I, the undersigned,....., hereby certify that I, on the.....day of.....19..... at the Gaol atin the East Africa Protectorate, personally examined....., a prisoner in the said Gaol, and that the said.....is a

(a)

(a) Lunatic or idiot or a person of unsound mind.

..... and a proper person to be taken charge of and detained under care and treatment, and that I have formed this opinion on the following facts :—

(b) Here state the facts.

1. Facts indicating insanity observed by myself (b)

(c) Here state the information and from whom.

2. Other facts (if any) indicating insanity communicated to me by others (c)

Dated this.....day of.....19.....

.....
Medical Officer.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

 No. 14 of 1914.

An Ordinance to make provision for a Reserve of Native Troops to the King's African Rifles.

[August 10th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as “The King’s African Rifles Reserve Forces Ordinance, 1914.” Short title.

2. In this Ordinance:—

“Officer Commanding the Troops” means the Senior Military Officer in command of His Majesty’s Forces within the East Africa Protectorate. Definitions.

“Commanding Officer” means, in relation to any person subject to military law, the officer whose duty it is, under the provisions of His Majesty’s Regulations or, in the absence of any such provisions, under the custom of the service, to deal with a charge against that person of having committed an offence, that is, to dispose of it on his own authority or refer it to a superior authority.

“Reservist” means a native enlisted or re-engaged under this Ordinance and includes native officer and non-commissioned officer.

“Magistrate” means a Magistrate holding a subordinate Court of the 1st or 2nd class.

Other expressions have the same meaning as they have in “The King’s African Rifles Ordinance, 1912” (hereinafter referred to as the Principal Ordinance) unless the context otherwise requires.

3. (1) It shall be lawful for the Governor to raise and maintain a Reserve consisting of such number of men as, having completed the period of service in the King’s African Rifles for which they originally enlisted or re-engaged or as much of that service as they have been called upon to perform, enlist in the Reserve. Raising of a Reserve Force.

Such Reserve shall be known as “The King’s African Rifles (East Africa Protectorate) Reserve Forces.”

(2) It shall be lawful for the Governor to continue the services of such men as shall have enlisted in the Reserve before the passing of this Ordinance, and the services of such men shall be deemed to be continued under and subject to all the provisions of this Ordinance as if they had enlisted hereunder, without prejudice to anything done in relation to or by such Reserve.

Enlistment term of service and re-engagement.

4. Every reservist enlisted under this Ordinance shall be enlisted to serve for three years or such other period not exceeding three years as the Governor may prescribe and such period shall be reckoned from the date of attestation.

Any reservist of good character enlisted under this Ordinance may from time to time on the completion of his original term of service, with the approval of his Commanding Officer, re-engage to serve for a further period of three years or such other period not exceeding three years as may be prescribed.

Declaration on enlistment.

5. Every reservist enlisting or re-engaging under the provisions of this Ordinance shall make the declaration in the form in the schedule hereunto annexed before a Magistrate or an Officer of the King's African Rifles.

Such attesting Magistrate or Officer shall explain to the declarant the terms and conditions of his enlisting in the Reserve and shall sign a certificate of his having done so.

Enlistment of men discharged with disgrace from King's African Rifles.

6. (1) If a person having been discharged with disgrace from the King's African Rifles has afterwards enlisted under this Ordinance without declaring the circumstances of his discharge or dismissal, such person shall be guilty of an offence and whether otherwise subject to the Principal Ordinance or not shall be liable as follows, that is to say:—

- (a) To be tried by Regimental Court Martial and on conviction to suffer imprisonment of either description not exceeding one year.
- (b) To be tried by a Magistrate and on conviction to be sentenced to imprisonment of either description not exceeding one year.

(2) For the purpose of this section the expression "discharged with disgrace" means discharged with ignominy, discharged as incorrigible undesirable or worthless, or discharged on account of a conviction for an offence punishable with rigorous imprisonment exceeding three years or a sentence of not less than three years rigorous imprisonment.

Liability to be called out and extent of service

7. Every reservist shall be liable to be called out by the Officer Commanding the Troops as follows:—

- (1) For training and exercises at such places and for such times not exceeding thirty one days in any one year as may be directed;
- (2) In aid of the civil power;
- (3) On permanent service within or without the Protectorate in case of insurrection, hostilities or emergency whenever the Governor may think fit.

Every reservist called out under the provisions of sub-sections (2) and (3) hereof shall be liable to continue such service for any period not exceeding 12 months beyond the term of his enlistment so long as such insurrection, hostilities or other emergency continues or continue.

Reduction or suspension of Annual Training.

8. The Governor may from time to time order:—

- (1) That the period of annual training in any year of all or any part of the Reserve be

reduced to such shorter period as he may deem fit.

- (2) That in any year the annual training of all or any part of the Reserve shall be dispensed with.

9. Every reservist shall on receipt of due notice attend at the time and place appointed and shall be deemed to have been "called out" within the meaning of this Ordinance. How called

For the purposes of this section notice shall be deemed to have been duly given when sent to or left at the last known place of residence of the reservist.

10. Every reservist when called out under this Ordinance shall become subject to the provisions of the Principal Ordinance in so far as they are not repugnant to the subject and context hereof, and shall be liable to be dealt with thereunder. Application of Principal Ordinance.

11. (i) Every reservist when called out shall receive the pay, good conduct pay and rations of the rank held by the Reservist at the date of his discharge from the King's African Rifles for each day of service when called out for duty, training or on mobilization, provided that in the case of a non-commissioned officer he is, in the opinion of his Commanding Officer, fitted for his former rank; if his Commanding Officer considers that he is not so fitted, the Reservist shall receive the pay of the rank (including Good Conduct Pay) to which he is appointed; but such Reservist shall be given the option of taking his discharge. Pay when called out for duty.

(ii) At all other times the Reservist shall receive pay quarterly at the uniform rate of Re. 1/- per mensem.

12. (1) Every reservist shall once in every six months report himself to his Commanding Officer or to an Officer deputed by him for this purpose or to a Magistrate of the district in which he resides, in the event of a reservist reporting himself to a Magistrate as herein provided such Magistrate shall thereupon notify the Officer Commanding the Troops of the fact. Reservist to report every quarter.

(2) Any reservist leaving or attempting to leave the Protectorate without first obtaining permission from his Commanding Officer shall be liable to be dealt with under the Principal Ordinance as a deserter or for absenting himself without leave. Not to leave the Protectorate without permission.

13. (1) Any reservist who commits any of the following offences, that is to say:—

Without leave lawfully granted or any other reasonable excuse fails to appear at the time and place appointed either for annual training or for assembling when called out for permanent service or who fails to report himself as in section 12 (1) hereof provided shall—

(a) In the case of being called out for permanent service or annual training Punishment for non-attendance for annual training or embodiment or for failure to report.

be guilty according to the circumstances of desertion or of absenting himself without leave;

(b) In any other case be guilty of absence without leave.

(2) Any reservist who commits an offence under this section or under section 37 (6) and (7) of the Principal Ordinance whether otherwise subject to the Principal Ordinance or not shall be liable as follows, that is to say;

(a) To be tried by Regimental Court Martial and on conviction to suffer imprisonment of either description not exceeding two years or such less punishment as in the Principal Ordinance is mentioned or to be dealt with summarily by his Commanding Officer according to section 40 of the Principal Ordinance.

(b) To be dealt with by a Magistrate and if convicted sentenced to imprisonment of either description not exceeding two years or to a fine not exceeding Rs. 150.

Record of illegal absence.

14. Where a reservist fails to appear at the time and place appointed when called out for annual training or in aid of the civil power or when called out on permanent service and his absence continues for not less than 21 days an entry of such absence shall be made by an officer in the prescribed Regimental Books and such entry shall be conclusive evidence of the fact of such absence.

Punishment for inducing reservist to desert or absent himself.

15. Any person who by any means whatsoever:—

(1) Procures or persuades any reservist to commit an offence of absence without leave within the meaning of this Ordinance, or attempts to procure or persuade any reservist to commit such offence; or

(2) Knowing any reservist to be an absentee without leave within the meaning of this Ordinance, conceals such reservist or aids or assists him in concealing himself or employs or continues to employ him or aids or assists in his rescue, shall be liable upon conviction by a Magistrate to rigorous imprisonment for a period not exceeding one year or to a fine not exceeding Rs. 375/-

Penalty for making away with military decoration.

16. A reservist selling pawning destroying or otherwise making away with any medal or other military decoration awarded to him in respect of his services either in the King's African Rifles or in the Reserve shall be liable on conviction by his Commanding Officer or a Magistrate to a fine not exceeding Rs. 15/- or to imprisonment of either description for a period not exceeding forty-two days or both and, in addition, to the forfeiture of any such medal or other military decoration.

Offences committed when not subject to the Principal Ordinance.

17. Every reservist who when not subject to the Principal Ordinance as in section 10 hereof provided:—

(1) Uses threatening or insulting language or behaves in an insubordinate or improper manner to any Magistrate, Officer,

Warrant Officer, Native Officer or Non-commissioned Officer charged with any duties in connection with him if such Officer, Warrant Officer, Native Officer or Non-commissioned Officer would be the superior officer of such reservist if such reservist were subject to Military Law; or

- (2) By any fraudulent means obtains, or is accessory to the obtaining of, any pay or other sum contrary to the law in force; or
- (3) Fails without reasonable excuse to comply with any rules or orders lawfully made or given, shall be liable on conviction by his Commanding Officer to any of the punishments provided under section 40 of the Principal Ordinance, or on conviction by a Magistrate to imprisonment of either description not exceeding 6 weeks or to a fine not exceeding Rs. 10/-.

18. Every reservist who has completed his period or periods of engagement or service according to the provisions of this Ordinance shall be discharged by his Commanding Officer, unless at the expiration of any period he is undergoing punishment for, or stands charged with the commission of, any offence under this Ordinance; and in case he is undergoing such punishment or is charged with any such offence his service shall be prolonged and his discharge deferred until such punishment shall have terminated, or until he has undergone his trial and any punishment awarded in respect of the offence with which he is charged.

Discharge on completion of engagement.

No reservist shall be permitted to re-enlist in the King's African Rifles without the special permission of the Officer Commanding the Troops.

19. A reservist may be discharged by his Commanding Officer at any time during the currency of any term of engagement:—

Discharge when unfit for service, or on being dismissed.

- (1) At the discretion of the Officer Commanding Troops.
- (2) When pronounced by a Government Medical Officer mentally or physically unfit for further service.
- (3) When sentenced to be dismissed from the Reserve for misconduct.
- (4) On reduction of establishment.

20. Notwithstanding anything contained herein the Governor may from time to time make Rules with respect to the government, discipline and pay of the Reserve and with respect to other matters and things relating hereto. Such rules may provide a penalty not exceeding Rs. 375/- or imprisonment of either description for any period not exceeding one year or both in respect of any breach thereof.

Power to make Rules

Schedule.

I do solemnly promise and declare that I will be faithful to His Majesty King George the fifth His heirs and successors, and that I will faithfully serve in the Reserve for a period of three years or such other period as my services shall be required under the provisions of "The King's African Rifles Reserve Forces Ordinance, 1912".

Signature or mark of Reservist

Taken and declared before me at
 this day of A. D. 191
 by the said
 after I had fully explained to him the terms and conditions of his engagement in the King's African Rifles (East Africa Protectorate) Reserve Forces and he appeared fully to understand the same.

Signature and description of attesting Magistrate or Officer.

E A S T A F R I C A P R O T E C T O R A T E .

AN ORDINANCE

No. 15 OF 1914.

An Ordinance to provide for the Recognition in the Protectorate of Probate and Letters of Administration granted in the United Kingdom or in a British Possession or Protectorate or in a British Court in a Foreign Country.

[August 12th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof :—

1. This Ordinance may be cited as "The British and Colonial Probates Ordinance, 1914."

2. The Governor may, on being satisfied that the Legislature of any British Possession or Protectorate has made, or is about to make, adequate provision for the recognition in that Possession or Protectorate of Probates and Letters of Administration granted by the High Court of this Protectorate, direct by order published in the Gazette that this Ordinance shall apply to that Possession or Protectorate, and in the event of such provision not being made within a reasonable time, or if made, being so altered that it would not authorise the making of an order as aforesaid, the Governor may, by order published in the Gazette, revoke any such order.

Short Title.

Application of Ordinance.

3. Where a Court of Probate in the United Kingdom, or in a British Possession or Protectorate to which the Ordinance applies has granted Probate or Letters of Administration in respect of the estate of a deceased person, the Probate or Letters of Administration on being produced to, and a copy thereof deposited with the High Court, shall be sealed with the seal of the Court, and shall thereupon be of the like force and effect, and have the same operation in the Protectorate as if granted by the High Court of the Protectorate.

Sealing of Probates and Letters of Administration granted in the United Kingdom or the Colonies or Protectorates or by British Courts elsewhere.

4. The High Court shall before sealing a Probate or Letters of Administration under this Ordinance be satisfied :

Court before sealing to require payment of Probate duty and that security be given.

- (1) That Probate duty has been paid in respect of so much (if any) of the estate as is liable to probate duty in the Protectorate ;
- (2) In the case of Letters of Administration that security has been given in a sum sufficient in amount to cover the property (if any) in the Protectorate to which the Letters of Administration relate ;

and may require such evidence (if any) as it thinks fit as to the domicile of the deceased person.

5. The Court may also, if it thinks fit, on the application of any creditor, require before sealing that adequate security be given for the payment of debts due from the estate to creditors residing in the Protectorate.

Court may require security for payment of debts.

6. For the purposes of this Ordinance a duplicate of any Probate or Letters of Administration sealed with the Seal of the Court granting the same, or a copy thereof certified as correct by or under the authority of the Court granting the same, shall have the same effect as the original.

Duplicate or copy may be sealed in lieu of original.

7. The High Court may, with the approval of the Governor, make rules under this Ordinance for regulating the procedure and practice, including fees and costs in the High Court, on and incidental to an application for sealing a Probate or Letters of Administration under this Ordinance.

Power to make rules.

Subject to any exceptions or modifications made by such Rules, and until such Rules are made and published, the fees and probate duty prescribed by rules of Court shall apply and be payable as if the person who applies for sealing under this Ordinance were a person applying for Probate or Letters of Administration.

8. This Ordinance shall extend to authorise the sealing as hereinbefore mentioned of any Probate or Letters of Administration granted by a British Court in a Foreign Country other than in a Protectorate in like manner as it authorises the sealing of a probate or letters of administration granted in a British Possession or Protectorate to which this Ordinance applies and the provisions of this Ordinance shall apply accordingly with the necessary modifications.

Sealing of Probates and Letters of Administration granted by British Court in Foreign Countries.

9. In this Ordinance :

Definitions.

“ Court of Probate ” means any Court or authority by whatever name designated having jurisdiction in matters of Probate, and in Scotland means the Sheriff’s Court of the County of Edinburgh.

“ Probate and Letters of Administration ” include confirmation in Scotland, and any instrument having in a British Possession the same effect which under English Laws is given to Probate and Letters of Administration respectively.

“ Probate duty ” includes any duty payable on the value of the estate and effects for which Probate and Letters of Administration is or are granted.

“ British Court in a Foreign Country ” means any British Court having Jurisdiction out of His Majesty’s Dominions in pursuance of an Order in Council, whether made under any Act or otherwise.

“ British Possession ” includes any part of a British Possession having a separate legislature which possesses power to make the provisions required by section 2 of this Ordinance in respect of that part.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 16 of 1914.

An Ordinance to make provision for Access to Public Roads from Crown Lands which have been leased or sold and which at present have no such Access.

[August 12th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

Short Title

1. This Ordinance may be cited as "The Crown Lands (Access to Roads) Ordinance, 1914."

Power to make access roads.

2. (a) Every purchaser, holder, lessee or licensee of Crown Lands under the Crown Lands Ordinance, 1902, or the East Africa Land Regulations, 1897, shall, if there is no direct access to the land held by him by means of a reserved or proclaimed road, be entitled to a cart road of access and also to free ingress and egress thereby to and from the land held or occupied by him to a reserved or proclaimed road through and over any Crown Land whether such land is under lease, licence or not, and through and over any land otherwise held under the provisions of the Crown Lands Ordinance, 1902, or the East Africa Land Regulations, 1897. Such road of access shall not interfere with any buildings used for residential farming or industrial purposes or with any garden or stockyard and shall in every case follow such a direction and be so marked as to occasion as little damage or inconvenience to the purchaser, holder, lessee or licensee of the land traversed as may be possible.
- (b) In the case of such a road of access being constructed over Crown Land which has not been sold and is not under lease or licence the Land Officer shall determine the direction and marking of such road.
- (c) In the case of any dispute as to the direction and marking of such a road of access any party to such dispute may refer the matter to the Land Officer whose decision thereon shall be final and binding on all parties to such dispute.
3. (i) The person requiring a road of access shall pay to the purchaser, holder, lessee or licensee of the Crown land which such road traverses compensation in respect of any growing crops or permanent improvements damaged or destroyed by the construction of such road.
- (ii) In the event of any dispute arising between the person requiring a road of access and the holder of the land to be traversed as to the amount of compensation to be paid under sub-section (i) the matter shall be referred to the Land Officer, whose decision thereon shall be final and binding on both parties.

Compensation.

Power to enter and construct access roads. Proviso for construction by holder of land traversed.

4. After the direction and marking of a road of access have been determined by the consent of the person requiring such road and the purchaser, holder, lessee or licensee as the case may be, of the land which such road is to traverse or in the cases provided by section 2 (b) and (c) by the decision of the Land Officer, it shall be lawful for the person requiring such road forthwith to use the same as a road of access and to enter upon the land which such road is to traverse with all necessary workmen, tools and materials and to construct such road. Provided that as little damage or inconvenience as may be possible shall be caused by such entry and construction to the purchaser, holder, lessee or licensee of the land traversed. And provided that the purchaser, holder, lessee or licensee of the land to be traversed by such road shall, if an agreement be made with the person requiring such road as to its cost, have the option of constructing such road himself at the cost of the person requiring such road.

5. The width of a road of access constructed under the provisions of this Ordinance shall not exceed twenty feet. Width of access road.
6. The person requiring a road of access shall maintain such road in a good and efficient state of repair. Maintenance and repairs.
7. The person requiring a road of access shall not be required to fence such road when constructed. No obligation to fence access road.
8. (1) The Conservator of Forests shall, if there is insufficient direct access to any Forest area, Demarcated Forest or Forest Reserve by means of a reserved or proclaimed road be entitled to a cart road of access and also to free ingress and egress thereby to and from any Forest area or Demarcated Forest or Forest reserve to a reserved or proclaimed road through and over any Crown land whether such land is under lease or licence or not and through and over any land which has been purchased or is otherwise held under the provisions of the Crown Lands Ordinance, 1902, or the East Africa Land Regulations, 1897. Access roads to Forests.
- Such road of access shall not interfere with any buildings used for residential, farming or industrial purposes; or with any garden or stockyard and shall in every case follow such a direction and be so marked as to occasion as little damage or inconvenience to the purchaser, holder, lessee or licensee of the land traversed as may be possible.
- (2) The provisions of this Ordinance shall apply in all respects as if the Conservator of Forests requiring a road of access under this section were a purchaser, holder, lessee or licensee of Crown lands requiring a road of access under this Ordinance.
9. All hitherto proclaimed, declared or reserved roads, rights of way and thoroughfares being or existing on through or over any land held under the Crown Lands Ordinance, 1902, or the East Africa Land Regulations, 1897, shall remain free and uninterrupted unless the same be closed or altered by the Governor or by competent authority.

E A S T A F R I C A P R O T E C T O R A T E .

AN ORDINANCE

No. 17 OF 1914.

An Ordinance to make provision for the protection of Wild Birds' Eggs.

[August 12th, 1914.]

Be it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Wild Birds Protection Amendment Ordinance, 1914," and shall be read as one with the East Africa Wild Birds Protection Ordinance, 1903, herein referred to as the Principal Ordinance. Short title
2. The Governor may by order prohibit:—
- (1) The taking or destroying of wild birds' eggs in any year or years in any specified area of the Protectorate, or
- (2) The taking or destroying the eggs of any specified kind of wild birds in any specified area of the Protectorate. Order prohibiting the taking of eggs.
3. Any order issued by the Governor under this Ordinance shall be published in the Official Gazette. Order to be published.

- Penalty for breach. 4. Any person who shall take or destroy or incite any other person to take or destroy :—
- (a) the eggs of any wild bird within any area specified in the order, or
 - (b) the eggs of any species of wild bird named in the order within the area specified in the order shall on conviction forfeit or pay for every egg so taken or destroyed a sum not exceeding Rs. 15/- or in default of such forfeiture or payment be liable to imprisonment of either kind not exceeding seven days for every egg so taken or destroyed.
- Forfeiture of birds or eggs 5. When any person is convicted under the Principal Ordinance or under this Ordinance the Court may, in addition to any penalty that may be imposed, order any wild bird or wild bird's egg in respect of which the offence has been committed to be forfeited and disposed of as the Court shall think fit.
- Offences cognisable to Police. 6. Offences under this Ordinance shall be cognisable by the Police.

E A S T A F R I C A P R O T E C T O R A T E .

AN ORDINANCE

No. 18 OF 1914.

An Ordinance to amend the Criminal Law Amendment Ordinance, 1913.

[August 12th, 1914.]

Be it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof :

Short title. 1. This Ordinance may be cited as "The Criminal Law Amendment Ordinance, 1914," and shall be read as one with the Criminal Law Amendment Ordinance, 1913.

Procurement. 2. Any person who—

- (1) Procures or attempts to procure any woman under twenty-one years of age, not being a common prostitute, or of known immoral character, to have unlawful carnal connection, either within or without the Protectorate, with any other person or persons ; or
- (2) Procures or attempts to procure any woman to become, either within or without the Protectorate, a common prostitute ; or
- (3) Procures or attempts to procure any woman to leave the Protectorate, with intent that she may become an inmate of or frequent a brothel elsewhere ; or
- (4) Procures or attempts to procure any woman to leave her usual place of abode in the Protectorate (such place not being a brothel), with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel within or without the Protectorate ;

shall be guilty of an offence, and, on conviction, shall be liable to imprisonment of either description for a term not exceeding two years.

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness, unless such witness be corroborated in some material particular by evidence implicating the accused.

Every offence under this section shall be cognisable by the Police.

Procuring defilement of woman by threats or fraud or administering drugs. 3. Any person who, under circumstances not amounting to rape, attempted rape, or abetment of rape :—

- (1) By threats or intimidation, procures or attempts to procure any woman to have any unlawful carnal connection, either within or without the Protectorate ; or
- (2) By false pretences or false representations, procures any woman, not being a common prostitute or of known immoral character, to have any unlawful carnal connection, either within or without the Protectorate ; or

- (3) Applies, administers to or causes to be taken by any woman any drug, matter, or thing with intent to stupify or overpower so as thereby to enable any person to have unlawful carnal connection with such woman ;

shall be guilty of an offence, and, on conviction, shall be liable to imprisonment of either description for a term not exceeding two years.

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

4. Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any woman under the age of twelve years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, shall be guilty of an offence and, on conviction, shall be liable to imprisonment of either description for a term not exceeding five years. Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear, to the Court or Jury before whom the charge shall be brought that the person so charged had reasonable cause to believe that the woman was of or above the age of sixteen years.

Householder etc., permitting defilement of woman under 12 years on his premises.

5. Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any white woman above the age of twelve years and under the age of sixteen years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, shall be guilty of an offence and, on conviction, shall be liable to imprisonment of either description for a term not exceeding two years.

Householder permitting defilement of a white woman under 16 years of age on his premises.

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the Court or Jury before whom the charge shall be brought that the person so charged had reasonable cause to believe that the woman was of or above the age of sixteen years.

6. Any person who detains any woman against her will--

(1) In or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally ; or

(2) In any brothel,

Detention with intent or in brothel.

shall be guilty of an offence and, on conviction, shall be liable to imprisonment of either description for a term not exceeding two years.

When a woman is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain such woman in or upon such premises or in such brothel, if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman any wearing apparel or other property belonging to her, or where wearing apparel has been lent or otherwise supplied to such woman by or by the directions of such person, such person threatens such woman with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

Constructive detention by withholding clothes.

No legal proceedings, whether civil or criminal, shall be taken against any such woman for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

7. If it appears to any Magistrate, on information made before him on oath by any parent, relative or guardian of any woman or any other person who, in the opinion of the Magistrate, is acting *bonâ fide* in the interests of any woman, that there is reasonable cause to suspect that such woman is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such Magistrate, such Magistrate may issue a warrant authorising the person named therein to search for, and, when found, to take to and detain in a place of safety such woman until she can be brought before a Magistrate ; and the Magistrate before whom such woman is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require.

Power of search.

A Magistrate issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such woman to be apprehended and brought before a Magistrate and proceedings to be taken for punishing such person according to law.

A woman shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purposes of being unlawfully and carnally known by any man, whether any particular man or generally; and

- (a) Either is under the age of twelve years; or,
- (b) If she is a white woman, is under the age of sixteen years; or,
- (c) If she is not a white woman, is of or over the age of twelve years and under the age of sixteen years and is so detained against her will or against the will of her father or mother or of any person having the lawful care or charge of her; or,
- (d) If she is a white woman, is of or over the age of sixteen years and under the age of eighteen years and is so detained against her will or against the will of her father or mother or of any person having the lawful care or charge of her; or,
- (e) If she is not a white woman, is of or over the age of sixteen years and is so detained against her will; or,
- (f) If she is a white woman, is of or over the age of eighteen years and is so detained against her will.

Any person authorised by warrant under this section to search for any woman so detained as aforesaid may enter (if need be by force) any house, building, or other place mentioned in the warrant, and may remove such woman therefrom.

Provided always that every warrant issued under this section authorising the search for any woman in any house building or other place occupied by a non-native shall be addressed to and executed by a European Police Officer.

Male person living on earnings of prostitution or persistently soliciting.

8. (1) Every male person who—

- (a) knowingly lives wholly or in part on the earnings of prostitution; or,
 - (b) in any public place persistently solicits or importunes for immoral purposes;
- shall be guilty of an offence and on conviction shall be liable to imprisonment of either description for a term not exceeding two years.

(2) If it is made to appear to a Magistrate by information on oath that there is reason to suspect that any house or any part of a house is used by a woman for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the Magistrate may issue a warrant authorising any Police Officer to enter and search the house and to arrest that male person.

(3) Where a male person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person, or generally, he shall unless he shall satisfy the Court to the contrary be deemed to be knowingly living on the earnings of prostitution.

Woman aiding, etc., for gain prostitution of another woman.

9. Every woman who is proved to have, for the purposes of gain, exercised control, direction or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting or compelling her prostitution with any person, or generally, shall be guilty of an offence and shall be liable to imprisonment of either description for a term not exceeding two years.

Power to award whipping for certain offences.

10. (1) Any male person who is convicted of an offence under section 2 of this Ordinance may, at the discretion of the Court, be punished with whipping in addition to any term of imprisonment which may be awarded.

(2) Any male person who having been previously convicted of an offence under section 8 of this Ordinance shall be again convicted of any offence under the said section, may at the discretion of the Court be punished with whipping, in addition to any term of imprisonment which may be awarded.

(3) Nothing in this section contained shall be deemed to limit or affect the provisions of section 34 of the Courts Ordinance, 1907, or any law substituted therefore except that any sentence of whipping awarded under that section for an offence for which whipping may be awarded under sub-section (1) or sub-section (2) of this section shall be in addition to any term of imprisonment which may be awarded.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 19 OF 1914.

An Ordinance to amend the Provisions of the Stock and Produce Theft Ordinance, 1912.

[August 12th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Stock and Produce Theft Amendment Ordinance, 1914," and shall be read as one with the Stock and Produce Theft Ordinance, 1912, herein referred to as the Principal Ordinance. Short title.
2. The term "theft" as defined in the Principal Ordinance, Section 2, shall also include every offence punishable under Section 454 or 457 of the Indian Penal Code if the offence intended to be committed is theft of stock or produce and shall include an attempt to commit and also an abetment of any such offence if the offence intended to be committed is theft of stock or produce. Definition of theft.
3. A Magistrate may award to any person or persons giving information which has led to a conviction under the Principal Ordinance any sum or sums not exceeding altogether Rs. 150/- provided that any such sum or sums shall not exceed half the value of the fine recovered. Rewards.
4. It shall be competent to the Court which sentences any offender to pay a fine under the provisions of the Principal Ordinance to direct by the sentence that in default of the payment of such fine the offender shall suffer imprisonment for a term which shall not exceed one fourth of the term of imprisonment which is the maximum fixed under the provisions of the Indian Penal Code for the offence committed. Such term of imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of a sentence. Imprisonment in default of payment of fine.
5. The imprisonment which is imposed in default of payment of a fine shall terminate whenever such fine is either paid or levied by process of law issued under the provisions of the Principal Ordinance. Termination of imprisonment in default.
6. If before the expiration of the term of imprisonment fixed in default of payment such a proportion of the fine is paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid the imprisonment shall terminate. Effect of proportion of fine being paid.
7. The imprisonment which a Court imposes in default of payment of a fine may be of any description to which the offender might have been sentenced for the offence committed. Nature of imprisonment in default.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 20 OF 1914.

An Ordinance to amend the Law relating to Trespass on Enclosed Lands.

[August 12th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

Short title

1. This Ordinance may be cited as "The Trespass Amendment Ordinance, 1914," and shall be read as one with the Trespass Ordinance, 1913, herein referred to as the Principal Ordinance.

Powers of police.

2. A person making an arrest under the provisions of Section 4, Sub-section 1, of the Principal Ordinance may make over any person so arrested to a Police Officer who shall take the person arrested with all practicable speed before a Magistrate and shall not detain him without a warrant longer than is necessary for that purpose.

Written Statement to be given to Police.

3. A person making over a person arrested to a Police Officer under the provisions of the preceding section shall give such Police Officer a written and signed statement setting out the circumstances under which the arrest was made.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 21 OF 1914.

An Ordinance to amend the law relating to the East Africa Volunteer Reserve Ordinance, 1910.

[August 12th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The East Africa Volunteer Reserve Amendment Ordinance, 1914," and shall be read as one with "The East Africa Volunteer Reserve Ordinance, 1910."

2. (i) The Governor may by notice in the "Official Gazette" sanction the formation of Units of the Volunteer Reserve from Members of the Legion of Frontiersmen. Each of such Units shall be known as the Legion of Frontiersmen Unit for the District in which such Unit shall be formed.

(ii) The Members of Legion of Frontiersmen Units shall be Field Service Members.

3. The East Africa Volunteer Reserve Amendment Ordinance, 1911, is hereby repealed.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 22 OF 1914.

An Ordinance to provide for the Registration of Documents the copies of which are typewritten.

[August 12th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as “The Registration of Documents Further Amendment Ordinance, 1914” and shall be read as one with the Registration of Documents Amendment Ordinance, 1914, and the East Africa Registration Regulations, 1901.

Short Title.

2. (1) To section 3 (1) and (2) (a) and (b) of the Registration of Documents Amendment Ordinance, 1914, after the word “printed” wherever it occurs in each such sub-section shall be added the word “typewritten.”

Typewritten copies may be accepted. All copies to be on durable paper.

(2) To section 3 of the Registration of Documents Amendment Ordinance, 1914, shall be added the following provisos:—

“And provided that the Registrar shall have power to refuse to register any document the typewritten copy of which is typed by any method which does not in his opinion produce a permanent impression and provided that the Registrar shall have power to refuse to register any document, the copy of which is printed, typewritten or written on paper which in his opinion is of insufficient substance to be durable.”

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 23 OF 1914.

An Ordinance to amend the law concerning Land Titles in so far as it relates to the Registration of Documents.

[August 12th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as “The Land Titles Registration Amendment Ordinance, 1914” and shall be read as one with the Land Titles Ordinance, 1908 and the Land Titles Amendment Ordinance, 1910.

Short Title.

- Repeal. 2. Section 23 of the Land Titles Amendment Ordinance, 1910 is hereby repealed and the following Section is hereby substituted therefor.
- Method of Registration. 3. (i) Save as may be otherwise prescribed by Rule under the Land Titles Ordinance, 1910, the Registrar shall file a complete copy of every document to be registered and in the case of a document within section 20 of the Land Titles Amendment Ordinance, 1910, also of the translation, in such part of the Register Book as relates to the immoveable property affected by such document. Every such copy filed shall bear the number of the volume and folium in which the same is registered and the date of registration and also a certificate to be signed by the Registrar that such copy has been compared and verified with the original.
- (ii) The copy of the document to be filed in the Register Book shall be provided by the person presenting the document for registration.
- (iii) Such copy may be printed, written or typewritten. Provided that the Registrar shall have power to refuse to accept any copy that is made on paper which in his opinion is of insufficient substance to be durable and also shall have power to refuse to accept any typewritten copy which in his opinion is typed by any method that does not produce a permanent impression.

E A S T A F R I C A P R O T E C T O R A T E .

AN ORDINANCE

No. 24 of 1914.

An Ordinance to provide for the carrying of Electric Supply Lines over land privately owned or occupied.

[August 12th, 1914.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

Short Title. 1. This Ordinance may be cited as “The Electric Supply Line Ordinance, 1914.”

Definitions. 2. In this Ordinance unless there is anything repugnant in the subject or context:—

“Electric supply line” means any wire, conductor or other means used for conveying, transmitting or distributing energy for any purpose together with any casing, coating covering tube pipe or insulator enclosing, surrounding or supporting the same or any part thereof or any apparatus or support connected therewith for the purpose of so conveying, transmitting or distributing such energy;

“Aerial line” means any electric supply line which is placed above ground and in the open air;

“The Magistrate” means a Magistrate holding a Subordinate Court of the First Class having jurisdiction in the place where the jurisdiction of the Magistrate is to be exercised;

“Owner” shall include a lessee of Crown Lands.

3. (i) It shall not be lawful for any person to lay and connect on any land in the Protectorate if such land is not the property of such person any electric supply line whether aerial or otherwise without permission first had and obtained.

Permission to lay Electric Supply Lines.

(ii) Every person desirous of obtaining permission to lay and connect an electric supply line shall petition the Governor in Council for permission to do so.

(iii) The Governor in Council may thereupon and upon such terms and conditions as he may think fit grant permission to the petitioner to lay and connect any electric supply line.

4. Every person desirous of laying an electric supply line on the lands of other persons who has obtained permission to proceed under the provisions of section 3 of this Ordinance shall give notice in writing to the owners of such lands of his desire to lay such electric supply line and of his intention after the expiration of 14 days from the date of such notice on a specified day to enter upon such lands for the purpose of fixing the location of the electric supply line and within 14 days of such entry shall serve each of such owners with a statement in writing containing full particulars of the description and proposed location of such electric supply line.

Notice to landowners.

5. Any owner after receipt of the notice and statement of particulars provided in the foregoing section may assent in writing to the laying down of such electric supply line upon payment of such compensation as may be agreed upon, and any assent so given shall be binding on all parties having any estate or interest in the land, subject to the following provisions:—

Assent to proposal.

(1) that any arrangement entered into by any owner under any disability, or incapacity, or not having power to give such assent except under the provisions of this Ordinance, shall not be valid unless the same is approved by two valuers, one of whom is to be nominated by the person giving notice and the other by the owner; and each of such valuers, if they approve of the arrangement, shall annex to the document containing the same a declaration to that effect subscribed by them;

(2) that any compensation to be paid by the person giving notice to the owner, in cases where such owner is under any disability or incapacity or has not power to assent to such application, except under the provisions of this Ordinance, shall be applied in such manner as the Magistrate may determine.

- (3) that any occupier or person other than the owner interested in the lands shall be entitled to compensation for any injury he may sustain by the laying of such electric supply line, so that the claim therefor be made within twelve months after the laying of such electric supply line, the amount of such compensation to be determined in the case of dispute by the Magistrate.

Dissent from proposal.

6. An owner shall be deemed to have dissented from the proposal to lay an electric supply line on his land if he fail to express his assent thereto within 30 days after the service of the notice on him under section 4 of this Ordinance; and in the event of such dissent there shall be decided by the Magistrate on the application of the person desiring to lay an electric supply line, unless such owner require the same within such period of 30 days to be decided by arbitration, the questions following; that is to say:—

- (1) what injury, if any, the proposed electric supply line will cause to such owner, or to the occupier or other person interested in the lands;
- (2) whether any injury that will be caused is or is not of a nature to admit of being fully compensated for by money.

The result of any such decision shall be as follows, that is to say:—

- (a) if the decision is that injury will be caused to the owner, occupier or other party interested in the lands, but that such injury is of a nature to admit of being fully compensated by money, the Magistrate or arbitrators shall proceed to assess such compensation and to apportion the same amongst the owner, occupier and other parties in his or their judgment entitled thereto and on payment of the sum so assessed the person giving notice may proceed to lay the proposed electric supply line;
- (b) if the decision is that injury will be caused to the owner, occupier or other party interested in the land, and that such injury is not of a nature to admit of being fully compensated by money, the person giving notice shall not be entitled to lay the proposed electric supply line;
- (c) if the decision is that no injury will be caused to the owner, occupier or other parties interested in the lands the person giving notice may forthwith proceed to lay the electric supply line.

Procedure.

7. Where any application is made under the last preceding section, the Magistrate may summon the parties to appear before him at a time and place to be named in the summons, and upon the appearance of such parties, or in the absence of any of them, upon proof of the due service of the summons, it shall be lawful for such Magistrate to hear and determine the

question and amount of the compensation and for that purpose to examine such parties or any of them and their witnesses upon oath, and the cost of every such enquiry shall be at his discretion and he shall settle the amount thereof.

8. If any difficulty or question shall arise as to the person entitled to the compensation under this Ordinance, the Magistrate shall deposit the compensation payable in such case in the name and with the privity of the Registrar of the High Court with the Treasurer, to be placed to the credit of the persons interested.

Where title disputed.

9. Upon the application by petition of any person making claim to any moneys deposited under the last preceding section, the High Court may in a summary way at the cost of the person giving notice under section 4 of this Ordinance, and after such notice as the Court may deem fit and to such person or persons as the Court shall direct, order distribution and payment of such moneys according to the respective rights and interests of the persons making claim to such moneys or any part thereof and may make such other order in the premises as to the Court shall seem fit.

Money deposited to be paid out on order of High Court.

10. After electric supply lines have been laid in accordance with the provisions of this Ordinance, it shall be lawful for the owner or person in charge of such electric supply lines or any person authorised in writing by either of them from time to time as it becomes necessary, to enter upon the lands through which such electric supply lines have been laid for the purpose of inspecting and with such assistance as may be necessary repairing the same, or in case such electric supply lines shall no longer be required, for the purpose of removing the same. Where electric supply lines are removed, the surface of the land shall forthwith be restored to its former condition as far as possible. In default thereof such restoration may be carried out by the owner of the land, and the costs thereof shall be recoverable from the person liable therefor in the Court of the Magistrate without limit of amount.

Power to enter land to inspect and repair pipes.

11. Any person hindering, obstructing or interfering with the exercise by any owner or person in charge of an electric supply line, or by any other person, or by the servants or agents duly authorised in writing of any such owner or person of any right of entry upon lands conferred by this Ordinance for the purpose of laying and connecting or repairing, inspecting or removing any electric supply line is on conviction before the Magistrate liable to a fine not exceeding Rs. 300.

Obstructing owners of electric supply lines and other persons interested.

12. The provisions of this Ordinance shall not relieve any owner of an electric supply line of the liability to make compensation to the owner or occupier of the land or the agents workmen or servants of such owner or occupier for any damage or injury caused by the exercise or use of any power or authority hereby conferred or by any irregularity trespass or other wrongful proceeding in the execution of this Ordinance, or by the injury or breaking of any electric supply line, or by reason of any defect in any electric supply line.

Liability of owner of pipes to make compensation for damage.

Provided that if before action brought in respect thereof such owner of an electric supply line make tender of sufficient amends to the party injured, such party shall not recover in any action.

Rules.

13. The Governor in Council may make rules:—
- (a) prescribing the procedure to be followed by the Magistrate in matters over which this Ordinance gives him jurisdiction, and
 - (b) for the more fully carrying out the objects and purposes of this Ordinance.

APPENDIX.

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EAST AFRICA PROTECTORATE.

GOVERNMENT NOTICE No. 1] RULE.

The Diseases of Animals Ordinance, 1906.

Rule issued by His Excellency the Governor of the East Africa Protectorate under the above Ordinance.

Nairobi,

Dated this 19th day of December, 1913.

H. C. BELFIELD,

Governor.

The Diseases of Animals Rules 1911 shall be and are hereby amended by the insertion after Rule 38 thereof of the following additional Rule :—

“38a. No blood, bile or other matter shall be removed from any animal or from the carcase of any animal which is, or is suspected of being, infected with rinderpest or pleuro-pneumonia except by or with the sanction of a Veterinary Officer.”

GOVERNMENT NOTICE No. 2] RULES.

The East Africa Townships Ordinance, 1903.

Issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903,

Nairobi,

Dated this 30th day of December, 1913.

C. C. BOWRING,

Deputy Governor.

1. Rules 3 and 4 of Township Rules dated 1st August, 1913 (Government Notice No. 169) are hereby repealed and the following Rules are hereby substituted therefor :—

(3) For the purposes of these Rules

- (a) the words “store premises” shall mean any premises in which goods of any kind shall be kept or stored for trade purposes whether wholesale or retail.
- (b) the words “manufactory premises” shall include all store premises and also any premises in which goods of any kind shall be manufactured.
- (c) the words “trade premises” shall include all manufactory premises and also any premises in which goods of any kind shall be exposed for sale to the public.

“Provided that nothing contained in these Rules shall apply to public markets or to any premises in respect of which a licence shall be current under Township Rules 1904, in so far as relating to bakeries butcheries and vegetable shops: Township Rules dated 25th June, 1910 as amended by Township Rules dated 11th March, 1912, relating to aerated water manufactories: Nairobi Township Rules No. 2 of 1906 relating to laundries, &c.,: Nairobi Township Rules No. 1 of 1909 relating to eating houses: or a general retail licence or a hotel liquor licence under the Liquor Ordinance, 1909.”

4. No person shall use any premises as store premises, manufactory premises or trade premises unless the premises shall have been licensed as store premises, manufactory premises or trade premises as the case may be and a valid and unexpired licence of the appropriate class be current in respect thereof.

2. Rules 6 of the said Rules is hereby amended by substituting for the words “as trade premises” the words “under these Rules.”

GOVERNMENT NOTICE No. 7]

NOTICE.

The Lamu Boat Registration (Amendment) Ordinance, 1913.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

The Supplementary Appropriation Ordinance, 1913.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

The Wireless Telegraphy Ordinance, 1913.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

Nairobi,

December 29th, 1913.

C. C. BOWRING,

Chief Secretary.

GOVERNMENT NOTICE No. 12]

NOTICE.

The Patents and Designs Ordinance, 1913.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency.

Nairobi,

January 4th, 1914.

C. C. BOWRING,

Chief Secretary.

GOVERNMENT NOTICE No. 17]

RULES.

Issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 7th day of January, 1914.

H. C. BELFIELD,

Governor.

Township Rules dated 1st August, 1913, (Government Notice No. 169) are hereby amended:—

- (a) by the addition to Rule 5 of the words "Provided that the Town Clerk shall have the option in any case to grant a six months licence which shall be valid till the 30th day of June next following its date only."
- (b) by the addition to the first paragraph of Rule 9 of the words "and for a six months licence, two rupees fifty cents."

GOVERNMENT NOTICE No. 18]

RULES.

Under the Townships Ordinance, 1903.

Rule issued by His Excellency the Governor under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 7th day of January, 1914.

H. C. BELFIELD,

Governor.

1. The following fees under Rules Nos. 74 to 78 of the Township Rules 1904 as applied to the Township of Eldama Ravine by Rules dated 30th October, 1911, shall be levied:—

Permits to keep Cattle, etc.

	Rs.	Cts.
Permit to keep cattle, maximum not to exceed 20 head ...	25	per head per mensem or part thereof
Sheep and goats	06	" " "
Pigs	12	" " "

GOVERNMENT NOTICE No. 19]

RULES.

Issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 12th day of January, 1914.

H. C. BELFIELD,

Governor.

Nairobi Municipal Stockyards.

1. These Rules shall not come into force until applied by special notice published in the "Official Gazette."

2. In these Rules the words "public stockyards" shall mean the stockyards erected by the Municipality near the Thika Tramway and any future extension thereof, and any other public stockyards which may be erected by the Municipality.

3. In these Rules the word "Stock" shall include all horses, mares, asses, mules, camels, ostriches, cows, bulls, bullocks, calves, pigs, goats and sheep.

4. In these Rules the words "Stockyards Clerk" shall mean any person or persons authorised by the Municipal Committee to superintend sales at the public stockyards.

5. A person shall not expose or cause to be exposed any cows, bulls, bullocks, calves, pigs, goats or sheep for public sale within the township except at the public stockyards.

6. Such portion of the public stockyards as the Municipal Committee may decide on shall be set apart for sales other than auction sales. Such portion is hereinafter referred to as the stockmarket.

7. A person shall not sell any stock privately at the public stockyards, except in the stockmarket.

8. Sales of stock shall take place at the public stockyards at such times and within such times and within such hours as shall be appointed by the Municipal Committee.

9. It shall be the duty of the Stockyards Clerk to see that these Rules are duly observed and good order maintained: to demand and receive all dues and charges: and to allot the principal and drafting yards to the use of the various agents or salesmen in such manner in each particular case as may seem to him most convenient.

10. All stock brought into the public stockyards for sale by auction shall be consigned to an agent or salesman and placed in the yards allotted to him.

11. A true statement of the number and description of stock brought to the public stockyards for sale by auction shall in every case be rendered to the Stockyards Clerk by the agent in charge of such stock on the day of sale and certified in a book to be kept for that purpose by the Stockyards Clerk.

12. Salesmen shall have the use of the stockyards for drafting stock on the day prior to each sale day (Sunday excepted) but that always at their own risk.

13. Salesmen shall occupy only such sale and drafting yards, pens and races as shall from time to time be allotted to them by the Stockyards Clerk.

14. Salesmen using the public stockyards for auction sales, shall on Monday in each week draw for priority of sale by auction within the public stockyards for such week: and it shall be the duty of the Stockyards Clerk to certify and direct the precedence and succession of sales in the order in which lots shall have been drawn: provided that in no case shall transfer of an lot for any day be made from one salesman to another except by and with the consent of all the salesmen having sales on that day

15. On a sale day, each salesman who may have stock in the public stockyards for sale by auction shall not be allowed more than one hour and thirty minutes for the sale thereof except by consent of all other salesmen offering stock for sale by auction on that day. If a sale does not last the time allotted, the salesman who may be next in rotation shall begin at the close of such sale. A salesman shall not sell by auction a second time on any day until other salesmen who have drawn lots shall have sold in rotation, subject always to Rule 16 hereof.

16. No salesman shall delay or cause any delay in the sale of stock by auction and in the event of a salesman not being ready to sell when his turn comes and he is called upon by the Stockyards Clerk, he shall not be allowed to sell until all other salesmen have sold in rotation.

17. Stock shall not be brought into the public stockyards at any time except on a day of sale or the day preceding such day: and no stock shall be removed from the public stockyards during any day of sale except by authority of the agent in charge thereof, who shall give a voucher therefor to the Stockyards Clerk.

18. The fees specified in the Schedule hereto shall be paid to the Stockyards Clerk or to the Town Clerk in respect of stock brought into the public stockyards.

The fees for stock brought in for sale in the Stockmarket shall be paid on admission.

19. No person shall drive or ride any animal whether attached to any vehicle or not at more than a walking pace within the precincts of the public stockyards or allow or cause any animal (not being for sale therein) or vehicle to stand or remain therein, except in such place as may be set aside for the purpose by the Stockyards Clerk.

20. The owner or person in charge of any animal brought into the public stockyards for sale shall remove the same or cause it to be removed before 6 p. m., on the day of sale, unless specially authorised to leave it under written permission by the Stockyards Clerk.

21. An owner of an animal shall not permit the same to remain in the public stockyards for a period exceeding 30 hours without supplying it with sufficient food and water to the satisfaction of the Stockyards Clerk.

22. Every person not being the Stockyards Clerk:—

- (a) who shall contravene or fail to comply with any of these Rules: or
 - (b) shall remove any stock from one part of the public stockyards (not being part of the Stockmarket) to another during a sale, or shall allow any stock under his charge to remain in the public stockyards after the time of closing, except under written permission as aforesaid: or
 - (c) shall refuse or neglect when required by the Stockyards Clerk to remove any stock in his charge from the public stockyards or to drive any stock to any part of the enclosures thereof pointed out by the Stockyards Clerk: or
 - (d) shall rope or fasten any stock to any part of the stockyards erections except the parts appropriated for the purpose without permission of the Stockyards Clerk: or
 - (e) shall wilfully or carelessly damage any fence or premises of the public stockyards: or
 - (f) not being a salesman or salesman's employee duly engaged in an auction sale shall buy or sell in the public stockyards and outside the stockmarket when the same are closed to persons other than stock salesmen and their employees: or
 - (g) shall buy or sell in the public stockyards before the opening or after the closing thereof: or
 - (h) shall assault, obstruct or resist the Stockyards Clerk or any assistant while in the execution of his duty: or
 - (i) shall be drunk or disorderly in the public stockyards or shall use profane, indecent or abusive language therein: or
 - (j) shall wilfully continue at a time other than his allotted time to sell by auction having been required by the Stockyards Clerk to desist from selling: or
 - (k) shall bring stock into the public stockyards for sale in the stockmarket without having paid the prescribed fees therefor and shall fail to pay the said fees on demand to the Stockyards Clerk or in default of payment to take such stock out of the public stockyards forthwith if so required by the Stockyards Clerk:—
- shall be guilty of an offence against these Rules and shall be liable on conviction to a fine not exceeding Rs. 200 and on default in payment thereof, to a period of imprisonment not exceeding 2 months.

Schedule.

Stockyards Fees.

For horses, mares, zebras, camels and mules each	...	...	...	75 Cents
For grade oxen, grade bulls, all cows and heifers and ostriches, each	...	...	...	35 "
For native oxen and native bulls, donkeys and male yearling stock, each	...	...	...	25 "
For calves under 6 months of age, each	...	...	...	15 "
For pigs	...	...	...	10 "
For sheep and goats	...	...	...	3 "
For poultry	...	...	...	2 "

GENERAL NOTICE No. 50]

NOTICE.

Under Rules of Court (Legal Practitioners) No. 2 of 1911.

Notice is hereby given that any agreement required to be filed pursuant to Rule XII of the above-mentioned Rules may be filed in the High Court or in a District Registry of the High Court within one month from the date of the agreement.

Mombasa,

January 7th, 1914.

R. W. HAMILTON,

Chief Justice.

GOVERNMENT NOTICE No. 23] NOTICE.

The following despatch from the Governor-General of Canada, with enclosure, is published for general information by the direction of the Secretary of State for the Colonies.

GOVERNMENT HOUSE, OTTAWA,
3rd February, 1913.

SIR,

I have the honour to transmit herewith, for your information, copies of an Order in Council extending the benefits of the British Preferential Tariff to certain countries.

I have, &c.
ARTHUR.

AT THE GOVERNMENT HOUSE AT OTTAWA, SATURDAY, 25TH DAY OF JANUARY, 1913.

PRESENT :

HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL IN COUNCIL.

His Royal Highness the Governor-General in Council is pleased to order that, in addition to the British countries enumerated in Section 3 of paragraph 1 of the Customs Tariff, 1907, an Act respecting the Duties of Customs, and pursuant to Section 4 of the said Act, the benefits of the British Preferential Tariff be extended to and apply on goods the produce or manufacture of the following countries, subject to the provisions of the said Act, that is to say :—

Swaziland.
Basutoland.
Bechuanaland Protectorate
Northern Rhodesia
Nyasaland Protectorate
Uganda Protectorate.
East Africa Protectorate.
Protectorate of Northern Nigeria.
Colony and Protectorate of Southern Nigeria
Gold Coast.
Sierra Leone.
Gambia
Somaliland Protectorate.
Federated Malay States.
British North Borneo.
Sarawak.
Brunei.
Mauritius and Dependencies thereof.
Seychelles.
St. Helena.
Ascension.
Friendly or Tonga Islands.
Fiji.
Falkland Islands.
British Honduras.

RUDOLPHE BOUDREAU,
Clerk of the Privy Council.

PROCLAMATION No. 1] PROCLAMATION.

Issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 19th day of January, 1914.

H. C. BELFIELD,
Governor.

I hereby declare that the following area shall be included in the Township of Nairobi in addition to the area declared under Proclamation dated 7th September, 1903:—

All that area, lying to the East of the Township boundary, of the plot allocated to Nairobi Municipality for the purpose of municipal stockyards, being the quadrilateral plot lying to the West of the Offensive Factories sites and to the North of the Thika Branch Railway, the said plot being bounded on all sides by unalienated Crown lands, measuring along its Northern boundary 573 feet or thereabouts; along its Eastern boundary 350 feet or thereabouts; along its Southern boundary 644 feet or thereabouts; and along its Western boundary 351 feet or thereabouts; as the said plot is more particularly delineated and shown coloured blue upon the general plan of the Town, being a plan deposited in the office of the Town Clerk, Nairobi, and signed by him as relative to this Proclamation.

His Excellency the Governor in Council has approved of the following Rules made under Section 47 of the East Africa Railways Ordinance 1910 regulating the use of Railway Piers on Lake Victoria by vessels other than those belonging to the Railway and has sanctioned the Tariffs of charges under Section 51 of the said Ordinance and set forth in the Schedule to these Rules.

Nairobi,

H. C. BELFIELD,

Dated this 16th day of January, 1914.

Governor.

1. No vessel shall be allowed to lie alongside any pier except the Master of the vessel shall have first obtained the sanction of the prescribed officer.
2. (1) The prescribed officer shall not grant permission for any vessel to lie alongside a Railway pier unless and until the Master seeking such permission shall hand to him the certificate of Registry of the vessel on which shall be shown the tonnage of the vessel. The registered tonnage as shown in such certificate shall be the basis upon which the prescribed officer shall calculate the charges payable by the Master or owner for the use of the pier.
- (2) The certificate of Registry shall be detained by the prescribed officer until all charges are paid and the date and time at which the certificate is handed in to the prescribed officer and handed back to the Master will be noted by the former and the full time contained in this period charged, allowance only being made for the time during which a vessel shall have been removed from a pier under the orders of the prescribed officer or in compliance with Rule 4 of these rules.
3. The Master or owner of any vessel which shall lie alongside any Railway pier shall pay for the use of the pier a charge at the rate prescribed in the schedule annexed to these rules.
4. No vessel shall be allowed to lie alongside the pier at Kisumu or alongside the wooden portion of any other pier after 6 p.m.
5. The Master of any vessel lying alongside the pier at Kisumu or alongside the wooden portion of any other pier shall forthwith remove the vessel therefrom when ordered to do so by the prescribed officer.
6. The Railway shall not be responsible for any damage done to any vessel when lying at piers from any cause whatsoever.
7. The Master of any vessel, who shall :—
 - (1) Allow his vessel to lie alongside any pier without the permission of the prescribed officer, or
 - (2) In the case of a vessel lying alongside the pier at Kisumu or alongside the wooden portion of any other pier, neglect to remove the vessel from alongside any such pier at or before 6 p.m. on any day or refuse or neglect to remove his vessel from alongside any such pier when ordered to do so by the prescribed officer,
 shall be liable to a fine not exceeding fifty rupees.
8. In these rules :

“Vessel” means a vessel of any description other than a vessel belonging to the Uganda Railway Administration, or a vessel the property of or in the service of the Government of the East Africa or Uganda Protectorate.

“Prescribed Officer” means in relation to the pier at Kisumu, the Superintendent of Marine or an Officer authorised by him to perform the duties of the prescribed officer under these rules; in relation to any other pier, the Pier Master.

“Pier” means a pier on Lake Victoria within the East Africa Protectorate the property of or constructed by the Uganda Railway Administration.
9. The Rules and charges will come into force on the 1st day of March, 1914.

Schedule.

Tariff of Charges to be paid by the Master or Owner of Vessels using Railway Piers.

1. Vessels lying alongside the pier at Kisumu, or the wooden portion of any other pier.
 - (a) DHOWS— For every 12 hours or part thereof, 12 cents per ton, with a minimum charge of 2 rupees.
 - (b) STEAM VESSELS—Double the above.
2. Vessels lying alongside the earth embankment of any pier :—
 - (a) DHOWS—
 - (a) For the first 48 hours or every 24 hours or part thereof, 6 cents per ton, with a minimum charge of 1 rupee.
 - (b) After 48 hours. For every 12 hours or part thereof, 12 cents per ton, with a minimum charge of 2 rupees.
 - (b) STEAM VESSELS—Double the above.

GOVERNMENT NOTICE No. 26]

RULES.

Under the Forest Ordinance, 1911.

Rule issued by His Excellency the Governor under the powers conferred by the Forest Ordinance, 1911.

Nairobi,

H. C. BELFIELD,

Dated this 24th day of January, 1914.

Governor.

Rule relating to Royalty to be paid for Timber sold according to stack Measurement.

1. In the 3rd Schedule of the Rules under the Forest Ordinance, 1911, and dated the 12th day of May, 1912, the paragraph "Timber too unsound to measure in the bole..... got out of the unsound bole" is hereby deleted and the following substituted therefor:—

"Timber too unsound to be measured in the bole will be sold by stack measurement and the Royalty paid in respect of such timber shall be subject to a reduction of 25% of the Royalty prescribed for the species of timber".

GOVERNMENT NOTICE No. 27]

NOTICE.

The Infectious Diseases Ordinance, 1903.

Whereas cases of plague have occurred in the Island of Zanzibar, the said Island is hereby declared an infected area for the purposes of the Infectious Diseases Ordinance, 1903, and the Rules thereunder.

Nairobi,

H. C. BELFIELD,

Dated this 27th day of January, 1914.

Governor.

GOVERNMENT NOTICE No. 28]

REGULATIONS.

Under the Quarantine Ordinance, 1912.

Issued by His Excellency the Governor under the Quarantine Ordinance, 1912.

Nairobi,

H. C. BELFIELD,

Dated this 24th day of January, 1914.

Governor.

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1. Plague infected or suspected ships will be returned to the Sanitary Station, Zanzibar.
 2. All vessels arriving from Zanzibar shall be placed in quarantine at the first port of entry, until 5 days have elapsed since their departure from Zanzibar.
 3. Asiatic and Native passengers will not be allowed to land except:
 - (a) They produce a certificate from the health authorities at Zanzibar that they have undergone a period of observation for 10 days in a recognised quarantine camp prior to departure.
 - (b) Or, produce a certificate that they have been inoculated with Haffkines prophylactic after the 10th January, or for no longer period than six weeks, in which case they will be under surveillance for 10 days.
 4. Disinfection of soiled linen &c., of crew and passengers may be insisted on.
 5. Europeans will not be detained, but will be under the necessity of giving their names and addresses, and if need be of reporting personally for 5 days.
 6. These Regulations are in addition to any other Regulations in force at the time.

The Forest Ordinance, 1911.

Rule issued by His Excellency the Governor under the powers conferred by the Forest Ordinance 1911.

Nairobi,

H. C. BELFIELD,

Dated this 26th day of January, 1914.

Governor.

1. The following Royalties shall be paid for Forest Produce taken from Mangrove Swamps, other than those swamps which are leased:—

(1) Round Timber

(a) For Boriti

(i) Not exceeding 18 feet in length Rs. 1 : 25 per korja

(ii) Exceeding 18 feet in length „ 1 : 50 „ „

(b) For Mkombomoyo „ 0 : 75 „ „

(c) „ Pau... .. „ 0 : 75 „ „

(d) „ Mzio „ 0 : 75 „ „

(e) „ Ngnzo „ 0 : 50 each

(f) „ Fitu „ 0 : 06 per head load

(2) Fuel

(a) From the creeks in Port Reitz, Port Tudor and Mtwapu...two cents per stacked cubic foot

(b) From all other creeksone cent per stacked cubic foot

(3) The following Rules are hereby cancelled:—

(1) The Rules under the Forest Ordinance, 1911 dated January 4th, 1913.

(2) The Rules under the East Africa Forestry Regulations 1902 dated December 23rd, 1905.

(3) The Rules under the East Africa Forestry Regulations 1902, dated March 31st, 1910.

(4) The Rules under the East Africa Forestry Regulations 1902 dated February 14th, 1911.

His Majesty The King has been graciously pleased to approve of the following Table of Precedence in the Protectorate. All previous orders are hereby cancelled.

Nairobi,

H. C. BELFIELD,

Dated this 24th day of January, 1914.

Governor.

Table of Precedence.

The Governor

The Chief Justice

Members of the Executive Council in order of precedence as regulated by the Royal Instructions

The Inspector General, King's African Rifles

The Puisne Judges in order of seniority

Members of the Legislative Council (not being members of the Executive Council) in order of precedence as regulated by the Royal Instructions

The Officer Commanding King's African Rifles

The Provincial Commissioners in order of seniority

The Inspector General of Police

The Principal Medical Officer

The Chief of Customs

The Director of Public Works

The Land Officer

The Director of Agriculture

The Commissioner of Police

The Postmaster General

The Auditor

The Director of Surveys

The Conservator of Forests

The Director of Education.

} Not being members of
either Council**Note.**

1. The Executive Council of the Protectorate consists of the persons for the time being lawfully discharging the functions of Chief Secretary to the Government, of Treasurer, and of Attorney General, who are styled ex-officio members, and such other persons as may from time to time be appointed by any instruction or warrant under His Majesty the King's Sign Manual and Signet, or through one of His Majesty's Principal Secretaries of State, or as the Governor may provisionally appoint.

The Members of Executive Council take precedence in the order of their offices above mentioned.

2. The Legislative Council of the Protectorate consists of the persons lawfully discharging the functions of Chief Secretary to the Government, of Treasurer, of Attorney General and of General Manager of the Uganda Railway, who are styled ex-officio members, and such other persons holding office in the Protectorate as may from time to time be appointed by any instruction or warrant under His Majesty the King's Sign Manual and Signet, or through one of His Majesty's Principal Secretaries of State, or as the Governor may provisionally appoint, who are styled official members; and further of such persons, not holding office in the Protectorate, as the Governor in pursuance of instructions from His Majesty may from time to time appoint by any Instrument under the Public Seal of the Protectorate, who are styled Unofficial members.

Ex-Officio members take precedence first in the order of their offices above mentioned, then the official members according to the priority of their appointments and lastly the unofficial members in like manner.

GOVERNMENT NOTICE No. 36] NOTICE.

Notice is hereby given that His Excellency the Governor has directed that the Nairobi Municipal Stock Yards Rules issued under the the East Africa Townships Ordinance, 1903, dated the 12th day of January, 1914, and published in the "Gazette" dated the 14th day of January, 1914, (Government Notice No. 19) shall come into operation on the 16th day of February, 1914.

Nairobi,
February 9th, 1914.

W. J. MONSON,
for Chief Secretary.

GOVERNMENT NOTICE No. 37] RULES.

The East Africa Townships Ordinance, 1903.

Rules issued by His Excellency the Governor under the East Africa Townships Ordinance, 1903.

Nairobi,
Dated this 14th day of February, 1914.

C. C. BOWRING,
Deputy Governor.

1. These rules shall apply to the Townships of Nyeri, Fort Hall, Embu and Meru.
2. No cattle shall be sold in the Townships except at the market.
3. The following fees shall be charged on all cattle brought to the market for sale :
For each head of cattle.....Rs. 1/-

GOVERNMENT NOTICE No. 38] NOTICE.

Under the Quarantine Ordinance, 1912.

The Regulations dated the 24th of January, 1914 (Government Notice No. 28 of 1914) are hereby cancelled.

Nairobi,
February 13th, 1914.

C. C. BOWRING,
Deputy Governor.

GOVERNMENT NOTICE No. 44] RULE.

The East Africa Townships Ordinance, 1903.

Rule issued by His Excellency the Governor under the East Africa Townships Ordinance, 1903.

Nairobi,
Dated this 20th day of February, 1914.

C. C. BOWRING,
Deputy Governor.

1. The following Rules under "The Townships Rules 1904" are hereby applied to the Township of Nyeri :—
LODGING HOUSES.—Nos. 122 to 125 inclusive.

GOVERNMENT NOTICE No. 45] NOTICE.

The Leprosy Ordinance No. 9 of 1913.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's Power of Disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

Nairobi,
February 19th, 1914.

C. C. BOWRING,
Chief Secretary.

GOVERNMENT NOTICE No. 49]

RULE.

Rule issued by His Excellency the Governor of the East Africa Protectorate under the Abuse of Opiates Prevention Ordinance 1913.

Nairobi,

H. C. BELFIELD,

Dated this 28th day of February, 1914.

Governor.

1. The following are the prescribed forms and returns for the purposes of the Ordinance.

FORM I.

Return of Stocks of Opiates.

(AS REQUIRED BY SECTION 3 OF "THE ABUSE OF OPIATES PREVENTION ORDINANCE, 1913.")

Name of Firm or Medical Practitioner
Address
Date

Name of drug or preparation.

Quantity.

Signature.....

Druggist.
Medical Practitioner.

Authority for possession.

The above.....is authorised to possess the above enumerated substances in the quantities set forth.

Signature.....

Principal Medical Officer.

Nairobi.....

Date.....

NOTE:—This form is to be rendered in duplicate.

Requisition to Import Opiates.

Name of Medical Practitioner or Druggist

Address

Date

Sir,

I request authority for the importation of the following opiates in accordance with Section 4, (1) of "The Abuse of Opiates Prevention Ordinance, 1913" and the Rules made thereunder :—

Name of drug or preparation.	Quantity.
Signature.....	<u>Medical Practitioner</u> Druggist.

Authority to Import.

This is to authorise.....to import the above enumerated opiates and in the quantities specified.

Signature.....

Principal Medical Officer.

Nairobi.....

Date.....191...

NOTE:—This form is to be rendered in duplicate.

The following are the Drugs and Preparations affected by the Opium Ordinance.

Cannabis Indica.

Cannabis Indica, in all its forms.
Ext. Cannabis Indica.
Tinct. Cannabis Indica.

Coca and Cocaine.

Coca leaves.
Ext. Cocae.
Ext. Cocae Liq.
Cocaine Alkaloids.
Cocaine Salts.
Solutions of Cocaine containing more than 0. 1% .
Ung. Cocaine.
Tablets, discs, or lozenges of Cocaine, and of Compounds containing Cocaine, whether for external, internal, hypodermic, ophthalmic or veterinary use.
Suppositories or Enules of Cocaine or Compounds of Cocaine.
Pastilles of Cocaine or Compounds of Cocaine.
Adrenalin and Cocaine or similar products under any other trade name.
Tablets Kola Compound.
Tablets Voice.
Tablets Naso-Pharyngeal Comp.
Amoules of Cocaine or Compounds of Cocaine.

Heroin.

Heroin and its salts.
Tablets of Heroin.

Opium.

Gum opium.	}	Ammoniated Tinct. Opii is exempt containing only ·175% Morph.
Powdered opium		
Extract opium		
Ext. Opii Liq.		
Lin. Opii.		
Liq. Opii Sed.		
Pil. Saponis Co.		
Pil Opii.		
Pulv. Opii Co.		
Pulv. Doveri.		

Tablets of opium and compound opium if containing 2% or more of opium.

Tinct. Opii.
Vin. Opii 1885.
Pil Plumbi $\frac{c}{c}$ Opio.
Suppositories Plumbi $\frac{c}{c}$ Opio.
Suppositories Gallæ $\frac{c}{c}$ Opio
Tablets Plumbi $\frac{c}{c}$ Opio.
Ung. Gallæ Opio.
Opium Plaster.
Pulv. Kino Co.
Pulv. Creta Ar. $\frac{c}{c}$ Opio.
Tablets Creta Ar. $\frac{c}{c}$ Opio.

Morphine.

Morphine Alkaloid.
Morphine Salts.
Solutions of Morphine containig 0. 2% or more.
Liq. Morph. Acet.
Liq. Morph. Hydrochlor.
Liq. Morph. Bimec.
Liq. Morph. Tart.
Inj. Morph. Tart.
Suppos. Morphine.
Tablets Morphine and Compounds, containing 0. 2% or more of Morphine whether for external, internal, hypodermic, ophthalmic or veterinary use.
Tinct. Chloroformi et Morph Co.
Tinct. Chlorof. et Morph. 1885.

Other Preparations if containing Alkaloids above the authorised percentage.

Tinct. Coca (No standard but usually contains about ·1% Cocaine)
Coca Wine.
Chlorodyne
Nepenthe
Tablets Tr. Camph. Co.
Glyco-Heroin.

GOVERNMENT NOTICE No. 53] RULES.

Issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,
Dated this 3rd day of March, 1914.

H. C. BELFIELD,
Governor.

1. These Rules shall apply to the Township of Nairobi, and shall come into force on the 1st day of April, 1914.
2. In these Rules the word "occupier" shall have the same meaning as in Nairobi Building Rules 1913.
3. No person shall use or permit to be used any building of which he is the occupier as a common lodging house unless the same shall have been duly registered as such by the Town Clerk. The Town Clerk shall not register any premises unless satisfied that they are suitable for the purpose intended: and he may cancel any registration upon breach of any of these Rules in connection therewith or if satisfied that the sanitary arrangements thereof are defective.
4. A person being the occupier of a common lodging house shall not at any one time receive into a common lodging house or into any room therein a greater number of persons than shall have been prescribed therefor by the Town Clerk and endorsed upon the registration paper, or by any notice varying or amending the same.
5. A person being the occupier of a common lodging house shall keep and fix in each room thereof used for sleeping purposes, in a conspicuous position and in such a manner that it shall be clearly visible and legible, a ticket to be supplied by the Town Clerk in the form prescribed in Schedule I to these Rules, showing the number of persons prescribed therefor under the preceding Rule, and no person shall deface, alter, or wilfully conceal any letters or figures on such ticket or wilfully or carelessly injure or destroy such ticket or remove such ticket.
6. Any common lodging house shall be liable to inspection at all times by a Superintendent or Assistant Superintendent of Police or by any Police Officer not below the rank of an Assistant Sub-Inspector detailed by them for such duty or by any officer appointed for that purpose by the Town Clerk.
7. The fees specified in Schedule II to these Rules shall be paid to the Town Clerk in respect of every licence issued under these Rules.
8. Rules 122-125 inclusive of Township Rules 1904 shall cease to apply to Nairobi.
9. Any person contravening or failing to comply with any of the provisions contained in Rules 3, 4 & 5 hereof shall be liable on conviction to a fine not exceeding Rs. 200/- and in default of payment thereof to a period of imprisonment of either kind not exceeding two months.

Schedule I.

Common Lodging House.

Licence No.....
 Place.....
 Room No.....
 Number of lodgers authorised to be received into this room.....
 191 .

Dated

Town Clerk.

Schedule II.

Fees for registration of common lodging houses.

For each person for whom accommodation is certified by the Medical Officer of Health as available, per month 25 cents.

GOVERNMENT NOTICE No. 54] RULE.

Issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,
Dated this 3rd day of March, 1914.

H. C. BELFIELD,
Governor.

1. Rule 48 of Nairobi Township Rules No. 3 of 1905 is hereby amended by the addition thereto of the following words:—
 "(K) Any plot or piece of land on which there shall be any growth or jungle or bush of such a nature as to be likely to harbour mosquitos or of such a nature and height as to afford facilities to natives or others for committing nuisances."

GOVERNMENT NOTICE No. 66]

NOTICE.

The Public Health Ordinance, (No. X of 1913.)

The Secretary of State for the Colonies has been pleased to notify that His Majesty's powers of disallowance will not be exercised with respect to the above Ordinance.

The Pawnbrokers Ordinance, (No. XV of 1913.)

The Secretary of State for the Colonies has been pleased to notify that His Majesty's powers of disallowance will not be exercised with respect to the above Ordinance.

The Patents and Designs Ordinance, (No. I of 1914.)

The Secretary of State for the Colonies has been pleased to notify that His Majesty's powers of disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency

Nairobi,
March 19th, 1914.

C. C. BOWRING,
Chief Secretary.

GOVERNMENT NOTICE No. 69]

NOTICE.

Under the Stage Plays and Cinematograph Exhibitions Ordinance, 1912.

His Excellency the Governor has been pleased to direct that within the Township of Mombasa the powers and duties of a District Commissioner under the above Ordinance shall be exercised and performed by the Superintendent of Inland Revenue and Conservancy, Mombasa.

PROCLAMATION No. 2]

PROCLAMATION.

In exercise of the powers conferred upon me by Article 6 (1) of the Order-in-Council, 1902, I, Sir H. C. Belfield K.C.M.G., Governor of the East Africa Protectorate, and with the approval of the Secretary of State for the Colonies, do hereby declare that the boundaries of Jubaland Province shall be as stated in the Schedule attached hereto. The Proclamations published in the "Official Gazette" of 1st and 15th January, 1911, in so far as they affect the boundaries of Jubaland Province are hereby cancelled.

Nairobi,
Dated this 4th day of April, 1914.

H. C. BELFIELD,
Governor.

Schedule.

JUBALAND PROVINCE.—Commencing at Unsi on the Daa River (approx. Lat. 4° N. and Long. 41° 55' E) the boundary runs in a straight line S. westerly to Dumasa, including Dumasa in Jubaland Province, thence in a straight line to the most easterly well of Eil Wak, known as Del Gado, thence in a straight line S. westerly to Sadi, thence in a straight line to Malka Waja, thence in a straight line to Ras Kiamboni, thence along the limit of territorial waters northwards to the mouth of the Juba River, and along the Thalweg of the Juba and Daa Rivers to the starting point at Unsi, leaving Mombasa Island in Italian Somaliland and Towata Island in the Jubaland Province.

PROCLAMATION No. 3]

PROCLAMATION.

In exercise of the powers conferred upon me by Article 6 (1) of the Order-in-Council, 1902, I, Sir H. C. Belfield K.C.M.G., Governor of the East Africa Protectorate, and with the approval of the Secretary of State for the Colonies, do hereby declare that the boundaries of the Gosha, Kismayu, Afmadu and Serenli Districts within the Province of Jubaland shall be as stated in the schedule attached hereto.

Nairobi,
Dated this 4th day of April, 1914.

H. C. BELFIELD,
Governor.

Schedule:—

GOSHA DISTRICT.—Commencing at Kutogori, the boundary follows the path which runs thence to the Yonti-Serenli road, thence southward along the Yonti-Serenli road to the Dai Ishak, and including the Dai Ishak in the Gosha District runs in a straight line to the northern end of Mombasa Island, thence along the Juba River up stream to the starting point at Kutogori.

Schedule:—

KISMAYU DISTRICT.—Commencing at the point where the Yonti-Serenli road emerges from the Dai Ishak at its southern edge, the boundary follows the Yonti-Serenli road as far as the right (south) bank of the Deshek Wama, thence westward along the right bank of the Deshek Wama to Sangahoka thence in a straight line to Eylat, thence in straight lines to Buduna, to Anola, to Bush Bush, to Birikau (Port Dunford), thence along the eastern boundary of the Jubaland Province northwards as before detailed to the starting point of Dai Ishak.

Schedule:—

AFMADU DISTRICT.—Commencing at Malka Waja the boundary follows the Jubaland Provincial Boundary North Eastwards to Del Gado; thence South Easterly to the junction of the Yonti-Serenli Road with the path from Kutogori; thence along the Yonti-Serenli Road to Dai Ishak (excluding Dai Ishak); thence along the same road to the right (south) bank of the Deshek Wama; thence Westwards along the right bank of the Deshek Wama to Sangahoka; thence in straight lines to Eylat, Budura, Anola, Bush Bush, Birikau (Port Durnford); thence along the Eastern boundary of the Jubaland Province to Ras Kiamboni; thence North Westerly along the boundary of the Jubaland Province to the starting point at Malka Waja.

Schedule:—

SERENLI DISTRICT.—Commencing at Kutogori, the boundary follows the path which runs thence to the Yonti-Serenli Road, thence in a straight line to Del Gado, thence following the Provincial Boundary through Dumasa and Unsi on the Daua River; thence by the Daua and Juba Rivers along the Provincial Boundary down stream to Kutogori, the point of commencement.

PROCLAMATION No. 4]

PROCLAMATION.**Under the Forest Ordinance, 1911.**

By virtue of the powers conferred upon me by the Forest Ordinance, 1911, I hereby declare that the Arabuko-Sekoki Forest shall be a Forest Area within the meaning of such Forest Ordinance and I further declare that the boundaries of such Area shall be a line beginning at the most easterly corner at an iron beacon (No. 7) on the north bank of Mida Creek at high water mark, to the south of the Mombasa-Malindi Telegraph line;

thence by a line bearing $346^{\circ} 20' 15''$ for 20999.9 feet to an iron beacon (No. 8)

thence by a line bearing $348^{\circ} 46' 29''$ for 19106 feet to an iron beacon (No. 9) on the Malindi-Jilori Road;

thence in a general westerly direction by the southern and western side of that Road for approximately 4 miles to an iron beacon (No. 17);

thence by a line bearing $258^{\circ} 58' 39''$ for 5570.8 feet to an iron beacon (No. 18) on a Jilori-Rabai Track in the immediate vicinity of the Trigonometrical Beacon "Jilori;"

thence by that track in a general south westerly direction beacons at intervals by iron beacons (No. 59, 74, 80, and 149) approximately 15 miles to an iron beacon (No. 162);

thence by a line bearing $161^{\circ} 28' 16''$ for 13947.3 feet to an iron beacon (No. 163);

thence by a line bearing $181^{\circ} 27' 33''$ for 29468.5 feet to an iron beacon (No. 164);

thence by a line bearing $182^{\circ} 09' 14''$ for 12821 feet to an iron beacon (No. 165) approximately one mile to the north of the Trigonometrical Beacon "Sokoke, South;"

thence by a line bearing $90^{\circ} 00' 02''$ for 24314.4 feet to an iron beacon (No. 166) at the south east corner of this Forest Reserve;

thence by a line bearing $19^{\circ} 30' 42''$ for 9352 feet to an iron beacon (No. 167);

thence by a line bearing $348^{\circ} 15' 55''$ for 25346.7 feet to an iron beacon (No. 168);

thence by a line bearing $360^{\circ} 00' 08''$ for 31552.4 feet to an iron beacon (No. 169);

thence by a line bearing $90^{\circ} 45' 37''$ for 34538.2 feet to an iron beacon (No. 1) on the western boundary of the Mahaji Native Reserve, Group 17;

thence bounded by the western, northern and eastern boundaries of the Mahaji Native Reserve bearing $333^{\circ} 28' 56''$ for 7998.7 feet to an iron beacon (No. 3), $11^{\circ} 56' 16''$ for 2760 feet to an iron beacon (No. 4), $108^{\circ} 04' 31''$ for 2548.8 feet to an iron beacon (No. 5) and $160^{\circ} 50' 49''$ for 10134 feet to an iron beacon (No. 6) on Mida Creek at High Water mark;

thence by the High Water Mark along Mida Creek in a general easterly direction to the point of commencement.

Nairobi,

Dated this 4th day of April, 1914.

H. C. BELFIELD,

Governor.

A plan of the above Forest Area can be seen in the Forest Department, Nairobi and copies can be obtained from the Public Map Office attached to the Survey Department, Nairobi.

PROCLAMATION No. 5]

PROCLAMATION.

The East Africa Townships Ordinance 1903.

In exercise of the powers conferred upon me by "The East Africa Townships Ordinance, 1903," I hereby declare the following place within the limits hereinafter set forth to be a township for the purposes of the aforesaid Ordinance:—

CHUKA. The area comprised within a circle having a radius of one mile with the Government flag-staff as centre.

Nairobi,
March 31st, 1914.

H. C. BELFIELD,
Governor.

GOVERNMENT NOTICE No. 73]

RULE.

East Africa Townships Ordinance, 1903.

Rule issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,
Dated this 31st day of March, 1914.

H. C. BELFIELD,
Governor.

1. The Rule under the above Ordinance and dated 16th May, 1913, is hereby repealed in so far as it applies to the Township of Embu.

GOVERNMENT NOTICE No. 74

RULES.

The Native Passes Regulations, 1900.

Rules issued by the Governor of the East Africa Protectorate under the Native Passes Regulations, 1900.

Nairobi,
Dated this 6th day of April, 1914.

H. C. BELFIELD,
Governor.

Rules for the control of the movements of Natives of Kamasia and Uasin Gishu Masai Reserves.

1. No Native of Kamasia or Uasin Gishu Masai Reserves shall proceed out of the Reserves set aside for the use of his tribe, unless he shall have obtained a pass under these rules, from a District Commissioner or an Assistant District Commissioner.

2. A pass under these rules shall be granted free of charge and shall be in the form in the Schedule hereto, and shall have effect only for the time specified in the pass.

3. A District Commissioner or an Assistant District Commissioner may refuse to grant a pass to any native of Kamasia and Uasin Gishu Masai Reserves, without assigning any reason for such refusal.

4. Any Native of Kamasia or Uasin Gishu Masai Reserves found outside the Reserves set aside for the use of his tribe, shall on demand being made by any Government Officer or Police Officer, produce his pass.

5. Any Native of Kamasia or Uasin Gishu Masai Reserves failing to produce his pass when called upon to do so under the foregoing section of these Rules, or being found outside the Reserves set aside for the use of his tribe, may be arrested by a Police Officer or other authorised person without a warrant, and shall be liable on conviction to a fine not exceeding Rupees 150/- or to imprisonment of either description for a period not exceeding 6 months.

Schedule.

No.....

EAST AFRICA PROTECTORATE.

Kamasia and Uasin Gishu Masai Reserves Pass.

NAIVASHA PROVINCE.

Name.....

Father's name.....

Tribe.....

Clan.....

Age.....

Description.....

Destination.....

Purpose.....

Period.....

Station.....

Date

191

.....*District Commissioner.*

GOVERNMENT NOTICE No. 79] NOTICE.

The Registration Regulations Amendment Ordinance, 1914, (No. II of 1914.)

The Secretary of State for the Colonies has been pleased to notify that His Majesty's Power of Disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency.

Nairobi,
March 31st, 1914.

C. C. BOWRING,
Chief Secretary.

GOVERNMENT NOTICE No. 82] RULE.

The East Africa Townships Ordinance, 1903.

Rule issued by His Excellency the Governor of the East Africa Protectorate under the provisions of the East Africa Townships Ordinance, 1903.

Nairobi,
Dated this 16th day of April, 1914.

H. C. BELFIELD,
Governor.

In Rules 64, 67, 68, 69 and 82 of the Township Rules, 1904, as applied to the Township of Kisumu the word "Collector" is hereby deleted and the words "Medical Officer of Health" are hereby substituted therefor.

GOVERNMENT NOTICE No. 83] RULES.

The East Africa Townships Ordinance, 1903

Rules issued by His Excellency the Governor of the East Africa Protectorate under the provisions of the East Africa Townships Ordinance, 1903.

Nairobi,
Dated this 16th day of April, 1914.

H. C. BELFIELD,
Governor.

1. These Rules shall apply to the Township of Mombasa and shall be read as one with the Rules applicable to the Township of Mombasa issued under the provisions of the East Africa Townships Ordinance, 1903, and dated the 29th day of October, 1913.

2. To Rule 1 of the aforesaid Rules dated the 29th day of October, 1913, shall be added before the words "shall be deemed to be nuisances liable to be dealt with summarily under these rules" the following clause:—

10. Any accumulation of stones, boritis or other building material if such accumulation in the opinion of the Health Officer is likely to harbour rats or other vermin or any ruinous building which in the opinion of the Health Officer is likely to harbour rats or other vermin.

GOVERNMENT NOTICE No. 84] RULES.

Stage Plays and Cinematograph Exhibitions Ordinance, 1912.

Rules issued by His Excellency the Governor under the Stage Plays and Cinematograph Exhibitions Ordinance, 1912.

Nairobi,
Dated this 16th day of April, 1914.

H. C. BELFIELD,
Governor.

- (1) Rule 16 Sub-Rule 2 of the Rules issued under the Stage Plays and Cinematograph Exhibitions Ordinance, 1912, and dated 25th day of October, 1913, is hereby cancelled.
- (2) The following fees shall be chargeable for licences issued under the Stage Plays and Cinematograph Exhibitions Ordinance, Section 6:—

(a) For every licence for a Stage Play	...	...	...	Rs. 5/-
(b) For every licence for a Cinematograph Exhibition	...	...	...	Re. 1/-

Under the East Africa Townships Ordinance, 1903.

Issued by His Excellency the Governor under the provisions of the East Africa Townships Ordinance 1903 Section 3,

Nairobi,

Dated this 27th day of April, 1914.

C. C. BOWRING,

Deputy Governor.

Township of Nairobi.

1. These Rules may be cited as the Nairobi Fishmongers Rules 1914 and shall apply to the Township of Nairobi.
2. Notwithstanding anything in the Township Rules, 1904, to the contrary it shall be lawful for the Town Clerk to register a person as a fishmonger and such person shall be entitled to sell fish elsewhere than in a public market.
3. In the Township Rules 1904, as applied to the Township of Nairobi, there shall be added :—
 - (a) to Rule 107 after the words "vendor of meat" the words "or fishmonger,"
 - (b) to Rule 108 after the word "butcher" the words "or fishmonger,"
 - (c) to Rule 109 after the word "butcher's shop" the words "or fishmonger's shop,"
 - (d) to Rule 110 after the words "butcher's shop and stalls" the words "and fishmonger's shops,"
 - (e) to Rule 111 after the word "meat" the words "or fish,"
 - (f) to Rule 112 after the words "butcher's shop" the words "or fishmonger's shop."
4. The fee chargeable on the registration of a fishmonger shall be Rs. 5/- per mensem.

**An Ordinance to Amend the East Africa Police Ordinance, 1911.
No. III of 1914.**

The Principal Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with regard to the above Ordinance.

By Command of His Excellency

Nairobi,

April 29th, 1914.

C. C. BOWRING,

Chief Secretary.

The East Africa Townships Ordinance, 1903.

Rules issued by His Excellency the Governor for the East Africa Protectorate under the provisions of "The East Africa Townships Ordinance, 1903."

Nairobi,

Dated this 6th day of May, 1914.

H. C. BELFIELD,

Governor.

1. For the purpose of these Rules the word "vehicle" shall include any bicycle, tricycle, motor-cycle and any conveyance for the carriage of persons or goods however drawn, propelled or kept or set in motion but shall not include a perambulator.
2. After the hour of 6-30 p. m., and until 6 a. m. every vehicle standing in or proceeding along a public road, public place or thoroughfare shall be provided with a lighted lamp or lamps so placed as to throw the light in the direction in which the vehicle if in motion is proceeding and giving a light equal to not less than one candle power per lamp.
3. No person suffering from a contagious or infectious disease shall drive or be in charge of any cart or other vehicle.
4. Every person driving or being in charge of any vehicle proceeding along any public road shall, when practicable, keep such vehicle to the left or near side of the road, and shall when passing any vehicle going in the same direction cause the vehicle which he is driving or of which he is in charge to pass on the right or off side of the vehicle he is passing, and shall permit a vehicle going in the opposite direction to pass on the right side or off side of the vehicle which he is driving or of which he is in charge.
5. For the purposes of these rules the term "person in charge of any vehicle" or "person being in charge of any vehicle" shall extend to and include any person propelling or drawing or assisting in propelling or drawing any vehicle.
6. When loading or unloading a cart or lorry or other vehicle in a street the person in charge of such cart or lorry or other vehicle shall rest it parallel with the foot-path and immediately on the edge of the carriage-way or if there is no foot-path then parallel with and on the extreme edge of the street.

7. No person shall lead, ride or drive any horse, mule, donkey or ox on any pathway, public place or thoroughfare that shall have been reserved for the use of foot passengers only or allow any such animal to remain on any such pathway, public place or thoroughfare and no person shall drive or propel any vehicle or allow any such vehicle to remain on any pathway, public place or thoroughfare so reserved.

8. The driver or person in charge of any vehicle shall not drive or propel such vehicle over any drain except over a proper bridge or culvert.

9. A person contravening any of the provisions of the above rules Nos. 1 to 8 inclusive shall on conviction be liable for each offence to a fine not exceeding Rs. 100/- or to imprisonment of either kind not exceeding one month or to both in addition to any damages at the suit of any party aggrieved that may be awarded by a Court of competent jurisdiction against the owner of such vehicle or the driver or person in charge of the same.

10. The owner or occupier of any town plot or premises who shall require to drive or propel any vehicle over any drain for the purpose of obtaining access for such vehicle to the said plot or premises shall construct across the said drain opposite to the entrance of the said plot or premises a good and sufficient bridge of planks or other material suitable in the opinion of the District Commissioner for the said purpose in such a manner as to protect the said drain from damage and so as to avoid obstructing the proper flow of water in the same. Any person who shall be guilty of contravening or not complying with any of the terms of this rule shall upon conviction in any Court of competent jurisdiction be liable to a fine not exceeding Rs. 100/- or to imprisonment of either kind not exceeding one month or to both.

11. The driver or person in charge of any animal or animals or of any vehicle shall not permit such animal, animals or vehicle to collide with or damage any drain, culvert, bridge, fence, gate, lamp-post or any other property of the Government and in every case where any such damage shall have been done or any such collision shall have occurred the driver or person in charge of the animal, animals, or vehicle shall be deemed to have committed a breach of this rule and the owner of the animal, animals or vehicle by which any such damage as aforesaid shall have been done shall pay to the Government the amount of the damage; and the driver or person in charge shall be liable to a fine not exceeding Rs. 40/- for each offence or to imprisonment of either kind not exceeding one month or to both.

12. (1) No person shall perform ablutions or wash any clothes, cooking utensils or any other article at any public hydrant or at any stand-pipe.

(2) No person shall wash any article of clothing in or on the banks of any lake, river, pool, quarry, water-course or irrigation trench except at a place or places authorised by the District Commissioner for the purpose.

(3) No person shall bathe in any lake, river, pool, quarry, watercourse or irrigation trench within the Township area except at a place or places authorised for the purpose by the District Commissioner on a certificate of approval being previously received from the Medical Officer of Health.

(4) Any person guilty of an offence against the provisions of any sub-section of this rule shall be liable to a fine not exceeding Rs. 30/- for each offence or to imprisonment of either kind not exceeding fourteen days or to both.

13. Every owner or person in possession of a cycle who resides or has his place of business within the Township area shall, on the publication of these rules, and thereafter on or before the 31st day of December in each year, cause such cycle to be presented at the District Commissioner's Office for registration, provided that this rule shall not apply to an unused cycle kept for the purpose of sale by a cycle dealer unless and until such cycle shall be sold or hired out or otherwise used.

14. The District Commissioner shall keep a register in which he shall enter full particulars of every cycle presented for registration, including the names of the owner and person in possession and the makers of the cycle and its trade number and shall issue to the party presenting such cycle a form of licence on which the said particulars shall be endorsed, which licence shall be personal to the grantee thereof and shall lapse and become of no effect upon his ceasing to be the owner or person in possession of such cycle and shall not be valid after the 31st day of December in the year for which it is issued: Provided that the District Commissioner may delay or refuse to issue a licence in respect of any cycle on the ground that it is not fitted with proper brakes or for any other cause that may seem to him good and sufficient.

15. Every owner or person in possession of a cycle which has been registered under these rules shall cause a metal ticket painted black on one side and bearing thereon the registration number of the cycle in white figures at least two inches in height and on the obverse side the trade number of the cycle and the registration number both stamped into the metal, to be attached to the back of the saddle of the cycle or to some other place to be approved by the District Commissioner and kept so attached in such a manner as to be wholly visible.

Such ticket may be obtained from the District Commissioner on payment of the prescribed fee.

16. Any person who shall, within the Township, ride a cycle required to be registered under these rules to which a ticket as before prescribed is not attached in the manner required by or under these rules shall be guilty of an offence, unless it be proved by such person that the person causing the cycle to be registered had at the time of applying for such registration requested the District Commissioner to supply such ticket on payment of the prescribed fee, and that the District Commissioner has failed to supply the same at the date of the commission of the offence.

17. The following fees shall be chargeable by the Government under these rules:—

For each ticket registered	...	...	...	...	50 cents.
Registration fee	...	...	...	...	25 cents.

18. Any person who shall contravene the provisions of rules 13 to 17 inclusive shall be guilty of an offence and shall on conviction be liable to a fine not exceeding Rs. 50/- or to imprisonment for a term not exceeding fourteen days or to both.

12. The highest bid for each licence together with the name of the purchaser shall be announced by the auctioneer before proceeding to offer the next licence, and the purchaser shall thereupon pay to the auctioneer:

- (a) One-tenth of the purchase price,
- (b) The rent payable to the 31st December next following,
- (c) The cost of the licence, and
- (d) The survey fees.

In default of such payments the licence may be offered for resale immediately, and any subsequent bid by the person who has made default may be ignored or refused.

13. The balance of the purchase price shall be paid to the Land Officer in nine annual instalments of 10 per cent of the purchase price on the first day of January in every year.

If such payments are not made at the time aforesaid, the deposit and all moneys paid by the purchaser under, or in respect of his licence, shall be forfeited to the Government and the purchaser shall have no further claim to the licence in respect of which the deposit and such payments shall have been made.

14. In these Rules "agricultural purpose" includes grazing and stock raising; and "agricultural land" includes grazing land.

15. The Rules under the Crown Lands Ordinance 1902 dated the 12th day of February 1913 are hereby cancelled, provided, however, such cancellation shall not affect any licence granted under the said rules or any right, title, interest, obligation, or duty granted conferred or imposed by virtue of any such licence or of the said rules.

Schedule.

Occupation Licence.

1. Mr..... (hereinafter referred to as the licensee) having purchased at auction (by his duly authorised agent Mr.....) on the day of 191 .., the land hereinafter more particularly described for the sum of Rs..... and paid the sum of Rs..... being 10 per cent of the purchase price at the time of auction, is hereby authorised to occupy, subject to the conditions hereinafter contained and to the provisions of the Crown Lands Ordinance 1902, and to the rules for the time being in force under the said Ordinance, all that piece or parcel of land situate..... in the..... District in the..... Province of the East Africa Protectorate being farm No..... (Land Office No.....) Meridional District..... comprising..... acres or thereabouts which said piece or parcel of land with the abutments and boundaries thereof is delineated on Revenue Survey Plan..... deposited in the Land Office, Nairobi, excepting and reserving all land, if any, on which any trigonometrical station is situate, which shall comprise all land within 20ft. of the centre mark of such station together with a right of way to or from the same for the term of three years from the date hereof paying therefor to the Land Officer for the time being during the said term the yearly rent of Rs..... and so in proportion for any less period than a year the first of such payments to be made on the..... day of..... 191 .., and the subsequent payments to be made on the 1st day of January in every year.

2. The licensee agrees to pay the balance of the purchase price to the Land Officer, at the Land Office, Nairobi, in nine annual instalments of 10 per cent of the purchase price on the 1st day of January in every year, the first of such payments to be made on the 1st day of January 19 ..

3. The licensee agrees to pay the rent in manner aforesaid and to improve and develop the resources of the said land in a prudent and businesslike manner.

4. The licensee shall commence to reside or place an European manager on the said land within six months of the date of this licence and shall thereafter reside or keep an European Manager in residence on such land for a period of not less than twenty-four months during the currency of this licence.

The licensee shall after the expiration of six months from the date of this licence, if so required by the Land Officer, produce proof to the satisfaction of the Land Officer that he or his Manager commenced to reside on the said land within six months of the date of this licence, and shall on the expiration of this licence, produce proof to the satisfaction of the Land Officer that he or his Manager has resided on the said land for a period not less than twenty-four months during the currency of this licence. Provided however that the licensee shall satisfy the Land Officer that the Manager so appointed is of full age.

5. If at the expiration of the said term of three years the licensee shall have improved and developed the said land to the satisfaction of the Governor or such official as he shall appoint and shall have complied with each and every condition of this licence then the licensee shall be entitled to a lease of the said land. For the purpose of this clause improvements to the extent of Rs..... of the nature specified in the schedule hereto will be deemed sufficient development to qualify for a lease.

6. Every lease granted in pursuance of the last preceding clause shall be for a term of 99 years to commence from the date of this licence, subject nevertheless to the provisions of the Crown Lands Ordinance 1902 and the Rules thereunder, or any Ordinance amending or replacing the same in force at the date of the execution of the lease, and to the Rules for the time being in force under any such Ordinance, and shall contain provisions to secure the payment of the said purchase price still owing at the date of execution of such lease.

7. The licensee shall not assign transfer or otherwise part with his interest under this licence or any part thereof.

8. Sections 23 to 28 (both inclusive) of the Crown Lands Ordinance 1902 shall apply to the said land as if the same were leased under the said Ordinance, and the licensee shall cease to occupy any portion of the said land which may be required for any of the purposes mentioned in the said sections, and any such land required as aforesaid shall be excluded from the land leased in pursuance of this licence.

GOVERNMENT NOTICE No. 101] REGULATIONS.

The Diseases of Plants Prevention Ordinance 1910.

Issued by His Excellency the Governor under the Diseases of Plants Prevention Ordinance 1910, Section 2.

Nairobi,

Dated this 9th day of May, 1914.

H. C. BELFIELD,

Governor.

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1. These Regulations may be cited as "The Coffee Leaf Disease Notification Regulations 1914".
 2. For the purpose of these Regulations coffee leaf disease shall mean "*Hemelia Vastatrix*."
 3. The Director of Agriculture may from time to time by notice in the Official Gazette appoint such person or persons in the service of the Agricultural Department as he may think fit to perform the duties of a Coffee Plant Inspector under these Regulations.
 4. (a) On the appearance of coffee leaf disease in any plantation the owner or the person in charge thereof shall give immediate notice to the Director of Agriculture of such appearance.
(b) The Director of Agriculture shall keep in the office of the Department of Agriculture a complete register of plantations infected with coffee leaf disease.
 5. No coffee plants shall be disposed of by sale or otherwise from any Nursery unless the owner of such Nursery possesses a certificate from a Coffee Plant Inspector to the effect that the plants in such Nursery are free, or that he has reason to believe them to be free from coffee leaf disease.
 6. Any person committing a breach of these Regulations shall be liable on conviction to a fine not exceeding 750 rupees or in default of payment of the same shall be liable to imprisonment of either description for a term not exceeding two months.

GENERAL NOTICE No. 107]

NOTICE.

Patents and Designs Ordinance, 1914.

Notice is hereby given that His Excellency the Governor has directed that the Patents and Designs Ordinance, No. 1 of 1914, shall come into operation on the 1st day of June, 1914.

GENERAL NOTICE No. 108]

NOTICE.

The Arbitration Ordinance, No. IV of 1914.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

Nairobi,

May 4th, 1914.

C. C. BOWRING,

Chief Secretary.

PROCLAMATION No. 6]

PROCLAMATION.

The Land Titles Ordinance, 1908.

Whereas by Section 2 of the said Land Titles Ordinance, 1908, the Governor may by Proclamation apply the said Ordinance to any district, area or place in the Protectorate and fix the day on which the said Ordinance shall commence and take effect in such district, area or place.

Now therefore, in exercise of the powers conferred upon me by the hereinbefore mentioned

Section 2, I, SIR HENRY CONWAY BELFIELD, K.C.M.G., do hereby apply the Land Titles Ordinance, 1908, to all the area within the following boundaries lying within the Province of Seyidie, to wit:—

Starting from Mackenzie Point opposite Mombasa Fort in a northerly and then a north-westerly direction along the coast of the mainland bordering Port Tudor and up to what is known as the Jomvu Creek and along the course of the Kombeni River as far as the limits of the ten-mile zone. Thence along the ten-mile zone to a point due west of Mwando Makonde, thence along the southern boundary of Mazrui Reserve Block No. 1 to the coast and southwards along the coast to Mackenzie Point which is the point of commencement of this definition: and I direct that the said Ordinance shall commence to take effect from the 1st day of July, 1914.

Nairobi,

Dated this 22nd day of May, 1914.

H. C. BELFIELD,

Governor.

PROCLAMATION No. 7]

PROCLAMATION.

I, SIR HENRY CONWAY BELFIELD, K.C.M.G., Governor of the East Africa Protectorate, with the approval of the Secretary of State, do hereby proclaim and declare that the boundaries of the Naivasha Province shall henceforth be those set forth in the Schedule hereto annexed and that all former Proclamations descriptions or notices declaring or describing the boundaries of such Province are hereby revoked.

Nairobi,

Dated this 29th day of May, 1914.

H. C. BELFIELD,

Governor.

Schedule

Description of Boundaries of Naivasha Province.

Commencing at the point where the 35° East meridian intersects the northern boundary of the Trans-Nzoia Allotment, thence westwards and southwards along the north and west boundaries of the Trans-Nzoia Allotment to the junction of the Kama Koiwa (Kabisi) River with the Nzoia River, thence by the Nzoia River up stream to its intersection by the western boundary of farm No. 222 (L. O. No. 832), thence bounded by the westerly boundaries of the Uasin Gishu farms to Doinyo Lessos, otherwise known as Kongoni Hill, thence by a straight line in the direction of Ketparak to the Kapsimbegwa River, thence by the Kapsimbegwa down stream to the north-west corner of farm No. 1372, thence by the northerly boundary of farm No. 1371 to Kapsikak Hill (the north-west corner of farm No. 1371), thence by the Kaptumo Path (the westerly boundary of farm No. 1371) to the Kirondu River, otherwise known as the Chapchure River, thence by the Kirondu and Kundos Rivers down stream to the junction with the Ainomnotua River (also known as the Sangari River), thence by the Ainomnotua up stream to a point due north of Songhor, thence by a line to Songhor summit, thence by a straight line to Tinderet Trig. station, thence by a straight line south-easterly to the northerly corner of farm No. 595, thence by the northerly boundary of farm No. 595 to its north-east corner, thence by the western boundary of farm No. 1121 to its north-west corner, thence by the northerly boundary of farm No. 1121 to its north-east corner, thence by its easterly boundary to its south-east corner, thence by the southerly boundary westerly to the north-east corner of farm No. 593, thence by the easterly boundary of farm No. 593 to the Nyando River, thence by the Nyando up stream to the north-east corner of farm No. 587, thence by the easterly boundary of farm No. 587 to its eastern corner, thence by a line south-westerly to the most easterly point of the Buret Reserve, thence by the Buret and Sotik Reserves to the Amala River, thence by the Amala River down stream to the Anglo-German boundary, thence by the Anglo-German boundary to the intersection with the Ngare Rongai River, thence by the Ngare Rongai down stream to its junction with the Tsavo River, thence by a line northerly to the most southerly peak of the Chyulu (or Kyulu) Range, thence by the Chyulu Range to its most northerly point, thence by a straight line north-westerly to Kemali Hill, thence by a line direct to the southerly one-mile zone of the Uganda Railway, thence by the one-mile zone north-westerly to its intersection by portion No. 1219, thence by its southerly boundary north-westerly to the south-west corner, thence by its westerly boundary north-easterly to the Athi River, thence by the Athi up stream to its junction with the Mbagathi River, thence by the Mbagathi River up stream to the easterly corner of farm No. 1124, thence by the southerly and westerly boundaries of farms Nos. 1124, 193, 192, 196 and 197 to the westerly corner of farm No. 197, thence by a line south-westerly to a beacon near the Forest edge, thence by a beaconsed line in the direction of Mount Suswa (Ol Doinyo Onyokie) to a beacon overlooking the Kedong Valley, thence by a straight line to the south-easterly corner of farm No. 369, thence by the easterly boundaries of farms Nos. 369, 370, 371, 373, 374, 378, 382, 384, 383, 386, and 385 to the Uganda Railway, thence by the Uganda Railway (also the northerly boundary of farm No. 385) to the north-westerly corner of farm No. 385, thence by a line to the southerly corner of farm No. 1312, thence by the easterly boundaries of farms Nos. 1312, 1311, 1310, 1307 and 1306 to the south-easterly corner of farm No. 1095, thence by the south-easterly and easterly boundaries of that farm to the Chania River, thence by the Chania down stream to its intersection by the boundary of farm No. 1095, thence by that boundary to its intersection with the Kiburu River, thence by the Kiburu up stream to the most easterly corner of farm No. 1095, thence by the north-easterly boundary of farm No. 1095, to the Chania River, thence by the Chania up stream to its source, thence by the watershed of the Aberdare Range and Mount Korei and direct to the source of the E. Uaso Nyiro, thence by the E. Uaso Nyiro down stream to its intersection with the Lorian Swamp, thence by a line north-westerly to Mount Suku, thence by a line westerly to Mount Koroli, thence by a line south-westerly to the most south-easterly point on Lake Rudolph, westerly and northerly to the Turkwell River, thence up the Turkwell until it becomes the Suam River, thence by the Suam to its intersection by the 35° E. Meridian, thence by that Meridian to the point of commencement.

Issued by His Excellency the Governor with the approval of the Secretary of State under the provisions of the East Africa State Railway Provident Fund Ordinance, 1908.

Nairobi,

Dated this 1st day of June, 1914.

H. C. BELFIELD,

Governor.

Application.

1. These Rules are applicable to "servants" employed on the Uganda State Railway, Application. as defined in Rule 3 (e).

2. No pensionable Government servant can become a depositor in the Provident Fund. Pensionable servants excluded.

Definitions.

3. In these Rules, unless there be something repugnant in the subject or context:— Definitions.

- (a) "State Railway" means a State Railway open to public traffic.
 - (b) "Manager" means the Manager or other Chief Officer of a State Railway.
 - (c) "Chief Accountant" means the Chief Accountant or the Assistant Chief Accountant in independent charge of the accounts of a State Railway.
 - (d) "Salary" means monthly salary (including personal allowance), and does not include overtime, compensation in lieu of rations, travelling, mileage, or other fluctuating or extra allowance.
 - (e) "Servant" means a Government servant serving on the permanent non-pensionable establishment of a State Railway (even if partially employed on construction), and who does not come under any of the following categories:—
 - (i) who is an apprentice on probation;
 - (ii) who is in receipt of a salary of less than Rs. 30/- per mensem;
 - (iii) who is a menial servant;
 - (iv) who is serving under a special covenant which excludes his becoming a depositor.
- "Servant" however includes the following:—
- (v) who is a mechanic employed in any department on a monthly salary and subject to a month's notice before dismissal;
 - (vi) who is a driver, shunter or fireman on the permanent staff (and nottaken on temporarily for short periods) in receipt of equal to a wages monthly rate of Rs. 30/- and upwards.
- (f) "Depositor" means a servant by or on whose behalf a deposit is made under these Rules.
 - (g) "Deposit" means a deposit in the Provident Fund.
 - (h) "Interest" includes compound interest.
 - (i) "Compulsory deposit" means a deposit made under Rule 4, with the interest accruing thereon.
 - (j) "Bonus" means a bonus added to a deposit under Rules 7 to 9, with the interest accruing thereon.
 - (k) "Gratuity" means a grant of money other than the bonus added to the compulsory deposit that may be given for continuous and satisfactory service.

Compulsory Deposits and Bonus.

4. Every member of the permanent non-pensionable staff is required to deposit at a Compulsory deposits. uniform rate of one-twelfth of salary per mensem.

5. Both voluntary and compulsory deposits in the Provident Fund, made by deductions Date of deposits. from salary at time of audit, should be considered as paid into the fund on the last day of the month for which the salaries, from which the deductions are made, are due.

6. All depositors must continue their compulsory deposits while absent on leave, Deposits when on leave. calculated on full pay. The usual bonus will be allowed on such deposits, which will be made in the following manner:—

In the case of servants taking leave in Europe, the amount to be deducted shall be shewn in the Last Pay Certificate, and recovered by the Crown Agents from any payments they may make. Any balance due shall be recovered when the final payment of leave pay is made by the Chief Accountant. In the case of servants going on leave to India, payment will be made in a similar manner through the Railway Agents in Karachi.

Interest on such deposits made out of East Africa will accrue from the first of the month following the date of their receipt by the Chief Accountant.

First bonus.

7. With effect from the 30th September in each year, *i.e.* six months from the commencement of the financial year, the deposit account of each servant shall be provisionally credited with a bonus equal to one-half of the compulsory deposits made on his behalf during the half year.

Further bonuses.

8. With effect from 31st March in each year the deposit account of each servant shall be provisionally credited with a second bonus equal to one-half of the compulsory deposits made on his behalf during the second half year and as soon as the Revenue Accounts of a State Railway are made up with a third bonus not being less than one-quarter of the total compulsory deposits made on his behalf during the whole year with the exception that the third bonus shall be increased to 30% of the compulsory deposits for those depositors who were contributors to the fund prior to April 1st, 1912, provided that if the aggregate amount payable by way of a third bonus to all depositors at the rate of 25% and 30% as above stated is less than 1% of the net earnings of the Railway calculated before any contribution to the Fund has been added to the Working Expenses, the third bonus may be increased so as not to exceed in all one-half of the compulsory deposits made on behalf of the depositor during the whole year, subject to the condition that the aggregate amount of the third bonus shall not exceed 1% of the net earnings so calculated.

Bonuses added to deposits.

9. Any bonus accruing to a depositor under Rules 7 and 8 shall be added provisionally to his deposits with effect from the dates named. All such bonuses, and all interests provisionally accruing thereon, shall be shewn in a separate column in his account, and shall subject to the condition prescribed in Rule 23.

Employment on construction.

10. All depositors when temporarily detached for employment on construction works whether in connection with the home line, or with an independent line under construction, shall be permitted to continue their deposit in the Provident Fund of the home line and participate in the benefits thereof, subject to the condition that their deposits shall be based upon their open line pay, and not on any increased pay that may be drawn on construction.

Voluntary Deposits.

Voluntary deposits.

11. A servant may, at his discretion, make voluntary deposits in the Provident Fund in addition to the compulsory deposits made on his behalf. Such voluntary deposits and the interest accruing thereon, shall be entered in a separate column in the depositor's account and held at his free disposal, subject to Rule 16.

Voluntary deposits are limited to Rs. 1,000 yearly and to Rs. 7,500 in all, exclusive of interest. A depositor temporarily absent from the Railway under Rule 10 can continue to make voluntary deposits, provided he makes his own arrangements for payment for the same. Fractions of a rupee will not be received in case of a voluntary deposit.

Withdrawal of Compulsory Deposits.

Withdrawal of compulsory deposits.

12. Saving with the particular sanction of the Governor no compulsory depositor or bonus shall be withdrawn, excepting :

- (i) on the decease of the depositor,
- (ii) on his leaving the Government service,
- (iii) with the permission of the Manager under Rule 13.

Reasons for withdrawal.

13. On the Manager being satisfied that the pecuniary circumstances of a depositor are such that the indulgence is absolutely necessary, the compulsory deposits of the depositor, and if they do not suffice, his bonuses or any part of his bonuses, may be withdrawn temporarily :—

- (1) In the case of passage not being admissible under the leave rules to pay for the passage of a depositor proceeding out of Africa on medical certificate, or after returning from such absence.
- (2) To pay the passage of any member of the depositor's family coming from oversea to join him, or proceeding out of Africa, sick or from other urgent cause.

Cost of passages.

14. The equivalent of the cost of a passage by sea only is admissible under Rule 13, and any passages so required will be engaged by the Chief Accountant and the amount expended upon them will be treated as a withdrawal and deducted from the amount at the credit of the depositor's account.

Return of amount withdrawn.

15. In addition to the compulsory deposits under Rule 4, one-twelfth part of any sum withdrawn under Rule 13, shall be withheld monthly from the salary of such depositor and deposited again in the Provident Fund. Such deduction shall be made whenever full salary (*i.e.* employed pay whether subject to deductions on some other account or not), is drawn until the whole is refunded, the withdrawals from the bonus account, if any, being first made good. Such instalments may be paid in advance.

Withdrawal of Voluntary Deposits.

Withdrawal of voluntary deposits.

16. No Railway servant shall be permitted to resort to the Provident Fund as a place for the deposit of a floating voluntary balance, on which he can operate constantly by depositing and withdrawing money. The Chief Accountant has full discretion to close such accounts. More than one withdrawal in the same month shall not be allowed without the special permission of the Manager given for assigned reasons.

Method of withdrawing voluntary deposits.

17. When a depositor wishes to withdraw money from his voluntary deposit account, he shall fill in the form prescribed for that purpose.

If he does not attend personally, payment will be made to the person named for that purpose, after due enquiry as to the genuineness of the order and the identity of the payee. The payment must, in all cases, be made at the Chief Accountant's Office, and not remitted to the depositor.

Resignation, Transfer, Dismissal, Etc.

18. A servant, whose services are dispensed with on account of reduction of establishment before the accounts of the year are made up, may, at the time of his discharge, be allowed a bonus equal to one-half of compulsory deposits made on his behalf during the year, but nothing further. Dismissal on reduction of establishment.

19. A servant ceasing to be a depositor on account of being permanently transferred to another Railway (and not temporarily detached under Rule 10) or to another branch of the Government service in the interest of the Government service, shall be allowed, on the accounts of the year being made up, the benefit of the bonus in proportion to the amount of his compulsory deposits of the year. This ruling applies also in the case of servants compelled to retire by ill-health or attaining the age limit, and of death: the heirs or estate of a deceased servant shall be credited with a proportionate share of the bonus due to the amount of compulsory deposits made by, or on behalf of, the deceased during the year in which he died. Benefit to servants transferred.

20. But in the case of resignation or dismissal of a servant or of his transfer elsewhere, or where services have been dispensed with, either at his own request or for not performing his duties satisfactorily, such servant shall not receive any share of a bonus not already declared. Resignation, dismissal or transfer elsewhere.

21. The Manager shall decide in each case whether a servant has been transferred in the interests of the public service or not. Manager's discretion.

22. Compulsory or voluntary deposits cannot be forfeited under any circumstances; but when a claim is presented for the balance at credit, any amount due to the Railway may be deducted before handing over the property of the claimant. Deductions.

23. If a depositor is dismissed from the Government service, the Manager may cause to be withheld all or any part of the bonus or bonuses provisionally allotted to him under Rule 9 with the interest accrued thereon, only the balance at his credit without such bonus or bonuses and interest thereon being paid to the depositor. In the case of there being any outstandings against a depositor, who may have absconded, resigned or been dismissed, the amount of such outstandings may be deducted from his compulsory or voluntary deposits, the balance only after such deductions being paid to him. Any bonus and interest withheld from a dismissed depositor under this Rule shall be credited to the Fine Fund of the Railway. Manager's discretion regarding bonuses credited to dismissed servant.

Attachment by Courts of Law.

24. Neither compulsory deposits, nor bonuses, *i. e.*, money added by Government to compulsory deposits, nor the interest thereon standing at the credit of a depositor, whether in actual service, discharged or deceased, can be attached by a Court of Law; but voluntary deposits and the interest thereon standing at the credit of a depositor on any given date are open to attachment on that date. Attachment by Courts of Law.

Security Deposit Accounts and Fine Fund.

25. Railway servants, who are required by Government to deposit security, may be allowed a separate account for the security deposit only. Security deposit accounts.

26. The depositor will be required to sign a letter in the prescribed form addressed to the Chief Accountant undertaking not to make any claim on the Provident Fund for the principal of the sum deposited, except with the express written sanction of the person referred to in the letter to whom the security is pledged, not to object to the payment of the principal to such person on his claiming it, and not to make any claim for interest after interest has ceased to accrue owing to the payment of the principal to such person, or from the date on which such person has sanctioned the repayment of the deposit. Conditions regarding security deposit.

27. Interest on security deposits at the rate applicable to voluntary deposits will accrue and be paid in the usual manner, subject to the conditions specified in the letter mentioned in Rule 26. Interest on security deposit.

28. Deposits on account of the Fine Fund, when lodged in the State Railway Provident Fund, are subject to the rules as to interest and to other conditions affecting voluntary deposits, excepting that they are not restricted to the yearly and total limits, and interest will be allowed on the full amount of the deposits. Fine fund deposits.

Opening an Account.

29. When a deposit account is first opened, the depositor shall be required to give a declaration in the prescribed form under his signature and in his own handwriting specifying the name or names and addresses of the person or persons by whom he is desirous that the whole or any portion or portions of his deposit shall be received in the event of his death. Each depositor should be invited to revise this declaration at least once a year. All such declarations still in force shall be carefully recorded. Opening an account.

30. If a Mohamedan depositor, on opening his account, make the express request that interest be not added to his deposit, a note to this effect shall be made in the index book and the words "no interest" written on the top of his account in the ledger. Interest on accounts of Mohamedan deposits.

31. No person who already has a voluntary account in a Provident Fund shall be permitted to open another in the same or in another Railway Fund. Voluntary accounts can only be opened in one fund.

32. When accounts are opened by persons employed at a distance from their home or their family as well as their temporary residence should be entered. Accounts opened by persons employed at a distance from home.

Receipt of Deposits.

33. Each voluntary deposit shall be acknowledged by a formal receipt being granted to the depositor. Such receipt shall terminate with the words, "The balance at your credit under voluntary deposits, including the amount now acknowledged, is Rs." Each compulsory deposit will not be acknowledged, but every depositor shall be furnished with an annual account in the prescribed form. Receipt of deposits.

Closed Accounts.

Closed accounts.

34. On a depositor leaving the service of the Government, his account shall be closed and a notice given to the depositor in writing stating the amount at his credit.

Procedure when depositor ceases to be a railway servant.

35. On a depositor ceasing to be a servant as defined in the Rules, but still remaining in Government employ in East Africa, his account shall be dealt with as follows:—

When the balance at the credit of the depositor is less than Rs. 10 notice shall be given to the depositor that his account will be closed. When the balance at the credit of the depositor is Rs. 10 or more the account shall not be closed so long as the depositor remains in the service of Government without the sanction of the administration under which the depositor may be serving after transfer; but during such time as the depositor is not a servant as defined in the Rules, no deposit shall be accepted from him, but interest shall be allowed on the balance of the account until it is closed. But if a depositor resigns only to accept another class of Railway service under Government, no refund shall be made, nor the account closed, until he ceases to be employed on Railway duties.

Procedure for dealing with balances of closed accounts.

36. When an account is closed, it must be removed from the Provident Fund ledger to a separate list. The balance of such accounts closed during during the year will be removed from the books of the Uganda State Railway, but will, in the accounts for March, be transferred to "Deposits." Any item so transferred, not exceeding one rupee, remaining unclaimed by the 31st March of the subsequent year, and all items remaining unclaimed by the 31st March of the third succeeding year, shall be credited to Revenue.

Interest on balances on closed accounts.

37. Interest on the balance at credit of a depositor, whose account has been closed, shall cease to accrue from the date of tender of payment to the depositor, or the person entitled to receive the balance at credit of the account, accompanied by notice that the account will be closed in accordance with the Rules.

Payment from State Railway Provident Fund on death of depositor.

38. (1) When a depositor in any State Railway Provident Fund dies, the Manager may pay the sum standing to his credit in the books of the Fund as follows:—

(a) he may pay it to any person entitled to receive it, who, according to the rules of the Fund, has been nominated in writing by the deceased depositor to receive it;

(b) in any case, not hereinbefore provided for, he may pay to any person appearing to him to be entitled to receive it.

(2) Nothing in this section shall affect the validity of the rules of the Fund in so far as such rules may provide for the disposal of sums exceeding one thousand rupees.

(3) In cases where the assets in the Fund are over Rs. 1,000 the Manager may make small advances to the representatives of deceased depositors who may be left in indigent circumstances in anticipation of the grant of Probate of the Will or Letters of Administration to the estate of the deceased, to meet funeral and other expenses, pending realisation of such assets subject to the following conditions:—

(a) that an advance is made only when the poverty of the heirs appears to justify such an advance.

(b) that the advance does not exceed Rs. 150.

(c) that the amount advanced is deducted in due course from the deposits remaining in the fund, when the balance which is exempt from debts, duty or fees, whatever the amount may be, will be paid direct to the nominee of the deceased.

Interest on accounts of deceased depositors.

39. Interest may be allowed on the balance at the credit of the estates of deceased depositors of the Provident Fund until these are withdrawn subject to the following:—

Interest on the account of a deceased depositor shall cease from the date of tender of payment to the person legally entitled to receive the balance at credit of the account, accompanied by notice that the account will be closed in accordance with the rules. After such tender and issue of notice, the account will be closed and dealt with as a closed account under Rule 36. When long delay is likely to occur in establishing the legal ownership, and the sum involved is large, the Manager shall take legal advice as to how, by issuing notice or otherwise, the liability to interest can be terminated.

Accounts.

Accounts.

40. The books of the Provident Fund shall be kept in the office of the Chief Accountant. The Chief Accountant shall be held directly responsible for the whole of the interest, calculation and other work connected with the Provident Fund; and the work will be subject to test audit by the local Auditor.

Accounts to be made up annually.

41. The accounts of the Provident Fund, including the accounts of depositors, shall be made up annually at the close of the financial year, and at no other period.

Rate of Interest.

42. Interest shall be payable on compulsory and voluntary deposits, and on bonus or bonuses. The rate or rates payable shall be determined by the Government, and advised annually at the commencement of each financial year.

Such interest shall be added to the principal once in twelve months and shall not be allowed for broken periods of a month.

The rates for the years 1908-09 and 1909-10, will be $3\frac{1}{2}\%$ for compulsory deposits and bonuses, and $2\frac{3}{4}\%$ for voluntary or security deposits.

Intermediate closing of accounts.

43. When a depositor's account is closed in the course of a year, interest to the end of the preceding month is to be credited to the account, and paid to the depositor with the principal; otherwise, no payment on account of interest for the current year should be made within it.

Miscellaneous.

44. A monthly abstract of transactions of the Provident Fund shall be submitted by the Chief Accountant to the Manager in the prescribed form for publication in the minutes of official meetings. Abstracts to be submitted to Manager.

45. All accounts shall be kept in rupees. Accounts to be in rupees.

46. No servant shall without the special permission of the Manager be allowed to be a depositor after attaining the age of 55 years. No person to be a depositor after age of 55 without leave.

Gratuities.

47. In addition to the benefits granted under the Rules relating to the Provident Fund, the General Manager of the Railway may, at his discretion, grant a non-pensionable employee on retirement, or in the event of his decease, to his widow and children, for good and faithful continuous service of not less than 15 years a gratuity from revenue equivalent to a half a month's actual pay at the time of retirement or decease in respect of each year's service provided that no gratuity shall be granted in respect of any year over and above 25 years' continuous service. Gratuities.

48. The gratuity granted to guards and drivers under Rule 47 shall, while they continue to draw pay and allowances and not a consolidated salary, be at the rate of one and a half times the gratuity that may be granted under Rule 47. Gratuities to Guards and Drivers.

49. The forms prescribed by these Rules shall be those set forth in the Schedule annexed. Forms.

50. These Rules shall apply to all deposits of whatsoever kind made in the Provident Fund before the promulgation hereof. Saving.

Schedule.

To
THE CHIEF ACCOUNTANT,

Uganda Railway.

Sir,
I wish to withdraw the sum of Rs.....
.....from the balance at credit of my Provident Fund Voluntary Account No.....
which on this day amounts to Rs..... Please pay the money to.....
.....

.....Name.

.....Father's Name.

Date.....19 .

Pay Rs.....

Date.....19 .

Chief Accountant.

Received the sum of Rs.....

Date.....19 .

Signature.

NOTICE OF DEPOSIT OF SECURITY.

To
THE CHIEF ACCOUNTANT, UGANDA RAILWAY.

NAIROBI.

Dated.....19 .

Sir,
I have the honour to inform you that I have deposited the sum of Rs.....
.....in the Uganda Railway Provident Fund as my security to Government, and
that the same will not be payable to me until I shall produce to you the express written sanction of
the.....* under whom I may be serving for payment of the same. I
have also agreed not to object to the payment by the Fund of this deposit to such.....
.....* upon his claiming it; and not to make any claim for interest after such.....
.....* shall have revoked the authority for the Fund to pay me the interest.

I have the honour to be,
Sir,

Your most obedient servant.

(Signature of Depositor).....

(Designation of Depositor).....

*Here insert designation of Government Officer.

UGANDA RAILWAY PROVIDENT FUND.

FORM OF DECLARATION.

I hereby declare the following to be the name and address of the person who, in the event of my death, will be entitled to receive payment of my deposit in the Railway Provident Fund, and I make this my will so far as regards such deposit:—

Name.....

Address.....

Whether the above is next-of-kin, or obtains the deposit by request of depositor. }

Signature.....

Two witnesses to signature {

Date.....19 .

UGANDA RAILWAY.

Deposit Account of Mr.....

Deposit No.....with the Provident Fund for and up to the end of the year ending 31st March, 19 .

Month.	DEPOSITS DURING THE YEAR.								Details of withdrawals.
	Compulsory.		Security.		Bonus.		Voluntary.		
1	2	3	4	5	6				
	Rs.	C.	Rs.	C.	Rs.	C.	Rs.	C.	
Balance on 1st April, 19 .									
April 19 .									
May "									
June "									
July "									
August "									
September "									
October "									
November "									
December "									
January 19 .									
February "									
March "									
Total deposit during the year ...									
Interest for the year ...									
Total including the opening balance ...									
Less withdrawals as per details in column 6 ...									
Balance on 31st March 19 .									

Dated.....19 .

.....
Chief Accountant.

UGANDA RAILWAY.

Monthly Statement of Transactions of the Provident Fund for the month of.....19

	Compulsory.			Bonus.		Voluntary.			Total.			Fine Fund.		Security.		Grand Total.		Remarks.
	No.	Rs.	C.	Rs.	C.	No.	Rs.	C.	No.	Rs.	C.	Rs.	C.	Rs.	C.	Rs.	C.	
Balance on ...																		
Additions during ...																		
Withdrawals during ...																		
Balance on ...																		

GENERAL NOTICE No. 118]

NOTICE.

The Trespass Ordinance, 1913 (No. V of 1914.)

The Secretary of State for the Colonies has been pleased to intimate that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

Nairobi,
June 5th, 1914.

By Command of His Excellency,
W. J. MONSON,
Acting Chief Secretary.

PROCLAMATION No. 8]

PROCLAMATION.

The Forest Ordinance, 1911.

In pursuance of the powers conferred upon me by Section 3 of the Forest Ordinance, 1911, I hereby declare the areas hereinafter defined to be a Forest Area for the purposes of the aforementioned Ordinance.

Nairobi,
Dated this 9th day of June, 1914.

W. J. MONSON,
Deputy Governor.

Nakuru Forest Reserve.

Commencing at the north-east corner of L. O. No. 1264, thence bounded on the north by Crown Land bearing 99° 58' 24" for 18,412 feet; thence on the east by L. O. Nos. 1263, 1262, and 1260, bearing 218° 48' 20" for 10587.4 feet, 168° 37' 52" for 20851.2 feet, 146° 14' 17" for 17153.1 feet and 160° 32' 00" for 8740.3 feet; thence on the south by L. O. Nos. 465/3, 465/1 and 465/2, bearing 245° 31' 35" for 6074.5 feet, 245° 31' 35" for 4579.1 feet and 245° 31' 33" for 2684.4 feet; thence on the west by L. O. Nos. 466, 468, 442, and 1264, bearing 357° 35' 18" for 5620.1 feet, 284° 49' 39" for 6882.1 feet, 353° 52' 55" for 10896.4 feet, 326° 18' 04" for 11009.6 feet, 79° 43' 24" for 10020.7 feet and 339° 18' 21" for 32870.9 feet to the point of commencement.

PROCLAMATION No. 9]

PROCLAMATION.

The Game Ordinance, 1909.

In exercise of the powers conferred upon me by Section 6 (1) of the Game Ordinance, 1909, I, William John Monson, Deputy Governor of the East Africa Protectorate, do declare that the names of Marabout and Egrets of all species appearing in the 3rd Schedule of the said Ordinance are hereby transferred to the 1st Schedule of the said Ordinance.

Nairobi,
Dated this 10th day of June, 1914.

W. J. MONSON,
Deputy Governor.

GOVERNMENT NOTICE No. 122]

RULES.

The East Africa Townships Ordinance, 1903.

Rules issued by His Excellency the Governor under the provisions of the East Africa Townships Ordinance, 1903.

Nairobi,
Dated this 8th day of June, 1914.

H. C. BELFIELD,
Governor.

(1) These Rules may be cited as the Kisumu Township Rules No. 2 of 1914 and shall be read as one with the Kisumu Township Rules No. 1 of 1914.

(2) Rule 20 of the Kisumu Township Rules No. 1 of 1914 is hereby annulled and the following Rule is hereby substituted therefor:—

(20) Offences under these Rules shall be cognisable to the Police.

GOVERNMENT NOTICE No. 123] RULES.

The Fish Protection Ordinance, 1908.

Rules issued by His Excellency the Governor under the provisions of the Fish Protection Ordinance, 1908.

Nairobi,

Dated this 15th day of June, 1914.

W. J. MONSON,

Deputy Governor.

1. These Rules may be cited as the "Victoria Nyanza Fish Protection Rules, 1914" and shall apply to the waters of Victoria Nyanza situate within the boundaries of the Protectorate including every Gulf and Bay thereof and also to the waters at the mouth of every River flowing therein.

2. (1) Every person employed in catching fish for the purpose of sale or barter shall cause himself to be registered as a fisherman at the office of the District Commissioner of the District in which he resides and the District Commissioner shall issue to him a certificate of such registration.

(2) Such registration shall be yearly and shall be renewable on the 1st January of each year.

3. (1) A registered fisherman shall register all boats or other craft, nets and stakes used by him in the course of his business.

(2) Every such boat or other craft shall bear the number of the certificate of registration of the owner in figures not less than 8 inches in height.

(3) Every such net shall bear the number of the certificate of registration of the owner in figures not less than 8 inches in height such figures to be indelibly marked on white cloth or other white substance which shall be sewn on such net.

(4) Every such stake shall bear the number of the certificate of registration of the owner in figures not less than 8 inches in height such figures to be painted on a tablet to be affixed to the head of such stake.

4. The size of the meshes of any net used in fishing shall not be less than one square inch.

5. The fry of fish shall not be taken or destroyed by any means whatsoever.

6. Fishing by means of trawling is prohibited save and except in places where the water has a depth of not less than 16 feet, and is distant not less than a quarter of a mile from the nearest point of the shore.

7. No stakes or nets for whatever purpose connected with the catching of fish shall be placed in any channel or fair way used by vessels other than canoes.

8. Fishing grounds in which nets are staked shall be buoyed by the owner of such nets and stakes.

9. Any Magistrate, Justice of the Peace, Game Ranger, or Police Officer may enter upon any land for the purpose of detecting or preventing offences against these rules.

10. (1) A fee of Rs. 150/- shall be charged yearly for the Registration of a person employed in catching fish for the purpose of sale or barter if such person is not a native. Provided that if any person is registered under Rule 2 after the 1st of July in any year he shall pay a fee of Rs. 75/- for that year.

(2) No fee shall be chargeable for the registration of natives under Rule 2.

11. Any person contravening the provisions of these Rules shall on conviction be liable to a fine not exceeding Rs. 300/- and in default of payment thereof to imprisonment of either description for a term not exceeding 3 months and if the person convicted is a registered fisherman his name may be struck off the register.

12. Any net stake machine instrument or appliance used or suspected of being used in contravention of these Rules may be seized and in the case of a conviction for such contravention may be confiscated.

GOVERNMENT NOTICE No. 126]

AT THE COURT AT BUCKINGHAM PALACE,

The 9th day of March, 1914.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

MASTER OF THE HORSE

MARQUESS OF LINCOLNSHIRE

LORD WIMBORNE

MR. CHARLES HOBHOUSE

WHEREAS by Article 13 of the East Africa Order in Council, 1902, the enactments described in the First Schedule to the Foreign Jurisdiction Act, 1890, were applied to the East Africa Protectorate, subject as therein mentioned, and for the purpose of such application the High Court of East Africa was substituted for Magistrate or Justice of the Peace of a Colony or British Possession.

And whereas by an Ordinance of the East Africa Protectorate shortly entitled the Courts Ordinance, 1907, there were constituted Courts with jurisdiction in Criminal matters to be known as Subordinate Courts of the first, second and third class, and to be held by Magistrates as in the said Ordinance provided.

And whereas it is expedient that the powers and duties conferred and imposed by the Enactments described in the said Schedule on a Magistrate or a Justice of the Peace of a Colony or British Possession should be exercisable by Magistrates holding Subordinate Courts of the first Class as provided by the said Ordinance and duly appointed by the Governor of the East Africa Protectorate in that behalf.

And whereas by an Order of His late Majesty in Council, dated the 4th day of July, 1908, and made under section 737 of the Merchant Shipping Act, 1894, His Majesty was pleased to direct that the taking of certain depositions, authorized under certain Acts therein mentioned to be done by or before a British Consular Officer, might be done in the East Africa Protectorate by or before the Chief of Customs, and whereas it is expedient to amend the said Order so as to provide that the taking of the said depositions may in the East Africa Protectorate be done by or before a Magistrate holding a Subordinate Court of the first class as aforesaid:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, and Section 737 of the Merchant Shipping Act, 1894, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as "The East Africa Order in Council, 1914."

2. Article 13 of the East Africa Order in Council, 1902, is hereby amended by deleting the last fifteen words of the Exceptions adaptations and modifications contained in paragraph (1) thereof and substituting therefor the words "and a Magistrate holding a Subordinate Court of the first class constituted under the Courts Ordinance, 1907, of the East Africa Protectorate or any law substituted for or amending the same, and duly appointed by the Governor in that behalf, for a Magistrate or Justice of the Peace of a Colony or British Possession."

3. In the Schedule to the Order of His late Majesty in Council, dated the 4th day of July, 1908, and providing for the exercise in various British Protectorates of the powers of a British Consular Officer under the Merchant Shipping Act, 1894, as applied by section 7 of the Workmen's Compensation Act, 1906, the words "The Chief of Customs" shall be omitted, and the following words substituted, namely:—"A Magistrate holding a Subordinate Court of the first class constituted under the Courts Ordinance, 1907, of the East Africa Protectorate or any law substituted for or amending the same, and duly appointed by the Governor in that behalf."

4. This Order shall be published in the "Official Gazette" of the East Africa Protectorate and shall thereupon commence and come into operation.

And the Right Honourable Lewis Harcourt, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

ALMERIC FITZROY.

GOVERNMENT NOTICE No. 127]

RULES.

The Indian Telegraph Act, 1885.

Rules issued by His Excellency the Governor under Section VII of the Indian Telegraph Act, 1885, as applied to the East Africa Protectorate.

Nairobi,

Dated this 20th day of June, 1914.

W. J. MONSON,

Governor's Deputy.

1. Inland Telegrams, which unless otherwise provided by rule shall include only telegrams originating within the East Africa and Uganda Protectorates and transmitted exclusively by means of land lines for delivery to addressees residing in those Protectorates, shall be divided into two classes, viz:—

I.—ORDINARY TELEGRAMS IN PLAIN LANGUAGE, in which shall be included all telegrams written in Roman characters, in any modern European language, or in Latin, Swahili or Indian vernacular, which express on the face of them an intelligible and connected meaning. Commercial marks, letters representing the signs of the International Code signals in maritime telegrams, and abbreviated expressions currently used in ordinary or commercial correspondence, such as "F.O.B.," "C.I.F.," "C/C," "B/L," "M.O.," "A.M.," "P.M.," "%," or any other analogous expression the meaning of which is understood at the Telegraph Office of origin shall be regarded as plain language, provided that they have a clear and intelligible meaning from the text.

II.—(a) CODE TELEGRAMS, in which shall be included all telegrams written in Roman characters, which do not represent a connected or intelligible meaning, but which may be composed of real or artificial pronounceable words not exceeding 10 letters each; provided that real words must be taken from some modern European language or Latin; and provided that artificial words must consist of combinations of letters pronounceable according to the usage of the English, Dutch, French, German, Italian, Spanish, Portuguese or Latin languages; provided further that a combination of two or more real words shall not be acceptable as Code.

II.—(b) CYPHER TELEGRAMS, in which shall be included all messages containing a group, or groups, of letters written in Roman characters, or figures written in Arabic characters having a meaning which is secret, or not readily intelligible, and not fulfilling the conditions regarding code telegrams contained in paragraph II (a) of this rule. No telegram containing both letters and figures combined in a single group having a secret meaning shall be transmitted.

2. The charges for transmission of Inland Telegrams, which unless otherwise provided by rule must be prepaid, shall be as follows, *viz* :—

- I.—For telegrams in plain language 75 cents for a telegram not exceeding 12 words, and 6 cents for each additional word beyond 12.
- II.—For code or cypher telegrams Rs. 1/- for a telegram not exceeding 10 words, and 10 cents for each additional word beyond 10.
- III.—A telegram of either class may be forwarded as “urgent” on payment of double rates.

Mixed Telegrams

3. Mixed telegrams (that is telegrams consisting of plain language as well as code or cypher) shall be counted as follows :—

- I.—In telegrams composed of mixed plain language and code, any word in plain language which exceeds 10 letters in length shall be counted at the rate of 10 letters to a word; and any code word which exceeds 10 letters in length shall be counted at the rate of 5 letters to a word.
- II.—In telegrams composed of mixed plain language and cypher, the words in plain language shall be counted on a word basis without any limitations of the number of letters contained in such words, and the passages in cypher shall be counted at the rate of 5 figures or 5 letters to a word.
- III.—In telegrams composed of mixed cypher and code, the passages in cypher shall be counted at the rate of 5 letters or figures to a word, and the passages in code shall be counted at the rate of 10 letters to a word, any code word exceeding 10 letters in length being counted as cypher.
- IV.—In telegrams composed of mixed plain language, code and cypher, the plain language and code words shall be counted as provided in paragraph I of this rule and the passages in cypher as provided in paragraph II of this rule.

Multiple Address Telegrams.

4. I.—An Inland telegram addressed to more than one person within the delivery of the same Telegraph Office, or to the same person at different addresses within the delivery of the same Telegraph Office, shall be treated for purposes of payment as a single message, every word used, both in the addresses and in the text, being counted and charged for; provided that an additional fee of 38 cents for every 100 words or portion of 100 words shall be paid for each copy of the telegram after the first.
- II.—No telegram addressed jointly to several persons or to the same person at different addresses shall be accepted for transmission unless the whole of such persons are residing within the delivery of the same Telegraph Office, or unless the whole of such different addresses are situated within the delivery of the same Telegraph Office.

Prepayment of Replies.

5. The sender of a telegram may prepay a reply at the time the telegram is tendered for transmission, but the amount deposited for this purpose shall not be less than the minimum charge for a telegram of the same class as the original message.

Collated Telegrams.

6. I.—The charge for the collation of an Inland telegram, *i. e.*, its repetition back from Office to Office throughout its transmission, shall be a supplementary fee representing one half of the charges for transmission as laid down in rule 2, any fraction of a cent being taken as one cent.
- II.—The collation of a telegram shall be undertaken only at the request of the sender which must be made at the time the telegram is tendered for transmission; the sender shall not be entitled to receive a copy of the telegram as repeated.

Receipts for Telegrams.

7. Except as may be otherwise provided by rule, any person tendering a telegram for transmission from any Telegraph Office and making payment for the same, shall be entitled to receive, free of charge, a receipt for the same shewing the time at which such telegram was tendered for transmission and the amount of the charges paid.

Delivery of Telegrams.

8. I.—Subject to the conditions of paragraph IV of this rule telegrams shall be delivered free of charge within a radial distance of 3 miles of any Telegraph Office.
- II. Within radial distances exceeding 3 miles and not exceeding 4 miles the delivery service shall, subject to the conditions of paragraph IV of this rule, be provided at the terminal Telegraph Office for a charge of 50 cents per telegram in any case where the sender has deposited this sum or the addressee has deposited written instructions at such terminal Telegraph Office for such delivery service and agreed to pay the charge.
- III.—Within radial distances exceeding 4 miles but not exceeding 5 miles the delivery service shall, subject to the conditions of paragraph IV of this rule, be provided at the terminal Telegraph Office for a charge of 75 cents per telegram in any case where the sender has deposited this sum or the addressee has deposited written instructions at such terminal Telegraph Office for such delivery service and agreed to pay the charge.
- IV.—In any case where rivers, arms of the sea or other special obstacles intervene between the terminal Telegraph Office and the place of delivery, then a charge may be levied for boat hire or other special facilities required, or the distance may be reckoned according to any available longer route rendered necessary by the existence of such obstacles.

- V.—Telegrams addressed to places situated at more than 5 miles from the terminal Telegraph Office shall be dealt with, for the purposes of delivery, in the same way as letters, failing arrangements to the contrary by the sender or addressee, which arrangements must be at the expense of one or other of the parties.
- VI.—The sender of a telegram addressed to a place situated at a greater distance than three miles from a Telegraph Office, or addressed to a ship or place for which boat hire or other expenses may be incurred in connexion with its delivery, may deposit the amount of the charges when tendering the telegram for transmission, and in such case an intimation of the sum so deposited shall be telegraphed to the terminal Telegraph Office free of charge.

Re-direction of Telegrams.

9. I.—No person shall be entitled to have a telegram for his address re-directed except on written notice signed by himself and handed to some responsible person at the Telegraph Office of delivery; provided that the Postmaster General may arrange for the re-direction of telegrams on written instructions from persons other than the actual addressee in any case in which it may appear to him that such persons can be regarded as the responsible agents of the addressees.
- II.—For every re-directed telegram which has to be re-transmitted by wire to some Telegraph Office in the East Africa or Uganda Protectorates other than that indicated by the original address, a re-direction charge shall be levied at the rate prescribed in rule 2, which charge unless collected from the addressee shall be recoverable from the person authorising the re-direction.
- III.—For every telegram re-directed to an address within the delivery zone of the Office of original destination the Postmaster General may levy a delivery fee from the addressee which shall not exceed 30 cents and which may be supplementary to the charges laid down in rules 8 and 10. This fee shall be chargeable irrespective of whether the re-direction has been requested by notice given at the delivering Telegraph Office or whether the services are rendered as a result of a request made to the telegraph messenger.

Recording of Delivery Instructions.

10. Instructions for the re-direction of telegrams shall be recorded free of charge for one calendar month at any Telegraph Office, at the expiration of which period the instructions shall be observed only on payment of a fee at the rate of Rs. 15/- per annum, the minimum charge being as for a period of three months. This rule and fee shall apply also in the case of persons desiring telegrams to be delivered at different addresses on different days of the week, or at different hours of the day and shall be supplementary to any delivery fee which may be levied under rule 9; provided that persons who have registered abbreviated telegraphic addresses at any Telegraph Office shall be entitled to have re-direction or delivery instructions recorded at such Telegraph Office free of charge.

Undelivered Telegrams.

11. If the sender of an Inland telegram, on being notified that his telegram cannot be delivered, owing to the addressee being unknown or from any other cause, desires to give an amended address within the delivery of the same Telegraph Office, such amended address shall be telegraphed to the Telegraph Office of delivery for a fee of 75 cents; this rule and charge shall apply also if the sender desires the telegram to be again presented at the original address, or desires the original address to be amplified.

Repetition at the Request of the Addressee.

12. If the receiver of an Inland telegram doubts its accuracy he may have it repeated from the Office of origin on payment of one-half of the original cost of its transmission, any fraction of a cent being reckoned as one cent. Should he only require a portion of the telegram to be repeated, payment must similarly be made at the half rate sufficient to cover the number of words to be repeated, subject to a minimum charge of 38 cents for a plain language telegram and 50 cents for a code or cypher telegram. In the event of its being proved that the original telegram was incorrectly transmitted, and that such incorrect transmission was not contributed to by the manner in which the telegram was written by the sender, then the amount deposited for repetition shall be refunded.

Certified Copies of Telegrams.

13. The charge for a certified copy of a telegram shall be as follows:
- I.—A copying fee of 75 cents for every 100 words or part thereof contained in the telegram.
- II.—In cases where the date of the telegram and the Office of despatch or destination is not precisely stated in the application for a certified copy, a searching fee of 75 cents shall be charged for each day's telegrams of each Office examined.
- III.—In cases in which, although a precise date and name of the Office have been given, no trace of the telegram can be found, a fee of 75 cents shall be charged.
14. Certified copies of telegrams shall be obtainable only upon the applicant satisfying the Postmaster General that he is either the sender or the addressee of the telegram referred to, or that he is duly authorised in writing by either the sender or the addressee to obtain a copy of such telegram.
15. These rules shall come into force on and from the first day of July 1914.

GOVERNMENT NOTICE No. 128]

RULES.

Diseases of Animals Ordinance, 1906.

Rules issued by His Excellency the Governor under the Diseases of Animals Ordinance, 1906.

Nairobi,

Dated this 16th day of June, 1914.

W. J. MONSON,

Governor's Deputy.

1. These Rules may be cited as "The Diseases of Animals Rules, 1914," and shall be read together with the Diseases of Animals Rules, 1911, hereinafter called the Principal Rules.

2. The scale of fees in the Schedule to the Principal Rules is amended as follows by the addition of the following fees:—

Anti-Rinderpest Serum	...	...	...	.. Cents 50 per dose
Double inoculation against Rinderpest	...	...	...	...Re. 1/- per head.

GOVERNMENT NOTICE No. 133]

RULES.

The Diseases of Animals Ordinance, 1906.

Rules issued by His Excellency the Governor of the East Africa Protectorate under the powers conferred upon him by the Diseases of Animals Ordinance, 1906.

Nairobi,

Dated this 27th day of June, 1914.

H. C. BELFIELD,

Governor.

1. Rule 18 (2) of the Diseases of Animals Rules, 1911, is amended as follows by adding at the end of the rule the following proviso:—

"Provided, however, that issuers of permits may issue permits for the removal of swine into any area if such swine are transferred by railway train."

2. These rules may be cited as the Diseases of Animals Rules, No. 2 of 1914.

GOVERNMENT NOTICE No. 135]

RULES.

Under the East Africa Townships Ordinance, 1903.

Rules issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 24th day of June, 1914.

W. J. MONSON,

Governor's Deputy.

1. The Rules under the above Ordinance and dated 30th May, 1912 and 16th May, 1913 relating to the Townships of Nyeri, Fort Hall and Meru are hereby repealed.

2. No fee shall be payable for any produce brought into the market for sale in the above Townships.

GOVERNMENT NOTICE No. 139]

RULES.

The East Africa Townships Ordinance, 1903.

Rules issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 1st day of July, 1914.

H. C. BELFIELD,

Governor.

1. These Rules may be cited as "The General Township Rules, 1914" and shall be read as one with the Township Rules, 1904.

2. Rules 74 and 75 of the Township Rules, 1904, are hereby repealed and the following Rules are hereby substituted therefor.

3. The occupier of any land within the limits of a township whereon there is erected any stable, cow-yard, cattle-shed, camel-shed, pig-sty or other construction for keeping swine or goats or sheep, shall cause such premises to be thoroughly cleansed daily.

4. No person shall use any building or place within a township as a stable for horses, ponies, mules or donkeys kept for hire or as a cattle-shed or as a camel-shed except with a permit from the Town Clerk or where there is no Town Clerk from the District Commissioner or from a Superintendent of Conservancy who may in his discretion grant or withhold such permit which shall state the number of horses, ponies, mules, donkeys, cattle or camels that may be kept and the situation of such building or place.

5. These Rules shall apply to all Townships save where other provision is made.

GOVERNMENT NOTICE No. 140] RULES.

Issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 3rd day of July, 1914.

H. C. BELFIELD,

Governor.

1. Township Rules dated 19th February, 1912, are amended as follows:—

By the deletion in Rule 9 (2) of the words—

For a reserved plot 10 ft. × 10 ft.	...	...	...	...	Rs. 100/-
For a reserved plot 10 ft. × 4 ft.	...	...	...	...	” 50/-

and substituting therefor.—

For a reserved plot 8'6" × 4'8"	} Rs. 50/-
For a reserved plot 6' × 4'	

2. By the the addition of Rule 10.

10. No greater number than two graves, in addition to the one occupied, can be reserved, and then only by the next of kin or their legal representatives, and no more than three graves can be reserved on advance which shall be allotted at the discretion of the Municipal Authorities.

GOVERNMENT NOTICE No. 145] NOTICE.

The Provincial Commissioners (Assistants) Ordinance, 1914 (No. 7 of 1914.)

The Secretary of State has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

The Pawnbrokers Amendment Ordinance, 1914 (No. 10 of 1914.)

The Secretary of State has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

The Lunacy Amendment Ordinance, 1914 (No. 11 of 1914.)

The Secretary of State has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

Nairobi,

July 4th, 1914.

W. J. MONSON,

Acting Chief Secretary.

GOVERNMENT NOTICE No. 149]

AT THE COURT AT BUCKINGHAM PALACE,

The 14th day of May, 1914.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

EARL BEAUCHAMP

SIR JOSHUA WILLIAMS

MASTER OF THE HORSE

LORD JUSTICE PICKFORD

LORD CHAMBERLAIN

SIR ARTHUR CHANNELL

WHEREAS by the Seal Fisheries (Crown Colonies and Protectorates) Order in Council, 1913, hereinafter called the Principal Order, provision was made for applying Sections 3 and 4 of the Seal Fisheries (North Pacific) Act, 1912, to certain Colonies and Protectorates, including the Gilbert and Ellice Islands Protectorate, the Solomon Islands Protectorate, and the Somaliland Protectorate, and to Cyprus and to Zanzibar (all of which Colonies and Protectorates and Cyprus and Zanzibar were thereafter referred to as "Territories affected"):

And whereas by Article 4 of the Principal Order it was directed that the said Order should be published in the Government Gazette of each of the Territories affected other than Zanzibar, and should thereupon come into operation in such Territory:

And whereas there is no Government Gazette in the Gilbert and Ellice Islands Protectorate or in the Solomon Islands Protectorate, or in the Somaliland Protectorate:

And whereas it is expedient to amend the Principal Order so as to make proper provision for bringing the said Order into operation in the said Protectorates :

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Seal Fisheries (North Pacific) Act, 1912, the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1. This Order may be cited as "The Seal Fisheries (Crown Colonies and Protectorates) Order in Council, 1914."

2. The Principal Order shall come into operation in the Gilbert and Ellice Islands Protectorates, the Solomon Islands Protectorate, and the Somaliland Protectorate forthwith.

3. The Schedule to the Principal Order is hereby revoked, and the Schedule to this Order substituted therefor.

ALMERIC FITZROY.

Schedule.

List of British Colonies, &c. to which Sections 3 and 4 of the Seal Fisheries (North Pacific) Act, 1912 apply :—

Bahamas.	Leeward Islands—(contd.)
Barbados.	Saint Christopher-Nevis.
Bermuda.	Virgin Islands.
British Guiana.	Dominica.
British Honduras.	Malta.
Ceylon.	Mauritius.
East Africa Protectorate.	Saint Helena.
Falkland Islands.	Saint Lucia.
Fiji	Saint Vincent.
Gambia	Seychelles.
Gibraltar.	Sierra Leone.
Gilbert and Ellice Islands Protectorate.	Solomon Islands Protectorate.
Gold Coast.	Somaliland Protectorate.
Grenada	Southern Nigeria.
Hong Kong.	Straits Settlements, including Labuan.
Jamaica (including Turks Islands and Cayman Islands).	Trinidad and Tobago.
Leeward Islands—	Weihaiwei.
Antigua.	
Montserrat.	

GOVERNMENT NOTICE No. 151] RULES.

The East Africa Townships Ordinance, 1903.

Rules issued by His Excellency the Governor of the East Africa Protectorate under the provisions of the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 8th day of July, 1914.

H. C. BELFIELD,

Governor.

1. These Rules shall apply to the Township of Kisumu and shall be read with the Kisumu Township Rules dated the 11th day of November, 1908, and may be cited as "The Kisumu Township Rules No. 3 of 1914."

2. No person shall reside or remain in "C" area of the Township unless such person is :—

(i) the holder of a temporary occupation licence from the Crown and is residing on the land the subject of such licence,

(ii) the holder of a lease from the Crown of the land on which he is residing,

(iii) in possession of a permit from the District Commissioner allowing such person to reside in the area,

(iv) registered as Leing in employment in the Township,

or is the wife or child or any such person described in (i), (ii), (iii) or (iv).

3. Any African able-bodied male provided with a permit from the District Commissioner to reside in area "C" shall also be provided with an identification ticket by the District Commissioner in a form to be approved by the Provincial Commissioner, and such identification ticket shall be produced on the demand of a Magistrate, a Police Officer, the Medical Officer of Health or any officer authorised by the Provincial Commissioner to inspect such tickets.

4. Every person residing in area "C" who is employed within the Township shall be registered by his employer at the office of the District Commissioner.

5. Any person under these Rules lawfully residing in "C" area who shall allow any person unauthorised under these Rules to reside in "C" area, to sleep in any hut or other building or place in such area shall, on conviction, be liable to the penalties provided for a breach of these Rules.

6. Any person committing a breach or failing to comply with the provisions of these Rules shall, on conviction, be liable to a fine not exceeding Rs. 200/-, or in default of payment, to imprisonment of either description for a term not exceeding two months.

GOVERNMENT NOTICE No. 153] NOTICE.

The Registration of Documents Amendment Ordinance, 1914, (No. 8 of 1914).

The Secretary for the Colonies has been pleased to intimate that His Majesty's Power of Disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

Nairobi,
July 11th, 1914.

W. J. MONSON,
Acting Chief Secretary.

PROCLAMATION No. 11] PROCLAMATION.

In exercise of the powers conferred upon me by Article 6 (1) of The East Africa Order-in-Council, 1902, I, Henry Conway Belfield, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of the East Africa Protectorate, with the approval of the Secretary of State for the Colonies, do hereby declare that the Boundaries of the Malindi, Taita, Mombasa and Vanga Districts in the Province of Seyidie shall be as stated in the schedule attached hereto.

All former Proclamations referring to the boundaries of the above Districts are hereby cancelled.

Nairobi,
Dated this 22nd day of July, 1914.

H. C. BELFIELD,
Governor.

Schedule.

Malindi District.

Commencing at the north-east corner (near the Kilifi River) of the Seyidie Provincial boundary, this District boundary follows the Provincial boundary north-westerly and south-westerly to the Galana River; thence in a straight line towards the summit of Maungu Hill to a point half-way between the Galana and that summit; thence in a straight line south-easterly to a point about 2 miles south-easterly of Kaya Giriama (Kaya Fungo) where the part from Rabai intersects the boundary between the Msarani and Tiwi Native Districts; thence northerly to the northern end of Kibwabwani (in such a way as to include the villages of Kafilani and Maremairi in the Malindi District); thence easterly along the generally southern side of the path through Kitswa-cha-Ndsovu and Birini to the southern foot of Cha Simba Hill; thence south-easterly (to the north of the villages of Ziwani and Gulani) to the north end of the village Kirwitu; thence easterly to the south corner of the village Kijangwani; thence due east to the Provincial boundary; thence northerly along the Provincial boundary to the point of commencement.

Taita District.

Commencing at the point where the Malindi District boundary cuts the Galana River the Taita District boundary follows a straight line through the summit of Maungu Hill to the Anglo-German boundary; thence north-westerly and easterly along the Seyidie Provincial boundary to the point of commencement.

Mombasa District.

Commencing at the south-east corner of the Malindi District the Mombasa District boundary follows the eastern Seyidie Provincial boundary in a southerly direction to a point due east of the Mwachena River (between Tiwi and Diani); thence up this river to its source in Kwale; thence westerly in a straight line to trig. point 1476 in Kipingoni; thence north-westerly in a straight line to a point 5 miles south of the summit of Kilibasi Hill; thence westerly (in a straight line through a point 5 miles south of the summit of Kisigao Hill) to the Taita District boundary; thence north-easterly along the latter boundary before described to its junction with the Malindi District boundary; thence south-easterly along the latter boundary before described to its south-easterly corner (the point of commencement).

Vanga District.

Commencing at the most westerly corner of the Mombasa District the Vanga District boundary follows the southern boundary of the Mombasa District before described easterly to the Seyidie Provincial boundary; thence southerly and westerly along the latter boundary to the southern corner of the Taita District boundary; thence north-easterly along the latter boundary to the western corner of the Mombasa District boundary (the point of commencement).

In exercise of the powers conferred upon me by Article 6 (1) of the East Africa Order-in-Council 1902, I, Henry Conway Belfield, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of the East Africa Protectorate, with the approval of the Secretary of State for the Colonies, do hereby declare that the Boundaries of the Nairobi, Kikuyu, Machakos (Ulu) and Kitui Districts in the Province of Ukamba shall be as stated in the Schedule attached hereto.

All former Proclamations referring to the boundaries of the above Districts are hereby cancelled.

Nairobi,

Dated this 22nd day of July, 1914.

H. C. BELFIELD,

Governor.

Schedule.

Nairobi District.

Commencing at the Railway Bridge across the Athi (M'bagathi) River this boundary follows that river up-stream to the south-easterly corner of farm No. 13 of Sheet South $\frac{A 37}{G 11 d}$; thence along the eastern boundary of this farm to its junction with the southerly corner of the Forest Reserve; thence along the southern and eastern boundaries of the Forest Reserve to the latter's junction with the southerly corner of the Military Reserve; thence along the westerly boundary of the Military Reserve to its junction with the Ngong Road; thence along the western boundaries of farms Nos. 330 and 4 to the Nairobi River; thence down the Nairobi River to the south-western corner of farm No. 6; thence to the north-western corner of this farm; thence along the southern side of Sclater's road to the north-westerly boundary of farm 206, thence along this boundary of farm No. 206 to its junction with the Uganda Railway; thence westward along the southern boundary of the Uganda Railway to a point in the same straight line as the boundary between farms Nos. 11 and 8; thence in a straight line to the south-west corner of farm No. 8; thence along the westerly boundary of this farm to its junction with the Getathuru River; thence down this river to its junction with the Nairobi River; thence down the Nairobi River to its junction with the Athi (M'bagathi River); thence up this river to the point of commencement.

Kikuyu District.

Commencing at the south-easterly corner of farm No. 13 of Sheet $\frac{A 37}{G 11 d}$ it follows the Athi (M'bagathi) River up-stream to the eastern corner of farm 1,124; thence along the southern boundaries of farms 1,124, 193, 192, 196, 197; thence along the western boundary of farm 197 northerly to its intersection by the main stream of the M'bagathi River; thence up-stream to the source; thence by a straight line to the south-easterly corner of farm No. 369; thence by the easterly boundaries of farms Nos. 369, 370, 371, 373, 374, 378, 382, 384, 383, and 386 to the Uganda Railway; thence by the Uganda Railway (also the northerly boundaries of farms Nos. 386 and 385) to the north-westerly corner of farm No. 385; thence by a straight line to the southerly corner of farm No. 1312; thence by the easterly boundaries of farms Nos. 1312, 1311, 1310, 1307, and 1306 to the south-westerly corner of farm No. 1095; thence by the south-easterly and easterly boundary of this farm to the Chania River; thence down river to the point where the south-easterly boundary of farm No. 1,095 leaves this river; thence by that boundary to its intersection with the Kiburu River; thence down this river to its junction with the Chania River; thence down this river to its junction with the Thika River; thence down this river to the point where it cuts the eastern boundary of farm No. 1,133; thence along that boundary to where it cuts the Athi River; thence up this river to its junction with the Nairobi River; thence up this river to its junction with the Getathuru River; thence up this river to the point where it cuts the north-westerly boundary of farm No. 8; thence along this boundary to the south-west corner of farm No. 8; thence in the same straight line as the boundary between farms Nos. 11 and 8 to a point on the southern boundary of the Uganda Railway; thence eastward along the southern boundary of the Uganda Railway to its junction with the north-westerly boundary of farm No. 206; thence along this boundary to Sclater's Road to the north-west corner of farm No. 6; thence along the boundary of this farm to its south-western corner; thence along the Nairobi River to the north-western corner of farm No. 4; thence along the western boundaries of farms Nos. 4 and 330 to the junction of the Dagoretti road with Ngong-Nairobi road; thence along the westerly boundary of the Military Reserve to its junction with the eastern boundary of the Forest Reserve; thence along the boundary of the Forest Reserve to its southerly corner; thence along the eastern boundary of farm No. 13 of Sheet South $\frac{A 37}{G 11 d}$ to the point of commencement.

Machakos (Ulu) District.

Commencing at the railway bridge across the Athi (Embakasi) River it follows that river down to its junction with the Tsavo River; thence up this river to its junction with the Kilalelwa River; thence by a straight line northerly, to the most southerly peak of the Chyulu (or Kyulu) Range; thence along the Chyulu Range to its most northerly peak; thence by a straight line north-westerly to Emali Hill; thence by a straight line direct to the southerly mile zone of the Uganda Railway; thence along this mile zone north-westerly to its intersection by portion No. 1,219; thence by its southerly boundary north-westerly to its south-west corner; thence along its north-west boundary to the Athi River; thence down this river to the point of commencement.

Kitui District.

Commencing at the point where the Athi (Embakasi) River cuts the eastern boundary of farm No. 1,133 it follows this boundary northward to the Thika River; thence down this river to its junction with the Tana River; thence down this river to its junction with the Mackenzie River; thence by a straight line south-easterly to the most northerly peak of Katumba Hill; thence by a straight line to a point where a straight line through Mount Maungu and Loga (or Lali) Hill intersects a line due west from Merifano; thence by a straight line through Loga Hill to the Galana (Sabaki) River; thence up the Galana (which changes its name to Athi or Embakasi) to the point of commencement.

PROCLAMATION No. 13]

PROCLAMATION.

In exercise of the powers conferred upon me by Article 6 (1) of The East Africa Order-in-Council, 1902, I, Henry Conway Belfield, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of the East Africa Protectorate, with the approval of the Secretary of State for the Colonies, do hereby declare that the boundaries of the Witu Sultanate, Tana River, and Lamu Districts in the Province of Tanaland shall be as stated in the Schedule attached hereto.

All former Proclamations referring to the boundaries of the above Districts are hereby cancelled.

Nairobi,

Dated this 22nd day of July, 1914.

H. C. BELFIELD,

Governor.

Schedule.

Witu Sultanate District.

Commencing at a point on the sea-shore, marked by a pillar, some 650 yards due east of Kipini the boundary follows due north for 440 yards; thence along a straight line bearing 70 degrees west of due north to the centre channel of the Ndimi Mbili Creek; thence north-westerly along the centre of this channel to the point where it is crossed by the Kirimanda ferry on the road from Witu to Kau; thence due north to the 1 degree 58 minutes south latitude; thence in a straight line easterly to the most northerly point of the Dodori creek; thence (in such a line as shall include in the Witu Sultanate the villages of Dodori, Vumbi, and Wasi; and exclude the villages Mwasi, Itembe, and Mataroni) to the point on the coast marked by two coconut trees and known as Kwayu; thence in a line parallel to the general highwater mark of the coast through the middle of the Siyu, Kililana, and Kipungani channels to the limit of territorial waters at Lamu Bay; thence south-westerly along the limit of territorial waters to a point due south of the point of commencement; thence due north to the point of commencement.

Tana River District.

Commencing at the north-west corner of the Witu Sultanate before described the boundary follows a straight line northerly to the junction of the north-east and north-west boundaries of Tanaland Province; thence along the north-west, south-west and part of the south-east boundaries of Tanaland Province to a point on the limit of territorial waters due south of a pillar on the sea-shore built some 650 yards due east of Kipini; thence due north to this pillar; thence along the south-western, and western boundaries of the Witu Sultanate before described to the point of commencement.

Lamu District.

Commencing at the easternmost point of the promontory Dick's Head (Ras Kiamboni) the boundary follows the north-east boundary of Tanaland Province to its junction with the north-west boundary of that Province; thence it follows a straight line southerly (along part of the eastern boundary of the Tana River District before described) to the north-west corner of the Witu Sultanate before described; thence along the northern boundary of the Witu Sultanate to the two coconut trees before described known as Kwayu; thence along part of the south-east boundary of the Witu Sultanate to the limit of territorial waters at Lamu Bay; thence north-westerly along the limit of territorial waters to a point due east of Dick's Head; thence due west to the point of commencement.

PROCLAMATION No. 14]

PROCLAMATION.

In exercise of the powers conferred upon me by Article 6 (1) of the East Africa Order-in-Council, 1902, I, Henry Conway Belfield, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of the East Africa Protectorate, with the approval of the Secretary of State for the Colonies, do hereby declare that the Boundaries of the Meru, Embu, Fort Hall, and Nyeri Districts in the Province of Kenya shall be as stated in the Schedule attached hereto.

All former Proclamations referring to the boundaries of the above Districts are hereby cancelled.

Nairobi,

Dated this 22nd day of July, 1914.

H. C. BELFIELD,

Governor.

Schedule.

Meru District.

Commencing at the summit of Mount Kenya, the boundary follows a straight line to the principal source of the Mara River; thence down this river to a point where it is crossed by the lower Meru-Embu road; thence along the generally easterly side of this road to a deep gully which runs down to the Mutonga River; thence along the thalweg of this gully to the Mutonga River; thence down this river to its junction with the Tana River; thence down this river to its junction with the Mackenzie River; thence in a straight line to the junction of the Lakdera River with the Lorian Swamp; thence by the southerly and westerly sides of this swamp to E. Uaso Nyiro; thence up this river to its junction with the Siolo River; thence up this river to the Lowa River and so up to the principal source of the River Marania (West) thence in a straight line to the point of commencement (the summit of Mount Kenya).

Embu District.

Commencing at the summit of Mount Kenya, the boundary follows a straight line to the principal source of the Mukengeria River on Mount Kenya; thence down this river to its junction with the Thiba River; thence down this river to its junction with the Tana River; thence down the Tana River to its junction with the Mutonga River; thence up this river and along part of the boundary of the Meru District before described to the principal source of the Mara River on Mount Kenya; thence in a straight line to the point of commencement (the summit of Mount Kenya).

Fort Hall District.

Commencing at the summit of Mount Kinangop (Niandarawa), this district boundary follows the Naivasha-Kenya Provincial boundary southerly and easterly to the junction of the Tana and Thika Rivers; thence up the Tana (Sagana) River to its junction with the Mugono River; thence up this river to its principal source; thence in a straight line to the nearest point of the Ruarai River; thence up this river to its principal source; thence in a straight line to the nearest point of the Surusuru River; thence in a straight line to a point on the Ngaru Ridge 500 yards east of the source of the Kurumasi River; thence westerly along the crest of this ridge (to the north of the River Mathioya north) to where this ridge runs into the summit of Kinangop (Niandarawa), the point of commencement.

Nyeri District.

Commencing at the summit of Mount Kinangop (Niandarawa), the boundary follows the northern part of the Fort Hall District boundary before described easterly to the Tana (Sagana) River; thence down this River to its junction with the Thiba River; thence northerly along the western boundary of the Embu District before described, to the summit of Mount Kenya; thence northerly along the western boundary of the Meru District before described to E. Uaso Nyiro; thence up this river to its principal source; thence in a straight line to the summit of Sattimma; thence along the crest of the Aberdare Range to Mount Kinangop, the point of commencement.

PROCLAMATION No. 15]

PROCLAMATION.

The Forest Ordinance, 1911.

In pursuance of the powers conferred upon me by Section 3 of the Forest Ordinance, 1911, I hereby declare the area hereinafter defined in the Schedule hereto to be a Forest Area for the purposes of the aforesaid Ordinance.

Nairobi,

Dated this 22nd day of July, 1914.

H. C. BELFIELD.

Governor.

Schedule.

DESCRIPTION OF THE BOUNDARIES OF KAPSARET FOREST RESERVE, L. O. Nos. 86/2 AND 84/2,
UASIN GISHU DISTRICT, NAIVASHA PROVINCE.

Commencing at the most southerly corner of L. O. No. 87; thence bounded on the north-east L. O. No. 82 bearing $119^{\circ}25'22''$ for 2081.95 feet; thence on the east by L. O. No. 84/1 bearing $196^{\circ}55'00''$ for 4180 feet, $119^{\circ}25'16''$ for 2241.2 feet and $196^{\circ}49'04''$ for 2862.9 feet to the centre of a tributary of the Kipkarren River; thence on the south by the centre of this tributary down stream to its junction with the Kipkarren River and by the centre of the Kipkarren River down stream to the most easterly corner of L. O. No. 86/1; thence on the south-west by this farm bearing $313^{\circ}55'13''$ for 3762.9 feet and $343^{\circ}24'06''$ for 3805.4 feet to the centre of the swamp forming the eastern boundary of L. O. No. 93; thence on the north-west by the centre of this swamp to its intersection by the south-west boundary of L. O. No. 87; thence bounded on the north-east by L. O. No. 87 bearing $140^{\circ}43'53''$ for 7582.2 feet to the point of commencement.

GOVERNMENT NOTICE No. 162]

RULES.

The East Africa Townships Ordinance, 1903.

Rules issued by His Excellency the Governor under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 22nd day of July, 1914.

H. C. BELFIELD,

Governor.

1. These Rules may be cited as the Nairobi Township Ricksha Rules, 1914, and shall be read together with the Rules for regulating the use of Jinrickshas in the Township of Nairobi and dated 28th April, 1909, hereinafter called the Principal Rules.

2. In Rule 3 of the Principal Rules delete the words "Nairobi Township Rules relating to vehicles" and substitute the following, "Nairobi Township Vehicle Rules, 1913."

3. Rules 4 and 5 of the Principal Rules are hereby repealed and the following Rules are hereby substituted therefor.

4. (a) No person shall haul or push any public ricksha until he shall have been registered as herein provided.
- (b) No person shall be registered as a ricksha boy unless and until he shall have been certified by a Medical Officer as fit for such employment and he has received a certificate in the prescribed form from the Medical Officer by whom he is examined.
- (c) The Town Clerk may register as a ricksha boy any person to whom a medical certificate in the prescribed form has been issued on payment of a deposit of cents 50 for a badge, the number of which shall be endorsed on the aforementioned certificate.
- (d) Every registered ricksha boy shall wear the numbered badge obtained from the Town Clerk in a conspicuous place on his right arm and in such a position that the number can be readily seen.
- (e) Every ricksha boy shall produce the certificate of the Medical Officer when required to do so by a Police Officer.
- (f) Any person to whom a badge has been issued by the Town Clerk shall on his returning his badge together with his certificate to the Town Clerk be entitled to a refund of his deposit. Should such badge be lost such ricksha boy shall be entitled to another badge on payment of a further deposit of a sum not exceeding 50 cents.
- (g) Any registered and licensed ricksha boy may be struck off the register and have his licence cancelled by the Town Clerk for misconduct or breach of these Rules and in such case shall return his badge and receive back his deposit.
5. No person shall haul or push any public ricksha unless such ricksha shall be hauled or pushed by at least one other person.
6. The Rules issued under the East Africa Townships Ordinance, 1903, and dated 16th February, 1912, are hereby repealed.

FORM OF CERTIFICATE.

Ricksha Boy Certificate—Nairobi Township.*(Nairobi Township Rules dated 22nd July, 1914.)*

Right Thumb Print

I hereby certify that

S/o

Tribe

Village

Chief's Name

District

whose right thumb impression appears hereon, is in my opinion physically fit for employment as a ricksha boy.

Date.

Medical Officer.

Date.

Town Clerk.

Issued Ticket No.

GOVERNMENT NOTICE No. 163]

NOTICE.

The Fees and Royalties Ordinance, 1903.

In exercise of the powers conferred upon me by the Fees and Royalties Ordinance, 1903, I hereby cancel the Market Tolls leviable in the Military Market at Yonti by reason of a notice issued under the aforesaid Ordinance and dated the 17th day of October, 1905.

Nairobi,

Dated this 24th day of July, 1914.

H. C. BELFIELD,

Governor.

GOVERNMENT NOTICE No. 174] RULES.

The Forest Ordinance, 1911.

Issued by His Excellency the Governor under the provisions of the Forest Ordinance, 1911, section 5.

Nairobi,

Dated this 30th day of July, 1914.

H. C. BELFIELD,

*Governor.***Arabuko—Sekoki Forest.**

1. These Rules may be cited as "The Arabuko-Sekoki Forest Rules, 1914."
2. These Rules shall apply to that area of the Arabuko-Sekoki Forest proclaimed to be a Forest area on the 4th day of April, 1914.
3. A member of the Mazrui tribe residing in the area declared by the Recorder of Titles to be the property of the Mazrui tribe and situated adjacent to the Arabuko-Sekoki Forest shall be entitled :—
 - (a) to collect dead wood for firewood for his own use but not for sale or exchange.
 - (b) to fell trees for his own purposes for domestic use or for building his own house, that is to say a house to be inhabited by him or by his wife, but not for sale or exchange.
4. No tree shall be felled under these Rules unless and until such tree has been marked for felling by a Forest Officer.
5. The rights exercised under these Rules shall be so exercised free of charge.

GOVERNMENT NOTICE No. 175] NOTICE.

The Forest Ordinance, 1911.

In exercise of the power conferred upon me by the Forest Ordinance, 1911, section 2, I hereby declare that all building stone and murrum situated within a Forest Area shall be included in the term "Forest Produce" for the purposes of the aforesaid Ordinance.

Nairobi,

Dated this 28th day of July, 1914.

H. C. BELFIELD,

Governor.

GOVERNMENT NOTICE No. 181] RULES.

The Fish Protection Ordinance, 1908.

Issued under the provisions of the Fish Protection Ordinance, 1908.

Nairobi,

Dated this 3rd day of August, 1914.

H. C. BELFIELD,

Governor.

1. These Rules may be cited as "The Victoria Nyanza Fish Protection Amendment Rules, 1914" and shall be read as one with the Victoria Nyanza Fish Protection Rules, 1914, herein referred to as the Principal Rules.

2. The word "Natives" where used in the Principal Rules shall mean members of any of the tribes residing in the South Kavirondo, Kisumu or North Kavirondo Districts and any other native of Africa not of European or Asiatic origin who is in the employment of a Non-Native fisherman duly registered under the provisions of the Principal Rules.

GOVERNMENT NOTICE No. 182] NOTICE.

The Criminal Procedure Ordinance, 1913 (No. VI. of 1914).

The Secretary of State for the Colonies has been pleased to intimate that His Majesty's Power of Disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

Nairobi,

August 4th, 1914.

W. J. MONSON,

Acting Chief Secretary.

GOVERNMENT NOTICE No. 189] RULES.

The East Africa Townships Ordinance, 1903.

Rules issued by the Governor of the East Africa Protectorate under the provisions of the East Africa Townships Ordinance, No. 20 of 1903.

Nairobi,

H. C. BELFIELD.

Dated this 17th day of August, 1914.

Governor.

Indian and Native Eating Houses.

1. These Rules shall apply to the Townships of Gobwen and Kismayu.
2. For the purpose of these Rules the following words and expressions shall have the several meanings hereby assigned to them unless there shall be something in the subject or context repugnant to such constructions.
The term "Indian or Native Eating House" shall mean any premises or places where any article of food or drink is sold or offered for sale to Indians or Natives and accommodation provided for the consumption of such food or drink.
"Licence" shall mean a licence to keep an Eating House for Indians or Natives granted under these Rules.
"Licensee" shall mean a person holding such licence.
"Licensed Premises" shall mean premises in respect of which such a licence is current.
3. No person shall carry on the business of an Indian or Native Eating House within the Township area unless he shall be in lawful possession of a then current licence issued by the District Commissioner in accordance with these rules.
Any person contravening this rule shall be liable to a penalty not exceeding Rs. 200/- with or without imprisonment of either kind not exceeding two months.
4. The licence shall be in such form and shall contain such conditions as shall be from time to time determined by the District Commissioner and shall contain:—
 - (a) The name of the licensee,
 - (b) The situation of the licensed premises,
 - (c) The number of rooms therein,
 - (d) The maximum number of persons allowed on the premises at any one time,
 - (e) The date when the licence expires.
5. Every licence issued shall be for such period as the District Commissioner may determine provided that no licence shall be granted for a longer period than one year and every licence shall expire on December 31st of the year in which it was granted.
6. A licence shall not be transferable from the holder thereof to any other person and no licence shall be transferable from the premises in respect of which it is granted to any other premises.
7. For every licence a fee of Rs. 75/- per annum or Rs. 20/- per quarter shall be paid to the District Commissioner.
8. No licence shall be granted unless the Medical Officer shall have previously certified in writing that the premises in respect of which a licence is applied for are in his opinion suitable for the purpose of such licence in respect of sanitation, ventilation, locality, construction and accommodation; and shall have further certified the number of persons that may be accommodated on such premises at any one time.
9. The District Commissioner may suspend or cancel at his discretion any licence in respect of which any breach of these or any other Township rules shall have been committed or any nuisance created or for contravention of any of the terms of the licence. And no refund shall be made in respect of any licence that may have been suspended or cancelled under this rule or in respect of any unexpired portion of the period for which any licence shall have been issued.
10. No licence shall be issued in respect of any premises unless they comply with the following conditions to the satisfaction of the Medical Officer:—
 - (a) All rooms shall be lighted and ventilated in accordance with the requirements of the Township rules;
 - (b) At least one room, properly ventilated, shall be provided for the sole purpose of storing foodstuffs;
 - (c) The floors of any room or rooms in which food or drink is intended to be consumed, and of all kitchens and store-rooms shall be of cement or some material impervious to moisture;
 - (d) Sufficient privies and urinals shall be provided for customers to the satisfaction of the Medical Officer, and such conveniences shall be distinct and separate from those used by the occupier of the licensed premises;
 - (e) Sufficient receptacles shall be provided for slops and refuse to the satisfaction of the Medical Officer;
 - (f) There shall be a good and sufficient supply of water available on or near the premises.

Where in any premises, in respect of which a licence is current any of the foregoing conditions is not complied with, the District Commissioner may cause a notice to be served on the licensee of such premises requiring him, within a time specified in such notice, to do such work as may be necessary in order to comply with these conditions, and if the licensee fail to do such work within the time so specified he shall be guilty of a breach of these rules.
11. All internal walls of any premises licensed as an Indian or Native Eating House shall be whitewashed with lime or other suitable material in the months of January, May and September in each year, and at such other times as the Medical Officer may by order direct.

12. The licensee shall not permit any other person to conduct or carry on the business of an Indian or Native Eating House or any other business whatsoever upon the licensed premises, but shall personally conduct business thereon.

13. The licensee shall not permit any white woman to be at any time on the licensed premises, or in the house of which the licensed premises form part.

14. The licensee shall not permit any Indian or Native not in his employ to loiter or remain on the licensed premises except when obtaining food or refreshment.

15. The licensee shall at all times allow the Police and any duly authorised servant of the District Commissioner free access to all parts of the licensed premises, and shall, upon being thereto required, exhibit his licence to any member of the Police or such aforesaid authorised servant.

16. The licensee shall not store or keep or cause or allow to be stored, or kept, any article of food or drink in or upon any portion of licensed premises, except in the store-room or rooms for the purpose provided in terms of these rules.

17. No room provided for the purpose of storing foodstuffs or drinks, or in which food or drink is intended to be consumed, or which it is intended to use as a kitchen, shall be used as a living room, bedroom or sleeping room.

18. No Eating House shall be open for business between the hours of 9 p.m. and 5 a.m.

19. The licensee shall not allow any larger number of persons than by the conditions of his licence stipulated to be upon the licensed premises at any one time.

20. (1) The licensee shall affix and maintain over the outside of the main entrance to the licensed premises a board or plate not less than two feet square, bearing the words Indian or Native Eating House, as the case may be, and the name of the licensee, all in legible letters not less than three inches in length.

(2) The licensee shall fix and maintain within the licensed premises in a conspicuous position to the satisfaction of the District Commissioner, a tariff of charges, and such tariff shall be legibly printed or written in English, Urdu and Arabic and no payment in excess of the terms of such tariff shall be demanded or received from any customer by the licensee or any of his employees.

21. The licensee shall be responsible for the due observance of these Rules, and any breach thereof by any servant of the licensee shall be deemed to be a breach thereof by the licensee of the premises in respect of which such breach is committed.

22. Any person committing a breach of these Rules shall be liable to a penalty not exceeding Rs. 200/- or in default of payment, imprisonment with or without hard labour for a term not exceeding 2 months.

GOVERNMENT NOTICE No. 190] RULES.

The Land Titles Ordinance, 1908.

Rules made by His Excellency the Governor of the East Africa Protectorate under the Land Titles Ordinance, 1908.

Nairobi,

Dated this 18th day of August, 1914.

H. C. BELFIELD,

Governor.

1. A fee of Re. 1/- shall be charged in respect of each application under section 15 of the Land Titles Ordinance, 1908; provided that the Governor may, in any case, authorise the Recorder of Titles to remit the whole or any portion of the fee payable.

2. These Rules shall apply to the lands described in Proclamation No. 6 of 1914 and dated 22nd day of May, 1914.

GOVERNMENT NOTICE No. 193] RULES.

Rules issued by His Excellency the Governor under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 31st day of August, 1914.

H. C. BELFIELD,

Governor.

1. These Rules shall apply to the Township of Nairobi and may be cited as "The Nairobi Township Rules No. 1 of 1914."

2. The following definitions shall apply to all Township Rules made or which may hereafter be made under the East Africa Townships Ordinance, 1903.

(1) "Owner" shall as regards immovable property include any person other than His Majesty receiving the rent or profits of any lands or premises from any tenant or occupier thereof or who would receive such rent or profits if such lands or premises were let whether on his own account or as agent for any person other than His Majesty entitled thereto or interested therein. The term includes any lessee from the Crown holding under a longer tenure than a tenancy from year to year and any Superintendent, Overseer, or Manager of such Lessee residing on the holding.

- (2) "Occupier" shall include any person in actual occupation of land or premises without regard to the title under which he occupies and in case of premises sub-divided and let to lodgers or various tenants the person receiving the rent payable by the lodgers or tenants whether on his own account or as an agent for any person entitled thereto or interested therein.

3. Any orders or notices which the Town Clerk or Medical Officer of Health is authorised to give or issue under any Rules made or which may hereafter be made under the East Africa Townships Ordinance, 1903, shall be deemed to have been duly given or issued if notified in any of the ways following:—

- (a) In writing served personally on the person to whom the order or notice is directed.
 (b) When the order or notice is directed to the owner or occupier of any house, building or other premises or is made in respect of any house, building, premises or area then in addition to either of the ways before provided by posting a notice of the order or notice on a conspicuous part of the house, building, premises or area.

4. The following Rules under the Townships Ordinance, 1903, as applied to the Township of Nairobi, are amended as follows:—

- (a) In Rules 100 and 104 of the Township Rules, 1904, after the words "Medical Officer" insert the words "Sanitary Inspector."
 In Rule 111 of the Township Rules, 1904, after the words "Medical Officer" insert "or Sanitary Inspector."
 In Rules 116, 130 and 149 of the Township Rules, 1904, after the word "Collector" insert "Medical Officer" or Sanitary Inspector."
 (b) In Rule XIII of the Nairobi Township Rules No. 1 of 1909 after the word "Police" insert the words "Medical Officer of Health, Sanitary Inspector."
 (c) In Rule 9 of the Township Rules dated 25th June, 1910, after the words "Medical Officer" insert "or Sanitary Inspector."
 (d) In Rules 1 and 5 of the Township Rules dated 20th October, 1911, after the words "Medical Officer" delete the word "or" and after the words "Superintendent of Conservancy" insert "or Sanitary Inspector."
 (e) In Rule 4 of the Township Rules dated 14th December, 1912, after the words "Medical Officer of Health" insert "Sanitary Inspector."

GOVERNMENT NOTICE No. 196] NOTICE.

The Public Works Loan Ordinance, 1914., (No. IX. of 1914.)

The Secretary of State for the Colonies has been pleased to intimate that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

Nairobi,
 September 7th, 1914.

W. J. MONSON,
Acting Chief Secretary,

PROCLAMATION No. 25] PROCLAMATION.

The Land Titles Ordinance, 1908.

Whereas by Section 2 of the said Land Titles Ordinance, 1908, the Governor may by Proclamation apply the said Ordinance to any district, area or place in the Protectorate and fix the day on which the said Ordinance shall commence and take effect in such district, area or place.

Now therefore, in exercise of the powers conferred upon me by the hereinbefore mentioned Section 2, I, Henry Conway Belfield, K.C.M.G., do hereby apply the Land Titles Ordinance, 1908, to all the area within the following boundaries lying within the Province of Seyidie, to wit:—

Commencing from the point where the Umba River crosses the German boundary, thence in a straight line to Mazeras Station, thence to a point at which the Kombeni River cuts the 10 mile zone, thence following the southern boundary of the area to which the Land Titles Ordinance was applied in Proclamation No. 6 of 22nd May, 1914, to Mackenzie Point, thence in a straight line to Ras Mwaka Senge, thence following the coast line of the Mainland south to the German boundary, thence in a westerly direction along the German boundary to the point of commencement of this definition: and I direct that the said Ordinance shall commence to take effect from the fifteenth day of November, 1914.

Nairobi,
 Dated this 12th day of September, 1914.

H. C. BELFIELD,
Governor.

The Appropriation Ordinance, 1914 (No. XII of 1914.)

The Secretary of State for the Colonies has been pleased to intimate that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

Nairobi,
September 17th, 1914.

W. J. MONSON,
Acting Chief Secretary.

The East Africa Townships Ordinance, 1903.

ISSUED by His Excellency the Governor under the provisions of the East Africa Townships Ordinance 1903.

Nairobi,
Dated this 22nd day of September, 1914.

H. C. BELFIELD,
Governor.

1. These rules may be cited as the "Nairobi Township Ricksha Amendment Rules, 1914" and shall be read as one with the rules for regulating the use of Jinrickshas in the Township of Nairobi, dated the 28th April, 1909, hereinafter referred to as the Principal Rules, and with the Nairobi Township Ricksha Rules, 1914.

2. To Rule 8 of the Principal Rules shall be added the following proviso:—

Provided that the owner of a public ricksha may reserve such ricksha for the use of any specified community the name whereof shall be painted in a conspicuous part of such ricksha in letters not less than three inches in height. In the case of a public ricksha so reserved the hauler thereof shall refuse to accept any offer for engagement from a person belonging to a community other than that for which such ricksha is reserved.

3. To Rule 9 of the Principal Rules after the word "or" in the first line of such rule shall be added the words "subject to the proviso contained in the preceding rule."

The East Africa Townships Ordinance, 1903.

RULES issued by His Excellency the Governor under the East Africa Townships Ordinance, 1903.

Nairobi,
Dated this 25th day of September, 1914.

H. C. BELFIELD,
Governor.

1. These Rules may be cited as the "Nairobi Building Amendment Rules, 1914," and shall be read together with the Nairobi Building Rules, 1913, hereinafter called the Principal Rules.

2. The Principal Rules are amended as follows:—

(1) In Rule 1 (3) delete the word "principally" and substitute therefor the words "or to the extent of 25% of the floor area."

(2) Delete Rule 1 (11) and substitute therefor the following:—

1 (11) "Sub-plot means any portion of a plot, such portion being the subject of a separate conveyance, assignment or sub-lease or any portion of a plot upon which any self contained building is erected where such building is let or adapted to be let to a separate tenant."

(3) In Rule 3 B. a (1) and (2), C (1) and (2) delete the words "9 inches thick" and substitute therefor the words "9 inches wide."

(4) To Rule 3 the following proviso shall be added:—

"Provided further that a building constructed entirely of combustible material or a building any external wall of which is covered on the outside partly or wholly with combustible material, shall be at least 100 ft. distant from any part of any other building or from the boundary of any adjoining plot or sub-plot."

(5) In Rule 16 after the word "store" add the words "or godown."

- (6) After Rule 19 shall be inserted the following Rule—such rule shall be numbered 19a:—
 19 a. “Subject to Rule 3 every building shall be separated either by an external wall or by a party wall from the adjoining building or buildings (if any). Such external wall or party wall shall be constructed of stone concrete or brick in accordance with the requirements of the rules in that behalf.”
- (7) After Rule 22 shall be inserted the following rule—such rule shall be numbered 22 a:—
 22 a. “Every person who shall erect a new building shall cause such part of any external wall of such building as is within a distance of 10 feet from any other building to be carried up so as to form a parapet 9 inches at least above the highest part at the point of abutment of any roof or gutter which adjoins such part of such external wall.”
- (8) After Rule 30 shall be inserted the following rule—such rule be numbered 30 a.
 30 a “The minimum width of passages between
 (a) buildings erected on one plot or sub-plot; and
 (b) buildings erected on adjoining plots or sub-plots;
 shall not be less than 4 feet.”
- (9) In Rule 53 (b) delete the words “20 feet” and substitute therefor the words “100 feet” and add at end of 53 (b) the following:—
 “or from the boundary of any adjoining plot or sub-plot.”
- (10) To Rule 53 the following proviso shall be added:—
 “Provided that a native hut with wattle and daub walls shall not be erected within fifty feet of any domestic building or of buildings of the warehouse class or of the boundary of any adjoining plot or sub-plot.”
- (11) In Rule 72:
 (a) delete the word “domestic” in the first line of such rule.
 (b) delete the words “human habitation” in the third line of such rule and substitute therefor the word “occupation.”
 (c) after the words “Township Rules” in the fourth line of such rule add the words:—
 “and until a sanitary lane, if necessary, has been constructed giving access thereto to the satisfaction of the Town Clerk.”
- (12) In Rule 74 after the words “any public building” add the words “hotel, boarding house, flat, business house, and factory.”
- (13) In Rule 74 delete the words “three feet six inches” and substitute therefor the words “five feet.”
- (14) To Rule 74 the following proviso shall be added:—
 “Provided that the width of any exit passage or staircase shall be not less than three feet six inches.”

GOVERNMENT NOTICE No. 215] NOTICES.

The Native Authority Ordinance, 1912.

IN EXERCISE of the powers conferred upon me by the Native Authority Ordinance, 1912, Section 7, I hereby approve the issue of orders by Headmen for the purpose of the prevention of the construction of game pits and also for the purpose of rendering game pits already constructed harmless.

Nairobi.

September 22nd, 1914.

H. C. BELFIELD,

Governor.

GOVERNMENT NOTICE No. 223] RULES.

Under the East Africa Townships Ordinance, 1903.

ISSUED by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 30th day of September, 1914.

H. C. BELFIELD,

Governor.

LODGING HOUSE RULES.

1. These Rules may be cited as the Nairobi Township Lodging House Rules, 1914.
2. In these Rules:—

The term “Lodging House” means a house or part of a house, including the verandah thereof, if any, which is let or sub-let in lodgings or otherwise, either by storeys, by flats, by rooms, or by portion of rooms, or which is occupied by members of more than one family.

A house which is let or sub-let in lodgings or otherwise, as aforesaid, or which is occupied by members of more than one family, shall be exempt from the provisions of these Rules, if no tenant, sub-tenant or lodger shall pay to the landlord or to any other tenant, sub-tenant or lodger for the accommodation let to him less than Rs. 15/- per month, exclusive of board.

The term "Landlord" means the person by whom or on whose behalf a house or part of a house, including the verandah thereof, if any, is let or sub-let in lodgings or otherwise, or for the occupation of the members of more than one family, or who is entitled to receive the profits of any portion thereof arising from such letting or sub-letting, whether on his own account or as agent for any person entitled thereto or interested therein.

The term "Lodger" means a person to whom any storey, flat, verandah, room or rooms, or portion of, or share in any verandah, room, or rooms, has, or have been, let as a lodging, or for his use or occupation.

The term "Medical Officer of Health" shall include any person acting for or under the instructions of the Medical Officer of Health.

3. No person shall use or permit to be used, any building, or part of a building, of which he is the landlord, as a lodging house unless the same shall have been duly registered and licensed as such by the Town Clerk, after having been certified by the Medical Officer of Health as being fit for the purpose. The Town Clerk may cancel any registration upon a breach of these Rules in connection with such lodging house.

4. A person being the landlord of a lodging house shall not at any time receive into a lodging house or into any room therein a greater number of persons than shall have been prescribed therefor by the Medical Officer of Health, and endorsed upon the registration paper, or by any notice varying or amending the same.

5. A person being the landlord of a lodging house shall keep and fix in each room thereof used for sleeping purposes, in a conspicuous position, and in such manner that it shall be clearly visible and legible, a ticket to be supplied by the Town Clerk in the form prescribed in Schedule I. to these Rules, showing the number of persons prescribed therefor under the preceding Rule, and no person shall deface, alter, or wilfully conceal any letters or figures in such ticket, or wilfully or carelessly injure or destroy such ticket or remove such ticket.

6. Any lodging house shall be open to inspection at all times by the Medical Officer of Health, Superintendent or Assistant Superintendent of Police, or by any Police officer not below the rank of an Assistant Inspector, or by any officer acting under written instructions from the Town Clerk.

7. The fees specified in Schedule II. of these Rules shall be paid to the Town Clerk in respect of every licence issued under these Rules.

8. The landlord of a lodging house shall, within a period of seven days after having been required to do so by a notice in writing, signed by the Medical Officer of Health, attend at the Health Office within office hours, and furnish and sign a true statement of the following particulars with respect to such house:—

- (a) The total number of rooms in house.
- (b) The total number of rooms or portion of rooms let in lodgings or occupied by members of more than one family.
- (c) The manner of use of each room.
- (d) The full name of the lessee of each room or part of room; and
- (e) The amount of rent or charge payable by each lessee.

9. The landlord of a lodging house shall cause in the month of January of each year, and at any other time, if so required by the Medical Officer of Health, all the interior walls and ceiling of the lodging house to be limewashed, except painted surfaces, which must be washed with hot water and soap, or if the Medical Officer of Health shall so require, repainted.

10. The landlord of a lodging house shall cause all open spaces belonging to such lodging house to be properly drained and maintained in a constant state of good repair and cleanliness.

11. The landlord of a lodging house, immediately after he shall have been informed, or shall have ascertained that any person in such house is ill of an infectious disease, or of any illness which prevents such person from following his usual daily avocation, shall give written notice thereof to the Medical Officer of Health.

12. In a case where a lodger has grounds for believing that an occupant of any storey, flat, room or part of a room of the lodging house in which he resides is ill of an infectious disease, or of any illness which prevents such occupant from following his usual daily avocation, such lodger shall forthwith notify both the landlord of the lodging house and the Medical Officer of Health.

13. No room of a lodging house which has been occupied by a person suffering from an infectious disease shall be occupied by any person until the said room has been disinfected to the satisfaction of the Medical Officer of Health.

14. If any person shall find a dead rat in any lodging house, he shall forthwith report such finding to the landlord; and if any landlord shall find, or shall be informed of the finding of, a dead rat in his lodging house, he shall forthwith report such finding to the Medical Officer of Health.

15. If in any proceedings under these Rules it shall be alleged that any house is a lodging house, or that the person proceeded against is a landlord or lodger, the house shall be presumed to be a lodging house, and the person proceeded against shall be presumed to be a landlord or lodger, as the case may be, unless the person proceeded against shall prove the contrary.

16. Every lodging house shall be registered annually before the seventh day of January, provided that lodging houses constructed or instituted after such date in any year shall be registered forthwith.

17. Any person contravening or failing to comply with any of the provisions of these Rules shall be liable on conviction to a fine not exceeding Rs. 200/-, or in default of payment thereof, to a period of imprisonment of either kind not exceeding two months.

18. The Rules applicable to Nairobi issued under the East Africa Townships Ordinance, 1903, and dated the 3rd day of March, 1914, are hereby revoked.

19. These Rules shall apply to the Township of Nairobi, and shall come into force on the first day of January, 1915.

SCHEDULE I.

Lodging House.

Licence No.

Place

Room No......

Number of lodgers authorised to be received into this room.....

Dated.....191

.....
Town Clerk.

SCHEDULE II.

Fees for Registration of Lodging Houses.

For each person for whom accommodation is certified by the Medical Officer of Health as available, 50 cents. per annum.

GOVERNMENT NOTICE No. 229] RULES.

The East Africa Townships Ordinance, 1903.

ISSUED by His Excellency the Governor under the East Africa Townships Ordinance, 1903.

Nairobi,

H. C. BELFIELD,

Dated this 8th day of October, 1914.

Governor.

1. Whenever by any of the Rules issued under the East Africa Townships Ordinance, 1903, set forth in the Schedule annexed hereto a duty is imposed upon any person either to sign or issue a permit or notice or to register any person, such permit, notice or registration may be signed or issued or performed by the Superintendent of Conservancy, anything to the contrary notwithstanding.

2. These Rules are applicable to the Township of Mombasa only.

SCHEDULE.

- The Township Rules, 1904.
- Mombasa Township Rules No. 2 of 1904
- Rules dated 7th day of June, 1906.
- Township Rules, 1906, dated 28th November, 1906.
- Rules dated 25th June, 1910.
- Rules dated 11th November, 1911.

GOVERNMENT NOTICE No. 230] RULES.

The Land Titles Ordinance, 1908.

RULES made by His Excellency the Governor of the East Africa Protectorate under the Land Titles Ordinance, 1908.

Nairobi,

Dated this 7th day of October, 1914.

H. C. BELFIELD,

Governor.

1. A Fee of Re. 1/- shall be charged in respect of each application under Section 15 of the Land Titles Ordinance 1908; provided that the Governor may, in any case, authorise the Recorder of Titles to remit the whole or any portion of the fee payable.

2. These Rules shall apply to the lands described in Proclamation No. 25 of 1914 and dated the 12th day of September, 1914.

PROCLAMATION No. 27]

PROCLAMATION.

East Africa and Uganda (Currency) Order-in-Council, 1905.

WHEREAS the Secretary of State for the Colonies has been satisfied that the fixed proportion of the coin portion of the Currency Note Guarantee Fund to the amount of the notes for the time being in circulation may be diminished without danger to the convertibility of the notes AND WHEREAS the Secretary of State has given his authority thereto.

NOW THEREFORE in exercise of the powers conferred by the East Africa and Uganda (Currency) Order-in-Council 1905, Article 17, Clause 4, I, Henry Conway Belfield, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the East Africa Protectorate, do hereby proclaim and declare the aforesaid fixed proportion of the coin portion of the currency Note Guarantee Fund to the notes for the time being in circulation to be fixed at one half.

Given under my hand at Nairobi this 21st day of October, 1914.

H. C. BELFIELD,

Governor.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 239] RULES.

The Forest Ordinance, 1911.

RULES issued by His Excellency the Governor under the Powers conferred by the Forest Ordinance, 1911.

Nairobi,

Dated this 20th day of October, 1914.

H. C. BELFIELD,

Governor.

The following Royalties shall be paid for Forest Produce taken from Kapsaret Forest (Farm 84) Uasin Gishu.

Firewood.

For the removal of firewood, licences will be granted either per quantity or per time according to circumstances.

Quantity Licence.

- (a) Three cents (Rs. 0/03) per stacked cubic foot.
- (b) Three rupees (Rs. 3/00) per waggon load.

Time Licence.

Entering the forest with axes to remove dead wood per one head load per diem per mensem one rupee (Re. 1/00).

The Game Ordinance, 1909.

ISSUED by His Excellency the Governor in exercise of the powers conferred by the Game Ordinance, 1909, Section 11 (5).

Nairobi,

H. C. BELFIELD,

Dated this 24th day of October, 1914.

Governor.

1. These Rules may be cited as "The Game (Ivory in Transit) Rules, 1914."

2. Any elephant tusk of less than 30 lbs in weight or any piece of ivory which formed part of a tusk of less than 30 lbs in weight may be introduced into the Protectorate for the purpose of transit through the Protectorate and for no other purpose provided that every such tusk or piece of ivory is accompanied by a certificate to the satisfaction of the Chief of Customs setting forth the country of origin of such tusk or piece of ivory and signed by an officer of the Administration of such country.

3. Every tusk or piece of ivory introduced into the Protectorate under the provisions of the preceding rule shall be deemed to be lawfully possessed and may be exported from the Protectorate.

4. All tusks and pieces of ivory introduced into the Protectorate for the purpose of transit under these Rules shall be so introduced at Kisumu and not elsewhere and shall be consigned to Mombasa and exported therefrom and from no other port.

5. Rule 1 (1) of the Rules issued under the Game Ordinance, 1909, and dated the 11th June, 1910, is hereby revoked

The Prisons Ordinance, 1914, (No. XIII of 1914).

THE Secretary of State for the Colonies has been pleased to intimate that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

**The Wild Birds Protection Amendment Ordinance, 1914,
(No. XVII of 1914.)**

THE Secretary of State for the Colonies has been pleased to intimate that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

**The Stock and Produce Theft Amendment Ordinance, 1914,
(No. XIX of 1914).**

THE Secretary of State for the Colonies has been pleased to intimate that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

The Trespass Amendment Ordinance, 1914, (No. XX of 1914).

THE Secretary of State for the Colonies has been pleased to intimate that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

**The Registration of Documents Further Amendment Ordinance,
1914, (No. XXII of 1914).**

THE Secretary of State for the Colonies has been pleased to intimate that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

**The Land Titles Registration Amendment Ordinance, 1914,
(No. XXIII of 1914).**

THE Secretary of State for the Colonies has been pleased to intimate that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

Nairobi,

C. C. BOWRING,

October 23rd, 1914.

Chief Secretary.

GOVERNMENT NOTICE No. 248] NOTICE.

The Criminal Procedure Ordinance, 1913.

NOTICE OF APPLICATION.

IN EXERCISE of the powers conferred by the Criminal Procedure Ordinance, 1913, Section 1 (1) notice is hereby given that His Excellency the Governor has commanded that the Criminal Procedure Ordinance, 1913, shall come into operation on the 1st day of January, 1915.

Nairobi,

Dated this 2nd day of November, 1914.

C. C. BOWRING,

Chief Secretary.

GOVERNMENT NOTICE No. 249] NOTICE.

**The Crown Lands (Access to Roads) Ordinance, 1914
(No. XVI of 1914).**

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

Nairobi,

November 2nd, 1914.

C. C. BOWRING,

Chief Secretary.

GOVERNMENT NOTICE No. 254] RULES.

The East Africa Townships Ordinance, 1903.

ISSUED by His Excellency the Governor of the East Africa Protectorate under the provisions of the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 5th day of November, 1914.

H. C. BELFIELD,

Governor.

LODGING HOUSE RULES.

1. These Rules may be cited as "The Nairobi Township Lodging House Rules No. 2 of 1914," and shall be read as one with the Nairobi Township Lodging House Rules, 1914, herein referred to as the Principal Rules.

2. In Rule 6 of the Principal Rules the words "Assistant Inspector" shall be deleted and the words "Assistant Sub-Inspector" shall be substituted therefor.

GOVERNMENT NOTICE No 255] RULES.

The East Africa Townships Ordinance, 1903.

RULES issued by the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 7th day of November, 1914.

H. C. BELFIELD,

Governor.

1. These Rules shall apply to the Townships of Kipini, Siyu, Faza, Kiunga, Mkonumbi and Wangeh.

2. Rules 67, 88 and 89 of "The Township Rules, 1904," shall apply to the above Townships.

GOVERNMENT NOTICE No. 256] NOTICE.

**The King's African Rifles Reserve Forces Ordinance, 1914,
(No. XIV of 1914).**

THE Secretary of State for the Colonies has been pleased to intimate that His Majesty's Power of Disallowance will not be exercised with respect to the above Ordinance.

**The East Africa Volunteer Reserve Amendment Ordinance, 1914,
(No. XXI of 1914).**

THE Secretary of State for the Colonies has been pleased to intimate that His Majesty's Power of Disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

Nairobi,

November 4th, 1914.

C. C. BOWRING,

Chief Secretary.

The East Africa Townships Ordinance, 1903.

A RULE issued by His Excellency the Governor under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 27th day of November, 1914.

H. C. BELFIELD,

Governor.

1. "The Nairobi Township Rickshaw Amendment Rules 1914" are hereby repealed.

Under the Criminal Procedure Ordinance, 1913.

IN EXERCISE of the powers conferred upon me by the Criminal Procedure Ordinance, 1913, I hereby appoint the Officer in Charge of the Finger Print Bureau, Nairobi, to be the Officer empowered to issue certificates under section 400 of the aforesaid Ordinance; such certificates shall be in the following form:—

Certificate of Previous Conviction and Identification.

(SECTION 400 CRIMINAL PROCEDURE ORDINANCE, 1913.)

I hereby certify that the Finger Impressions of.....

.....

taken by.....

at..... on.....

are identical with the Finger Impressions of.....

.....

whose previous convictions, according to the records of the Finger Print Bureau, are as follows:—

Place.	Date.	Crime (Quoting Law and Section.)	Sentence.	Name convicted under.	Prison.	Prison No.

Nairobi,

.....191 .

.....
Officer in Charge, Finger Print Bureau.

Nairobi,

Dated this 25th day of November, 1914.

H. C. BELFIELD,

Governor.

GOVERNMENT NOTICE No. 274]

NOTICE.

The Electric Supply Line Ordinance, 1914 (No XXIV of 1914.)

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's Power of Disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

Nairobi,

December 4th, 1914.

C. C. BOWRING,

Chief Secretary.

GOVERNMENT NOTICE No. 278]

RULES.

The East Africa Townships Ordinance, 1903.

ISSUED by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 8th day of December, 1914.

C. C. BOWRING

Governor's Deputy.

1. These Rules shall apply to the Township of Nairobi.

2. No person shall place or post or cause to be placed or posted any bill, sign, notice or advertisement upon any unalienated Crown Land within the Township or upon any bridge, tree, fence, pole, post or other structure or erection situated upon unalienated Crown Land within the Township without written permission of the Town Clerk or otherwise than in strict accordance with any terms or conditions attached to such permission.

3. Any person contravening any of the provisions of these Rules shall be liable on conviction to a fine not exceeding Rs. 50/- and in default of payment thereof to imprisonment for a period not exceeding 7 days.

4. The Township Rules dated 11th November 1910, are hereby repealed.

5. These Rules may be cited as the Nairobi Township Bill Posting Rules, 1914.

GOVERNMENT NOTICE No. 279]

RULES.

RULES issued by His Excellency the Governor under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 14th day of December, 1914.

C. C. BOWRING,

*Governor's Deputy.***Nairobi Building Rules.**

1. These Rules may be cited as the Nairobi Building Amendment Rules No. 2 of 1914 and shall be read together with the Nairobi Building Rules, 1913, hereinafter referred to as the Principal Rules and the Nairobi Building Amendment Rules, 1914.

2. Rule 72 of the Principal Rules as amended by the Nairobi Building Amendment Rules, 1914, is hereby revoked and the following rule is hereby substituted therefor:—

72. "A person shall not occupy or suffer to be occupied any new building until such building shall after examination have been certified by the Medical Officer of Health to be in his opinion in every respect fit for occupation or in the case of a domestic building fit for human habitation, and until such building shall after examination have been certified by the Town Clerk to be erected in accordance with the approved plans and the Township Rules and until a sanitary lane, if necessary, giving access thereto, and any necessary drains have been constructed to the satisfaction of the Town Clerk and Medical Officer of Health unless special permission shall have been granted by the Town Clerk and Medical Officer of Health for the occupation of the whole or any part of such building".

The East Africa Townships Ordinance, 1903.

RULES issued by His Excellency the Governor under the East Africa Townships Ordinance, 1903.

Nairobi,

C. C. BOWRING,

Dated this 18th day of December, 1914.

Governor's Deputy.

1. These Rules may be cited as "The Nairobi Municipal Committee Rules, 1914."

2. The Chief Secretary shall in the month of January in each year nominate a Committee consisting of:—

- (a) Seven Government servants, of whom one shall be the Assistant to the Provincial Commissioner of the Ukamba Province or the District Commissioner of Nairobi.
- (b) Four Europeans, not being in the permanent service of the Government, residing or carrying on business within the Township of Nairobi, and
- (c) Two Non-Europeans, not being in the service of the Government, residing or carrying on business in the Township of Nairobi.

3. The Assistant to the Provincial Commissioner of the Ukamba Province or the District Commissioner of Nairobi, as the case may be, shall be Chairman of the Committee, and seven members of such Committee shall form a quorum.

4. The Chief Secretary may, with the approval of the Governor, at any time remove any member of the Committee, and may at any time nominate a new member in the place of any member who shall have been removed or who shall have resigned or who shall have otherwise vacated his membership of the Committee.

5. (a) The Chairman of the Committee shall in the month of March in each year prepare Estimates of revenue and expenditure for the ensuing financial year commencing on April 1st. Such Estimates shall be submitted to the Governor through the Chief Secretary.

(b) The Township Estimates when approved by the Governor shall be published in the *Gazette*.

6. The Committee shall, from time to time, frame and submit to the Governor, through the Attorney General and Chief Secretary, Rules for the health, order and good government of the Township.

7. The Rules dated the 14th day of January, 1913, and published as Government Notice No. 10 in the *Gazette* of the 15th January, 1913, are hereby revoked, provided that nothing herein shall be deemed to revive the Rules cancelled by Rule 5 of the aforesaid Rules dated the 14th day of January, 1913, and provided that all powers and duties vested in or imposed upon the Committee nominated under the Rules revoked by these Rules shall be vested in or imposed upon the Committee nominated under these Rules.

8. These Rules shall apply to the Township of Nairobi.

The Indian Telegraph Act, 1885.

Rules issued by His Excellency the Governor under Section VII. of the Indian Telegraph Act, 1885, as applied to the East Africa Protectorate.

Dated this 17th day of December, 1914.

C. C. BOWRING,

Governor's Deputy.

WHEREAS it is laid down in Rule 2 of the Rules made under Section VII. of the Indian Telegraph Act, 1885, dated the 20th day of June, 1914, that the charges for the transmission of inland telegrams must be prepaid, unless otherwise provided by Rule, and whereas it has become desirable to make provision for the acceptance of certain classes of telegrams without prepayment, NOW THEREFORE the following additional Rules are promulgated:—

I. The Postmaster General may arrange, in conjunction with the Military Authorities, for the acceptance, transmission and delivery of inland telegrams for the East Africa Protectorate handed in at Military Telegraph Offices without prepayment, provided that the charges for transmission of such messages, at the rates laid down by Rule, shall be paid by the addressees on delivery.

II. In the event of any abuse arising or difficulty being experienced in collecting charges on delivery the Postmaster-General is empowered to suspend the acceptance and transmission of telegrams without prepayment in connection with any particular Military Telegraph Line, or any particular Military Telegraph Office, or in the case of telegrams addressed to any particular person or persons.

GOVERNMENT NOTICE No. 289]

NOTICE.

The Criminal Law Amendment Ordinance, 1914, (No. XVIII of 1914.)

THE Secretary of State for the Colonies has been pleased to intimate that His Majesty's Power of Disallowance will not be exercised with respect to the above Ordinance.

Nairobi,

15th December, 1914.

By Command of His Excellency

C. C. BOWRING,

Chief Secretary.