

EAST AFRICA PROTECTORATE.



ORDINANCES AND REGULATIONS.

VOL. X.

January 1st to December 31st, 1908.



NAIROBI,

PRINTED BY THE GOVERNMENT PRINTER.

1909.

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EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 1 of 1908.

To amend the Diseases of Animals Ordinance 1906.

[31st January, 1908.] Date.

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 Diseases of Animals Ordinance 1908 ” and shall be read as one with the Diseases of Animals Ordinance 1906 hereinafter referred to as the Principal Ordinance. Short title.

2. Where any person is seen or found committing, or is reasonably suspected of being engaged in committing an offence against the Principal Ordinance or a breach of any rule, proclamation, order or direction under the said Ordinance, a Veterinary Officer, an Inspector appointed under the said Ordinance, or a Police Officer may without warrant stop and detain him : and if his name and address be not known to the Officer stopping or detaining him, and he fails to give them to the satisfaction of such Officer, such Officer may, without warrant apprehend him. Persons offending against Diseases of Animals Ordinance may be arrested without warrant.

3. If any person obstructs or impedes or assists to obstruct or impede a Veterinary Officer, an Inspector appointed under the Principal Ordinance or a Police Officer in the execution of his duty under this Ordinance or under the Principal Ordinance a Veterinary Officer, Inspector, or Police Officer may without warrant apprehend the offender : and such offender shall on conviction be liable to imprisonment of either description for a term not exceeding 12 months or to a fine not exceeding 1,500 rupees or to both. Penalty for obstructing officers in the execution of duty under Diseases of animals Ordinance.

4. A person apprehended under this Ordinance 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. Persons arrested to be brought before Magistrate without delay.

5. (1) A Veterinary Officer, an Inspector appointed under the Principal Ordinance, or a Police Officer may seize any animal in respect of which he may have reason to suspect that an offence against the Principal Ordinance or a breach of any rule, proclamation, order or direction under the said Ordinance is being committed, and may remove such animal to any pound, enclosure or other place selected by a Veterinary Officer and there detain such animal subject to the orders of a Magistrate. Animals in respect of which offence committed may be seized.

(2) Whenever any animal shall have been seized and detained under the provisions of the preceding Sub-section the Officer making such seizure shall with all practicable speed report the same to a Magistrate having jurisdiction within the district in which such animal has been so seized. Every seizure to be reported to Magistrate.

6. (1) Whenever any person shall have been convicted of an offence against the Principal Ordinance or of a breach of any rule, proclamation, order or direction under the said Ordinance the Court convicting such person may in addition to or in lieu of imposing any other punishment authorised by law order that the animal, or all or any of the animals in respect of which such offence or breach has been committed shall be forfeited. Animals may be forfeited.

(2) Whenever it shall be reported to a Magistrate that any animal has been seized and detained under the provisions of Section 5 of this Ordinance but that the person who is alleged to have committed an offence of breach in respect of such animal is unknown or cannot be found, the Magistrate may if satisfied by evidence on oath that there is reason to believe that an offence against the Principal Ordinance or a breach of any rule, proclamation, order or direction under the said Ordinance has been committed in

respect of such animal order that such animal be forfeited. Provided however that no order shall be made under this Sub-section unless the owner (if his name and whereabouts be known) of such animal shall have had an opportunity of appearing before the Magistrate to show cause why such order shall not be made.

- (3) A Magistrate whenever he shall be satisfied that there is reason to believe that an offence or breach as aforesaid has been committed in respect of any animal seized and detained under the provisions of Section 5 of this Ordinance, may order that the owner of such animal shall pay to the Chief Veterinary Officer such sum as he may consider reasonable to cover the expenses connected with the removal of such animal to the place of detention and the keep of such animal during such detention and that unless such sum be paid within a time to be specified on such order that the animal be forfeited.

And disposed of as the Governor shall order.

7. Whenever any animal is forfeited under the provisions of this Ordinance it shall be slaughtered sold or otherwise dealt with as the Governor by any general or special order may direct; and the proceeds of the sale of any animal forfeited under this Ordinance shall form part of the revenue of the Protectorate.

Repeal.

8. The Diseases of Animals Amendment Ordinance 1906 (No. 7 of 1906) is hereby repealed.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 2 of 1908.

To make provision for the execution by the Courts of the Protectorate of Decrees and Warrants in Civil Cases made or granted by His Majesty's Courts in Zanzibar and Uganda.

Date.

[6th May, 1908.]

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

Transfer and execution of Zanzibar and Uganda decrees in East Africa.

1. Where a decree has been obtained or entered up in his Britannic Majesty's Court for Zanzibar or His Majesty's High Court of Uganda or any Court subordinate to His Britannic Majesty's Court for Zanzibar or His Majesty's High Court of Uganda for any debt, damages or costs, and where it is desired that such decree shall be executed upon the person or property of the defendant in East Africa, such decree may be transferred to His Majesty's High Court for East Africa or to any of the Courts subordinate thereto for execution, and the provisions of Chapter XIX of the Indian Code of Civil Procedure for the transfer and execution of decrees shall apply in the same manner as if such decree had been obtained or entered up in one Court and were transferred for execution to another Court within the Jurisdiction of His Majesty's High Court of East Africa, and all proceedings shall be taken as if the decree had been a decree originally obtained in His Majesty's High Court of East Africa or a Court subordinate thereto, and all the reasonable costs and charges with regard to the transfer and execution of such decree shall be recovered in like manner as if the same were part of the original decree.

The execution in East Africa of warrants issued in Civil cases in Zanzibar and Uganda.

2. Where any warrant is issued by His Britannic Majesty's Court for Zanzibar or His Majesty's High Court for Uganda or any Court subordinate to such Courts for the arrest of a defendant in a Civil Case either before or after judgment, a Judge of His Majesty's High Court of East Africa or a Magistrate holding a first class Subordinate Court thereunder shall have power

- (a) to endorse and execute such warrant or
- (b) to issue, before such endorsement, a provisional warrant for the arrest of the defendant, upon receipt of such telegraphic or other information and under such circumstances as would in his

opinion justify the issue of a warrant if the circumstances had arisen within his jurisdiction. Provided that a person arrested under such provisional warrant shall be discharged unless the original warrant is produced and endorsed within such reasonable time as may seem requisite.

Provided also that the provisions of the Civil Procedure Code for the arrest of debtors before and after judgment shall apply in the same manner as if the suit had been originally instituted in His Majesty's High Court of East Africa or a Court subordinate thereto; and provided that all reasonable costs, charges and expenses with regard to proceedings for such arrests shall be recoverable in like manner as if the same had been incurred in the Court in which the suit has actually been instituted.

3. The fees to be paid for any process or proceeding under this Ordinance shall be such as may be fixed from time to time by His Majesty's High Court of East Africa with the approval of the Governor. Fees.

4. Any Judge or Magistrate requesting the arrest of a defendant by His Britannic Majesty's Court for Zanzibar or His Majesty's High Court of Uganda or a Court subordinate to either such Court shall, before communicating with such Courts, take security from the Plaintiff in such sum as shall be ample to cover all the costs charges and expenses to be incurred by His Britannic Majesty's Court for Zanzibar or His Majesty's High Court of Uganda or a Court subordinate to either such Court, as the case may be, and shall indemnify such Court against such costs charges and expenses. Courts to take security from plaintiff before requesting Zanzibar or Uganda Courts to execute warrants issued in a civil case.

5. The Governor in Council may by proclamation published in the "Official Gazette" extend the provisions of this Ordinance to decrees passed in any other British Protectorate, Colony, Dependency or Possession, and upon the publication of such proclamation all the provisions of this Ordinance with reference to the execution of decrees passed by the aforesaid Courts of Zanzibar and Uganda shall have as full force and effect with reference to the decrees of the Courts of the Protectorate, Colony, Dependency or Possession mentioned in the said proclamation as if such Courts had been mentioned in this Ordinance together with His Britannic Majesty's High Court for Zanzibar and His Majesty's High Court for Uganda and the Courts subordinate thereto. Power to extend the provisions of this Ordinance as regards decrees to other Protectorate or places.

6. The Judgments Extension Ordinance 1905 is hereby repealed. Repeal.

7. This Ordinance may be cited as "The Judgments Extension Ordinance 1908." Short title.

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. 3 OF 1908.

To make provision for the protection of Fish in the waters of the Protectorate.

[12th May, 1908.] Date.

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 Fish Protection Ordinance 1908". Short Title.

2. The Governor may from time to time make, alter and revoke Rules for any of the following purposes, that is to say:— Power to make Rules for certain purposes.

- (1) To provide for the more effectual protection and improvement of fish, and the government and management of any rivers, lakes or waters in which fishing may be carried on.
- (2) For imposing and prescribing conditions for the regulation of fishing.
- (3) For the registering of all boats, nets and stakes employed in fishing.
- (4) For determining the times and seasons at which the taking of any species of fish shall commence and cease.

- (5) For the issuing of licences to persons authorised to take any species of fish.
- (6) To prescribe the fees to be paid for or in respect of any licence or registration issued or made under rules under this Ordinance.
- (7) To provide for and regulate the description and form of nets to be used in fishing, the size of the meshes thereof, or the prohibition of any specified description or form of nets or meshes or any machine, instrument or appliance whatsoever tending to impede the lawful taking of fish or to be in any manner detrimental to the preservation or increase of fish.

And such Rules, when published in the "Official Gazette," shall have the full force of law with regard to those rivers, lakes or other waters to which the same shall be applied by the Governor by Proclamation in the "Official Gazette."

Penalties.

3. The Governor may fix such penalties for the breach or non-observance of any Rule as he may think proper not exceeding a fine of three hundred rupees for each offence, and in default of payment thereof imprisonment with or without hard labour for a period not exceeding three months, and where no penalty is imposed by the Rules the breach or non-observance of any rule shall be punishable to the extent aforesaid.

Seizure and confiscation of nets etc. used in contravention of rules.

4. Any Rules under this Ordinance may authorise the seizure of any net, stake machine, instrument or appliance possessed or used or suspected of being used in contravention of any rule under this Ordinance, and the confiscation of the same in the case of a conviction.

Repeal.

5. "The Fishing Regulations 1901" are hereby repealed. Provided that until other provision is made on that behalf the provisions of the said Regulations shall have the effect of rules made under this Ordinance.

Amendment of East Africa Game Ordinance.

6. "The East Africa Game Ordinance 1906" shall be and is hereby amended as follows :—

- (1) By deleting the words "or fish" in Section 9 of the said Ordinance.
- (2) By deleting the words "or any fish" in Section 10 of the said Ordinance.

E A S T A F R I C A P R O T E C T O R A T E .

A N O R D I N A N C E

N o . 4 O F 1 9 0 8 .

To apply a sum of money for the service of the year ending 31st day of March 1909.

Date.

[14th May, 1908.]

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

Public Revenue charged.

1. The Public Revenue for the year 1908-09 and other funds of the East Africa Protectorate are hereby charged towards the service of the year ending the 31st day of March 1909 with a sum of eight hundred and three thousand six hundred and thirty eight pounds.

Application of money granted.

2. The money granted by this Ordinance shall be applied to the purposes and services expressed in the Schedule annexed hereto, and more particularly specified and set forth in divisions 1 to 31 of the Estimates of the Expenditure for the year ending the 31st day of March 1909 submitted to and passed by the Legislative Council.

Short title.

3. This Ordinance may be cited as "The Appropriation Ordinance, 1908."

SCHEDULE.

DIVISION.		AMOUNT £
1	Rent and interest to H. H. the Sultan of Zanzibar	17,000
2	Pensions	632
3	His Excellency the Governor	5,282
4	Lieutenant Governor's Department and Secretariat	6,222
5	Official Gazette and Printing and Stationery	4,808
6	Provincial Administration	63,790
7	Treasury	7,610
8	Customs Department	12,031
9	Port and Marine Department	10,259
9a	Ditto. Special Expenditure	750
10	Audit Department	2,714
11	Legal Departments	12,869
12	Police	55,509
13	Prisons	11,291
14	Medical Departments	11,636
15	Hospitals and Dispensaries	10,000
15a	Ditto. Special Expenditure	100
16	Education	4,368
17	Transport	3,506
18	Military	50,070
18a	Ditto. Special Expenditure	9,596
19	Miscellaneous Services	2,700
20	Bombay Agency	848
21	Post Office and Telegraphs	24,858
21a	Ditto. Special Expenditure	280
22	Railway Department	193,400
22a	Ditto. Special Expenditure	48,985
23	Agricultural Department	22,208
23a	Ditto. Special Expenditure	3,000
24	Forestry and Scientific Departments	14,875
24a	Forestry Department Special Expenditure	1,400
25	Immigration Department	1,027
26	Survey Department	20,012
26a	Ditto. Special Expenditure	1,713
27	Land Office	9,647
28	Public Works Department... ..	16,871
29	„ „ Recurrent	28,966
30	„ „ Extraordinary	78,805
31	Abolition of Slavery	34,000
		803,638

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 5 of 1908.

Title. *To make further provision for preventing the spread of Diseases among Animals.*

Date. [June 25th, 1908.]

Enactment. 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 Diseases of Animals (Fencing) Ordinance 1907.

Interpretation of terms.

2. In this Ordinance unless inconsistent with the context:—

“Disease” shall have the same meaning as in the Diseases of Animals Ordinance 1906 and in any Ordinance amending the same.

“Stock” shall have the same meaning as in the Diseases of Animals Ordinance 1906 and in any Ordinance amending the same except that it shall not include poultry.

“Fence” shall mean a suitable stock proof fence with gates at places where it crosses public or private roads and suitable appliances where it crosses other obstacles erected and maintained in accordance with the requirements of the Rules made under Section 12 of this Ordinance or which the Commissioner of Lands with the advice of the Land Board shall in any particular case declare to be a legal fence.

“Dividing Fence” and “Fence Dividing Farms” shall mean a fence as above defined separating the lands of adjoining owners. Provided however that whenever a fence intended to prevent the stock of the owner of a farm from entering on the farm of an adjoining owner shall have been erected with the approval expressed in writing of both such owners wholly or partly on the land of either such owner such fence shall be deemed to be a dividing fence.

“Infected area” shall mean an area declared an infected area under Section 4 of The Diseases of Animals Ordinance 1906.

“Suspected area” shall mean any land abutting upon an infected area or any land suspected on reasonable grounds of having been exposed to infection and declared by the Governor to be a suspected area by a notification in the “Official Gazette”.

“Commissioner of Lands” shall include in addition to the person holding that office any person generally or specially authorized by such person to carry out the provisions of this Ordinance.

“Farm” shall mean any area of land held under a separate grant, or lease and used wholly or partially for agricultural or grazing purposes, and any area of Crown Land occupied under a homestead agreement.

“Owner” shall as regards land include a lessee of Crown Land and an occupier of Crown Land under a homestead agreement.

“Imprisonment” shall mean either imprisonment with or without hard labour.

3. The Commissioner of Lands may with the consent of the Governor cause to be erected a fence or fences within or around a portion or the whole of the boundaries of any farm or farms within an infected or suspected area, or of any town lands within such area, or of any native reserve whether within such area or not.

Land on which Commissioner of Lands may cause fence to be erected.

4. The cost of erecting any fence under the provisions of Section 3 of this Ordinance shall be defrayed by the Government, and the fence so erected shall be the property of the Government and may subject to the provisions of this Ordinance be at any time removed by the Government.

Cost of such fence to be defrayed by and such fence to be the property of Government.

5. The Commissioner of Lands may with the consent of the Governor cause to be erected a fence or fences within or around a portion or the whole of the boundaries of any farm, whether within an infected or suspected area or not, the owner of which shall have made an application to him for the erection of such fence and shall have given security to the satisfaction of the Commissioner of Lands for the re-payment to the Government of the cost of the erection of such fence or fences.

Erection of fence on application by owner of a farm.

6. (1) The cost of erecting any fence under the provisions of section 5 shall be in the first instance defrayed by the Government, provided that such cost shall be repaid together with interest at the rate of 3% per annum by equal yearly instalments commencing two years after the fencing is completed, such instalments being so calculated and fixed that the said cost and interest shall be wholly repaid within a period of ten years from the date from which the first instalment becomes due as shown in the Schedule to this Ordinance.

Manner in which cost of such fence is to be defrayed.

(2) Such repayment of cost and interest shall be made by the owner of any farm fenced under the last preceding Section, or, if the fence divides the farms of adjoining owners both of whom shall have had their farm fenced at the same time under the last preceding Section, then each such owner shall pay one half of the cost of the part of the fence dividing such farms together with the interest as aforesaid.

7. The particular class of any fence erected under this Ordinance shall be determined by the Commissioner of Lands.

Class of fence to be determined by Commissioner of Lands.

8. The Commissioner of Lands shall in every case before exercising the powers conferred upon him by Section 3, 5, 7, 9, 10, and 12 of this Ordinance consult the Land Board.

Commissioner of Lands to consult Land Board.

9. Wherever any fence shall have been erected on any farm under Section 3 of this Ordinance the Commissioner of Lands may allow the owner of such farm to purchase the said fence by paying to the Government the cost of the erection of the fence together with the interest thereon at the rate of 3% per annum, such payment to be made by equal yearly instalments so calculated and fixed by the Commissioner of Lands that the said cost and interest shall be wholly paid off within a period of ten years from the date of the agreement to purchase, or he may allow the owner the use of such fence for such time as the Commissioner of Lands may think fit, on his entering into an agreement to pay to the Government 5% per annum on the cost to date of such fence.

Purchase of fence from Government by owner of farm.

Provided however that should any such owner after having entered into any such last mentioned agreement be permitted to purchase the said fence there shall be deducted from the purchase price which such owner would be required to pay under this Section two-fifths, of such sum as he shall have paid to the Government for the use of such fence.

10. (i) The owner of a farm who shall hereafter fence his farm with a legal fence and the owner of a farm which shall have been fenced under Section 5 or who shall have purchased a fence under Section 9 may recover from the owner of the adjoining farm one half of the value of so much of a dividing fence as such last mentioned owner shall use or avail himself of in any of the following cases :

Recovery of portion of value of dividing fence from owner of adjoining farm.

- (a) When the farm adjoining the farm first fenced shall be fenced under Section 5.
- (b) When the owner of the farm adjoining the farm first fenced shall have agreed to purchase a fence on such first mentioned farm under the provisions of Section 9.

- (c) When the owner of the farm adjoining the farm first fenced shall fence his farm.
- (ii) The money so recoverable shall be paid by the person liable to pay the same either in a lump sum or by such instalments spread over such period as the Commissioner of Lands shall determine, and such lump sum or such instalment when due may be sued for and recovered in the Court of a Magistrate of the first class.
- (iii) Section 5 and 6 shall be deemed to be extended so as to enable the Commissioner of Lands to advance the money so recoverable, and any sum so advanced shall be repaid by the same persons and in the same manner as the cost of the erection of a fence is repayable under Section 6.

Cost of repairs to dividing fence how to be defrayed.

11. When any dividing fence to the cost of the erection of which the owners of the land on either side shall have contributed or are liable to contribute shall be out of repair such owners shall be liable for the cost of repairing such fence in equal proportions. Provided however that if such disrepair shall have been occasioned by the wilful act or neglect of one such owner it shall be the duty of such owner to repair or reconstruct the fence so out of repair; if he shall fail to do so within a reasonable time after notice given, the other owner may cause the necessary repairs or reconstruction to be done and may recover the expenses reasonably incurred by him in so doing from the owner liable to do the repair or reconstruction.

Rules prescribing legal fence to be made &c., by Commissioner of Lands.

12. The Commissioner of Lands shall make and may from time to time alter or revoke rules prescribing what fences shall be deemed to be legal fences for the purpose of this Ordinance.

Maintenance of fence in repair.

13. (1) The owner of a farm which shall have been fenced under the provision of Section 5 and the owner of a farm who shall have agreed to purchase a fence erected on his farm under Section 3 shall at all times until the cost of the erection of such fence and the interest thereon has been wholly paid to the Government maintain the fence in good and substantial repair to the satisfaction of the Commissioner of Lands.

(2) Should any such owner, after a notice has been served upon him by the Commissioner of Lands requiring him to do any repairs to such fence, omit to do such repair within such time as the Commissioner of Lands may consider reasonable, the Commissioner of Lands may cause the fence to be repaired at the expense of the Government, but in every such case the cost of such repair shall be added to the original cost of the erection of such fence and shall be repaid to the Government with interest thereon at the rate of 3% per annum by the owner of such farm, and the instalments payable by such owner under this Ordinance shall be increased accordingly.

Fence may not be removed or altered by owner of land till all costs have been repaid to Government.

14. The owner of a farm which has been fenced under Section 5 of this Ordinance and the owner of a farm who shall have agreed to purchase a fence erected under Section 3 shall not remove any part of such fence or make any alterations in such fence without the consent of the Commissioner of Lands until the cost of the erection and repairs (if any) of such fence and the interest thereon shall have been wholly repaid to the Government.

Duly authorized persons may enter on land for purpose of repairing or protecting fence.

15. The Commissioner of Lands and any persons authorized by him and his or their servants may at any time enter upon any land for the purpose of repairing a fence erected under Section 3 of this Ordinance and may for the purpose of protecting such fence from fire clear the ground near such fence. Provided that this section shall not be deemed to impose any duty upon the Government in respect of the repair of fences mentioned in Section 13.

Municipal Council to be deemed owner of a farm in respect of town lands.

16. A Municipal Council shall be deemed to be the owner of a farm in respect of any town-lands fenced under this Ordinance.

Commissioner of Lands to keep a register of persons by whom such monies to be repaid.

17. The Commissioner of Lands shall cause to be kept in the Land Office a register in which shall be recorded the full name and address of the person liable to make any repayment under this Ordinance, the amount for which he is liable, and a clear description of the farm in respect of the fencing of which the repayment aforesaid is to be made. Such register shall be open to the inspection of all persons at any time during which the Land Office shall be open for public business.

18. An instalment which shall remain unpaid for 21 days after the same shall have become due may be sued for and recovered by the Commissioner of Lands from the person for the time being the owner of the farm in respect of which the payment is due.

Commissioner of Lands may sue for and recover any instalment overdue.

19. Nothing in this Ordinance shall make it unlawful for the Commissioner of Lands to accept from any person liable to make any repayment to the Government under this Ordinance a payment at any time of a sum equal to the value at that time of the instalments unpaid by such person.

Instalments may be paid off in lump sum at any time.

20. (1) The Commissioner of Lands shall cause to be served upon any person liable to make any payment under this Ordinance a notice setting forth the amount of the yearly instalment and the date on which the first instalment becomes due.

Notice to be served on persons liable to make repayment.

(2) A notice sent by post to the last known address of the person to be served, or published in the "Official Gazette" shall be deemed to be good service for the purpose of this Ordinance.

21. The Commissioner of Lands with the sanction of the Governor may cause to be fenced any public road traversing any part of an infected or suspected area and the cost of any fence erected under the powers of this Section shall be defrayed entirely by the Government.

Power to fence public roads.

Offences.

22. Any person who shall open and leave open or finding open shall on passing through neglect to shut and fasten any gate in any fence erected under this Ordinance, shall on conviction be liable for the first offence to a fine not exceeding one hundred and fifty Rupees and in default of payment to imprisonment for a period not exceeding fourteen days and upon any subsequent conviction to a fine not exceeding three hundred Rupees and in default of payment to imprisonment not exceeding six weeks.

Penalty for omitting to shut a gate.

23. Any person who shall injure any fence erected under this Ordinance, and on being requested so to do by the owner or occupier of the land on which it is situated, or by some person authorized thereto by such owner or occupier, shall refuse to give his true name and usual address or shall give and untrue name or address, shall upon conviction be liable to a fine not exceeding three hundred and seventy-five Rupees and in default of payment to imprisonment for a period not exceeding three months.

Persons damaging fence bound to give his name and address on demand by owner of land.

24. Any person who inadvertently injures any fence erected under this Ordinance shall forthwith repair the same, and in the event of his being unable to do so shall forthwith report the same to the owner of the land on which such fence is situated or in the case of a fence erected along a public road to the Commissioner of Lands, and deposit such sum as may be reasonably sufficient to cover the cost of repairing the same, and he shall be entitled to receive a receipt therefor.

Fence inadvertently damaged to be repaired by the person causing the damage.

Any person failing to repair such fence or give such notice with such reasonable sum as aforesaid or refusing to give a receipt therefor, shall on conviction be liable to a fine of one hundred and fifty Rupees and in default of payment to imprisonment for a period not exceeding fourteen days, and shall in addition pay such sum or such sum in addition to any already paid as will cover the cost of such repairs by way of damages.

25. Any person who wilfully injures or removes any fence, gate or other appliance or contrivance forming part thereof erected under this Ordinance shall be liable on conviction to a fine not exceeding one thousand Rupees and in default thereof to imprisonment for a period not exceeding six months and shall in addition be ordered by the Court by which he is convicted to pay the amount of damage sustained by the owner of such fence, gate or other appliance, and such order shall be executed in the same way as a judgment of such Court in a Civil Case is executed.

Penalty for wilful damage to fence.

Schedule.

Table of equal instalments at the end of each year for ten years corresponding to the amounts payable under Section six of this Ordinance.

Amount payable.	Equivalent amount payable at the end of each year for ten years.	
Rs.	Rs.	Cts.
15	1	75
30	3	50
45	5	25
60	7	6
75	8	81
90	10	56
105	12	31
120	14	6
135	15	81
150	17	56
300	35	19
450	52	75
600	70	31
750	87	87
900	105	50
1050	123	6
1200	140	62
1350	158	25
1500	175	81
3000	351	62
4500	527	37
6000	703	19
7500	879	0

Yearly instalments for any sum not mentioned in this Schedule, such as Rs. 6,986-25 cts. may be obtained as follows:—

Rs.	Cts.	Rs.	Cts.
6,000	0	703	19
900	0	105	50
75	0	8	81
11	25 or $\frac{3}{4}$ of Rs. 15	1	31
<u>Rs. 6,986</u>	<u>25</u>	<u>Rs. 818</u>	<u>81</u>

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No 6 OF 1908.

To make provision for payment of Conservancy Fees in all Townships constituted under the Townships Ordinance 1903.

[September 9th, 1908.] Date.

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 Township Fees and Conservancy Ordinance, 1908.” Short title.

2. The following words shall have the following meaning :— Definitions.

“ 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 therefor, or who would receive such rent or profits if such land 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.

“ 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. The conservancy fee specified in the Schedule attached hereto or in any amendment thereof shall be paid by the “ occupier ” of any house in respect of which any latrine, earth closet or privy shall have been erected, provided that in the case of any house occupied by more tenants than one the owner shall be deemed to be the occupier for the purpose of this Ordinance. Fees to be paid by occupier.

4. The fee specified in the Schedule attached hereto shall be paid quarterly in advance. The said fee shall be paid to the Town Clerk or if there is no Town Clerk then to the District Commissioner at his office, or to any person authorised by the Governor to receive the same. Fee to be paid in advance.

5. In the event of any person refusing or delaying to pay the said fee, the Town Clerk or other Officer duly authorised by the Governor in that behalf may sue in any Court for the recovery of the said fee. Recovery of fee.

6. When any house shall remain unoccupied for not less than one Calendar month the Town Clerk or if there is no Town Clerk the District Commissioner shall on application make a rebate or refund of the proportionate amount of Conservancy fee payable in respect of such house, provided that no such refund shall be made unless the application is made within three months from the date on which the house became unoccupied. Unoccupied house.

7. Any person refusing after being ordered by the Court to pay the said fee mentioned in the Schedule, shall be guilty of an offence under this Ordinance and shall be liable upon conviction to a fine not exceeding two hundred Rupees, or to imprisonment with or without hard labour for a period not exceeding two months or to both. Penalties.

8. The Governor may make rules for the better carrying out of the Ordinance and may also alter, add to or delete the item or fee mentioned in the Schedule. Rules to be made by Governor.

9. Rules 7 to 20 inclusive of the Rules provided under the East Africa Township Ordinance, 1903, and published in the “ Official Gazette ” May 19th, 1904, are hereby repealed. Repeal.

This Ordinance shall come into force on the 15th day of September, 1908, and the fee mentioned in the Schedule shall become due as from that date. Date of Application.

Schedule.

Conservancy fee per latrine receptacle ordered by the Medical Officer of Health per mensem. Rs. 3

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 7 OF 1908.

To make provision for a Provident Fund for the non-pensionable servants of State Railways in the British East Africa Protectorate.

Date.

[2nd November, 1908.]

Short title.

BE it enacted by His Excellency 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 State Railway Provident Fund Ordinance 1908."

2. This Ordinance shall apply to all servants employed on State Railways in East Africa who are under the Rules of the Fund eligible to become depositors.

3. No pensionable servant of State Railways can become a depositor in the Provident Fund.

Definitions.

4. In this Ordinance or any Rules made hereunder unless there be something repugnant in the subject or context.

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. "Servant" means a Government servant serving on the non-pensionable establishment of a State Railway, and who under the rules of the Fund is eligible to become a depositor.

d. "Depositor" means a servant by or on whose behalf a deposit is made under this Ordinance.

e. "Deposit" means a deposit in the Provident Fund and may be either:—

(1) "Compulsory deposit" *i.e.* a deposit which a servant is under the rule obliged to make or,

(2) "Voluntary deposit" *i.e.* a deposit which it is optional to a servant to make or not.

f. "Interest" includes compound interest.

g. "Bonus" means a bonus added by Government to a deposit under the Rules with the interest accruing thereon.

Governor may make Rules.

5. The Governor with the approval of the Secretary of State may from time to time make Rules for:—

a. the creation and management of a Provident Fund;

b. for compelling deposits thereto on the part of the servants of the Railway.

And may repeal and alter such Rules.

6. No compulsory deposit of any servant of the Railway to such Provident Fund or the interest or bonus thereon, shall be attachable by any Court, but voluntary deposits and the interest thereon standing at the credit of a depositor on any given date shall be open to attachment by a Court on that date.

Payment from State Railway Provident Fund on death of depositor.

7. (1) When a depositor in any State Railway Provident Fund dies and the sum standing to his credit in the books of the Fund does not exceed one thousand rupees, the Manager may pay it 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 it 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 due to the estate is finally paid.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 8 OF 1908.

To make provision for maintaining and improving the quality of Cotton in the East Africa Protectorate.

[November 2nd, 1908.] Date.

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 Cotton Ordinance, Short Title, 1908.”

2. The Governor may make Rules for maintaining or improving the quality of Cotton in the Protectorate or to be exported from the Protectorate either in reference to the distribution and use of seed or to the inspection of seed, crops, cotton unginned or ginned, or ginneries or factorion, and may prohibit the use and importation of seeds of any particular kind, or specify any particular kind or kinds of seed as the only kind or kinds to be used, and may prohibit the exportation of cotton of inferior quality, or of any particular kind or specify any particular kind or kinds as the only kind which may be exported, and may prohibit or regulate any method of sowing, collecting, ginning, baling or otherwise preparing cotton and generally for the purposes of this Ordinance, may apply all or any of such Rules to any Province, District, or place in the Protectorate, and may make special Rules in regard to any particular Province, District or place, and may require the destruction of any diseased cotton on the lands with or without compensation to the owner or owners thereof.

3. The power to make Rules shall include a power to fix reasonable fees and charges.

4. The Governor may fix such penalties for the breach, or attempted breach, or non-observance of any Rule as he may think proper, not exceeding imprisonment with or without hard labour for a term of one month, or a fine of 1,000 Rupees, or both, and where no penalty is imposed by the Rules, the breach or non-observance of any Rules shall be punishable to the extent aforesaid, and may provide that any seed, cotton or implement in respect of which a breach or attempted breach or non-observance of any Rule has been committed may be confiscated or otherwise dealt with, with or without compensation.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 9 OF 1908.

To provide for the Regulation of Wireless Telegraphy.

[November 2nd, 1908.] Date.

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

1. (1) A person shall not establish any wireless telegraph station or instal any apparatus for wireless telegraphy in any place except under and in accordance with a licence granted in that behalf by the Governor.

- (2) Every such licence shall be in such form and for such period as the Governor may determine, and shall contain the terms, conditions and restrictions on and subject to which the licence is granted, and any such licence may include two or more stations or places.
- (3) If any person establishes a wireless telegraph station without a licence in that behalf or instals or works any apparatus for wireless telegraphy without a licence in that behalf, he shall be guilty of an offence under this Ordinance and on conviction he shall be liable to a fine not exceeding one thousand and five hundred Rupees, or to simple imprisonment for a term not exceeding twelve months or to both, and in either case be liable to forfeit any apparatus for wireless telegraphy installed or worked without a licence, but no proceedings shall be taken against any person under this Ordinance except by the order of the Governor.
- (4) If a Magistrate is satisfied by information on oath that there is reasonable ground for supposing that a wireless telegraph station has been established without a licence in that behalf or that any apparatus for wireless telegraphy has been installed or worked in any place or on board any ship within his jurisdiction without a licence in that behalf, he may grant a warrant to any police officer or any other officer appointed in that behalf by the Governor and named in the warrant, and a warrant so granted shall authorise the officer named therein to enter and inspect the station or place or ship and to seize and apparatus which appears to him to be used or intended to be used for wireless telegraphy therein.
- (5) The Governor may make regulations for prescribing the form and manner in which applications for licences under this Ordinance are to be made and fees payable on the grant of any such licence.
- (6) The expression "Wireless Telegraphy" means any system of communication by telegraph as defined in the Indian Telegraph Act, 1883, without the aid of any wire connecting the points from and at which the messages or other communications are sent and received. Provided that nothing in this Ordinance shall prevent any person from making or using electrical apparatus for actuating machinery, or for any purpose other than the transmission of messages.

Licence for experimental purposes, &c.

Where the applicant for a licence proves to the satisfaction of the Governor that the sole object of obtaining the licence is to enable him to conduct experiments in wireless telegraphy, a licence for that purpose shall be granted, subject to such special terms, conditions and restrictions as the Governor may think proper, but shall not be subject to any rent or royalty.

2. A person shall not work any apparatus for wireless telegraphy installed on any ship whilst that ship is in the Protectorate waters, otherwise than in accordance with regulations made in that behalf by the Governor, and the Governor may by any such regulations impose penalties for the breach of any such regulations not exceeding one hundred and fifty Rupees, for each offence and may provide for the forfeiture on any such breach of any apparatus for wireless telegraphy installed or worked on such ship. Save as aforesaid nothing in this Ordinance shall apply to the working of apparatus for wireless telegraph installed on any foreign ship.

Definitions.

3. The term "ship" includes steamers, sailing ships, dhows, lighters, rafts and every other form of boat.

The term "Magistrate" means a Magistrate holding a Subordinate Court of the first or second class.

4. This Ordinance may be cited as the "Wireless Telegraphy Ordinance 1908."

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 10 OF 1908.

To amend the Courts Ordinance 1907.

[November 26th, 1908.] Date.

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 Courts Amendment Ordinance 1908, and shall be read as one with the Courts Ordinance 1907, hereinafter referred to as the Principal Ordinance. Short Title.

2. Wherever in the Principal Ordinance there shall appear the word "European" there shall be read thereafter the words "or American." Amendment of Courts Ordinance 1907.

3. In the Principal Ordinance the terms "European" and "American" shall have the same meaning as in the Criminal Procedure Ordinance 1906, or in any Ordinance which may hereafter be substituted for the said Criminal Procedure Ordinance. Definition.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 11 OF 1908.

To make Provision for the removal of Doubts that have arisen in regard to Titles to Land and to Establish a Land Registration Court in the East Africa Protectorate.

[November 30th, 1908.] Date.

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 Ordinance 1908." Short Title.

2. The Governor may by Proclamation published in the "Official Gazette" and published in such other manner (if any) as he shall think fit apply this Ordinance to any District, area or place in the Protectorate and may by such Proclamation fix the day on which this Ordinance shall commence and take effect in such District area or place. The Ordinance to come into force in such places and at such time as may be proclaimed.

3. In the construction and for the purposes of this Ordinance and in all instruments purporting to be made or executed thereunder (if not inconsistent with the context and subject matter) the following terms shall have the respective meanings assigned to them, that is to say:—

"Immovable property" shall include land, benefits to arise out of land and things attached to the earth or permanently fastened to any thing attached to the earth but shall not include standing timber (other than cocoanut trees) growing crops or grass.

"Land Registration Court" shall mean the Court constituted under the provisions of this Ordinance and presided over by the Recorder of Titles or the Deputy Recorder of Titles as Judge thereof.

“Proprietor” shall mean any person seized or possessed of any freehold or other estate or interest in immovable property at law, or in equity in possession, in futurity or expectance, and any person possessed of or having any interest in or entitled to any charge upon any immovable property.

“Certificate of Title” shall mean a certificate of title granted by the Recorder of Titles under the provisions of this Ordinance.

“Mortgage” shall mean any charge on immovable property created merely for securing a loan.

“Encumbrance” shall mean any charge on immovable property created for the purposes of securing the payment of an annuity or sum of money other than a loan.

“Lunatic” shall mean any person who shall have been found to be a lunatic under the law for the time being in force in the Protectorate.

“Person” shall include any association of persons whether designated as an association, society, league, or otherwise and shall include a body corporate whether limited or unlimited.

“Person of unsound mind” shall mean any person not an infant who not having been found to be a lunatic, shall be certified by two duly qualified medical practitioners to be incapable from infirmity of mind of managing his own affairs.

“Instrument” shall mean and include any certificate of Title, conveyance, assurance, deed, map, plan, will, probate, or exemplification of will, or any other document in writing relating to the title to immovable property or any interest therein.

“Prescribed” shall mean prescribed by rules under this Ordinance.

“Signed and Signature” shall include a mark made by an illiterate person and attested by a witness to the making of such mark.

“Recorder of Titles” shall include a Deputy Recorder of Titles.

The describing any person as a proprietor, or as seized of or having any estate or interest in any immovable property shall be deemed to include the heirs, executors, administrators and assigns of such person.

And generally, unless the contrary shall appear from the context every word importing the singular number only shall extend to several persons or things, and every word importing the plural number shall apply to one person or thing, and every word importing the masculine gender only shall extend to a female and shall include a body corporate, and whenever a form in the Schedule hereto is directed to be used, such direction shall apply equally to any form to the like effect signed by the Recorder of Titles or which for the same purpose may be authorised under the provisions of this Ordinance, and any variation from such forms not being a variation in matter or substance shall not affect their validity or regularity, but they may be used with such alterations as the character of the parties or the circumstances of the case may render necessary.

A Recorder of Titles to be appointed.

4. The Governor may from time to time appoint an officer who shall be a Barrister or Solicitor of not less than five years standing to perform the duties of the Recorder of Titles under this Ordinance. The Officer holding the office of Recorder of Titles at the time of the enactment of this Ordinance shall be deemed to have been duly appointed under this Ordinance.

Anything which may be done by the Recorder of Titles may be done by the Deputy Recorder of Titles.

5. Whenever by any law for the time being in force in the Protectorate anything is appointed to be done by the Recorder of Titles the same may be lawfully done by any Deputy Recorder of Titles or other officer duly appointed by the Governor on that behalf.

Jurisdiction of the Land Registration Court.

6. There shall be a Court of special jurisdiction subordinate to the High Court to be styled the “Land Registration Court” whereof the Recorder of Titles shall be the presiding judge and the said Recorder of Titles shall have jurisdiction in all claims made under this Ordinance relating to immovable property situated in the District, or a, or place to which this Ordinance shall have been applied as aforesaid with powers to determine any questions that may need determination in connection with such claims and the Recorder of Titles shall have all the powers of a judge in respect of procedure in the said Land Registration Court, and the summoning of, administering oaths to witnesses, assessors, land valuers, appraisers and other persons whose advice, assistance or evidence shall seem to him to be necessary, production of instruments and records and the due and proper administration of justice and order in the said Court.

Judgments of Recorder of Titles to be final and conclusive unless an appeal be entered within 30 days.

7. (1) The determination and judgment of the Recorder of Titles upon each claim shall, save as otherwise expressly provided for in this Ordinance, be final and conclusive upon the claimants and upon those claiming under any of them by any title acquired subsequent to the claim being made.

- (2) The Commissioner of Lands on behalf of the Crown and any person aggrieved by any final judgment or order having the effect of a final judgment of the Recorder of Titles may within thirty days after the pronouncing thereof lodge with the Recorder of Titles and appeal in writing to the High Court and the Recorder of Titles shall without delay forward to the High Court the appeal with the record made up as hereinafter provided. An appeal shall lie from the decrees or from any part of the decrees and from the orders of the High Court made on any such appeal to the Court of Appeal for East Africa.
8. (1) It shall not be necessary for the Recorder of Titles to take down in writing the evidence given in the Land Registration Court of any witness verbatim unless requested to do so by the claimant or by a person opposing the claim. Provided that the essence of such evidence shall be noted by him. Provided further that it shall not be necessary for him to put in writing any judgment delivered by him except in a short and concise form showing his reasons for arriving at such judgment. Evidence how to be recorded.
- (2) The record of all evidence, whether oral or documentary taken by the Recorder of Titles at the investigation of the claims shall, subject to the provisions of subsection (4), be made up in a separate file, and the finding or judgment thereon, and reasons therefor, and all orders of the Recorder of Titles in relation thereto, shall be duly entered on the said record. Records how to be kept.
- (3) The record so made up shall at all reasonable times upon a written application on that behalf, be open to the inspection of any person interested in such claim or his agent duly authorised thereto in writing with liberty to demand and receive copies thereof or extracts therefrom upon payment of the fees which may be prescribed. Records to be open to inspection.
- (4) The Recorder of Titles may, when he thinks fit, consolidate the claims of one or more persons, and the same shall then form the subject of one and the same investigation; and the record of all evidence whether oral or documentary taken by the Recorder of Titles at such investigation shall be filed with any one of the statements of the claims so consolidated as aforesaid and the finding or judgment on each of such claims, and reasons therefor, and all orders of the Recorder of Titles in relation thereto shall be duly entered on the said record. Consolidating claim.
9. The Land Registration Court shall be held in such places in the East Africa Protectorate as the Recorder of Titles shall determine. Court may sit at such places as the Recorder of Titles may determine.
10. (1) There shall be appointed and attached to the Land Registration Court a duly qualified surveyor who with such assistants as may be necessary, shall survey land, make a plan or plans thereof and define and mark the boundaries of any areas therein as when and where directed by the Recorder of Titles, either before, during or after the determination of any question concerning land of any interest connected therewith, and every area so defined and marked shall be further marked with a number or other distinctive symbol to be shown upon the said plan or plans for the purposes of complete identification and registration thereof as hereinafter appearing. A qualified Surveyor to be attached to the Land Registration Court.
- (2) The said surveyor or such assistant as aforesaid shall be, and hereby is authorised to demand any explanation or information required for the purposes of this Ordinance from any person in his opinion likely to be able to give the same.
11. The oath following shall be taken before a judge of the High Court of the East Africa Protectorate by the Recorder of Titles before entering upon the execution of his Office hereunder:— Oath to be taken by the Recorder of Titles or any Deputy Recorder.
- I do solemnly swear that I will faithfully and to the best of my ability execute and perform the Office and duties of Recorder of Titles (or Deputy Recorder of Titles) for the East Africa Protectorate according to the provisions of the Land Titles Ordinance, 1908. So help me God.

Seal to be used by the Recorder.

12. The Recorder of Titles shall have and use a seal of Office bearing the impression of the Royal Arms having inscribed thereon in the margin "Recorder of Titles, East Africa Protectorate" and the imprint of such seal shall be valid whether made in wax, ink or other substances.

All documents purporting to be issued by the Recorder of Titles to be deemed to be so issued unless the contrary be shown

13. All documents purporting to be issued or written by or under the directions of the Recorder of Titles and purporting to be sealed with his seal of Office, or signed by him or by one of his Deputies, shall be received in evidence, and shall be deemed to be issued or written by or under the direction of the Recorder of Titles without further proof, unless the contrary be shown.

Recorder of Titles may with the sanction of the Governor alter the forms prescribed by the Ordinance. Notice of alteration to be given.

14. The Recorder of Titles may from time to time, subject to the approval of the Governor make such alterations in the several forms prescribed in the schedule hereto as he may deem requisite and shall, before finally issuing any such altered form, give notice thereof in the "Official Gazette" and such form shall be supplied at the Office of the Recorder of Titles free of charge, and every such form shall be taken to be made in the form hereby required, or in the form sanctioned by the Recorder of Titles, unless the contrary is proved.

All persons claiming to be proprietors of or claiming to have any interest in immovable property in any area to which the Ordinance is applied to send in a claim in respect thereof within 12 months of such application.

15. (1) All persons being or claiming to be Proprietors of or having or claiming to have any interest whatever in immovable property situate in any district area or place whereto this Ordinance shall have been applied by proclamation as aforesaid, shall before the expiration of twelve clear months from the date of the application of this Ordinance as aforesaid make a claim in respect thereof to the Officer in charge of the Administration of the district wherein such immovable property is situate or to such officer as he may appoint.

Form in which claim is to be made.

(2) Every such claim shall be as regards a claim in respect of:—
(a) Estates in fee in land in form A I of the first Schedule hereto.
(b) All interests in immovable property other than estates in fee in land in form A II of the first schedule hereto.

And shall be forwarded by the said officer within one month of the receipt thereof to the Recorder of Titles, Mombasa.

(3) Any person may for the purpose of such claim as aforesaid obtain the said forms free of charge from the office of a District Commissioner or from the office of the Recorder of Titles, at Mombasa.

District Officers to give notice of the requirements of this Ordinance to persons residing in the districts to which the Ordinance is applied and to assist illiterate persons in sending in their claims.

16. The Officer in charge of the administration in each District as aforesaid or such officer as he may appoint in that behalf shall cause Notice to be given in such manner as shall best convey the requirements of this Ordinance to all persons concerned therein in such District, and Notices shall be issued in all such Districts and elsewhere as the Governor shall from time to time determine in such language or languages as shall be understood by such persons and shall be posted up in the usual places or otherwise disseminated as shall be deemed expedient. Provided always that, in Districts where any person making his claim is unable for any cause to write, the said officer in charge of the administration thereof shall have the power to sign the claim on behalf of such person and such claim shall have the same force and effect as if signed by the said person with his own hand under the provisions of this Ordinance.

All land with regard to which no certificate of ownership shall be granted to be deemed to be Crown Land.

17. (1) All land situate in any District area or place whereto this Ordinance shall have been applied as aforesaid concerning which no claim or claims for a certificate of ownership shall have been made in the manner and in the period aforesaid, or if such claim or claims having been made none shall have been allowed, shall at the expiration of such period be deemed to be Crown Land, and such land and all things attached to such land or permanently fastened to any thing attached to such land shall be subject only to such right or interest in any person other than the Crown as may be evidenced by a certificate of Title granted under this Ordinance, or which may thereafter be granted by or on behalf of the Crown.

(2) If within twelve years from the date on which any property shall have become Crown property by reason of the provisions of this Section any person shall satisfy the Governor in Council that he or his predecessor in title was entitled to such immovable property at the date aforesaid and that the person entitled to make

a claim under this Ordinance in respect of such property had no notice of the application of this Ordinance to the area within which such property is situate or for other good and sufficient reason failed to make such claim, the Governor may either direct (a) a grant to be made of the immovable property to him if practicable or (b) such value as in the circumstances may appear reasonable to be paid to him by the Protectorate Treasurer.

18. (1) The Recorder of Titles upon receipt of the claims hereinbefore provided for shall proceed to deal therewith in such order and according to such district, area, or place whereunto the Governor shall have applied the provisions of this Ordinance as aforesaid as shall seem to him to be most expedient in connection therewith, and, in the event of any dispute or doubt arising out of or from any claim to immovable property or interest therein, shall give notice to the persons concerned of the date when and place where he proposes to hear and determine in the Land Registration Court the matters in dispute or doubt.
- (2) If any claimant fails to appear on the day fixed for investigating his claim and no good and sufficient cause is shown for such absence it shall be lawful for the Recorder of Titles to make such order or give such judgment as he may deem fit.
- (3) If any claimant appears in reasonable time and satisfies the Recorder of Titles that his absence was due to sickness, accident or some other cause over which he had no control then the Recorder of Titles shall cancel any order made or open up any judgment given under this section.

Recorder to give notice to the persons interested of the time and place when he will hear and determine disputed or doubtful claims.

19. It shall be lawful for any party in any proceeding in the Land Registration Court to appear by any person entitled so to appear under the "East Africa Legal Practitioners Rules 1901," or any Rules substituted therefor which are hereby in such respect made applicable to the said Land Registration Court.

Persons interested may be represented by pleaders.

And provided that the Secretary for Native Affairs or any Assistant to the said Secretary and the officer in charge of the administration of any district concerned therein shall in like manner have a right of audience whenever any native of the East Africa Protectorate is concerned in any proceeding in the Land Registration Court and provided further that any officer or person generally or specially appointed in that behalf by the Commissioner of Lands shall have a right of audience on behalf of the Crown in any proceeding in the said Court.

Officers of Native Affairs Department and District Officers to have a right of audience on behalf of natives and any officer or person appointed by the Commissioner of Lands on that behalf may appear on behalf of the Crown.

20. (1) At the expiration of the period of twelve months from the date of the application of the provisions of this Ordinance as aforesaid or so soon thereafter as shall be possible, the Recorder of Titles shall give to those persons whose right to any immovable property or any interest therein shall have been determined, a certificate of Title.
- (2) Certificate of Title shall be of three kinds,
- (a) A certificate of ownership in the form B in the first Schedule hereto.
- (b) A certificate of Mortgage in the form C in the first Schedule hereto.
- (c) A certificate of interest in the form D in the first Schedule hereto, or as near thereto as the case may require.
- (a) A certificate of ownership shall be granted to those persons whose claim to an estate in fee in land shall have been upheld.
- (b) A certificate of Mortgage shall be granted to Mortgagees of immovable property or any undivided share thereof or interest therein under any instrument valid in law.
- (c) A certificate of interest shall be granted to persons whose rights as owners of immovable property (other than land) or whose rights by way of lease, encumbrance, charge, lien, contract or other interest in any immovable property (except such rights as would be included in a certificate of ownership or mortgage) or whose right in remainder, reversion or expectancy in or to immovable property or any undivided share thereof shall have been upheld.

Certificate of Title to be granted by the Recorder to the persons entitled thereto.

Form of Certificate.

Certificate of ownership.

Certificate of Mortgage.

Certificate of interest.

Except as otherwise provided in the Ordinance a Certificate of Title to be conclusive evidence of the several matters therein contained.

The boundaries to be shown on a plan and to be marked on the land.

Cost of the erection and maintenance of boundary marks to be paid by the proprietor of the land on either side of the boundaries.

Instruments of Title to be deposited with the Recorder of Titles before the issue of a certificate.

In certain cases instruments may be returned to the proprietor after cancellation of such part as relates to the property including in the certificate of Title.

In the case of a claimant entitled to a certificate of title dying before the date appointed for granting the certificate of title the certificate to be granted to the person to whom the property shall have devolved.

The Recorder of Titles to keep a register containing a duplicate of all certificates issued.

Matters to be noted on a Certificate of Title.

21. Save as in this Ordinance otherwise expressly provided every certificate of Title duly authenticated under the hand and seal of the Recorder of Titles shall be conclusive evidence against all persons (including the Crown) of the several matters therein contained and a certificate of ownership shall be conclusive proof that the person to whom such certificate is granted is the owner of the cocoanut trees, houses and buildings on the land in respect of which such certificate is granted at the date of the certificate unless there shall be noted thereon in the manner hereinafter provided a memorandum to the contrary effect.

22. Upon the determination of the right of any proprietor, and, if the Recorder of Titles should so think fit, before the issue of the certificate of Titles, the Surveyor appointed under Section 10 hereof or his assistant shall, if and when directed by the Recorder of Titles, demark and delimit the boundaries of the land comprised in such estate upon a map or plan in manner as aforesaid and he shall determine, place, or cause to be placed upon the said land boundary mark showing the demarcation and delimitation thereof, such boundary marks to be so placed at the expense of the Government and maintained and repaired at the joint or proportionate expense of the proprietor of such land and of the proprietors of land contiguous hereto, and any proprietor thereafter altering or causing to be altered whether temporarily or otherwise such boundary marks without the leave in writing of the Recorder of Titles or other officer duly authorised in that behalf shall be guilty of an offence and subject to penalties as hereinafter provided.

23. Upon issuing a certificate of title to any proprietor under this Ordinance the Recorder of Titles shall require such proprietor to deposit with him all such instruments of title as such proprietor shall have in his possession or power and which shall not already have been so deposited.

24. If any such instrument relates to or includes any property whether movable or immovable other than the property included in such certificate of Title, then the Recorder of Titles shall endorse thereon a memorandum cancelling the same in so far only as relates to the property included in such certificate of Title, and shall return such instrument to such proprietor.

The Recorder of Titles shall retain in his office all instruments so deposited except such as he is hereby directed to return to the proprietor, and no person shall be entitled to the production of such instrument so deposited except upon the written order of the proprietor who shall have deposited such instrument or of some person claiming through or under him or upon the order of the High Court.

25. Where any claimant dies in the interval between the date of his claim and the date appointed for the certificate of Title to issue in accordance with the provisions hereinbefore contained, the Certificate of Title shall be issued to the person to whom the property the subject of such claim shall have devolved.

26. (1) The Recorder of Titles shall keep a book to be called the "Register book," and shall bind up therein the duplicate of all certificates of Title issued under this Ordinance.

(2) Each Certificate of Title shall constitute a separate folium of such book.

27. (1) Every Certificate of Title shall be in duplicate and shall set forth a description of the immovable property therein referred to, with figures and references necessary to identify it on the plan or map of the area in which it is situate and a correct statement of the right, title or interest of the person to whom it is issued.

(2) The Recorder of Titles shall note thereon in such manner as to preserve their priority a memorandum of the particulars of all subsisting mortgages or other encumbrances or of any lease to which the property may be subject and of the right or interest in the said property existing at the date of the certificate of any person other than the person to whom the certificate is issued.

(3) If a Certificate of Title be issued to an infant or to a person under disability the Recorder of Titles shall state the age of such infant the nature of the disability so far as known to him.

- (4) There shall be attached to every certificate of ownership a plan of the land the subject of the certificate such plan to be signed by the Recorder of Titles and the Director of Surveys, or such officer as the Director or Surveys may appoint.
28. (1) A Certificate of Title issued under this Ordinance shall not confer upon any person any rights over or to any gold, silver, precious stones, or to any mines, metals or minerals whatsoever or to any mineral oil, or to or over the foreshore or to any water except in so far as such rights are expressly mentioned and described in such certificate, and save as aforesaid nothing in this Ordinance or in any Certificate of Title issued thereunder shall be deemed to derogate from the rights of the Crown in or over the foreshore or any water or any gold, silver, precious stones or to any mines, metals or minerals whatsoever or to any mineral oil.
- (2) Nothing contained in any certificate of title issued under this Ordinance shall derogate from any rights to or over water or rights of way subsisting at the date of the issue of such certificate.
29. Every Certificate to Title shall be deemed to be registered under the provisions and for the purposes of this Ordinance so soon as the same has been marked by the Recorder of Titles with the number of the folium and volume as embodied in the register book.
30. The Recorder of Titles, upon payment of the fee specified in the second Schedule hereto, shall furnish to any person applying for the same a certified copy of any Certificate of Title to land under the provisions of this Ordinance.
31. Any person may, upon payment of the fee specified in the second Schedule hereto, have access to the register-book for the purpose of inspection during the hours and upon the days appointed for search.
32. The Recorder of Titles shall not receive any claim under the provisions of this Ordinance, unless there is thereon or therein a statement that the same is correct for the purpose of this Ordinance, signed by the claimant or by a person holding a power of attorney on that behalf from the claimant.
33. (1) The Recorder of Titles shall whenever any claim made under Section 15 of this Ordinance shall be disallowed by him in whole or in part order, the person whose claim or application has been disallowed to pay to the Government as court fees such sum as he may think fit not exceeding 2 per cent on the value of the property claimed but save as aforesaid or as in this Ordinance or any rules thereunder provided no court fees shall be demanded in any proceeding in the Land Registration Court.
- (2) Any sum ordered to be paid under the preceding sub-section shall be recoverable by the Government in the manner prescribed by section 50.
- (3) The costs of the parties to any proceedings in the Land Registration Court shall ordinarily be paid by the parties incurring the same. Provided however the Recorder of Titles may whenever he shall disallow any claim in whole or in part and such claim or the part thereof disallowed is in his opinion frivolous, vexatious or fraudulent order that the expenses or such portion thereof as he shall determine incurred by the Crown or by any person who shall have opposed such claims shall be paid to the Crown or to such other person as the case may be, by the person whose claim shall be disallowed.
34. Any person claiming to be wrongfully deprived of immovable property or of any estate or interest therein by fraud or by any error omission or misdescription in any certificate of title granted under this Ordinance may bring and prosecute an action at law for the recovery of such property or of any estate or interest therein against (a) the person to whom a certificate of title in respect of such property or estate or interest therein shall have been granted under this Ordinance, by reason of such fraud or with such error omission or misdescription therein; (b) any person who shall have acquired a title to such property or estate or interest therein with knowledge of such fraud, error, omission or misdescription.

Certificate of Title not to confer rights over mines, minerals, foreshore or water unless expressly mentioned.

Rights to and over water and rights of way reserved.

Certificates deemed to be registered when marked with the folium and volume in register book.

Certificate copies to be issued on receipt of prescribed fee.

Inspection of Register book.

All claims to be authenticated by the claimant.

The Recorder of Titles to order an unsuccessful claimant to pay court fees not exceeding 2 per cent on the value of the property claimed.

An action to recover possession of land to lie in certain cases.

Notice of action to be given.	35. No action for recovery of immovable property or any estate or interest therein shall lie or be sustained against such person as provided in the preceding section unless notice of such action shall have been given to the Recorder of Titles and such action is commenced within 12 years from the grant of the certificate of title under this Ordinance in respect of such immovable property estate or interest. Provided always that any person who at the time of the grant of such certificate shall be under the disability of infancy or unsoundness of mind may bring such action within 12 years from the date upon which the disability ceases. And provided further that the times hereby fixed for prosecuting claims shall only begin to run against persons claiming estates in remainder or reversion from the time when such persons acquired a right of possession or enjoyment of the immovable property or estate or interest therein which forms the subject of their claims.
Limitation	
Protection to purchasers, lessees, and mortgagees.	36. Whenever the person against whom an action could be brought under the provisions of Section 34 shall before notice shall have been given to the Recorder of Titles as provided in the preceding section have alienated demised or incumbered the immovable property for valuable consideration, and should the alienee, lessee or mortgagee have duly registered such alienation, demise, or incumbrance, all rights and claims in or to such immovable property or any interest therein which under the provisions of this Ordinance should be the subject of a certificate of title or an endorsement thereon, shall unless evidenced by a certificate of title or an endorsement thereon granted or made under this Ordinance be deemed to be extinguished and null and void as against the alienee, lessee or mortgagee for valuable consideration.
Action for damages lie in certain cases.	Saving however the right of any person to proceed against the person to whom the certificate shall have been granted or his estate, to recover such sum as may, in the opinion of the Court before which the claim is prosecuted, be equivalent to the injury which he has sustained by the loss of the immovable property, interest or estate.
Claims which should be made under this Ordinance to be barred if not made within the prescribed time.	37. Save as is expressly provided in this Ordinance to the contrary every right title or interest in any immovable property in respect of which a claim should have been made under Section 15 of this Ordinance shall if a claim shall not have been made in respect thereof in the manner and within the period prescribed, on the expiration of twelve months from the application of this Ordinance to such immovable property, expire; and any claim to such right title or interest whether made by the person who should have made a claim as aforesaid, or by a person claiming through such person shall be absolutely barred.
Saving as to the rights of the Crown and the public.	38. Nothing in this Ordinance shall be held to affect the rights of the Crown, except where it is otherwise expressly provided in this Ordinance or any rights which the public may possess or be entitled to in respect of any immovable property.
Recorder of Titles may in certain cases summon persons to produce a certificate of Title.	39. (1) In case it appears to the satisfaction of the Recorder of Titles that :— (a) any Certificate of Titles has been issued in error or contains any variation from the judgment or judgments relating to the immovable property the subject of the certificate or (b) any certificate has been fraudulently or wrongfully retained. He may call upon the person to whom such certificate has been so issued or by whom it has been so obtained or is retained to deliver up the same for the purpose of being cancelled or corrected as the case may require.
Person refusing to produce a certificate of Title when ordered to do so by the Recorder of Titles may be committed to prison.	(2) If such person refuses or neglects to comply with such requisition, or cannot be found, the Recorder of Titles may issue a summons for such person to appear before him and show cause why such certificate should not be delivered up to be cancelled or corrected as aforesaid. (3) If such person when served with such summons neglects or refuses to attend before the Recorder of Titles at the time therein appointed, the Recorder of Titles may issue a warrant authorising and directing the person so summoned to be apprehended and brought before him for examination.
	40. (1) Upon the appearance before the Recorder of Titles of any person called upon summoned or brought up by virtue of a warrant as aforesaid the Recorder of Titles may examine such person upon oath and may order such person to deliver up such Certificate of Titles as aforesaid.

- (2) Upon refusal or neglect by such person to deliver up the same pursuant to such order the Recorder of Titles may commit such person to prison.
- (3) Upon such refusal or neglect, or in case such person has absconded so that a summons cannot be served upon him as hereinbefore directed, the Recorder of Titles shall, if the circumstances of the case require it, issue to the proprietor of the said immovable property a secondary Certificate of Title as is hereby and hereinafter authorised to be issued in the case of any Certificate of Title being lost, mislaid, or destroyed, and shall enter in the register-book notice of the issuing of the secondary Certificate of Title and the circumstances under which the same was issued, and such other particulars as he may deem necessary.
- (4) Such secondary Certificate shall be available for all purposes and uses for which the Certificate of Title which shall not have been produced upon the said order of the Recorder of Titles would have been available and valid in law.

A secondary certificate may be granted.

41. In the event of any Certificate of Title being lost, mislaid or destroyed the Recorder of Titles may issue to the proprietor thereof, if satisfied by such evidence as he may require or by a sworn declaration, to be made by such proprietor before him or before a person qualified to administer oaths, stating the circumstances and giving full particulars of the Land and interest therein concerned, a certificate which shall contain an exact copy of the Certificate of Title contained in the Register-book.

The Recorder of Titles may issue a replace one lost, etc

42. The Recorder of Titles shall as and when he proposes to issue a secondary Certificate or a Certificate in the place of one lost, mislaid, or destroyed as hereinbefore provided for, give ninety days notice prior to such issue in the "Official Gazette" of his intention to make such issue in the absence of any valid objection thereto within the period stated.

Notice to be given before the issue of such certificate.

43. (1) If any person

Penalties

- (a) fraudulently or falsely makes, assists in making a false or fraudulent claim, declaration or application under the provisions of this Ordinance or is privy to the false or fraudulent making of any such claim, declaration or application or gives or procures the giving or is privy to the giving of false evidence in respect of any claim to any right, title, estate, or interest in immovable property hereunder, or fraudulently procures or assists in fraudulently procuring or is privy to the fraudulent procuring of any Certificate of Title or other instrument or of any entry in the register-book or in any erasure or alteration in any entry in the register-book or in any instrument or form issued by the Recorder of Titles or
- (b) fraudulently uses, assists in fraudulently using or is privy to the fraudulent using of any form purporting to be issued by the Recorder of Titles, or
- (c) knowingly misleads or deceives any person hereinbefore authorised to demand explanation or information in respect of any immovable property which is the subject of any claim under this Ordinance, or
- (d) wilfully damages, removes, defaces, covers up, renders useless, invisible, or irrerecognisable or in any way whatsoever tampers or deals with any boundary marks of any description provided for herein or causes or procures or is privy to the causing or procuring the damaging, removing, defacing, covering up or rendering useless, invisible or irrerecognisable or in any way whatsoever tampering or dealing with any such boundary marks as aforesaid without the lawful order in writing of an officer duly authorised in that behalf, shall be guilty of an offence and shall be liable to imprisonment of either description for a term not exceeding three years or to a fine not exceeding 3,000 Rupees or to both.
- (2) Any Certificate of Title, entry, erasure, or alteration so procured or made by fraud shall be void as between all parties or persons privy to such fraud.

Conviction under section 43 not to affect remedy of persons injured.

44. No proceeding or conviction of any act hereby declared to be an offence shall affect any remedy which any person aggrieved or injured by such acts may be entitled to as hereinbefore provided against the person who has committed such acts or against his estate.

Recorder of Titles may issue writ of possession in favour of the Crown.

45. The Recorder of Titles may on the application of the Commissioner of Lands, issue a writ of possession in favour of the Crown in the prescribed form in respect of any land which by virtue of Section 17 is to be deemed to be Crown Land and such writ shall be enforced according to the terms thereof by an officer of the Land Registration Court or the High Court.

Person hindering, resisting or obstructing execution of writ may be called upon to shew cause.

46. If in the execution of a writ of possession issued under the preceding Section the officer charged with the execution of the writ is resisted or obstructed by any person or if after the officer has delivered possession the person placed in possession is hindered by any person in taking complete and effectual possession, the Commissioner of Lands may at any time within one month from the time of such resistance or obstruction or hindrance complain thereof to the Recorder of Titles, and the Recorder of Titles shall appoint a day for the determination of the complaint and intimate to the person resisting or obstructing or hindering the writ that he will be heard in opposition to the complainant if he appears before the Recorder of Titles for that purpose on the day so appointed.

Penalty for obstructing, resisting or hindering the execution of the writ.

47. On the hearing of the complaint the Recorder of Titles, if he is satisfied of the obstruction or resistance or hindrance complained of, may sentence the person or persons so obstructing or resisting or hindering to imprisonment of either description for a term not exceeding six months or to a fine not exceeding one thousand Rupees.

The laws relating to the registration and stamping of documents not to apply to certificates of title.

48. All Certificates of Title issued under this Ordinance shall be exempted from the provisions of the East Africa Registration Regulations of 1901 and the East Africa Registration of Documents Ordinance 1902, and shall not be liable to stamp duty under the provisions of the Indian Stamp Act 1879.

Fees payable under this Ordinance.

49. The fees specified in the second Schedule hereto shall be payable in respect of the several acts, matters and things therein mentioned.

When fees for certificates of ownership shall be payable

50. The Recorder of Titles shall fix a date within which the fees for a certificate of ownership shall be paid by the person who is entitled to the certificate. If the fees are not paid by such date the Recorder of Titles shall issue the certificate and the fees may be recovered from the person liable to pay the same by and in the name of the Crown Advocate for and on behalf of the Government in the same manner as costs of suit are recoverable under the law relating to Procedure in Civil Cases for the time being in force in the Protectorate.

The Recorder of Titles not liable to any action for matters *bona fide* done or omitted to be done.

51. The Recorder of Titles shall not individually nor any person acting under his authority be liable to any action suit or proceeding for or in respect of any matter *bona fide* done or omitted to be done under this Ordinance.

Power to make rules.

52. (1) The Governor may from time to time make alter or revoke any rule under this Ordinance for any of the purposes following:
- (a) Prescribing the person by whom and the manner in which immovable property shall be valued for the purposes of this Ordinance.
 - (b) Fixing the charge to be made in respect of anything done in or emanating from the office of the Recorder of Titles under this Ordinance or any rule thereunder.
 - (c) Fixing the fees to be levied in the Land Registration Court.
 - (d) Prescribing the procedure to be followed on an appeal to the High Court from a judgment or order of the Recorder of Titles; the person who shall have a right of audience on such appeal, and the persons in favour of whom or against whom the costs of such appeals may be awarded.
 - (e) For the better carrying out of or rendering effective the provisions or intentions of this Ordinance or of any rule or regulation made thereunder.
- (2) All such rules shall be published in the "Official Gazette" and on such publication shall have the full force of law.

Land Titles Ordinance 1908.**Schedule I Form A 1.***Application for Certificate of Title of Ownership.*

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Name address description of Claimant. 2. Declaration as to ownership. 3. How such ownership was obtained. 4. Situation of the land in respect of which the claim is made. 5. Boundaries. 6. Is such land in physical occupation and if so by whom. 7. Is such land cultivated ? 8. Is there any mortgage thereon and if so to whom and to what value and of what date ? 9. Are there any and if so what rights in, over or upon such land other than the Claimant's ? | |
|--|--|

What is declared above is true to the best of my (our) knowledge, information and belief and I (or, on behalf of) hereby apply for a Certificate of Title of Ownership accordingly.

(Signed.)

Witness.

Name.

Address.

Description.

State where or how the applicant would prefer any further notice from the Recorder of Titles to be sent

Land Titles Ordinance 1908.**Schedule I Form A 2.***Application for Certificate of Mortgage or Interest.*

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Name address and description of Claimant. 2. Declaration as to the mortgage or other interest claimed. 3. Date of acquisition of same, and, if a mortgage encumbrance or charge state names of parties, and sum of money involved 4. Situation and boundaries of the immovable property which or an interest in which is claimed. 5. Has any person any and what right or interest in the mortgage or other interest mentioned in this claim other than the claimant ? | |
|---|--|

What is stated above is true to the best of my (our) knowledge, information and belief and I (or, on behalf of) hereby apply for a Certificate of Mortgage (or interest) accordingly.

(Signed)

Witness.

Name.

Address.

Description.

State where or how the applicant would prefer any further notice from the Recorder of Titles to be sent.

Land Titles Ordinance 1908.

Schedule I Form B.



EAST AFRICA PROTECTORATE.

CERTIFICATE OF OWNERSHIP.

I, _____ Recorder of Titles do hereby certify that _____ of _____ is the proprietor of an estate in fee in that piece of land situate in the Province of _____ at _____ and which is demarcated and delineated on the plan No. _____ deposited in the Office of the Recorder of Titles at Mombasa, and thereon numbered _____ and containing _____ or thereabouts and subject to such mortgages and other interests (if any) as hereunder written.

In witness whereof I have hereunto set my hand and seal this day of _____ 190 .

(L.S.)

Recorder of Titles.

Mortgages and other interests above referred to.

Land Titles Ordinance 1908.

Schedule I Form C.



EAST AFRICA PROTECTORATE.

CERTIFICATE OF MORTGAGE.

I, _____ Recorder of Titles do hereby certify that _____ of _____ is the mortgagee of that piece of land (or other immovable property) situate in the Province of _____ at _____ and whereof a Certificate of Ownership in respect of the estate in fee in such land (or land containing such other immovable property) has been granted to _____ of _____ numbered _____ in Register Book Vol. _____ by virtue of a mortgage dated the _____ day of 19 _____ for Rupees _____

IN WITNESS whereof I have hereunto set my hand and seal this _____ day of _____ 19 .

(L.S.)

Recorder of Titles.

Land Titles Ordinance 1908.
Schedule 1 Form D.



EAST AFRICA PROTECTORATE.

CERTIFICATE OF INTEREST.

I, _____ Recorder of Titles do hereby certify that
of _____ is the owner of
the rights following to wit
situate in or upon that land situate in the Province of
at _____ whereof a certificate of ownership in respect of the estate in fee in the land
containing or bearing such rights has been granted to _____ of

number _____ in Register Book Vol _____.

IN WITNESS WHEREOF I have hereunto set my hand and seal this _____ day of

19 _____

(L.S.)

Recorder of Titles.

(N.B.)—In the case of Crown lands these words would be substituted “situate in or upon that Crown Land situate in the Province of _____ at _____ and which is demarcated and delineated on the plan No. _____ deposited in the Office of the Recorder of Titles at Mombasa, and thereon numbered _____ and containing _____ or thereabouts.”

Schedule. 2.

Fees payable in respect of the several acts, matters and things herein specified.

I. Certificate of Ownership.	} A fee at the rate of 1 per cent on the value of the land in respect of which the Certificate is granted. Provided that no such fee shall be required for a Certificate in respect of land granted by or on behalf of the Crown and provided further that no land shall be assessed for the purpose of this fee at a higher rate than Rs. 1,500 per acre.
II. For a Certificate issued to replace one lost, mislaid or destroyed.	} Rs. 10.00 irrespective of value.
III. For a Secondary Certificate	Rs. 5.00 irrespective of value.
IV. For a Certified copy of a Certificate of Title:—	
(a) Where such Certificate has no memorandum of Mortgage, Lease, encumbrance or other rights noted thereon.	} Rs. 5.00 irrespective of value.
(b) Where such Certificate of Title has such memorandum.	} Rs. 5.00 with an additional 0.50 cents in respect of each item noted in such memorandum.
V. On search or inspection:—	
(a) For a specified instrument	Rs. 2.00.
(b) For a general search	Rs. 5.00.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 12 OF 1908.

To make provision for the identification of prisoners.

Date.	[November 30th, 1908.]
	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 Identification of Prisoners Ordinance 1908.”
Finger prints may be taken from all persons in custody of police.	2. It shall be lawful for any European Police Officer or other Police Officer not below the rank of Sub-Inspector to take and record for the purposes of identification, the finger prints of all persons who may from time to time be in lawful custody.
Penalty for refusal to submit to methods of identification.	3. Any person in lawful custody as aforesaid who shall refuse to submit in a proper manner to the methods of identification aforesaid shall be deemed guilty of a contravention of this Ordinance and shall on conviction be liable to a fine not exceeding two hundred Rupees or to imprisonment with or without hard labour for a period not exceeding one month or to both.
Rules and penalties.	4. The Governor may make such Rules for the purpose of carrying this Ordinance into effect as he may from time to time deem expedient, and may fix such penalties for the breach or non-observance of any Rule as he may think proper, not exceeding the penalties imposed by this Ordinance, and when no penalty is imposed by the Rules the breach or non-observance of any Rule shall be punishable to the extent aforesaid.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 13 OF 1908.

To make provision for the surrender of Fugitive Criminals.

[December 13th, 1908.] Date.

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

Preliminary.

1. This Ordinance may be cited as "The Fugitive Criminals Surrender Ordinance 1908." Short title.
2. Where an Arrangement has been made between His Majesty the King and the ruler of a Foreign State under which the Protectorate is to surrender to that State, or its Protectorates, any fugitive criminals, the Governor may, by notice in the "Gazette," direct that this Ordinance shall apply in the case of that State during the continuance of the Arrangement, and after such notice has been published in the "Gazette" this Ordinance shall, subject to the terms of the Agreement, apply accordingly. No such notice shall remain in force for any longer period than the Agreement, and the Governor may by same or any subsequent notice limit the application of this Ordinance or render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient. Where arrangement for Surrender of criminals made Ordinance to apply.
3. The following restrictions shall be observed with respect to the surrender of fugitive criminals: Restrictions on surrender of criminals.
 - (1) A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of the Magistrate or the Court before whom he is brought on *habeas corpus*, or by other like proceedings, or to the Governor, that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.
 - (2) A fugitive criminal shall not be surrendered to a Foreign State unless provision is made by the law of that State, or by Arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to the Protectorate, be detained or tried in that Foreign State for any offence committed prior to his surrender other than the offence proved by the facts on which the surrender is grounded.
 - (3) A fugitive criminal who has been accused of some offence within His Majesty's jurisdiction not being the offence for which his surrender is asked, or is undergoing sentence under any conviction in the Protectorate, shall not be surrendered until after he has been discharged whether by acquittal or on expiration of his sentence or otherwise.
 - (4) A fugitive criminal shall not be surrendered until the expiration of such period being not less than 15 days as the Governor may determine from the date of his being committed to prison to await his surrender.

Liability of criminal to surrender.

4. Where this Ordinance applies in the case of any Foreign State every fugitive criminal of that State who is in, or suspected of being in, any part of the East Africa Protectorate shall be liable to be apprehended and surrendered in manner provided by this Ordinance, whether the offence in respect of which the surrender is sought was committed before or after the coming into operation of this Ordinance and whether there is or is not any concurrent jurisdiction in any Court of His Majesty's dominions or of the Protectorate over that offence.

Order of Governor for issue of warrant in Protectorate if crime is not of a political character.

5. A requisition for the surrender of a fugitive criminal of any Foreign State who is in, or suspected of being in, the Protectorate, shall be made to the Governor by some person recognized by the Governor as a Diplomatic Representative of that Foreign State.

The Governor may, by order under his hand and seal, signify to the Magistrate that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal. If the Governor is of the opinion that the offence is one of a political character, he may, if he think fit, refuse to send any such order and may also at any time order a fugitive criminal accused or convicted of such offence to be discharged from custody.

Issue of warrant by the Magistrate &c.

6. A warrant for the apprehension of a fugitive criminal whether accused or convicted of an offence, who is in, or suspected of being in, or on the way to, the Protectorate may be issued:—

- (1) By the Magistrate on the receipt of the said order of the Governor and on such evidence as would, in his opinion, justify the issue of the warrant if the offence had been committed or the criminal convicted in the Protectorate; and
- (2) By any Magistrate in any part of the Protectorate, on such information or complaint and such evidence, or after such proceedings as would, in the opinion of the person issuing the warrant, justify the issue of a warrant if the offence had been committed or the criminal convicted in that part of the Protectorate in which he exercises jurisdiction.

Any person issuing a warrant under this section without an order from the Governor shall forthwith send a report of the fact of such issue together with the evidence and information or complaint, or certified copies thereof, to the Governor who may, if he think fit, order the warrant to be cancelled, and the person who has been apprehended on the warrant to be discharged.

A fugitive criminal, when apprehended on a warrant issued without the order of the Governor shall be brought before some person having power to issue a warrant under this section, who shall, by warrant, order him to be brought and the prisoner shall accordingly be brought before the Magistrate.

A fugitive criminal apprehended on a warrant issued without the order of the Governor shall be discharged by the Magistrate, unless the Magistrate, within such reasonable time, as with reference to the circumstances of the case, he may fix, receives from the Governor an Order signifying that a requisition has been made for the surrender of such criminal.

Hearing of case and evidence of political character of offence.

7. When a fugitive criminal is brought before the Magistrate, the Magistrate shall hear the case in the same manner, and have the same jurisdiction and powers, as near as may be, as if the prisoner were brought before him charged with an offence committed in the Protectorate triable as a warrant case as defined in the law for the time being in force in the Protectorate relating to Criminal Procedure.

The Magistrate shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character, or is not an offence in respect of which his surrender may be granted.

Committal or discharge of prisoner.

8. In the case of a fugitive criminal accused of an offence in respect of which his surrender may be granted, if the foreign warrant authorising the arrest of such criminal is duly authenticated, and such evidence is produced as (subject to the provisions of this Ordinance) would, according to the law of the Protectorate justify the committal for trial of the prisoner if the offence of which he is accused had been committed in the Protectorate, the Magistrate shall commit him to prison but otherwise shall order him to be discharged.

In the case of a fugitive criminal alleged to have been convicted of an offence in respect of which his surrender may be granted, if such evidence is produced as (subject to the provisions of this Ordinance) would according to the law of the Protectorate, prove that the prisoner was convicted of such offence the Magistrate shall commit him to prison, but otherwise shall order him to be discharged.

If he commits such criminal to prison, he shall commit him to a prison or other place of safe custody in the Protectorate, there to await the warrant of the Governor for his surrender, and shall forthwith send to the Governor a certificate of the committal and such report upon the case as he may think fit.

9. If the Magistrate commits a fugitive criminal to prison, he shall inform such criminal that he will not be surrendered until after the expiration of such period being not less than fifteen days as the Governor may determine and that he has a right to apply for a writ of *habeas corpus* or otherlike proceeding.

Surrender of fugitive to Foreign State by warrant of Governor.

Upon the expiration of the said period, or, if a writ of *habeas corpus* or otherlike proceeding is issued, after the decision of the Court upon the return to the writ, or on such other like proceeding as the case may be, or after such further period as may be allowed in either case by the Governor it shall be lawful for the Governor, by warrant under his hand and seal, to order the fugitive criminal (if not delivered on the decision of the Court) to be surrendered to such person as may, in his opinion, be duly authorised to receive the fugitive criminal by the Foreign State from which the requisition for the surrender proceeded, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for any person to whom such warrant is directed, and for the person so authorised as aforesaid, to receive, hold in custody, and convey within the jurisdiction of such Foreign State, the criminal mentioned in the warrant; and if the criminal escapes out of any custody to which he may be delivered on or in the pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any offence against the laws of the Protectorate may be retaken upon an escape.

10. If the fugitive criminal who has been committed to prison is not surrendered and conveyed out of the Protectorate within two months after such committal, or, if a writ of *habeas corpus* is issued or other like proceeding is instituted, after the decision of the Court upon return to the writ, it shall be lawful for a Judge of the High Court upon application made to him by or on behalf of the criminal, and upon proof that reasonable notice of the intention to make such application has been given to the Governor to order the criminal to be discharged out of custody, unless sufficient cause is shown to the contrary.

Discharge of persons apprehended if not conveyed out of Protectorate within two months.

11. The warrant of the Magistrate issued in pursuance of this Ordinance may be executed in any part of the Protectorate in the same manner as if the same had been originally issued or subsequently endorsed by a Magistrate of any class having jurisdiction in the place where the same is executed.

Execution of warrant of the Magistrate.

12. Depositions or statements on oath taken in a Foreign State, and copies of such original depositions or statements stating the fact of conviction, may if duly authenticated, be received in evidence in proceedings under this Ordinance.

Deposition to be evidence.

13. Foreign warrants and depositions or statements on oath, and copies thereof, and certificates of, or judicial documents stating the fact of, a conviction, shall be deemed duly authenticated for the purposes of this Ordinance, if authenticated in manner provided for the time being by law or authenticated as follows:—

Authentication of depositions and warrants.

- (1) If the warrant purports to be signed by a Judge, Magistrate, or Officer of the Foreign State where the same was issued;
- (2) If the depositions or statements, or the copies thereof, purport to be certified under the hand of a Judge, Magistrate, or Officer of the Foreign State where the same were taken to be the original depositions or statements, or to be true copies thereof, as the case may require; and
- (3) If the certificate of, or judicial document stating the fact of, conviction purports to be certified by a Judge, Magistrate, or Officer of the Foreign State where the Conviction took place.

And if in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness, or by being sealed with the Official seal of the Minister of Justice or some other Minister, or Diplomatic Representative of the Foreign State. And all Courts of Justice, Justices and Magistrates shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

Offences Committed at Sea.

14. Where the offence in respect of which the surrender of a fugitive criminal is sought was committed on board any vessel on the high seas which comes into any port of the Protectorate, the following provision shall have effect:

Jurisdiction as to offences committed at sea.

- (1) The Criminal may be committed to any prison or other place of detention to which the person committing him has power to commit persons accused of the like offence.
- (2) If the fugitive criminal is apprehended on a warrant issued without the order of the Governor he shall be brought before the Magistrate who issued the warrant, or who has jurisdiction in the port where the vessel lies or in the place nearest to that port who shall by warrant order him to be brought and the prisoner shall accordingly be brought before the Magistrate in the manner provided in Section 6 of this Ordinance.

General Provisions.

Criminal surrendered by Foreign State not triable for previous crimes.

15. Where, in pursuance of any Arrangement with a Foreign State, any person accused or convicted of any offence which, if committed in the Protectorate, would be (by whatever name designated by the law of the Protectorate) one of the offences described in the First Schedule to this Ordinance, is surrendered by that Foreign State, such person shall not, until he has been restored or had an opportunity of returning to such Foreign State, be triable or tried for any offence committed prior to the surrender in any part of His Majesty's dominions or Protectorates other than such of the said offences as may be proved by the facts on which the surrender is grounded.

As to the use of forms in Second Schedule.

16. The forms set forth in the second Schedule to this Ordinance, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

Power of Foreign State to obtain evidence in Protectorate.

17. The testimony of any witness may be obtained in relation to any criminal matter pending in any Court or Tribunal in a Foreign State in like manner as it may be obtained in relation to any civil matter under the Act of the Session of the 19th and 20th years of the reign of Her late Majesty, cap. 113, intituled "an Act to provide for taking evidence in her Majesty's dominions in relation to civil and commercial matters pending before Foreign Tribunals," which Act shall, for this purpose, apply to and be in force within the Protectorate, and all the provisions of that Act shall be construed as if the term "Colony or Possession" included a Protectorate, and the term "Civil matter" included a criminal matter, and the term "cause" included a proceeding against a criminal: Provided that nothing in this Section shall apply in the case of any criminal matter of a political character.

Power of taking evidence in Protectorate for foreign criminal matters.

18. The Governor may, by order under his hand and seal, require a Magistrate of any class or a Justice of the Peace to take evidence for the purposes of any criminal matter pending in any Court or Tribunal in any Foreign State; and such Magistrate or Justice of the Peace, upon the receipt of such order, shall take the evidence of every witness appearing before him for the purpose in like manner as if such witness appeared on a charge against such accused for an offence triable as a warrant case as defined in the law for the time being in force in the Protectorate relating to Criminal Procedure and shall certify at the foot of the depositions so taken that such evidence was taken before him, and shall transmit the same to the Governor: such evidence may be taken in the presence or absence of the person charged, if any, and the fact of such presence, or absence shall be stated in such deposition.

Any person may, after payment or tender to him of a reasonable sum for his costs and expenses in this behalf, be compelled, for the purposes of this section to attend and give evidence and answer questions and produce documents in like manner and subject to the like conditions as he may in the case of a charge preferred for an offence triable as a warrant case.

Every person who wilfully gives false evidence before a Magistrate of any class or a Justice of the Peace under this section shall be guilty of perjury.

Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

Foreign State includes dependencies.

19. For the purposes of this Ordinance every constituent part of a Foreign State, and every Colony, Dependency, or Protectorate of, and every vessel of, that State, shall be deemed to be within jurisdiction of, and to be part of, such Foreign State.

Definition of term Governor.

20. In this Ordinance, unless the context otherwise requires:—

The term "Governor" means the Officer for the time administering the Government of the Protectorate.

Offence in respect of which surrender may be granted.

The term "offence in respect of which surrender may be granted," means an offence which would be punishable by the law of the Protectorate if committed

in the Protectorate, and which would (by whatever name designated by the law of the Protectorate) be one of the offences described in the first Schedule to this Ordinance.

Provided that every person who is accused or convicted of having counselled, procured, commanded, aided, or abetted the commission of any offence, or of being accessory before or after the fact of any such offence, shall be deemed, for the purposes of this Ordinance, to be accused or convicted of having committed such offence, and shall be liable to be apprehended and surrendered accordingly.

The terms "conviction" and "convicted" do not include or refer to a conviction for contumacy, but the term "accused person" includes a person so convicted for contumacy. Conviction.

The term "fugitive criminal" means any person accused or convicted of an offence in respect of which surrender may be granted, committed within the jurisdiction of any Foreign State, who is in, or is suspected of being in, or on the way to, some part of the Protectorate; and the term, "fugitive criminal of a Foreign State" means a fugitive criminal accused or convicted of an offence in respect of which surrender may be granted committed within the jurisdiction of that State. Fugitive criminal. Fugitive criminal of a foreign State.

The term "the Court" means either the full Court or one or more Judges of the High Court for East Africa according as the matter in question is one which, under the Rules and Practice of the High Court properly appertains to the Full Court or to one or more Judges. Court.

The term "the Magistrate" means a Magistrate holding a Subordinate Court of the first class and empowered by the Governor to exercise, either generally or in any particular case, the powers conferred upon the Magistrate by this Ordinance. Magistrate.

The term "Diplomatic Representative of a Foreign State," includes any person recognized by the Governor as a Consul-General, Consul, or Vice-Consul, or as the Officer administering the Government of any Possession, Dependency, or Protectorate of that State. Diplomatic Representative.

The term "oath" includes affirmation. Oath.

The term "warrant" in the case of any Foreign State includes any judicial document authorising the arrest of a person accused or convicted of crime. Warrant.

"Gazette" means the Official Gazette of the East Africa Protectorate. Gazette.

Schedule I.

List of Crimes.

- Murder and attempt and conspiracy to murder.
- Manslaughter.
- Counterfeiting and altering money and uttering counterfeit or altered money.
- Forgery, counterfeiting, and altering, and uttering what is forged, or counterfeited, or altered.
- Embezzlement and larceny.
- Obtaining money or goods by false pretences.
- Offences by bankrupts against Bankruptcy Law, or any indictable offence under the laws relating to bankruptcy.
- Fraudulent misappropriations and fraud by a bailee made criminal by any Act of Parliament or Ordinance for the time being in force.
- Rape.
- Abduction.
- Child-stealing.
- Burglary and house-breaking.
- Arson.
- Robbery with violence.
- Threats by letters or otherwise with intent to extort.
- Piracy by law of nations.
- Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
- Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.
- Revolt or conspiracy to revolt, by two or more persons, on board a ship on the high seas against the authority of the master.

Offences against "The Slave Trade Act, 1873," or otherwise in connection with the Slave Trade, committed on high seas or on land, or partly on the high seas and partly on land.

Kidnapping and false imprisonment.

Perjury and subornation of perjury.

Bribery.

Any offence not before mentioned, being an indictable offence under the following Acts of Parliament of 1861, or any of them or under any Act amending or substituted for the same :

24 and 25 Vict., cap. 96. Larceny.

24 and 25 Vict., cap. 97. Malicious injuries to property.

24 and 25 Vict., cap. 98. Forgery.

24 and 25 Vict., cap. 99. False coining.

24 and 25 Vict., cap. 100. Murder and other offences against the person.

Any other crime from time to time added by Act of Parliament to the list of crimes in the first Schedule to the Extradition Act 1870.

Schedule II.

Form of Order of The Governor to The Magistrate.

To the Magistrate at

Whereas, in pursuance of an arrangement with , referred to in a notice in the Gazette, dated the day of a requisition has been made to me, the Governor for the East Africa Protectorate, by , the Diplomatic Representative of , for the surrender of , late of , accused (or convicted) of the commission of the crime of within the Jurisdiction of

Now I hereby, by this my order under my hand and seal signify to you that such requisition has been made, and require you to issue your warrant for the apprehension of such fugitive, provided that the conditions of "The Fugitive Criminals Surrender Ordinance, 1908", relating to the issue of such warrant are, in your judgment, complied with.

Given under the hand and seal of the Undersigned, the Governor for the East Africa Protectorate, this day of 19 .

Form of Warrant of Apprehension by Order of The Governor.

To all and each of the police officers of the East Africa Protectorate Police Force :

Whereas the Governor of the East Africa Protectorate, by order under his hand (and seal) hath signified to me that requisition has been duly made to him for the surrender of , late of , accused (or convicted) of the commission of the crime of within the jurisdiction of

This is therefore to command you in His Majesty's name forthwith to apprehend the said , pursuant to "The Fugitive Criminals Surrender Ordinance, 1908," wherever he may be found in the East Africa Protectorate, and bring him before me or some other Magistrate empowered on that behalf to show cause why he should not be surrendered in pursuance of the said Ordinance, for which this shall be your warrant.

Given under my hand and seal at this day of 19 .

Signed

Form of Warrant of Apprehension Without Order of The Governor.

To all and each of the police officers of the East Africa Protectorate Police Force :

Whereas it has been shown to the Undersigned, a Magistrate in and for the district of , that , late of , is accused (or convicted) of the commission of the crime of , within the jurisdiction of

This is therefore to command you in His Majesty's name forthwith to apprehend the said , and to bring him before me or some other Magistrate to be further dealt with according to law, for which this shall be your warrant.

Given under my hand and seal at in , day of 19 .

Signed

Form of Warrant for Bringing Prisoners before the Magistrate.

To a police officer of the Police Force of the East Africa Protectorate, and to all other police officers in the said force.

Whereas , late of , accused (or alleged to be convicted of) the commission of the crime of , within the Jurisdiction of has been apprehended and brought before the Undersigned, one of the Magistrates in and for the district of

And whereas by "The Fugitive Criminals Surrender Ordinance 1908" he is required to be brought before the Magistrate duly empowered to hear the case.

This is therefore to command you the said police officer, in His Majesty's name forthwith to take and convey the said _____ to _____, and there carry him before the said Magistrate to show cause why he should not be surrendered in pursuance of the said Ordinance and, otherwise be dealt with in accordance with law, for which this shall be your warrant.

Given under my hand and seal at _____, _____ day of _____ 19 _____.

Signed

Form of Warrant of Committal.

To _____, one of the officers of the Police Force of the East Africa Protectorate, and to _____ the keeper of the _____.

Be it remembered that on this _____ day of _____, in the year of our Lord _____ late of _____, is brought before me to show cause why he should not be surrendered in pursuance of "The Fugitive Criminals Surrender Ordinance 1908," on the ground of his being accused (or convicted) of the commission of the crime of _____ within the jurisdiction of _____, and for as much as no sufficient cause has been shown to me why he should not be surrendered in pursuance of the said Ordinance.

This is therefore to command you, the said police officer, in His Majesty's name forthwith to convey and deliver the body of the said _____ into the custody of the said keeper of the _____ at _____, and you, the said keeper, to receive the said _____ into your custody, and him there safely to keep until he is thence delivered pursuant to the Provisions of the said Ordinance, for which this shall be your warrant.

Given under my hand and seal at _____, this _____ day of _____ 19 _____.

Signed

Form of Warrant of the Governor for Surrender of Fugitive.

To the keeper of _____ and to _____.

Whereas _____, late of _____, accused (or convicted) of the commission of the crime of _____, within the jurisdiction of _____, was delivered into the custody of you, the keeper of _____ by warrant, dated _____ pursuant to "Fugitive Criminals Surrender Ordinance 1908."

Now I do hereby, in pursuance of the said Ordinance, order you, the said keeper, to deliver the body of the said _____ into the custody of the said _____, and I command you, the said _____, to receive the said _____ into your custody and convey him within the jurisdiction of the said _____ and there place him in the custody of any person or persons appointed by the said _____ to receive him, for which this shall be your warrant.

Given under the hand and seal of the Undersigned, the Governor of the East Africa Protectorate, this day of _____ 19 _____.

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. 14 OF 1908.

To amend The Coffee Leaf Disease Ordinance 1904 (No. 2 of 1904).

[December 24th, 1908.] Date.

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 Coffee Leaf Disease Ordinance Short title. 1908" and shall be read as one with "The Coffee Leaf Disease Ordinance 1904" (No. 2 of 1904.)

- Conditions under which seed and plants from prohibited countries may be introduced into the Protectorate in transit for Uganda.
2. Any seed or living or dried plant from a prohibited country may be introduced into the East Africa Protectorate for transit through the Protectorate subject to the conditions following:—
- (1) The seed or plant must be securely packed in cases, or in bags of substantial sacking to the satisfaction of the Customs Officer at the port of entry.
 - (2) Every case or bag containing such seed or plant must be sealed at the place of entry by the Customs Officer and no such case or bag shall thereafter be opened within the limits of the East Africa Protectorate.
 - (3) Should any case or bag containing such seed or plant become so damaged in the course of transit through the East Africa Protectorate as to render it probable that the seed or plant or some of them may escape therefrom, such case or bag and any seed or plant therein or therefrom may at the discretion of the Director of Agriculture be destroyed and no compensation shall be payable by the Government in respect of such destruction.
- The Governor by Proclamation may prohibit the introduction of coffee beans or plants from any country, etc.
3. The Governor may from time to time as he may think fit prohibit by Proclamation in the "Official Gazette" the introduction into the East Africa Protectorate of coffee beans or coffee plants for sale, consumption or use in the East Africa Protectorate from any country, Protectorate or place named in such Proclamation.
- Penalty.
4. Any breach of the provisions of this Ordinance or of any Proclamation under this Ordinance shall be punishable with a fine not exceeding one thousand Rupees, and any seed or plant or any coffee beans introduced into the East Africa Protectorate in contravention of this Ordinance or of any such Proclamation may be seized and destroyed by the Director of Agriculture or any person acting on his behalf.

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 1908.

To amend the East Africa Native Intoxicating Liquor Ordinance 1907.

Date.

[December 24th, 1908.]

Short Title.

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 Native Intoxicating Liquor Ordinance 1908 and shall be read as one with the East Africa Native Intoxicating Liquor Ordinance 1907 hereinafter referred to as the Principal Ordinance.

Further suspension of certain provisions of Principal Ordinance.

2. The provisions of the Principal Ordinance in so far as they relate to an imposition of a tax on trees tapped for tembo shall not come into operation until such date as the Governor may by Proclamation determine.

Repeal.

3. The Proviso to Section 21 of the Principal Ordinance is hereby repealed.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 16 OF 1908.

To amend the Procedure on Trial by Jury in Criminal Cases.

[December 24th, 1908.] Date.

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 Criminal Procedure Ordinance 1908. Short Title.
2. Sections 301, 302 and 305 of the Indian Criminal Procedure Code shall cease to apply to the East Africa Protectorate and there shall be substituted therefor the provisions following:—
 301. When the Jury have considered their verdict, the foreman shall inform the Judge what is their verdict, or that they are not unanimous.
 302. If the Jury are not unanimous, the Judge may require them to retire for further consideration.
 305. When the Jury are unanimous in their opinion the Judge shall give judgment in accordance with such opinion.
If the Jury are not unanimous, the Judge shall after the lapse of such time as he thinks reasonable, discharge the Jury.
3. This Ordinance shall not come into force until its publication in the "Official Gazette." Date of Commencement.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 17 OF 1908.

To make provision for the removal of Natives from one district to another within the East Africa Protectorate.

[December 24th, 1908.] Date.

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

1. In this Ordinance the term "Native" means any Native of Africa not of European or American origin and the term "Protectorate" means the East Africa Protectorate. Definition.
2. Where it is shown to the satisfaction of the Governor that any Native is disaffected to His Majesty's Government or to the Government of His Highness the Sultan of Zanzibar, or of His Highness the Sultan of Witu, or has committed or is about to commit an offence or is otherwise conducting himself so as to be dangerous to peace and good order in the Protectorate or is intriguing against the Government of the Protectorate, the Governor may, if he thinks fit, by an order under his hand and official seal, direct such person to be removed to or interned in such place within the limits of the Protectorate as he may direct, or may prohibit him from remaining in the Protectorate during any time specified in such order of prohibition or removal. Power to remove.

- Governor to report to Secretary of State. 3. The Governor shall forthwith report to the Secretary of State every order made by him under this Ordinance, the grounds thereof, and the proceedings thereunder.
- Power of Governor to vary or revoke order. 4. An appeal shall not lie against any order under this Ordinance, but the Governor may by order under his hand and official seal, vary or revoke any such order.
- Penalty. 5. If any Native removed, or prohibited from remaining within the Protectorate, under this Ordinance leaves the place to which he is removed or returns to the Protectorate as the case may be without any revocation or variation of the order of removal or prohibition by the Governor, he shall be deemed guilty of an offence and shall be liable on conviction to imprisonment of either kind for a period not exceeding three months or to a fine not exceeding five hundred Rupees, or to both, and he shall also be liable to be forthwith again removed or prohibited from remaining in the Protectorate.
- Governor's order to be sufficient authority for removal and detention. 6. The warrant of the Governor under his hand and seal shall be sufficient authority to the person to whom it is addressed or delivered for execution to receive and detain the native therein named and move and carry him to the place therein directed according to the warrant.
- Rules. 7. The Governor may from time to time make rules consistent with this Ordinance for all or any of the following purposes namely:—
 (1) To provide for the detention, control, accommodation and food of any native removed;
 (2) To regulate the access to any native removed of the relations and friends of such native;
 (3) Generally for the more effectual administration of this Ordinance.
- Repeal. 8. "The Removal of Natives in Special Districts Ordinance 1904" is hereby repealed.
- Short title. 9. This Ordinance may be cited as "The Removal of Natives Ordinance, 1908."

E A S T A F R I C A P R O T E C T O R A T E .

A N O R D I N A N C E

N O . 1 8 O F 1 9 0 8 .

To make better provision for the entry and clearance through the Customs of goods imported or exported into or out of the East Africa Protectorate.

Date.

[December 31st, 1908.]

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 Customs Amendment Ordinance 1908."

Importer or agent to deliver bill of entry.

2. The importer of any goods liable to Customs duties, on the introduction, or landing thereof from the importing ship, or his agent shall make perfect entry of such goods by delivering to the proper Officer of the Customs a bill of entry thereof in the form A in the schedule hereto, or to the same effect, and containing the several particulars indicated in or required thereby.

And the particulars in such entry shall correspond with the particulars given of the same goods and packages in the report of the ship, and in any certificate of origin or other document, where any such is required, by which the importation or entry of such goods is authorised, and the particulars in the entry shall describe the goods in the way provided for by section 6 of this Ordinance, provided always that all bills of entry for goods in transit only shall have across the face of them in red ink the words "In Transit."

3. The importer or his agent shall, immediately upon the entry of any goods entered by him, except the goods be permitted by the Chief of Customs to remain in bond, pay down any duties which may be payable upon the goods mentioned in such bill of entry to the proper Officer of the Customs authorised to receive the same; and such bill of entry when signed by the proper Officer of the Customs shall be transmitted to the examining or other proper Officer of the Customs, and be his warrant for the landing and delivery of such goods.

4. Whenever any articles are entered at any Customs Office within the Protectorate, the Officer taking the inward entry may and shall, whenever he shall see fit, require the party making the entry whether the articles shall be entered as goods free of duty, or to be warehoused, or for consumption or in transit to produce the original invoices, bills of lading, bills of parcels, or other such documents showing the cost of the articles at the place at which they were purchased, together with the freight, insurance and other charges on the same; and such articles shall not be admitted to entry until such invoices, or other documents, so required are produced and submitted for the inspection of the Officer requiring the same, or satisfactory proof be made by the importer accounting for the non-production of the invoices or other documents, and showing the true value of the articles; and it shall be lawful for such Officer when and as often as he shall deem expedient, to have any articles as aforesaid or packages containing such articles opened and examined, and the value of the articles at the place of landing ascertained in such manner as the Chief of Customs may direct.

Provided always, that nothing in this section requiring the production of invoices or other documents shall apply to articles brought into any port from wrecked or stranded ships, or in ships which may have put into any port in distress, and without having cargo on board consigned to such port.

5. The importer of any goods, not subject to duties of Customs, or his agent, shall deliver to the proper Officer of the Customs a bill of entry of such goods in the form B in the schedule hereto, and such bill of entry when signed by the proper Officer of the Customs, shall be transmitted to the examining or other proper Officer, and be his warrant for the delivery of the goods mentioned therein.

6. The importer or exporter of any goods, his agent, or the consignee of the ship, as the case may be, shall describe such goods in the bill of entry thereof, according to the denomination, weights, measure, number, quantity or value thereof, as set forth in or required by any Ordinance or rules relating to the Customs, or in such other manner as may for the time being be sanctioned by the Chief of Customs, and such importer or exporter, his agent, or the consignee of the ship, as the case may be, shall deliver two or more duplicates of such bill of entry as the case may require, in which duplicates all sums and numbers may be expressed in figures, and the number of duplicates shall be such as the Chief of Customs may require.

7. Every importer or exporter, agent, or other person entering any goods who shall wilfully fail to comply with the foregoing Sections, so far as they are respectively applicable to the goods so entered by him, shall forfeit and be liable to pay a sum not exceeding three hundred Rupees.

8. No entry for the introduction, landing or shipment of any goods shall be deemed valid, unless the goods shall have been properly described in such entry by the denominations and with the characters and circumstances according to which such goods are charged with duty.

9. If any package or parcel shall have been introduced or landed by or in pursuance of any entry, and any goods or other things shall be found in such package or parcel concealed in any way or packed to deceive the officers, or if any package of goods shall have been entered as of one denomination, and shall afterwards be discovered, either before or after delivery thereof, to contain other goods subject to a higher rate or amount of duty than those of the denomination by which such package was entered, every such package or parcel, and all the contents thereof, may be forfeited; and if any goods be taken or delivered out of any ship or out of any warehouse, not having been duly entered the same may be forfeited:

Provided always that no entry shall be required in respect of the baggage of passengers, which may be examined, landed, and delivered under such conditions as the Governor may direct, but if any prohibited or uncustomed goods shall be found concealed therein, either before or after landing, the same may be forfeited together with the other contents of the package containing the same.

Entry and Clearance of Goods for Exportation.

Bill of entry to be delivered before goods exported.

10. Before any goods shall be permitted to be exported or shipped or water borne to be shipped for exportation the exporter or his agent shall deliver to the proper Officer of the Customs a bill of entry of such goods with such duplicates as may be required by such Officer, in form C in the schedule hereto, or to the same effect, and containing the particulars indicated therein or required thereby.

The exporter or his agent shall immediately on delivering such bill of entry to the proper Officer of Customs pay down the duties which may be payable upon the goods mentioned in such bill of entry to the officer authorised to receive the same, and such bill of entry when signed by the proper officer shall be the export entry for such goods, and when transmitted to the examining or other proper officer of Customs be his warrant for permitting the shipment of such goods.

Proviso.

Provided always that no entry shall be required in respect of the baggage of passengers, which may be examined and delivered for exportation or shipment under such conditions as the Governor may direct, but if any prohibited or uncustomed goods shall be found concealed therein, either before or after shipping, the same may be forfeited together with the other contents of the package containing the same.

Goods to be described.

11. The particulars in every export entry shall describe the goods in such way as may for the time being be sanctioned by the Chief of Customs.

Goods found not corresponding with bill of entry may be detained.

12. If upon any entry of goods to be exported such goods are found not to correspond with the particulars contained in the entry thereof, the same may be detained until the discrepancy shall have been explained to the satisfaction of the Chief of Customs or other proper Officer of Customs, who may thereupon restore the same on such terms as he may deem proper, and for the purposes of this Ordinance the person whose name appears on the bill of lading as consignor of the goods for exportation shall be deemed to be the exporter thereof, and any exporter of goods who shall fail, either by himself or his agent, to do any act which he is hereinbefore required to do, shall forfeit and pay a sum not exceeding three hundred Rupees.

Penalty for exporting goods without authority.

13. If any goods for exportation shall be exported or shipped, except with the authority or under the care of the proper Officer of the Customs, and in such manner, by such persons within such time, and by such roads or ways as such officer shall permit or direct, such goods shall be forfeited.

Powers of Chief of Customs. General.

14. The Chief of Customs may permit the entry, clearance or exportation of goods in such form and manner, and on such conditions as he may direct, to meet the exigencies of any case to which the general laws and regulations may not be strictly applicable.

Repeal.

15. Sections 7, 8, 10 and 14 of the Customs Regulations 1899 are hereby repealed.

Form A.

Form of Entry for Payment of Duty on Goods at Landing or Introduction.

Port of (name of port of importation.)

Importer's name.

Wharf, dock or station.	Ship's name.	Whether British or foreign ship; if foreign, the country.	Master's name.	Port or place from whence imported.		
Here state the particulars according to the above headings.						
Marks.	Numbers.	Number of packages, quantities and description of goods as charged in table of duties.	Invoice value without expenses.	Invoice value, including expenses of freight, insurance and invoice value of packages, landing charges and/or percentages.	Rate.	Duty.
Here state the particulars according to the above headings.						
Total amount of duty on entry.....—Rs.						

I, (name of importer or agent) of (place of abode) do hereby declare that I am the importer (or agent duly authorised by the importer) of the goods contained in this bill of entry, and that I enter the same goods therein stated, as goods charged at value at the sum of (money in words at length), and that all the above particulars are correct to the best of my knowledge.

Witness my hand, the.....day of.....190 .

(Signed).....Importer or Agent.

(Signed).....Chief of Customs (or other proper officer).

Form B.

Entry-Free.

Port of
Importer's name

Wharf, dock or Station.	Ship's name.	Whether British or foreign ; if foreign, the country.	Master's name.	Port or place from whence imported.

Marks.	Numbers.	Number of packages, quantities and description of goods.	Invoice value without expenses.	Invoice value, including expenses, freight, insurance and value of packages, landing charges and/or percentages.

I, of, do hereby declare that I am the importer (or agent duly authorized by importer) of the goods contained in this bill of entry, and that all the above particulars are correct to the best of my knowledge.

Witness my hand, the..... day of.....190 ..

(Signed).....Importer or Agent.

(Signed).....Chief of Customs (or other proper officer.)

Form C.

Export Entry.

Port of

Exporter

Wharf, dock or station.	Ship's name.	Whether British or foreign; if foreign, the country.	Master's name.	Port or place of destination.	Date of shipment.

Marks.	Numbers.	Number and description of packages.	Quantity, quality and description of goods.	Value.		Duty.
				Produce and Manufacture of the Protectorate.	British foreign and other Colonial Produce and Manufactures.	

I,.....of.....do hereby declare that I am the exporter (or agent duly authorised by the exporter) of the goods contained in this bill of entry and that all the above particulars are correct to the best of my knowledge.

Witness my hand, the.....day of.....190 ..

(Signed)..... Exporter or Agent.

(Signed)..... Chief of Customs (or other proper officer).



AT THE COURT AT BUCKINGHAM PALACE.

The 2nd day of November 1907.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the territories of Africa known as the East Africa Protectorate are under the protection of His Majesty the King :

And whereas by treaty, grant, usage, sufferance and other lawful means, His Majesty has power and jurisdiction within the Protectorate :

And whereas by and Order of His Majesty in Council bearing date the eleventh day of August, 1902, and entitled "The East Africa Order in Council, 1902" provision was made for the administration of the government of the said Protectorate by a Commissioner :

And whereas by a further Order of His Majesty in Council bearing date the twenty-second day of October, 1906, it was provided that a Governor should be appointed for the said Protectorate in place of a Commissioner :

And whereas by the Fifteenth and Sixteenth Articles of the last recited Order provision was made for the administration of the Government of the said Protectorate in the absence of the Governor, and it is desirable to make other provision in lieu thereof :

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers on that behalf by 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 :—

I. This Order may be cited as "The East Africa Order in Council, 1907."

II. Articles XV. and XVI. of the above recited Order in Council of the twenty-second day of October, 1906, are as from the coming into operation of this Order hereby revoked without prejudice to anything lawfully done thereunder, and in place thereof the following articles shall be substituted and take effect :—

"XV. Whenever the office of Governor is vacant, or if the Governor become incapable or be absent from the Protectorate, or is from any cause prevented from acting in the duties of his office, the person appointed by His Majesty to be Lieutenant-Governor of the Protectorate, or if there be no such Officer therein, or such Officer be unable to act, then such person or persons as His Majesty may appoint under His Sign Manual and Signet, and in default of any such appointment the Senior Member of the Executive Council shall, during His Majesty's pleasure, administer the Government of the Protectorate, first taking the oaths hereinbefore directed to be taken by the Governor and in the manner herein prescribed, which being done, the Lieutenant-Governor or any other such Administrator as aforesaid is hereby authorized, empowered, and commanded to do and execute, during His Majesty's pleasure, all things that belong to the office of Governor according to the tenour of his Order, and according to His Majesty's Instructions as aforesaid, and the laws of the Protectorate. Provided that the Governor during his passage by sea to or from any part of the Protectorate, or when, in exercise or discharge of any powers or duties by this Order in Council or otherwise conferred or imposed upon him, he is in any territories adjacent to or near to the Protectorate, shall not be considered to be absent from the Protectorate."

"XVI. In the event of the Governor having occasion at any time to be temporarily absent for a short period from the seat of Government, or, in the exercise or discharge or any powers or duties by this Order in Council or otherwise conferred or imposed upon him by His Majesty, to visit any territories adjacent to or near to the Protectorate, he may by an instrument under the Public Seal of the Protectorate appoint the Lieutenant-Governor, or, if there be no such Officer, or such Officer is absent or unable to act, then any other person to be his Deputy within any part of the Protectorate, and in that capacity to exercise, during his pleasure, such of the powers hereby vested in the Governor, except the powers of suspension and pardon, as shall in and by such instrument be specified and limited, but no others. The appointment of such Deputy shall not effect the exercise by the Governor himself of any of his powers or authorities. Such Deputy shall, in the discharge of his office, conform to and observe all such instructions as the Governor shall address to him for his guidance."

III. His Majesty, His heirs and successors, in Council may at any time revoke, alter, or amend this Order.

IV. This Order shall be read and proclaimed within the Protectorate, and shall thereupon commence and come into operation.

And the Right Honourable the Earl of Elgin, K. G., one of His Majesty's Principal Secretary of State, is to give the necessary directions herein.

A. W. FITZROY.

PROCLAMATION.

Under the Native Intoxicating Liquors Ordinance, 1907.

In pursuance of the powers conferred upon me by Section 21 of "The East Africa Native Liquor Ordinance, 1907."

I hereby order that the provisions of the said Ordinance in so far as they relate to the imposition of a tax on trees tapped for tembo shall not come into operation until the 31st day of December, 1908.

J. HAYES SADLER,
Governor.

PROCLAMATION.

Diseases of Animals Ordinance 1906.

In pursuance of the powers conferred upon me by Section 4 of the Diseases of Animals Ordinance 1906, I hereby declare all that area in the Ukamba Province set forth and described in the Schedule hereto to be an infected area and I hereby prohibit the movement of cattle from one farm in such area to another farm in such area or on to or along any public road, track, or way in such area except with the permission of a Veterinary Officer, Inspector or other Officer in charge of such area.

Nairobi,
Dated the 16th day of December, 1907.

J. HAYES SADLER,
Governor.

Schedule.

The area bounded by a line from the Athi River Station along the Athi River to Donyo-Sabuk, thence along the Eastern Boundaries of the settled farms to Fort Hall, thence to the Kamiti River, thence along the Northern borders of the settled farms to mile post 353 on the Railway, thence along the Railway to mile post 348, thence along the Eastern boundary of the Forest Reserve to the Southernmost point of the Scottish Mission settlement, thence to Messrs. Peak and Bull's farm, thence along the Southern boundaries of the settled farms to the Mbagathi River, thence along this river to its junction with the Athi River, thence along the Athi River to Athi River Station.

RULES.

Rules issued by the Governor of the East Africa Protectorate under the provisions of the Diseases of Animals Ordinance 1907.

Nairobi,
Dated this 16th day of December 1907.

1. Any person who within any area proclaimed to be an infected area within the meaning of the Diseases of Animals Ordinance 1906, shall open and leave open or finding open shall on passing through neglect to shut and fasten any gate in any fence shall be liable to a fine not exceeding Rupees 1,500/- or imprisonment not exceeding 6 months of either kind or both.

2. The owner or person in charge of any stock or cattle which shall without the authority and sanction of the Veterinary Officer or other Officer in charge of an infected area be on any public road, track or way in such area within which the movement of stock or cattle as the case may be is prohibited shall be liable to the like punishment as in the preceding rule provided.

3. Whenever by any Proclamation the movement of stock or cattle from one farm to another farm is prohibited, the owner or person in charge of any stock or cattle as the case may be which shall be moved in contravention of such Proclamation shall be liable to the like punishment as in the first of these Rules provided.

RULES.

Rules issued by the Governor under the powers conferred upon him by the East Africa Townships Ordinance 1903.

Nairobi,
Dated the 30th December, 1907.

Licenses for vehicles for freight in the Township of Nairobi shall be issued for six months only and shall expire on the 30th day of June, 1908.

APPENDIX.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study, including a comparison of the different methods and a discussion of the implications of the findings.

4. The final part of the document provides a conclusion and a list of references. It also includes a section on the limitations of the study and suggestions for future research.

NOTICE.

In exercise of the provisions of the East Africa Marriage Ordinance 1902, Section 6, I hereby give notice that I have licensed the BOUGHTON-KNIGHT MEMORIAL Church at KISUMU, to be a place for the celebration of Marriages.

Nairobi,

December 13th, 1907.

J. HAYES SADLER,

Governor.

NOTICE.

Ostrich Ordinance 1907.

In exercise of the powers conferred upon me under Section 9 of the Ostrich Ordinance 1907, I hereby appoint all Provincial Commissioners to be persons to grant licences under the above Ordinance within their respective provinces.

Dated this 1st day of January, 1908.

J. HAYES SADLER,

Governor.

NOTICE.

Under the Diseases of Animals Ordinance 1903.

In exercise of the powers conferred upon me by Section 4 of the Diseases of Animals Ordinance 1906, I hereby declare the District of Machakos to be an infected area, and I hereby prohibit the movement of cattle within, as well as into or out of that district, unless a special pass has been obtained from a Veterinary Officer or the District Commissioner.

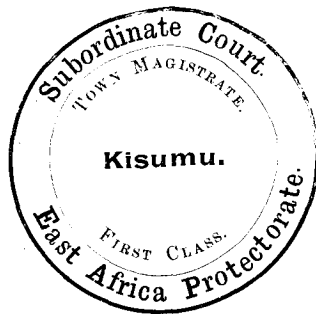
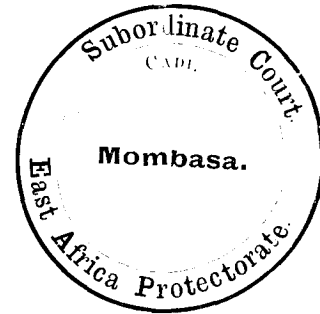
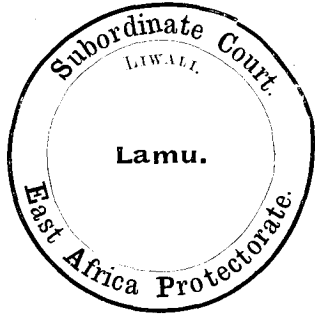
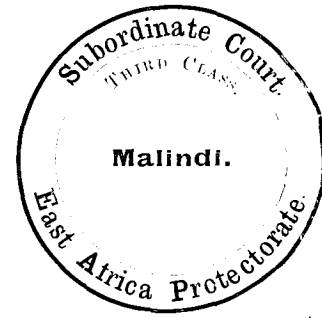
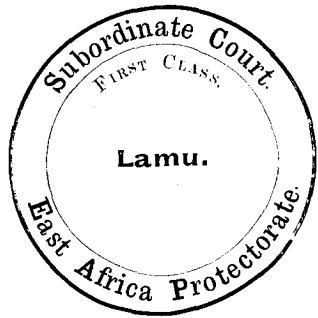
Dated this 30th day of December, 1907.

J. HAYES SADLER,

Governor.

NOTICE.

In accordance with the provisions of Section 16 of the Courts Ordinance, 1907, I hereby direct that Seals of the following nature and pattern shall be used by all Subordinate Courts.



J. HAYES SADLER,

Governor.

NOTICE.

Newspaper Ordinance 1906.

In exercise of the powers conferred upon me by Section 21 of the Newspaper Registration Ordinance (No. 20 of 1906) I hereby direct that the following books be excluded from the operation of the said Ordinance.

The Diocesan Magazine, The Swahili Magazine known as Maagiso na Mazumgumzo.

Nairobi,

January 6th, 1907.

J. HAYES SADLER,

Governor.

NOTIFICATION.

Proclamation of Forest Area.

In exercise of the powers conferred on His Excellency the Governor by the East Africa Forestry Regulations, 1902, I hereby proclaim the undermentioned area to be a "Forest Area" within the meaning of the aforesaid Regulations.

The whole of the land within the limits defined below :—

Bounded on the NORTH by the land granted to Messrs. London, Bailey, Sargeant, Emley and Dr. Clarke; on the EAST by the land granted to Messrs. James Gibbon and Vigne; on the SOUTH by the caravan road as far as the South-East boundary of the land to be granted to Lord Delamere, thence following that boundary and the boundary of the Honourable R. B. Cole's land to the Railway, thence following the Railway to the boundary of the land granted to Messrs. Johnson and Co., thence following that boundary to the Eastern boundary of the Nakuru Township Reserve and following the Northern boundary of this Reserve to the South-East boundary of the land mentioned above, granted to Mr. Vigne.

Nairobi,

January 16th, 1908.

J. HAYES SADLER,

Governor.

PROCLAMATION.

Diseases of Animals Ordinance 1906 and 1908.

In pursuance of the powers conferred upon me by Section 4 of the Diseases of Animals Ordinance 1906 and the provisions of the Diseases of Animals Ordinance 1908, I hereby declare the Provinces of Kisumu, Naivasha, Kenya and Ukamba and also the district of Taveta in Seyidie Province to be infected areas and I hereby prohibit the movement of cattle off or on to any farm or into or out of any closed district or native reserve in any such areas or on to or along any public road, track, or way in any such areas except with the permission of a Veterinary Officer, Inspector, or other officer in charge.

This Proclamation will come into force on the 15th February, 1908.

Nairobi,

Dated 25th day of January, 1908.

F. J. JACKSON,

Deputy Governor.

NATIVE PASSES REGULATIONS 1900.

Rules.

Made by the Governor of the East Africa Protectorate under the provisions of the Native Passes Regulations 1900.

Nairobi,
Dated this 31st day of January, 1908.

F. J. JACKSON,
Deputy Governor.

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1. On and after the 1st day of March, 1908, no fee shall be levied for a pass issued under the Native Passes Regulations 1900 or any rule thereunder.
 2. Rule 3 of the Native Passes Rules dated November 30th, 1903, and Rule 4 of the "Native Passes Rules No. 1 of 1905" shall be cancelled as from the 1st day of March, 1908.

RULES.

Rules issued by the Governor of the East Africa Protectorate under the Provisions of "The East Africa Township Ordinance 1903."

Dated this 29th day of January, 1908.

F. J. JACKSON,
Deputy Governor.

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1. All assessment rates are payable monthly in advance at the Municipal offices or, where there are no such offices, at the offices of the District Commissioner.
 2. The assessment levied on any property shall be a first charge on such property and shall rank in priority to all liens, mortgages or charges whenever created for the period of three years from the date of the rate first becoming due.
 3. The following definitions shall apply to and be read in conjunction with Section 20 sub-section 3 of the Township Rules of 1904.

The ward "house" shall mean any building for human residence, domestic use or business purposes, including any out offices or out buildings appertaining thereto, provided that in the case of the contiguous buildings where the party wall dividing one building from another is carried up to and through the roof and through which party wall there is no means of communication with any adjoining building, and each building so divided has a separate entrance, each such building so divided shall be deemed to be a house.

The term party wall shall mean a wall without any opening, built of stone brick or concrete for the separation of adjoining buildings and carried up from the foundations to and through the roof.

CROWN LANDS ORDINANCE 1902.

Rules.

Rule issued by the Governor of the East Africa Protectorate under Section 33 of the Crown Lands Ordinance 1902.

Nairobi,

Dated the 31st day of January, 1908.

F. J. JACKSON,

Deputy Governor.

Any person who shall wilfully or maliciously damage or remove any survey mark, beacon, or boundary mark erected by or with the authority of a Government or Licensed Surveyor engaged in surveying any land sold or leased under the Crown Lands Ordinance 1902, or any survey mark, or flag erected for facilitating future surveys under the same Ordinance, shall be liable to a fine not exceeding 1,000 Rupees, or to two months imprisonment of either kind, or both.

RULES.

Rules issued by the Governor of the East Africa Protectorate under the provisions of "The East Africa Township Ordinance 1903" and "The Fees and Royalties Ordinance 1903."

Nairobi,

11th day of February, 1908.

J. HAYES SADLER,

Governor.

Nairobi Pound Fees.

1. The following fees shall be payable by the owner of any animal impounded in the Township of Nairobi under rule 186 of the Township Rules 1904:—

On cattle per head per day or part of a day ... Cents 50

On horses, mares, foals, mules, zebras, camels per head per day or part of a day ... Cents 50

On donkeys, sheep, goats, swine per head per day or part of a day ... Cents 25

2. The fees payable under these rules shall be paid to the Pound Master or at the Office of the Town Clerk by the owner of any animal impounded prior to its release from the pound.

DISEASES OF ANIMALS ORDINANCE 1906.

Rule issued by the Governor of the East Africa Protectorate under the Diseases of Animals Ordinance, 1906.

Nairobi,

Dated this 14th day of February, 1908.

J. HAYES SADLER,

Governor.

Rule.

No person shall move whether by sea or land any cattle, sheep or goats from any place in the Protectorate North of the Tana River to any place South of the aforesaid river.

NOTICE.**Under the Crown Lands Ordinance 1902.**

Notice is hereby given that certain breaches of the Lessee's covenants implied by virtue of the Crown Lands Ordinance, 1902 in an agreement for a lease of Land situate within the British East Africa Protectorate, dated 9th day of February, 1905, between Sir Donald Stewart K.C.M.G., His Majesty's Commissioner for the East Africa Protectorate, of the one part, and Frederick Augustus Pape for and on behalf of the Afro-American Trading and Navigation Company, whose registered address is situated at Howarth, New Jersey, in the United States of America (hereinafter called the tenant) of the other part have been committed by the said tenant in that the tenant has failed, firstly to use and develop the natural resources of the Land leased with all reasonable speed as is required by the covenant on that behalf implied by virtue of section 14 (E) of the said Ordinance, and secondly to pay the rent reserved as is required by the covenant on that behalf implied by virtue of section 13 (a) of the said Ordinance.

The said amount of rent in arrear is Rupees 750.

Dated 30th day of January, 1908.

F. J. JACKSON,

Deputy Governor.

PROCLAMATION.

East Africa Game Ordinance 1906.

In pursuance of the powers conferred upon me by Section 5 of the East Africa Game Ordinance 1906, I hereby declare that "Hippotragus (Roan)" mentioned in the Third Schedule to the aforesaid Ordinance shall on and after the 15th day of February, 1908, be transferred from the said Schedule to the First Schedule to the aforesaid Ordinance.

This Proclamation shall apply to the Province of Kenya only.

Nairobi,

Dated this 10th day of February, 1908.

F. J. JACKSON,

Deputy Governor.

NOTICE.

Every special licence granted under the East Africa Game Ordinance 1906, on and after the fifteenth day of February, 1908, and authorising the holder to kill or capture a Giraffe shall be subject to the condition that the holder of such licence shall not hunt, kill or capture a Giraffe in the Kenya Province.

Nairobi,

Dated this 10th day of February, 1908.

F. J. JACKSON,

Deputy Governor.

NOTICE.

I hereby give notice that in exercise of the provisions of the East Africa Marriage Ordinance 1902, Section 6, I have licensed the Chapel of the Italian Mission at Limoru to be a place for the celebration of Marriages.

Nairobi,

February 15th, 1908.

F. J. JACKSON,

Deputy Governor.

NOTICE.

In exercise of the provisions of the East Africa Marriage Ordinance 1902, Section 6, I hereby give notice that I have licensed the School Chapel of the Church Missionary Society's Kenya Medical Mission near Fort Hall to be a place for the celebration of Marriages.

February 21st, 1908.

J. HAYES SADLER,

Governor.

**RULES RELATING TO PROSPECTING FOR MINERALS
IN CLOSED DISTRICTS.**

Rules issued by the Governor of the East Africa Protectorate under the East Africa Outlying Districts Ordinance 1902.

Nairobi,

Dated this 28th day of February, 1908.

F. J. JACKSON,

Deputy Governor.

RULES.

1. The Commissioner of Mines may grant a licence to the holder of a prospecting licence authorising him to enter a closed district for the purpose of prospecting for minerals.

2. The Commissioner of Mines shall prescribe the conditions, which shall be endorsed upon the licence, upon which any particular licence shall be granted and may as a condition precedent to the grant of a licence, require the proposed licensee to furnish security either in cash or by bond for the observance of the conditions.

3. Every licence granted under these rules shall expire on the expiration of the prospecting licence held by the holder of the first mentioned licence, and may at any time be withdrawn by the Commissioner of Mines.

4. The Commissioner of Mines shall in every case before issuing a licence under these rules consult the Provincial Commissioner in whose Province the closed district is situate, as to the advisability of granting such licence and as to the conditions which should be attached to the same.

PROCLAMATION.

Diseases of Animals Ordinance 1906.

In pursuance of the powers conferred upon me by Section 4 of the Diseases of Animals Ordinance 1906, I hereby declare all that area in the Ukamba and Kenya Provinces set forth and described in the Schedule hereto to be an infected area and I hereby prohibit the movement of cattle from one farm in such area to another farm in such area or on to or along any public road, track, or way in such area except with the permission of a Veterinary Officer, Inspector or other Officer in charge of such area.

Nairobi,

Dated the 30th day of March, 1908.

J. HAYES SADLER,

Governor.

Schedule.

The area bounded by a line from the Athi River Station along the Athi River to Donyo-Sabuk, thence along the Eastern Boundaries of the settled farms to Fort Hall, thence along the Eastern and South Eastern Boundaries of the Kikuyu Reserve to the Kamiti River, thence along the Kamiti River and the Northern borders of the settled farms to mile post 353 on the Railway, thence along the Railway to mile post 348, thence along the Eastern Boundary of the Forest Reserve to the Southernmost point of the Scottish Mission settlement, thence to Messrs. Peak and Bull's farm, thence along the Southern Boundaries of the settled farms to the Mbagathi River, thence along this river to its junction with the Athi River, thence along the Athi River to Athi River Station.

NOTE.—Permits for the movement of Cattle can be obtained from either the Chief Veterinary Officer at Nairobi, the District Commissioner Kiambu, and the Provincial and District Commissioners, Fort Hall.

Other Issuers of Permits will shortly be appointed and their names will be published in the Press.

Applicants applying for permits in writing should clearly state the number of Cattle they wish to move; the exact route they wish to follow; the destination; whether the permit is for the single or return journey, and if the latter, the number of days applicant expects to be absent.

Special permits will be issued to Transport riders by the Chief Veterinary Officer.

NOTICE.

In exercise of the provisions of the East Africa Marriage Ordinance 1902, Section 6, I hereby give notice that I have licensed the following stations of the Neukirchener Evangelical Mission in the province of Tanaland to be places for the celebration of Marriage—Lamu, Makere, Kulesa, Ngao.

Nairobi,

March 17th, 1908.

J. HAYES SADLER,

Governor.

EAST AFRICA PROTECTORATE.

ACT No. III OF 1907.

Passed by the Governor General of India in Council.

(Received the assent of the Governor General on the 15th March 1907.)

An Act to consolidate and amend the Law relating to Insolvency in British India, as administered by Courts having Jurisdiction outside the Presidency-towns and the town of Rangoon.

WHEREAS it is expedient to consolidate and amend the law relating to insolvency in British India as administered by Courts having jurisdiction outside the Presidency-towns and the town of Rangoon; It is hereby enacted as follows:—

1. (1) This Act may be called the Provincial Insolvency Act, 1907. Short title, extent and Commencement.
- (2) It extends to the whole of British India, except the Scheduled Districts: and
- (3) It shall come into force on the First day of January, 1908.
2. (1) In this Act, unless there is anything repugnant in the subject or context, Definitions.
 - (a) “available act of insolvency” means any act of insolvency available for an insolvency petition at the date of the presentation of the petition on which the order of adjudication is made:
 - (b) “Creditor” includes a decree holder, “debt” includes a judgment-debt, and “debtor” includes a judgment-debtor:
 - (c) “District Court” means the principal Civil Court of original jurisdiction in any area outside the local limits for the time being of the Presidency-towns and of the town of Rangoon:
 - (d) “prescribed” means prescribed by rules made under this Act:
 - (e) “property” includes any property over which or the profits of which any person has a disposing power which he may exercise for his own benefit:
 - (f) “secured creditor” includes a landlord who under any enactment for the time being in force has a charge on land for the rent of that land: and
 - (g) “the Court” means the Court exercising jurisdiction under this Act.
- (2) Save as herein otherwise provided, all words and expressions defined in the Code of Civil Procedure shall have the same meanings as those respectively assigned to them in the said Code. XIV of 1882.
3. (1) The District Courts shall be the Courts having jurisdiction under this Act: Insolvency jurisdiction.
 Provided that the Local Government may, with the previous sanction of the Governor General in Council, by notification in the local “Official Gazette” invest any Court subordinate to a District Court with jurisdiction in any class of cases, and any Court so invested shall within the local limits of its jurisdiction have concurrent jurisdiction with the District Court under this Act.
- (2) For the purposes of this Act, a Court of Small Causes shall be deemed to be subordinate to the District Court.
4. A debtor commits an act of insolvency in each of the following cases, Acts of insolvency. namely:—

- (a) if, in British India or elsewhere, he makes a transfer of his property to a third person for the benefit of his creditors generally;
- (b) if, in British India or elsewhere, he makes a transfer of his property or of any part thereof with intent to defeat or delay his creditors;
- (c) if, in British India or elsewhere, he makes any transfer of his property or of any part thereof, or of any interest therein, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged an insolvent;
- (d) if, with intent to defeat or delay his creditors;—
 - (i) he departs or remains out of British India,
 - (ii) he departs from his dwelling house or usual place of business or otherwise absents himself,
 - (iii) he secludes himself so as to deprive his creditors of the means of communicating with him;
- (e) if any of his property has been sold in execution of the decree of any Court for the payment of money;
- (f) if he petitions to be adjudged an insolvent under the provisions of this Act;
- (g) if he gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts;
- (h) if he is imprisoned in execution of the decree of any Court for the payment of money.

Explanation.—For the purposes of this section the act of an agent may be the act of the principal.

Petition and
adjudication.

5. Subject to the conditions specified in this Act, if a debtor commits an act of insolvency, an insolvency petition may be presented either by a creditor or by the debtor, and the Court may on such petition make an order (hereinafter called an order of adjudication) adjudging him an insolvent.

Explanation.—The presentation of a petition by the debtor shall be deemed an act of insolvency within the meaning of this section, and on such petition the Court may make an order of adjudication.

Presentation and
admission of
petition.
XIV of 1882.

6. (1) Every insolvency petition shall be in writing, and shall be signed and verified in the manner prescribed by the Code of Civil Procedure for signing and verifying plaints, and the procedure laid down by the said Code with respect to the admission of plaints shall, so far as it is applicable, be followed in the case of such petitions.
- (2) Every insolvency petition shall be presented to a Court having jurisdiction under this Act in any local area in which the debtor ordinarily resides or carries on business or personally works for gain, or, if he has been arrested or imprisoned, where he is in custody.
- (3) The debtor shall not be entitled to present an insolvency petition unless—
- (a) his debts amount to five hundred rupees; or,
 - (b) he has been arrested or imprisoned in execution of the decree of any Court for the payment of money; or,
 - (c) an order of attachment in execution of such a decree has been made, and is subsisting, against his property.
- (4) A creditor shall not be entitled to present an insolvency petition against a debtor unless
- (a) the debt owing by the debtor to the creditor or, if two or more creditors join in the petition, the aggregate amount of debts owing to such creditors amount to five hundred rupees, and
 - (b) the debt is a liquidated sum payable either immediately or at some certain future time, and
 - (c) the act of insolvency on which the petition is grounded has occurred within three months before the presentation of the petition.
- (5) If the petitioning creditor is a secured creditor, he shall in his petition either state that he is willing to relinquish his security for the benefit of the creditors in the event of the debtor being adjudged insolvent or give an estimate of the value of the security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting

the value so estimated in the same way as if he were an unsecured creditor.

- (6) No insolvency petition shall be presented against any corporation or against any association or company registered under any enactment for the time being in force.

7. No petition, whether presented by a debtor or by a creditor, shall be withdrawn without the leave of the Court. Withdrawal of petitions.

8. Where two or more insolvency petitions are presented against the same debtor or where separate petitions are presented against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit. Consolidation of petitions.

9. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this act in the case of a petitioning creditor. Power to change carriage of proceedings.

10. If a debtor, by or against whom an insolvency petition has been presented, dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive. Continuance of proceedings on death of debtor.

11. (1) Every insolvency petition presented by a debtor shall contain the following particulars, namely:— Contents of petition.

- (a) a statement that the debtor is unable to pay his debts;
- (b) the place where he ordinarily resides or carries on business or personally works for gain, or, if he has been arrested or imprisoned, the place where he is in custody;
- (c) the Court (if any) by whose order he has been arrested or imprisoned, or by which an order has been made for the attachment of his property; together with particulars of the decree in respect of which any such order has been made;
- (d) the amount and particulars of all pecuniary claims against him, together with the names and residences of his creditors so far as they are known to, or can by the exercise of reasonable care and diligence be ascertained by, him;
- (e) the amount and particulars of all his property, together with
 - (i) a specification of the value of all such property not consisting of money;
 - (ii) the place or places at which any such property is to be found; and
 - (iii) a declaration of his willingness to place at the disposal of the Court all such property save in so far as it includes such particulars (not being his books of account) as are exempted by the Code of Civil Procedure or by any other enactment XIV of 1882. for the time being in force from liability to attachment and sale in execution of a decree.

- (2) Every insolvency petition presented by a creditor or creditors shall set forth the particulars regarding the debtor specified in clause (b) of sub-section (1), and shall also specify:—
- (a) the act of insolvency committed by such debtor together with the date of its commission; and
 - (b) the amount and particulars of his or their pecuniary claim or claims against such debtor.

12. (1) Where an insolvency petition is admitted, the Court shall make an order fixing a date for hearing the petition. Procedure on admission of petition.

- (2) Notice of the order under sub-section (1) shall be given to creditors by publication in the local "Official Gazette", and in such other manner as may be prescribed.
- (3) Where the debtor is not the petitioner, notice of the order under sub-section (1) shall be served on him in the manner provided for the service of summons.

13. At the time of making the order referred to in section 12, sub-section (1), or at any subsequent time before adjudication, the Court may, either of its own motion or on the application of any creditor, make one or more of the following orders, namely:— Interim proceedings against debtor.

- (1) order the debtor to give reasonable security for his appearance until final orders are made upon the petition, and direct that, in default of giving such security, he shall be detained in the Civil prison,

XIV of 1882.

- (2) order the appointment of an interim receiver of the property of the debtor or of any part thereof,
- (3) order the attachment by actual seizure of the whole or any part of the property in the possession or under the control of the debtor, other than such particulars (not being his books of account) as are exempted by the Code of Civil Procedure or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree,
- (4) order a warrant to issue with or without bail for the arrest of the debtor and direct either that he be detained in the civil prison until the disposal of the petition, or that he be released on such terms as to security as may be reasonable and necessary :

Provided that an order under clause (2), clause (3) or clause (4) shall not be made unless the Court is satisfied that the debtor, with intent to defeat or delay his creditors or to avoid any process of the Court,

- (i) has absconded or has departed from the local limits of the jurisdiction of the Court or is about to abscond or to depart from such limits, or is remaining outside them, or
- (ii) has failed to disclose or has concealed, destroyed, transferred or removed from such limits, or is about to conceal, destroy, transfer or remove from such limits, any documents likely to be of use to his creditors in the course of the hearing, or any part of his property other than such particulars as aforesaid.

Procedure at hearing.

- 14. (1) On the day fixed for the hearing of the petition, or on any subsequent day to which the hearing may be adjourned, the Court shall require proof;—
 - (a) that the creditor or the debtor, as the case may be, is entitled to present the petition,
 - (b) that the debtor, if he does not appear on a petition presented by a creditor, has been served with notice of the order referred to in section 12, sub-section (1), and
 - (c) that the debtor has committed the act of insolvency alleged against him.
- (2) The Court shall also examine the debtor, if he is present, as to his conduct, dealings and property in the presence of such creditors as appear at the hearing, and the creditors shall have the right to question the debtor thereon.
- (3) The Court shall, if sufficient cause is shown, grant time to the debtor or to any creditor to produce any evidence which appears to it to be necessary for the proper disposal of the petition.
- (4) A memorandum of the substance of the examination of the debtor and of any other oral evidence given shall be made by the Judge and shall form part of the record of the case.

Dismissal of petition.

- 15. (1) Where the Court is not satisfied with the proof of the right to present the petition or of the service of notice on the debtor as required by section 12, sub-section (3), or of the alleged act of insolvency, or is satisfied by the debtor that he is able to pay his debts or that for any other sufficient cause no order ought to be made, the Court shall dismiss the petition.
- (2) Where a petition presented by a creditor is dismissed under sub-section (1) and the Court is satisfied that the petition was frivolous or vexatious, the Court may, on the application of the debtor, award against such creditor such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the debtor for the expense or injury occasioned to him by the petition and the proceedings thereon, and such amount may be realised as if it were a fine.
- (3) An award under this section shall bar any suit for compensation in respect of such petition and the proceedings thereon.

Order of adjudication

- 16. (1) Where a petition is not dismissed under the preceding section and the debtor is unable to propose any composition or scheme which shall be accepted by the creditors and approved by the Court in the manner hereinafter provided, the Court shall make an order of adjudication.

- (2) On the making of an order of adjudication,
- (a) the whole of the property of the insolvent, save in so far as it includes such particulars (not being his books of account) as are exempted by the Code of Civil Procedure or by any other XIV of 1882. enactment for the time being in force from liability to attachment and sale in execution of a decree, shall vest in the Court or in a receiver as hereinafter provided and shall become divisible among the creditors, and
- (b) the insolvent, if in prison for debt, shall be released; and thereafter, except as provided by this Act, no creditor to whom the insolvent is indebted in respect of any debt provable under this Act shall during the pendency of the insolvency proceedings have any remedy against the property or person of the insolvent in respect of the debt, or commence any suit or other legal proceeding, except with the leave of the Court and on such terms as the Court may impose.
- (3) For the purposes of Sub-section (2), clause (a), all goods being, at the date of the presentation of the petition on which the order is made, in the possession, order or disposition of the insolvent in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof, shall be deemed to be the property of the insolvent.
- (4) All such property as may be acquired by or devolve on the insolvent after the date of an order of adjudication and before his discharge shall forthwith vest in the Court or receiver and become divisible among the creditors in accordance with the provisions of sub-section (2), clause (a).
- (5) Nothing in this section shall affect the power of any secured creditor to realise or otherwise deal with his security in the same manner as he would have been entitled to realise or deal with it if this section had not been passed.
- (6) An order of adjudication shall relate back to, and take effect from, the date of the presentation of the petition on which it is made.
- (7) Notice of an order of adjudication stating the name, address and description of the insolvent, the date of the adjudication and the Court by which the adjudication is made, shall be published in the local "Official Gazette" and in such other manner as may be prescribed.

17. If in any case in which an order of adjudication has been made it shall be proved to the Court by which such order was made that insolvency proceedings are pending in another Court against the same debtor and that the property of the debtor can be more conveniently distributed by such other Court, the Court may rescind the order of adjudication and stay all proceedings or dismiss the petition on such terms (if any) as the Court thinks fit.

18. (1) The Court may, at the time of the order of adjudication, or at any time afterwards, appoint a receiver for the property of the insolvent, and such property shall thereupon vest in such receiver.
- (2) Subject to such conditions as may be prescribed, the Court may
- (a) require the receiver to give such security as it thinks fit duly to account for what he shall receive in respect of the property; and
- (b) by general or special order, fix the amount to be paid as remuneration for the services of the receiver out of the assets of the insolvent.
- (3) Where the Court appoints a receiver, it may remove the person in whose possession or custody any such property as aforesaid is, from the possession or custody thereof:

Provided that nothing in this section shall be deemed to authorise the Court to remove from the possession or custody of property any person whom the insolvent has not a present right so to remove.

- (4) Where a receiver appointed under this section
- (a) fails to submit his accounts at such periods and in such form as the Court directs, or
- (b) fails to pay the balance due from him thereon as the Court directs, or
- (c) occasions loss to the property by his wilful default or gross negli-

Power to appoint
Official Receivers.

- gence, the Court may direct his property to be attached and sold, and may apply the proceeds to make good any balance found to be due from him or any loss so occasioned by him.
19. (1) The Local Government may appoint such persons as it thinks fit (to be called "Official Receivers") to be receivers under this Act within such local limits as it may prescribe.
- (2) Where any Official Receiver has been so appointed for the local limits of the jurisdiction of any Court having jurisdiction under this Act, he shall be the receiver for the purpose of every order appointing a receiver issued by any such Court, unless the Court for special reasons otherwise directs.
- (3) Any sum payable under section 18, sub-section (2), clause (b), in respect of the services of an Official Receiver shall be credited to such fund as the Local Government may direct.
- (4) Every Official Receiver shall receive such remuneration out of the said fund or otherwise as the Local Government may fix in this behalf, and no remuneration whatever beyond that so fixed shall be received by the Official Receiver as such.

Duties and powers
of receiver.

20. Subject to the provisions of this Act, the receiver shall, with all convenient speed, realise the property of the debtor and distribute dividends among the creditors entitled thereto, and for that purpose may:—

- (a) sell all or any part of the property of the insolvent;
- (b) give receipts for any money received by him; and may, by leave of the Court, do all or any of the following things, namely:—
- (c) carry on the business of the insolvent so far as may be necessary for the beneficial winding up of the same;
- (d) institute, defend or continue any suit or other legal proceeding relating to the property of the insolvent;
- (e) employ a pleader or other agent to take any proceedings or do any business which may be sanctioned by the Court;
- (f) accept as the consideration for the sale of any property of the insolvent a sum of money payable at a future time subject to such stipulations as to security and otherwise as the Court thinks fit;
- (g) mortgage or pledge any part of the property of the insolvent for the purpose of raising money for the payment of his debts;
- (h) refer any dispute to arbitration, and compromise all debts, claims and liabilities, on such terms as may be agreed upon;
- (i) divide in its existing form amongst the creditors, according to its estimated value, any property which, from its peculiar nature or other special circumstances, cannot readily or advantageously be sold.

Special provisions
in regard to
immovable property.
XIV of 1882.

21. (1) In any local area in which a declaration has been made under section 320 of the Code of Civil Procedure and is in force, no sale of immovable property paying revenue to the Government or held or let for agricultural purposes shall be made by the receiver; but, after the other property of the insolvent has been realised, the Court shall ascertain:—
- (a) the amount required to satisfy the debts proved under this Act after deducting the monies already received,
- (b) the immovable property of the insolvent remaining unsold, and
- (c) the incumbrances (if any) existing thereon, and shall forward a statement to the Collector containing the particulars aforesaid; and thereupon the Collector shall proceed to raise the amount so required by the exercise of such of the powers conferred on him by sections 322 to 325 of the said Code as he thinks fit, and subject to the provisions of those sections so far as they are applicable, and shall hold at the disposal of the Court all sums that may come to his hand by the exercise of such powers.
- (2) Nothing in this Act shall be deemed to affect any provisions of any enactment for the time being in force prohibiting or restricting the executions of decrees or orders against immovable property; and any such provisions shall be deemed to apply to the

enforcement of an order of adjudication made under this Act as if it were such a decree or order.

22. If the insolvent or any of the creditors or any other person is aggrieved by any act or decision of the receiver, he may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of and make such order as it thinks just: Appeal to Court against receiver.

Provided that no application under this section shall be entertained after the expiration of twenty one days from the date of the order or decision complained of.

23. Where no receiver is appointed, the Court shall have all the rights of, and may exercise all the powers conferred on, a receiver under this Act. Power of Court if no receiver appointed.

24. (1) All persons alleging themselves to be creditors of the insolvent in respect of debts provable under this Act shall tender proof of their respective debts by producing evidence of the amount and particulars thereof, and the Court shall, by order, determine the persons who have proved themselves to be creditors of the insolvent in respect of such debts, and the amount of such debts, respectively, and shall frame a schedule of such persons and debts; Schedule of creditors

Provided that, if, in the opinion of the Court, the value of any debts is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt shall not be included in the schedule.

(2) A copy of every such schedule shall be posted in the Court-house.

(3) Any creditor of the insolvent may, at any time before the discharge of the insolvent, tender proof of his debt and apply to the Court for an order directing his name to be entered in the schedule as a creditor in respect of any debt provable under this Act, and not entered in the schedule, and the Court, after causing notice to be served on the insolvent and the other creditors, and hearing their objections (if any), shall comply with or reject the application.

25. (1) A debt may be proved under this Act by delivering, or sending by post in a registered letter, to the Court an affidavit verifying the debt. Mode of proof.

(2) The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers (if any) by which the same can be substantiated. The Court may at any time call for the production of the vouchers.

26. (1) Where the receiver thinks that a debt has been improperly entered in the schedule, the Court may, on the application of the receiver and after notice to the creditor, and such inquiry (if any) as the Court thinks necessary, expunge such entry or reduce the amount of the debt. Disallowance and reduction of entries in schedule.

(2) The Court may also, after like enquiry, expunge an entry or reduce the amount of a debt upon the application of a creditor where no receiver has been appointed, or where the receiver declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

27. (1) Where a debtor, whether before or after the making of an order of adjudication, submits a proposal for a composition in satisfaction of his debts or a proposal for a scheme of arrangement of his affairs, the Court shall fix a date for the consideration of the proposal and shall issue a notice to all creditors by publication in the local "Official Gazette" and in such other manner as may be prescribed. Compositions and schemes of arrangement.

(2) If on the consideration of the proposal a majority in number and three-fourths in value of all the creditors whose debts are proved and who are present in person or by pleader, resolve to accept the proposal, the same shall be deemed to be duly accepted by the creditors.

(3) The debtor may at the meeting amend the terms of his proposal if the amendment is, in the opinion of the Court, calculated to benefit the general body of creditors.

(4) Where the Court is of opinion, after hearing the report of the receiver, if a receiver has been appointed, and after considering any objections which may be made by or on behalf of any credi-

tor, that the terms of the proposal are not reasonable or are not calculated to benefit the general body of creditors, the Court shall refuse to approve the proposal.

- (5) If any facts are proved on proof of which the Court would be required either to refuse, suspend or attach conditions to the debtor's discharge, the Court shall refuse to approve the proposal unless it provides reasonable security for payment of not less than six annas in the rupee on all the unsecured debts provable against the debtor's estate.
- (6) In any other case the Court may either approve or refuse to approve the proposal.
- (7) If the Court approves the proposal, the terms shall be embodied in an order of the Court and the Court shall frame a schedule in accordance with the provisions of section 24, the order of adjudication (if any) shall be annulled, and the composition or scheme shall be binding on all the creditors entered in the said schedule so far as relates to any debts entered therein.
- (8) If default is made in the payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, adjudge the debtor insolvent and annul the composition or scheme but without prejudice to the validity of any transfer or payment duly made or of anything duly done under or in pursuance of the composition or scheme. When a debtor is adjudged insolvent under this sub-section, all debts provable in other respects which have been contracted before the date of such adjudication shall be provable in the insolvency.
- (9) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of an insolvent.

Debts provable under this Act.

28. (1) Save as provided by sub-section (2), all debts and liabilities, present or future, certain or contingent, to which the debtor is subject when he is adjudged an insolvent or to which he may become subject before his discharge by reason of any obligation incurred before the date of such adjudication, shall be deemed to be debts provable under this Act.
- (2) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract or breach of trust shall not be provable under this Act.

Debt payable at a future time.

29. A creditor may prove for a debt not payable when the debtor is adjudged an insolvent as if it were payable presently, and may receive dividends equally with the other creditors, deducting therefrom only a rebate of interest at the rate of six per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

Mutual dealings and set-off.

30. Where there have been mutual dealings between an insolvent and a creditor proving or claiming to prove a debt under this Act, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set-off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively.

Secured creditors

31. (1) Where a secured creditor realises his security, he may prove for the balance due to him, after deducting the net amount realised.
- (2) Where a secured creditor relinquishes his security for the general benefit of the creditors, he may prove for his whole debt.
- (3) Where a secured creditor does not either realise or relinquish his security, he shall, before being entitled to have his debt entered in the schedule, state in his proof the particulars of his security, and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.
- (4) Where a security is so valued, the Court may at any time before realisation redeem it on payment to the creditor of the assessed value.

- (5) Where a creditor, after having valued his security, subsequently realises it, the net amount realised shall be substituted for the amount of any valuation previously made by the creditor and shall be treated in all respects as an amended valuation made by the creditor.
- (6) Where a secured creditor does not comply with the provisions of this section, he shall be excluded from all share in any dividend.
32. (1) On any debt or sum certain whereon interest is not reserved ^{or Interest.} agreed for, and which is overdue when the debtor is adjudged an insolvent, and which is provable under this Act, the creditor may prove for interest at a rate not exceeding six per centum per annum,
- (a) if the debt or sum is payable by virtue of a written instrument at a certain time, from the time when such debt or sum was payable to the date of such adjudication; or
- (b) if the debt or sum is payable otherwise, from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment to the date of such adjudication.
- (2) Where a debt which has been proved under this Act includes interest or any pecuniary consideration in lieu of interest, the interest or consideration shall, for the purposes of dividend, be calculated at a rate not exceeding six per centum per annum, without prejudice to the right of a creditor to receive out of the debtor's estate any higher rate of interest to which he may be entitled after all the debts proved have been paid in full.
33. (1) In the distribution of the property of the insolvent there shall be ^{Priority of debts.} paid in priority to all other debts.
- (a) all debts due to the Crown or to any local authority; and
- (b) all salary or wages, not exceeding twenty rupees in all, of any clerk, servant or labourer in respect of services rendered to the insolvent during four months before the date of the presentation of the petition.
- (2) The debts specified in sub-section (1) shall rank equally between themselves, and shall be paid in full, unless the property of the insolvent is insufficient to meet them, in which case they shall abate in equal proportions between themselves.
- (3) Subject to the retention of such sums as may be necessary for the expenses of administration or otherwise, the debts specified in sub-section (1) shall be discharged forthwith in so far as the property of the insolvent is sufficient to meet them.
- (4) In the case of partners the partnership property shall be applicable in the first instance in payment of the partnership debts, and the separate property of each partner shall be applicable in the first instance in payment of his separate debts. Where there is a surplus of the separate property of the partners, it shall be dealt with as part of the partnership property; and, where there is a surplus of the partnership property, it shall be dealt with as part of the respective separate property in proportion to the rights and interests of each partner in the partnership property.
- (5) Subject to the provisions of this Act, all debts entered in the schedule shall be paid rateably according to the amounts of such debts respectively and without any preference.
- (6) Where there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date on which the debtor is adjudged an insolvent at the rate of six per centum per annum on all debts entered in the schedule.
34. (1) Where execution of a decree has issued against the property of a ^{Restriction of} debtor, no person shall be entitled to the benefit of the execution ^{rights of creditor.} against the receiver except in respect of assets realised in the course of the execution by sale or otherwise before the date of the order of adjudication.
- (2) Nothing in this section shall affect the rights of a secured creditor in respect of the property against which the decree is executed.

- (3) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the receiver.

Duties of Court
executing decree
as to property
taken in execution.

35. Where execution of a decree has issued against any property of a debtor which is saleable in execution and before the sale thereof notice is given to the Court executing the decree that an order of adjudication has been made against the debtor, the Court shall, on application, direct the property, if in the possession of the Court, to be delivered to the receiver, but the costs of the execution shall be a first charge on the property so delivered, and the receiver may sell the property or an adequate part thereof for the purpose of satisfying the charge.

Avoidance of
voluntary transfer.

36. Any transfer of property not being a transfer made before and in consideration of marriage or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration shall, if the transferer is adjudged insolvent within two years after the date of the transfer, be void against the receiver and may be annulled by the Court.

Avoidance of
preference in
certain cases.

37. (1) Every transfer of property or of any interest therein, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, with a view of giving that creditor a preference over the other creditors, shall, if such person is adjudged insolvent on a petition presented within three months after the date thereof, be deemed fraudulent and void as against the receiver and shall be annulled by the Court.

- (2) This section shall not affect the rights of any person who in good faith and for valuable consideration has acquired a title through or under a creditor of the insolvent.

Protection of *bona
fide* transactions.

38. Subject to the foregoing provisions of this Act with respect to the effect of insolvency on an execution and with respect to the avoidance of certain transfers and preferences, nothing in this Act shall invalidate in the case of an insolvency;—

- (a) any payment by the insolvent to any of his creditors;
- (b) any payment or delivery to the insolvent;
- (c) any transfer by the insolvent for valuable consideration; or
- (d) any contract or dealing by or with the insolvent for valuable consideration:

Provided that any such transaction takes place before the date of the order of adjudication.

Dividends.

39. (1) In the calculation of dividends, the receiver shall retain in his hands sufficient assets to meet

- (a) debts provable under this Act and appearing, from the insolvent's statements or otherwise, to be due to persons resident in places so distant that in the ordinary course of communication they have not had sufficient time to tender their proofs;
- (b) debts payable under this Act, the subject of claims not yet determined;
- (c) disputed proofs or claims; and
- (d) the expenses necessary for the administration of the estate or otherwise.

(2) Subject to the provisions of sub-section (1), all money in hand shall be distributed as dividends.

(3) Any creditor who has not proved his debt before the declaration of any dividend or dividends, shall be entitled to be paid, out of any money for the time being in the hands of the receiver, any dividend or dividends which he may have failed to receive before that money is applied to the payment of any future dividend or dividends; but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

(4) When the receiver has realised all the property of the insolvent or so much thereof as can in the opinion of the Court be realised without needlessly protracting the receivership, he shall declare a final dividend; but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors

have been notified but not proved, that if they do not prove their claims within the time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or if the Court on application by any such claimant grant him further time for establishing his claim then on the expiration of such further time, the property of the insolvent shall be divided among the creditors entered in the schedule without regard to the claims of any other persons.

- (5) No suit for a dividend shall lie against the receiver; but, where the receiver refuses to pay any dividend, the Court may, on the application of any creditor who is entered in the schedule, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.
40. (1) The Court may appoint the insolvent himself to superintend the management of the property of the insolvent or of any part thereof, or to carry on the trade (if any) of the insolvent for the benefit of the creditors, and in any other respect to aid in administering the property in such manner and on such terms as the Court may direct. Management by and allowance to insolvent.
- (2) The Court may from time to time, make such allowance as it may think just to the insolvent out of his property for the support of himself and his family, or in consideration of his services if he is engaged in winding up his estate; but any such allowance may, at any time, be varied or determined by the Court.
41. The insolvent shall be entitled to any surplus remaining after payment in full of his creditors, with interest as provided by this Act, and of the expenses of the proceedings taken thereunder. Right of insolvent to surplus.
42. (1) Where, in the opinion of the Court, a debtor ought not to have been adjudged insolvent, or where it is proved to the satisfaction of the Court that the debts of the insolvent have been paid in full, or where a composition or scheme has been approved by the Court under section (27), the Court shall, on the application of the debtor or of any other person interested, by order in writing annul the adjudication. Power to annul adjudication of insolvency.
- (2) Where an adjudication is annulled under sub-section (1), all sales and dispositions of property and payments duly made, and all acts theretofore done, by the Court or receiver shall be valid; but, subject as aforesaid, the property of the debtor who was adjudged insolvent shall vest in such person as the Court may appoint, or, in default of any such appointment, shall revert to the debtor to the extent of his rights or interest therein on such conditions, if any, as the Court may by order in writing declare.
- (3) Notice of every order annulling an adjudication shall be published in the local "Official Gazette" and in such other manner as may be prescribed.
43. (1) Every debtor, whether before or after the making of an order of adjudication, shall produce all books of account, give such inventories of his property, and such list of his creditors and debtors and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend at such times before the Court or receiver, execute such instruments, and generally give such aid in the realisation of his property and the distribution of the proceeds amongst his creditors, as may be required by the Court or receiver, or as may be prescribed. Duties of debtors
- (2) If a debtor, whether before or after the making of an order of adjudication,—
- (a) wilfully makes false entries in the inventories or lists referred to in sub-section (1), or
- (b) fraudulently or vexatiously conceals, destroys, transfers, removes or refuses to produce any property or books of account, or
- (c) commits any other act of bad faith in the performance of the duties imposed on him by this section, the Court may sentence him, by order in writing, to simple imprisonment for a term which may extend to one year; and in every such case the Court

- shall record the facts constituting the offence with the statement (if any) made by the debtor.
- Discharge.
44. (1) A debtor may, at any time after the order of adjudication, apply to the Court for an order of discharge; and the Court shall fix a day, notice whereof shall be given by publication in the local "Official Gazette" and in such other manner as may be prescribed, for hearing such application, and any objections which may be made thereto.
- (2) Subject to the provisions of this section, the Court may, after considering the objections of any creditor and, where a receiver has been appointed, the report of the receiver,—
- (a) grant or refuse an absolute order of discharge; or
- (b) suspend the operation of the order for a specified time; or
- (c) grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the insolvent, or with respect to his after-acquired property.
- (3) The Court shall refuse to grant an absolute order of discharge on proof of any of following facts, namely :—
- (a) that the insolvent's assets are not of a value equal to eight annas in the rupee on the amount of his unsecured liabilities, unless he satisfies the Court that the fact that the assets are not of a value equal to eight annas in the rupee on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible ;
- (b) that the insolvent has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his insolvency ;
- (c) that the insolvent has continued to trade after knowing himself to be insolvent ;
- (d) that the insolvent has contracted any debt provable under this Act without having at the time of contracting it any reasonable or probable ground of expectation (the burden of proving which shall lie on him) that he would be able to pay it ;
- (e) that the insolvent has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities ;
- (f) that the insolvent has brought on or contributed to, his insolvency by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business or affairs ;
- (g) that the insolvent has, within three months preceding the date of the presentation of the petition, when unable to pay his debts as they become due, given an undue preference to any of his creditors.
- (h) that the insolvent has on any previous occasion been adjudged an insolvent or made a composition or arrangement with his creditors ;
- (i) that the insolvent has concealed or removed his property or any part thereof, or has been guilty of any other fraud or fraudulent breach of trust.
- (4) For the purposes of this section, the report of the receiver shall be deemed to be evidence ; and the Court may presume the correctness of any statement contained therein.
- (5) The powers of suspending, and of attaching conditions to, an insolvent's discharge may be exercised concurrently.
- Effect of order of discharge.
45. (1) An order of discharge shall not release the insolvent from
- (a) any debt due to the Crown ;
- (b) any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party ; or
- (c) any debt or liability in respect of which he has obtained forbearance by any fraud to which he was a party.
- (2) Save as otherwise provided by sub-section (1), an order of discharge shall release the insolvent from all debts entered in the schedule.
- (3) An order of discharge shall not release any person who, at the date of the presentation of the petition, was a partner or

co-trustee with the insolvent, or was jointly bound or had made any joint contract with him or any person who was surety for him.

46. (1) Any person aggrieved by an order made in the exercise of insolvency jurisdiction by a Court subordinate to a District Court may appeal to the District Court, and the order of the District Court upon such appeal shall be final. ^{Appeals.}

Provided that the High Court, for the purpose of satisfying itself that an order made in any appeal decided by the District Court was according to law, may call for the case and pass such order with respect thereto as it thinks fit.

- (2) Any person aggrieved by an order made by the District Court under sections 15, 16, 24, 26, 36, 37, 42, 43, sub-section (2), or 44 otherwise than in appeal from an order made by a subordinate Court may appeal to the High Court.
- (3) Any person aggrieved by any other order made by a District Court otherwise than in appeal from an order made by a subordinate Court may appeal to the High Court by leave of the District Court or of the High Court.
- (4) The periods of limitation for appeals to the District Court and to the High Court under this section shall be thirty days and ninety days respectively.
47. (1) Subject to the provisions of this Act, the Court, in regard to proceedings under this Act, shall have the same powers and shall follow the same procedure as it has and follows in the exercise of original civil jurisdiction. ^{General powers of Courts.}
- (2) Subject as aforesaid, High Courts and District Courts, in regard to proceedings under this Act in Courts subordinate to them, shall have the same powers and shall follow the same procedure as they respectively have and follow in regard to civil suits.
48. When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise that the property of the debtor is not likely to exceed in value five hundred rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon— ^{Summary administration}
- (a) the estate shall, where practicable, be distributed in a single dividend,
- (b) the provisions of this Act shall be subject to such other modifications as may be prescribed with the view of saving expense and simplifying procedure:

Provided that nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor.

49. The costs of any proceeding under this Act, including the costs of maintaining a debtor in the civil prison, shall, subject to any rules made under this Act, be in the discretion of the Court in which the proceeding is had. ^{Costs.}

50. All Courts having jurisdiction in insolvency and the officers of such Courts respectively shall severally act in aid of and be auxiliary to each other in all matters of insolvency, and an order of a Court seeking aid with a request to another of the said Courts shall be deemed sufficient to enable the later Court to exercise, in regard to the matters directed by the order, such jurisdiction as either of such Courts could exercise in regard to similar matters within their respective jurisdictions. ^{Courts to be auxiliary to each other.}

51. (1) The High Court may, with the previous sanction, in the case of the High Court of Judicature at Fort William in Bengal, of the Governor General in Council, and, in the case of any other High Court, of the local Government, make rules for carrying into effect the provisions of the Act. ^{Power to make rules.}
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide—
- (a) for the appointment and remuneration of receivers (other than official receivers), the audit of the accounts of all receivers and the cost of such audit,
- (b) for meetings of creditors, and
- (c) for the procedure to be followed in the case of estates to be administered in a summary manner.
- (3) All rules made under this section shall be published in the "Gazette" of India or in the local "Official Gazette", as the

- case may be, and shall, on such publication, have effect as if enacted in this Act.
52. (1) The High Court, with the like sanction, may from time to time direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, the Official Receiver shall, subject to the directions of the Court, have all or any of the following powers, namely :—
- (a) to hear insolvency petitions, to examine the debtor and to make orders of adjudication;
 - (b) to frame schedules and to admit or reject proofs of creditors;
 - (c) to grant orders of discharge;
 - (d) to approve compositions or schemes of arrangement;
 - (e) to make interim orders in any case of urgency;
 - (f) to hear and determine any unopposed or ex parte application.
- (2) Subject to the appeal to the Court provided for by section 22, any order made or act done by the Official Receiver in the exercise of the said powers shall be deemed the order or act of the Court.
53. (1) An undischarged insolvent obtaining credit to the extent of fifty rupees or upwards from any person without informing such person that he is an undischarged insolvent shall, on conviction by a Magistrate, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.
- (2) Where the Court has reason to believe that an undischarged insolvent has committed the offence referred to in sub-section (1), the Court after making any preliminary inquiry that may be necessary, may send the case for trial to the nearest Magistrate 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 trial.
54. Any Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local "Official Gazette", declare that the following provisions or any of them shall not apply to insolvency proceedings in any Court or Courts having jurisdiction under this Act in any part of the territories administered by such Local Government *viz* :—
- Section 15, sub-sections (2) and (3),
 Section 16, sub-section (3),
 Sections 25 to 40 (except sub-section (1), clause (a), and sub-section (4) of section 33),
 Section 44, sub-sections (3) and (4), and section 53.
55. Nothing in this Act shall
- (a) affect the Indian Insolvency Act, 1848, or section 8, of the Lower Burma Courts Act, 1900, or
 - (b) apply to cases to which Chapter IV of the Dekkhan Agriculturist's Relief Act, 1879, is applicable.
56. (1) The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.
- (2) Where in any enactment or instrument in force at the date of the commencement of this Act reference is made to Chapter XX (INSOLVENT JUDGMENT-DEBTORS) of the Code of Civil Procedure, 1877, or of the Code of Civil Procedure, 1882 or to any section of either of those Chapters, such reference shall, so far as may be practicable, be construed as applying to this Act or to the corresponding section thereof.

Delegation of powers to Official Receivers.

Undischarged insolvent obtaining credit.

Power of Local Government to bar application of certain provisions to certain Courts.

Savings.

11 & 12 Vict. c. 21.

XVII of 1879.

Repeals.

X of 1877.

XIV of 1882.

The Schedule.

ENACTMENTS REPEALED.

(See section 56.)

Year.	No.	Short title.	Extent of repeal.
1872	IV	The Punjab Laws Act, 1872	Sections 22 to 32.
1877	XV	The Indian Limitation Act, 1877	No. 174 of the Second Schedule.
1882	XIV	The Code of Civil Procedure	Section 341, clause (e), and Chapter XX (sections 344 to 360a).
1888	VII	The Civil Procedure Code Amendment Act, 1888	Section 31.

RULES.

Rules under Section 10 of the "Courts Ordinance 1907" No. 13 of 1907.

1. The powers conferred by these rules upon Headmen shall only be exercised by such Headmen as the Governor shall appoint on that behalf, and the said powers shall in respect of any such Headman be revocable at the pleasure of the Governor.

2. A Headman shall have power over the natives in his village or group of villages as the case may be:—

(a) In civil matters to adjust claims up to a value not exceeding that of two hundred and fifty Rupees.

(b) In petty criminal matters to award compensation according to the custom of his tribe but only as between members of his tribe, such compensation not to exceed the value of fifty Rupees.

3. A Headman shall have powers to order imprisonment of either description for any offence in respect of which he might have awarded compensation; such imprisonment shall not exceed one month and shall be undergone at the nearest Government Station. The warrant of imprisonment must be signed by the District Commissioner and clearly show the nature of the offence, and that the imprisonment is ordered by the Headman and approved by the District Commissioner.

4. A Provincial or District Commissioner shall have power to revise all cases both civil and criminal which have been decided by a Headman where he may see due reason for doing so and alter any order or any award of imprisonment or any fine or order for compensation which may have been imposed by a Headman.

5. When a Provincial Commissioner or a District Commissioner shall revise a case decided by a Headman it shall be so noted and such case shall be dealt with and evidence therein taken as if it were an original case under the Courts Ordinance 1907.

6. Whenever a District Commissioner shall have revised a case under the Rules it shall be competent for a Provincial Commissioner to suspend any order made by the District Commissioner in such case; provided that he shall forthwith report the case to the High Court.

7. A District Commissioner if he thinks it necessary or desirable shall have power to transfer a case originally brought in his Court for decision to a Headman provided that the consent of the parties is first obtained.

Nothing in this section shall be taken to prevent a District Commissioner thereafter exercising his powers of revision with regard to a case so transferred.

8. District Commissioner in these Rules includes an Assistant District Commissioner.

9. "Headman" shall include Tribal Chief or Council of Elders as referred to in section 10 of the Courts Ordinance 1907.

10. No fee shall be leviable by a Headmen or by a Provincial or District Commissioner in respect of anything done under these rules. Provided, however, that whenever any party to a Civil Case tried by a Headman shall apply to the Provincial or District Commissioner to revise such case there shall be leviable by a Provincial or District Commissioner, as the case may be, in respect of such revision the fees which would be leviable if the case were an original case under the Courts Ordinance 1907.

Nairobi,

Dated this 30th, day of March, 1908.

J. HAYES SADLER,

Governor.

NOTICE.

The following terms on which the Government will endeavour to recruit labour, are substituted for those published on page 478 of the Gazette of December 1st, 1907.

1. The employer shall erect suitable huts for the employed or see that they are properly housed.

2. The employer shall, if requested by the Officer in charge of the District in which the labourer is employed or if requested by the native employed, supply each employee with a good blanket; the cost of the same to be deducted from the first month's pay of the employee.

3. The employer shall provide the employee with such food, if any, or a daily allowance in lieu thereof, as may be directed by the Officer in charge of the District in which the labour is employed, or by the recruiting officer.

4. The employer, shall, if required to supply food to his labourers, also maintain a sufficient supply of cooking utensils.

5. The employer shall be responsible that his labourers are provided with adequate facilities for cooking.

6. The employer shall keep an adequate supply of medicines and bandages at each of his camps, and in the event of any of the employed being seriously sick, shall provide suitable medical attendance.

7. The employer shall report by telegram or by the most direct route to the nearest Inspecting Labour Officer any serious trouble or friction with his men, any desertions, and any outbreak of sickness or death among his men.

8. The employer shall arrange for a proper water supply to be provided for his employees.

9. The employer shall provide a sufficient supply of food for the men's consumption on the way back to their homes; the cost of the same to be defrayed by the employer.

10. The employer shall, when required, give a suitable security or guarantee to ensure that such wages as are due to the employed shall be paid monthly.

11. The employer shall rail time expired men from the nearest station to his camp to the station of departure to their homes, if so required by the Recruiting Officer.

12. In the event of any expenses being incurred by the Government in the transport or feeding of labourers to and from their homes and the place of work such expenses shall be recoverable from the employer.

Nairobi,
April 2nd, 1908.

J. HAYES SADLER,
Governor.

NOTICE

In pursuance of Section 320 (d) of the Code of Criminal Procedure 1899 (Indian Act No. 8 of 1898) as applied to the East Africa Protectorate. I hereby declare exempt from service either as jurors or assessors the persons employed on the Uganda Railway in the following capacities.

The Assistant Locomotive Superintendent (Marine)
All officers and engineers serving on the Railway Lake Steamers.

Nairobi,
April 6th, 1908.

J. HAYES SADLER,
Governor.

AT THE COURT AT BUCKINGHAM PALACE.

The 11th day of July, 1905.

PRESENT.

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT	LORD TENNYSON
EARL OF KINTORE	COLONEL SAUNDERSON
EARL OF MANSFIELD	MR. AILWYN FELLOWES
LORD RAYLEIGH	SIR ROBERT FINLAY.

WHEREAS His Majesty the King has power and jurisdiction within the limits of East Africa as defined by the East Africa Order in Council 1902 and therein referred to as " East Africa."

NOW THEREFORE His Majesty by virtue and in exercise of the powers in this behalf by the Colonial Prisoners Removal Act, 1884, or otherwise in Him vested, is pleased by and with the advice of His Privy Council to order, and it is hereby ordered as follows:—

1. The Colonial Prisoners Removal Act 1884, shall apply to and take effect within East Africa as defined by the said Order in Council as if that place were a British possession and part of His Majesty's dominions.

2. In order to carry out the application of the said Act to East Africa the Commissioner or any person or persons lawfully discharging the functions of Commissioner may exercise all powers vested by the said Act in the Governor of a British possession.

A. W. FITZROY.

PROCLAMATION.

Under the Diseases of Animals Ordinance 1907.

Owing to the prevalence of Rinderpest in Abyssinia and the Boran Country no cattle from either of these places or Jubaland or Tanaland Province will be allowed to enter the Provinces of Seyidie, Ukamba, Kenya, Naivasha or Kisumu.

Nairobi,
April 25th, 1908.

J. HAYES SADLER,
Governor.

NOTICE.

In exercise of the provisions of the East Africa Marriage Ordinance 1902, Section 6, I hereby give notice that I have licensed St. Mark's Church, Parklands, Nairobi in the Province of Ukamba to be a place for the celebration of Marriages.

April 28th, 1908.

J. HAYES SADLER,
Governor.

UGANDA RAILWAY.

RISK NOTE FORM H.

(Approved by the Governor of the East Africa Protectorate under Section 72 (2) (b) of the Indian Railway Act IX of 1890.)

(To be used as an alternative to Risk Note Form B when a sender desires to enter into a general agreement instead of executing a separate Risk Note for each consignment.)

Station, _____

WHEREAS all consignments of goods or animals for which the Uganda Railway quotes both owner's risk or special reduced rates and railway risk or ordinary rates are (unless I/we shall have entered into a special contract in relation to any particular consignment) despatched by me/us at my/our own risk and are charged for by the said railway administration at special reduced or owner's risk rates instead of at ordinary tariff or railway risk rates, I/we the undersigned, in consideration of such consignments being charged for at the special reduced or owner's risk rates, do hereby agree and undertake to hold the Uganda Railway administration and also all other transport agents or carriers employed by them respectively, over whose railways or by or through whose transport agency or agencies the said goods or animals may be carried in transit from any station to any station, harmless and free from all responsibility for any loss, destruction or deterioration of, or damage to, all or any of such consignments from any cause whatever before, during and after transit over the said railway or steamers working in connection therewith, or by any other transport agency or agencies employed by them respectively for carriage of the whole or any part of the said consignments.

<p><i>Witness.</i></p> <p>(Signature) _____</p> <p>(Residence) _____</p> <p><i>Witness.</i></p> <p>(Signature) _____</p> <p>(Residence) _____</p>	<p>Rank or _____</p>	<p>Signature of Sender _____</p> <p>Father's Name _____</p> <p>Caste _____ Age _____</p> <p>Profession _____</p> <p>Residence _____</p>
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Approved,

J. HAYES SADLER,
Governor.

Nairobi, April 1st, 1908.

PROCLAMATION.

Under the Courts Ordinance 1907.

In exercise of the powers conferred upon me by Section 34 (5) of the Courts Ordinance 1907, I hereby direct that the following instruments shall be used in all prisons for whipping natives, namely in the case of adults the "cat" and in the case of boys under 15 years of age a "light cane." And I hereby prohibit the use of the "Kiboko." This proclamation shall come into force from the 30th July next.

Nairobi,
Dated this 9th day of May, 1908.

J. HAYES SADLER,
Governor.

RULES.

Issued by the Governor of the East Africa Protectorate under the provisions of the Infectious Diseases Order 1903.

Nairobi,
May 19th, 1908.

J. HAYES SADLER,
Governor.

Prevention of the Spread of Sleeping Sickness.

1. All land within 25 miles of the shore of Lake Victoria is hereby declared to be an area for the purpose of these rules.

2. No Native of Uganda or Kavirondo will be allowed to travel or reside in any place in the Protectorate outside the infected area further East than Nairobi. Provided that any such native house servants of Europeans will be allowed to accompany their masters on such masters certifying that such native servants have not lived for a period of six months in the vicinity of any person affected with Sleeping Sickness in a locality in which tsetse fly is known to exist.

Such certificate shall be handed to the Medical Officer or if there is no Medical Officer to the District Commissioner at the end of the journey.

3. No native of Africa other than Baganda or Kavirondo, who has been resident or travelling in the infected area will be allowed to travel or reside in any place in the Protectorate outside the infected area further East than Nairobi unless such native produces a Medical Certificate stating that he has been medically examined and shows no obvious signs of Sleeping Sickness. Such certificate shall not be valid if issued more than two days before such native last left the infected area.

4. A Medical Officer shall have power to detain and place in any hospital, station, or camp, for observation any Native suffering from or whom he suspects to be suffering from Sleeping Sickness.

5. Any such native travelling or being in any place in breach of these rules may be detained under observation in such place and for such time as a Medical Officer may determine, and shall further be liable to a fine not exceeding Rs. 150 and in default of payment to imprisonment of either description which may extend to three months or to both; and any Person who brings or has in his employment any such native out of the above said infected areas except as stated above shall be deemed to have committed an offence and shall upon conviction be liable to a fine not exceeding Rs. 300 or to imprisonment of either description for a term not exceeding to six months or to both.

6. The Rules issued under the Infectious Diseases Ordinance 1903 and dated April 23rd 1904, and the rules issued under the same Ordinance dated August 15th, 1907, are hereby cancelled.

H. M. HIGH COURT OF EAST AFRICA.

Rules made by the High Court with the approval of the Governor under Article 22 of the East Africa Order in Council 1902 and Article 11 of the East Africa Order in Council 1906.

Rules of Court No. 3 of 1908.

(OBTAINING EVIDENCE FOR FOREIGN TRIBUNALS.)

1. These Rules may be cited as Rules of Court (Evidence for Foreign Tribunals) No. 3 of 1908.

2. Where under the Foreign Tribunals Evidence Act, 1856, any civil or commercial matter or any criminal matter, is pending before a Court or Tribunal of a foreign country and it is made to appear to the Court or a Judge, by Commission Rogatoire, or Letter of Request, or other Evidence as hereinafter provided, that such Court or Tribunal is desirous of obtaining the testimony in relation to such matter of any witness or witnesses within the jurisdiction, the Court or a Judge may, on the *ex-parte* application of any person shown to be duly authorised to make the application on behalf of such foreign Court or Tribunal, and on production of the Commission Rogatoire, or Letter of Request, or of a certificate signed in the manner, and certifying to the effect mentioned in Section 2 of the Foreign Tribunals Evidence Act, 1856, or such other evidence as the Court or a Judge may require, make such order or orders as may be necessary to give effect to the intention of the Acts above mentioned in conformity with Section 1 of the said Foreign Tribunals Evidence Act, 1856.

3. An order made under the last preceding Rule shall be in Form numbered 1, in the Schedule to these Rules, with such variations as circumstances may require.

4. The examination may be ordered to be taken before any fit and proper person nominated by the person applying, or such other qualified person as to the Court or Judge may think fit. Such person appointed by the Court or a Judge shall be entitled to charge the fees and charges mentioned in the scale numbered 3 in the Schedule to these rules and shall endorse on the depositions when he transmits them to the Registrar of the High Court a statement of the hours within which the examination began and ended.

5. Unless otherwise provided in the order for examination, the Examiner before whom the examination is taken shall, on its completion, forward the same to the Registrar of the High Court, and on receipt thereof the Registrar shall append thereto a certificate, in Form numbered 2, in the Schedule to these Rules, with such variations as circumstances may require duly sealed with the seal of the High Court for use out of the jurisdiction, and shall forward the depositions so certified, and the Commission Rogatoire or Letter of Request, if any, to His Majesty's Secretary of State for Foreign Affairs, for transmission to the foreign Court or Tribunal requiring the same.

6. An order made under Rule 2 of this Order may, if the Court or a Judge shall think fit, direct the said examination to be taken in such manner as may be requested by the Commission Rogatoire or Letter of Request from the Foreign Court, or therein signified to be in accordance with the practice or requirements of such Court or Tribunal or which may, for the same reason, be requested by the applicant for such order. But in the absence of any such special directions being given in the order for examination the same shall be taken in the manner hereinafter prescribed by Rule 7 hereof.

7. (1) The provisions of the Code of Civil Procedure and Rules of Court for the time being in force in the East Africa Protectorate relating to the summoning attendance and examination of witnesses and to the remuneration of and penalties to be imposed upon witnesses shall apply to persons required to give evidence or to produce documents under these rules and for the purposes of this rule an examiner appointed under these rules shall be deemed to be a Civil Court.

(2) An examiner appointed under these rules may apply to any Court within the local limits of whose jurisdiction a witness resides for the issue of any process which he may find it necessary to issue to or against such witness and such Court may in its discretion issue such process as it considers reasonable and proper.

8. Rules 2 to 7 of this order shall apply, as far as may be, to applications under the Evidence by Commission Act, 1859 (22 Vict. c. 20), for the purpose of giving effect to any Commission or Letter of Request from any British Tribunal out of the jurisdiction, except that in such cases the deposition certified as above provided and Letter of Request, if any, shall be forwarded by the Registrar of the High Court to His Majesty's Secretary of State for the Colonies, or, in the case of a Letter of Request from a Judge of an Indian Court, to His Majesty's Secretary of State for India.

9. Where a Commission Rogatoire, or Letter of Request, as mentioned in Rule 2 of this Order, is transmitted to the High Court by His Majesty's Secretary of State for Foreign Affairs with an intimation that it is desirable that effect should be given to the same without requiring an application to be made to the Court by the agents in the East Africa Protectorate of any of the parties to the action or matter in the foreign country, the Registrar of the High Court shall transmit the same to the Crown Advocate, who may thereupon, make such applications and take such steps as may be necessary to give effect to such Commissioner Rogatoire, or Letter of Request, in accordance with Rules 2 to 7 of this Order.

Approved.

J. HAYES SADLER
Governor.

June 2nd, 1908.

R. W. HAMILTON
J. W. BARTH
Judges of the High Court

Schedules.

No. 1

Order under the Foreign Tribunals Evidence Act, 1856.
In the High Court of East Africa.

(a) Registrar. (a) Name of Registrar.
In the matter of Foreign Tribunals Evidence Act, 1856 (19 & 20 Vict. c. 113).
And in the matter of a (Civil or Commercial or Criminal) proceeding now
pending before (b) instituted as follows:—
Between (b) Description of Foreign Tribunals
Plaintiff
and
Defendant
Upon reading the affidavit (if any) of filed
the day of
19 , and the certificate of (c)
(c) Name and description of the Ambassador, Minister, Diplomatic Agent, Consul of the Foreign Country.

that proceedings are pending in the (b)
in (d)
such Court is desirous of obtaining the testimony of (e)
and the (d) Name of Foreign Country.
(e) Name of witness.

It is ordered that the said witness do attend before (f)
who is hereby appointed examiner herein, at (g)
on the day of
19 , at o'clock
or such other day and time as the said examiner may appoint, and do there
submit to be examined upon oath, or affirmation touching the testimony so
required as aforesaid, and do then and there produce (h)
(f) Name of address of examiner
(g) Place appointed for examination.
(h) Description of documents, if any, required to be produced.

And it is further ordered that the said examiner do take down in writing
the evidence of the said witness, or witnesses, according to the Rules and
Practice of His Majesty's High Court of East Africa pertaining to the
examination and cross-examination of witnesses (or as may be otherwise
directed); and do cause each and every such witness to sign his or her deposi-
tions in his, the said examiner's presence; and do sign the depositions taken in
pursuance of this order, and when so completed, do transit the same, together
with this order, to the Registrar H. M. High Court of East Africa, Mombasa, for
transmission to the President of the said Tribunal desiring the evidence of
such witness or witnesses.

Dated this day of 19 .

No. 2

Certificate under the Foreign Tribunals Evidence Act, 1856.

I, _____, Registrar of the High Court of East Africa, hereby certify that the documents annexed hereto are (1) the original order of His Majesty's High Court of East Africa dated the _____ day of _____ 19____ pending made in the matter of _____ in the _____ at _____ in the _____ of _____ directing the examination of certain witnesses to be taken before _____, and (2) the examination and deposition taken by the said _____ pursuant to the said order, and duly signed and completed by him on the _____ day of _____ 19____.

Dated this _____ day of _____ 19____.

No. 3**EXAMINERS' FEES.**

	Rs.	cts.
1. Upon giving an appointment to take an examination	... 15	00
2. For each hour or part of an hour occupied in an examination	... 15	00

The party prosecuting the order, or his pleader, shall also pay all reasonable travelling and other expenses, including charges for the room (other than the examiners chambers) where the examination is taken.

PROCLAMATION.**Under the Courts Ordinance, 1907.**

In exercise of the powers conferred upon me by the Courts Ordinance, 1907, I hereby appoint the station of Gosha in the District of Kismayu to be a place where a subordinate Court is to be held.

Nairobi,
Dated this 29th day of May, 1908.

J. HAYES SADLER
Governor.

PROCLAMATION.**Under the Diseases of Animals Ordinance, 1906.**

In exercise of the powers conferred upon me by the Diseases of Animals Ordinance, 1906, I hereby declare the area described in the Schedule below to be an infected area and I prohibit the movement of cattle from this area into any other district or area of the British East Africa Protectorate.

Schedule.

Owing to the prevalence of Rinderpest in Abyssinia and the Boran Country, no cattle from either of these places are allowed to enter the Provinces of Jubaland, Tanaland, Seyidie, Ukambani, Kenya, Naivasha or Kisumu, nor are any cattle from Jubaland or Tanaland allowed to enter the last named five Provinces.

The Proclamation under the Diseases of Animals Ordinance, 1907, which appeared in the "Official Gazette" of May 1st, 1908, page 269, is hereby cancelled.

Nairobi,
Dated this 2nd day of June, 1908.

J. HAYES SADLER
Governor.

PROCLAMATION.

Under the " East Africa Prisons Regulations, 1902. "

In accordance with Section 1 " The East Africa Prisons Regulations, 1902 " (No. 12 of 1902,) the Prisons at the following Stations are hereby established.

Kisumu Province.

Karungu. Kisii.
Sotik.

Nairobi,
May 29th, 1908.

J. HAYES SADLER,
Governor.

NOTICE.

It is hereby notified that in future any member of the Public or Government Official requiring Police Constables to be detailed expressly to guard their houses or other private property will be charged at the following rates:—

	Re.	Cts.
For each Constable for day of 24 hours	1.	00
For each Constable for the night only 6 p. m. to 6 a. m.	00	50

Constables will only be detailed for these duties when the officer in charge of the district can spare them without reducing his strength below that required for legitimate Police duties.

Approved

J. HAYES SADLER
Governor.

R. DONALD
Inspector General of Police.

PROCLAMATION.

In exercise of 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:—

GOBWEN All that area within the following boundaries (1) on the East bounded by the River Juba (2) by an imaginary line $1\frac{1}{2}$ miles drawn in a semicircle from the Government flag staff.

Mombasa,
Dated the 24th day of June, 1908.

J. HAYES SADLER
Governor.

RULES.

Rules issued by the Governor of the East Africa Protectorate under the provisions of " The East Africa Township Ordinance 1903. "

Mombasa,
Dated this 24th day of June, 1908.

J. HAYES SADLER
Governor.

1. These rules shall apply to the Townships of Kismayu and Gobwen.
2. No native is allowed to carry arms within the Township of Kismayu.
3. No person is allowed to enter or leave the Boma of Kismayu except by the authorised gates.
4. Any person, who wilfully or negligently damages the Government Boma of Kismayu, or any person whose stock causes damages to the above Boma, commits an offence under the Townships Ordinance No. 20 of 1903.
5. All persons out of doors within the Township of Kismayu between the hours 9 p.m. and sunrise must carry a lamp.
6. Any death occurring in the Township shall be reported at once to the Medical Officer, or, in his absence, to the Police Officer.
7. The person to make such report is the owner or occupier of the house in which the death takes place, and in the case of the owner or occupier being ill, the duty shall devolve upon a relative, agent or servant of the owner or occupier.
8. No sick person shall be removed and no corpse disposed of until a certificate to that effect shall have been issued by the Medical Officer or person appointed to do so.

Schedule.

Rule.	Extent of Repeal.
No. 16 of May 19th, 1904.	All fees for the registration of vehicles for freight.
No. 10 of October 9th, 1905.	do. do.
Rule dated 30th December, 1907, under Township Ordinance 1903.	The whole.

NOTICE.**Telegrams Exchanged with Government Telephone Stations.**

Certain Government Stations at which there are no Telegraph Office have been connected by telephone to the Telegraph system to the Protectorate for the convenience of Executive Officers, and applications have been received from members of the public to make use of the communication so afforded for the purposes of sending Telegrams. It has therefore become desirable to publish the conditions under which such Telegrams can be accepted as follows:—

- (i) Telegrams may be accepted for transmission from Government Telephone Stations by permission of the District Commissioner during such hours and on such days as he may prescribe. The District Commissioner will be responsible to the Postmaster General for the due collection of the charges (which will be the ordinary rates) and in any case where the amount to be paid is uncertain, owing to the District Commissioner being unacquainted with the method of counting of words or other cause, he may require the sender to deposit a sufficient sum to cover fully the probable cost of the message, the balance to be returned to the sender on receipt of notification from the General Post Office of the precise amount payable.
- (ii) Messages may be accepted at Telegraph Offices for transmission to Government Telephone stations, but the senders of the messages must take all risks of delay on account of any difficulty experienced in obtaining the attention of the Government Telephone Station in question, also the risk of mutilation of the message through its having to be transmitted over the Telephone. Telegrams cannot be sent out for the delivery by messengers from Government Telephone Stations and persons expecting them must apply at the District Commissioner's Office.

The Government Telephone Stations to which these conditions at present apply are:—
Kipini, Nandi and Nyeri.

General Post Office.
Mombasa,
July 16th, 1908.
Approved

J. HAYES SADLER
Governor.

J. GOSLING,
Postmaster General.
East Africa and Uganda Protectorates.

NOTICE.**Parcel Post with Egypt.**

It is hereby notified for general information that on and from the 1st of August, 1908, the rates of postage for parcels forwarded from East Africa to Egypt, by the direct service between Mombasa and Port Said, will be as follows:—

For each parcel not exceeding		
3 lbs.	7 lbs	11 lbs
Rs. cts.	Rs. cts.	Rs. cts.
1 44	2 12	2 75

Nairobi,
July 23rd, 1908.

J. HAYES SADLER,
Governor.

PROCLAMATION.

In exercise of the powers conferred upon me by the Courts Ordinance 1907, I hereby appoint Ngunzi wa Tama a Headman over the Kaumoni Villages in the Machakos District.

Nairobi,
Dated the 24th day of August, 1908.

J. HAYES SADLER,
Governor.

PROCLAMATION.

Under the Diseases of Animals Ordinance 1906.

In exercise of the powers conferred upon me by the Diseases of Animals Ordinance, 1906, I hereby prohibit the movement of all cattle between Nairobi and Fort Hall on the Fort Hall Road from the old Government Farm to Fort Hall, and on the Road through Mr. Hale's Farm from the Quarantine Fence to Mr. McMillan's Farm, Juja.

All unexpired permits on the above mentioned Roads are hereby cancelled. And further I give power to all European Land-owners within the Provinces of Ukamba and Kenya to inspect all permits, and if the permits are irregular or not produced, or if the cattle are apparently sick to stop and hold up, and isolate all cattle travelling within the aforementioned Provinces, and to report at once to the nearest Police Officer, District Commissioner, or Veterinary Officer.

Nairobi,
August 31st, 1908.

J. HAYES SADLER,
Governor.

REGULATIONS RELATIVE TO THE MOVEMENT OF
LIVE STOCK.

RULES.

Under the Diseases of Animals Ordinance, 1906.

1. No cattle or pigs may be removed from one Province, District, Farm or Place in the Protectorate to any other Province, District, Farm or place in the Protectorate without a permit on the prescribed form signed by an authorized Issuer of Permits, nor may sheep or goats be moved from one District to another without a similar permit.

2. On every such permit the exact route by which the animals are to travel, the period for which such permit holds good, and the exact destination are to be clearly stated.

No more time than is *actually necessary* to complete the journey should be allowed, and the route specified is to be one which avoids passing through any known infected area.

3. Every permit is to be made out in quadruplicate; the original to be given to the applicant; the second sent at once to the nearest authority to the destination specified; the third sent by first opportunity to Chief Veterinary Officer, Nairobi, and the fourth retained for reference.

4. All permits are issued subject to cancellation.

Issuers of Permits must keep a record of all permits issued by them, and in case of any outbreaks of disease, cancel or alter permits already issued accordingly.

5. No permits to enter the Nairobi Quarantine Area can be issued except by the special authority of the Chief Veterinary Officer.

No permits from down country are to be issued to any place nearer to Nairobi than Athi River Station, and no permit to cross the Athi River to the Nairobi side of that River can be obtained except by special sanction of the Chief Veterinary Officer.

6. No permits are *on any pretext* to be granted for cattle to proceed *from down country* further *up country* than Naivasha Station, nor to cross from the Nairobi side of Naivasha a line drawn through Naivasha Station across Naivasha Lake to the South Boundary of Mr. Hitching's Farm on Naivasha Lake, and that line produced to the Anglo German Boundary, nor to cross a line drawn from Naivasha Station to the Southern slopes of Mount Kinangop and then to Nyeri.

7. No permits are to be issued by Issuers of permits except for movement in the District in which they are stationed, and are never to be issued for movement in another District where another Issuer of Permits is stationed.

8. Permits to enter Native Reserves or closed Districts with cattle, or for the movement of cattle belonging to Natives can only be issued by Provincial and District Commissioners who shall first consult the nearest Veterinary Officer.

9. No "to and fro" permits are to be issued except for Transport oxen, and then no permit is to be issued for a longer period than one month at a time.

10. Internal Native Passes or permits to individuals to trade in closed Districts or Native Reserves are not to mention Live Stock of any description.

11. It is expected that Issuers of Permits before granting any permit will ascertain that the animals for which a permit is applied for, are healthy and in the case of cattle, that the number is correct.

12. In any case of doubt as to the interpretation of these rules, the nearest Veterinary Officer should be consulted.

13. No permits are necessary at the present time for the movement of any other animals than cattle and pigs. Sheep and goats may be moved without a permit within a District but must obtain a permit to move from one District to another.

14. Owners of stock travelling on permit, must report at destination any deaths or any cattle disposed of en route.

15. In case of disease appearing among travelling stock, the owner or person in charge, must at once report it to the nearest authority; the animals are to be held up in Quarantine; and the matter immediately reported to the Chief Veterinary Officer, Nairobi, and the nearest Veterinary Officer.

16. Any cattle found travelling without an authorized permit of proper date and for the correct number of animals, are to be held up, and the matter reported to the nearest Police Authority who should at once communicate with the Veterinary Department.

17. All Permits, when time expired, are to be handed in by the holders to the nearest Authority.

Nairobi,
August, 1908.

J. HAYES SADLER,
Governor.

(*Specimens of Authorized Permits.*)

This Permit is issued subject to cancellation.

BRITISH EAST AFRICA PROTECTORATE.

Department of Agriculture.

Permit

To move to and fro with Cattle in the districts of.....
.....

PERMISSION IS HEREBY GRANTED to.....
.....
to move to and fro with.....head of cattle between the farm
.....in the
.....District
and the farm.....in the
District of.....

This permit is available for.....days.

Route.....
.....

Date
.....

for Chief Veterinary Officer.

BRITISH EAST AFRICA PROTECTORATE.

Department of Agriculture.

Permit to Remove Cattle.

PERMISSION IS HEREBY GRANTED to.....

 to move with.....head of cattle from the
 farm.....in the.....
 District to the farm....., in the District
 of.....
 This permit, which may be withdrawn at any time, is issued subject to the condition
 that the Cattle cannot again be moved from.....
without a further permit, or until the quarantine
 restrictions have been removed.
 Available for.....
 Route.....

Date

for Chief Veterinary Officer.

RULES.

Rules issued by the Governor under the Native Passes Regulations, 1900.

Nairobi,

J. HAYES SADLER,

Dated this 25th day of August, 1908.

Governor.

Rules to control the Movement of Masai.

1. Masai living near Kiu and on the Mbagathi and upper reaches of the Athi, may leave their reserve and come into Nairobi or go to Machakos without first obtaining a permit.
2. They must obtain a permit within 12 hours of their arrival at either of these places either from the District Commissioner or the Police Station.
The Game Ranger when living at Kiu may issue passes to Masai.
3. The Rules published in the "Official Gazette" on the 24th August, 1906, are modified, to the above extent.

NOTICE.

It is notified for general information that His Majesty the King has been pleased to approve of a new white undress uniform to be worn by members of the Colonial Civil Service in Tropical countries.

2. The uniform is to be of white drill with a stand up collar on which is to be a detachable gorget of gold braid on a blue ground. There are 3 patterns of gorget, one for the first and 2nd classes, one for the third and fourth classes, and one for the fifth class. The usual buttons will be worn according to rank as prescribed in the "Schedules of Civil Uniform" issued from the Lord Chamberlain's Office, the general purport of which is embodied in the Colonial Office Regulations. The number of buttons on the cuffs will be according to rank *i.e.*

1st and 2nd class Three buttons
 3rd and 4th class Two buttons
 5th class One button.

The usual Civil Sword will be worn, the frog and scabbard being underneath the coat, the hilt appearing through a slit in the side of the coat.

3. Ribbons of decorations and medals will be worn half way between the first and second buttons. It will be within the discretion of His Excellency to order the wearing of full sized medals and decorations, but unless orders are issued on this point, ribbons only will be worn.

No lace is worn on the trousers.

5. The uniform will be worn with a white helmet bearing on the front a gilt badge with the Royal arms and supporters.

6. The new uniform will be worn on all ordinary occasions in the day time where the wearing of uniform is desirable, but should not be worn at any evening ceremony except on occasions where Naval or Military officers of any nationality are likely to be present in uniform.

7. It is understood that as a general rule, black patent leather or varnished boots without toe-caps should be worn with the white uniform, white shoes or boots, however, may at the discretion of His Excellency be worn instead of black boots in the Coast and Kisumu Provinces. These should be lace up of white buckskin or canvas and without toe-caps.

8. A sealed pattern of this uniform has been deposited with the Crown Agents for the Colonies.

It is notified for general information that the King has been pleased to approve of the Civil Uniform being worn by the holders of the following office in the East Africa Protectorate.

2nd Class.

His Excellency The Governor.

3rd Class.

Official Members of the Executive Council.

4th Class.

Provincial Commissioners
 Manager, Uganda Railway
 Principal Medical Officer
 Secretary to the Administration
 Chief of Customs
 Director of Public Works
 Postmaster General
 Director of Agriculture
 Chief Conservator of Forests
 Land Officer
 Secretary for Native Affairs.

5th Class.

Director of Transport
 Superintendent of Telegraphs
 Deputy Principal Medical Officer
 Chief Veterinary Officer
 District Commissioners
 Deputy Treasurer
 Port Officer
 1st Assistant Secretary to the Administration
 Magistrates.

AT THE COURT AT BUCKINGHAM PALACE.

The 4th day of July, 1908.

PRESENT.

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Section 7 of the Workmen's Compensation Act, 1906, it is amongst other things provided that where an injured Master Seaman or Apprentice (being a member of the crew of any ship registered in the United Kingdom, or of any other British ship or vessel of which the owner or, if there is more than one owner, the managing owner or manager resides, or has his principal place of business in the United Kingdom) is discharged or left behind in a

British Possession, or in a foreign country, depositions respecting the circumstances and nature of the injury may be taken by any Judge or Magistrate in the British possession, and by any British Consular Officer in the foreign country, and if so taken shall be transmitted by the person by whom they are taken to the Board of Trade, and such depositions or certified copies thereof shall in any proceedings for enforcing the claim for compensation be admissible in evidence as provided by Section 691 and 695 to the Merchant Shipping Act, 1894, and those sections shall apply accordingly.

And whereas by Section 691 of the Merchant Shipping Act, 1894, it is amongst other things provided that whenever in the course of any legal proceeding instituted in any part of His Majesty's Dominions before any Judge or Magistrate, or before any person authorised by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of that proceeding, then upon due proof, if the proceeding is instituted in the United Kingdom, that the witness cannot be found in that kingdom, or if in any British possession, that he cannot be found in that possession, any deposition that the witness may have previously made on oath in relation to the same subject matter before any Justice or Magistrates in His Majesty's Dominions or any British Consular Officer elsewhere shall be admissible in evidence:

And whereas by Section 737 of the said last recited Act it is provided that where under that Act anything is authorized to be done by, to or before a British Consular Officer, and in any place outside His Majesty's Dominions in which His Majesty has jurisdiction there is no such officer, such thing may be done in that place by, to or before such officer as His Majesty in Council may direct:

And whereas the places specified in the first column in the Schedule hereto are places outside His Majesty's Dominions in which His Majesty has jurisdiction, but in which there is no British Consular Officer:

And whereas it has been made to appear to His Majesty that it is expedient that the officers named in the second column of the Schedule hereto should exercise and perform in the said places respectively, the hereinbefore mentioned power and duties of a British Consular Officer to take depositions as aforesaid:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the power in that behalf by Section 737 of the Merchant Shipping Act, 1894, in His Majesty vested, is pleased, by and with the advice of His Privy Council, to direct that the taking of depositions which is under the hereinbefore recited Acts authorized to be done by or before a British Consular Officer may be done in the places specified in the first column of the Schedule hereto, by or before any officer for the time being acting in the office or offices respectively named in the second column of the Schedule hereto and set opposite to such places specified as aforesaid.

A. W. FITZROY,

Schedule.

1. Northern Nigeria.	1. The Cantonment Magistrate at Lokoja.
2. The Protectorate of Southern Nigeria.	2. At Calabar and Warri the Police Magistrate, and at other ports of the Protectorate the District Commissioner of the District.
3. The East Africa Protectorate.	3. The Chief of Customs.
4. Uganda.	4. The Principal Judge.
5. Somaliland.	5. The District Officer at Berbera.
6. Nyasaland.	6. The Comptroller of Customs.
7. Weihaiwei.	7. The Magistrate.
8. Cyprus.	8. The President of the District Court of Nikosia.

NOTICE.

In exercise of the powers conferred upon me by para. 7 of the Native Marriage Ordinance, 1904, I hereby appoint Lee H. Downing of the Africa Inland Mission, Kijabe, to be a Registrar of Marriages.

Nairobi,
September 12th, 1908.

J. HAYES SADLER,
Governor.

NOTICE.

Infectious Diseases Ordinance 1903.

WHEREAS Plague is still prevalent in the Townships of Kisumu and its vicinity, notice is hereby given, that from the date hereof, third class passengers will cease to be booked by the Uganda Railway to Kibos or Kisumu. This will not apply to passengers booked to Uganda.

Nairobi,
Dated this 22nd day of September, 1908.

J HAYES SADLER,
Governor.

PROCLAMATION.

Under the Courts Ordinance, 1907.

In exercise of the powers conferred upon me by the Courts Ordinance 1907, I hereby appoint the Station of Uasin Gishu in the District of Uasin Gishu in the Province of Naivasha, to be a place where a Subordinate Court is to be held.

Nairobi,
Dated this 29th day of September, 1908.

J. HAYES SADLER,
Governor.

PROCLAMATION.

Nairobi Electric Lighting Company.

In exercise of the powers conferred upon me by the concession granted to the above Company on the 16th day of July, 1906, I hereby delegate to the Commissioner of Public Works all the powers and discretions vested in me under or by virtue of the said concession.

Nairobi,
Dated this 29th day September, 1908.

J. HAYES SADLER,
Governor.

PROCLAMATION.

Provinces of Naivasha and Kisumu.

WHEREAS the Secretary of State has approved of an alteration in the existing boundary between the Provinces of Naivasha and Kisumu in so far as to include the UASIN GISHU plateau in the Province of Naivasha. Now therefore in exercise of the powers conferred upon me by the East Africa Order-in-Council, 1902, I hereby declare that from the date hereof, all the country lying on the East and the South side of the following boundaries shall be within the Province of Naivasha.

EAST. Commencing at a point where 35 degrees Longitude intersects the SUAM river, thence in a direct line South to KAMPI SIMBA, thence in a South East direction along the NOLLOSEGELLI river otherwise the GUASA MASA to a point due North of Mount ELDALAT, thence to ELDALAT skirting its North and Eastern base, thence in a direct line to the Eastern side of ENDONOGARI hill thence to the Eastern side of DUDANETTI hill, thence in a direct line to DONYO LESSOS hill also known as KONGONI hill immediately South of the "SCLATER" road, thence to KETPARAK hill, thence to GUNGIT hill, thence in a Westerly direction to the KIPTAMUK and CHAMANGEN hills, thence in a South West line to the KIRONDIU river, thence the KIRONDIU river to a point where this river joins the KUNDOS or CHAPCHURER river, thence to a point where the latter joins the KIBIGORI river and proceeding along the centre of that river to a point three miles from KIBIGORI railway Station.

SOUTH. From the last named point in a line three miles North of the railway line to LIKUNO stream (East of MUHORONI Station) thence by a line three miles North of the railway to a point North of Forth Ternan, and thence in a direct line to a point one mile North of FORT TERNAN Station, thence proceeding by a line one Mile North of the railway line past LUMBWA to a point mid-way between LUMBWA and LONDIANI, thence in a direct line to the railway line, thence along the line to the Western confines of LONDIANI Station where this description ends.

Nairobi,
September 29th, 1908.

J. HAYES SADLER,
Governor.

NOTICE.

Under the Crown Lands Ordinance 1902.

WHEREAS BY AN INDENTURE of LEASE made the 3rd day of November, 1906, Between Lieutenant Colonel James Hayes Sadler, c.b., His Majesty's Commissioner for the East Africa Protectorate (thereafter called the Commissioner) of the one part, And Charles Grant and John Abraham Coryell of Nairobi (thereafter called the Lessees) of the other part. All that piece or parcel of land situate between the Eldama and Nassour Rivers in the Province of Naivasha in the said Protectorate comprising 10,000 acres or thereabouts and therein described, was demised unto the Lessees for the term of 99 years as therein mentioned, And WHEREAS by an Indenture of Assignment dated the 19th day of April, 1907, and made between the said John Abraham Coryell of the one part and the said Charles Grant of the other part, All the premises comprised in the Lease of the 3rd day of November, 1906, were assigned unto the said Charles Grant, his executors administrators and assigns for the residue of the said term subject to the covenants by the lessees and conditions therein contained, AND WHEREAS the said Charles Grant is registered as proprietor of the premises comprised in the said Indenture of Lease the title thereof in the Register being No. 125 in the Registry Office of Naivasha, AND WHEREAS by the above-mentioned lease the Lessees covenanted to use the said land for the purposes of grazing only, AND WHEREAS the Lessee impliedly covenanted by virtue of Section 16 (a) of the Crown Lands Ordinance 1902, to improve the resources of the land in a prudent and businesslike manner, AND WHEREAS the Lessee has failed to use the said land for the purposes of grazing and further has committed a breach of the lessee's covenant implied by virtue of Section 16 (a) of the said Crown Lands Ordinance, 1902, NOW THEREFORE by virtue of the provisions of the said Crown Lands Ordinance, 1902. Section 18 (1), I, Lieutenant Colonel Sir James Hayes Sadler, k.c.m.g., c.b., Governor of the East Africa Protectorate, do hereby give notice that if the aforesaid Charles Grant does not within six months from the date hereof perform the covenants contained in the above-mentioned lease and also perform the covenants implied by section 16 (a) of the said Crown Lands Ordinance, 1902, I intend to commence an action in the High Court for a declaration that the said lease has been forfeited, recovery of rent, damages (if any) and such other relief as the Court may think just.

Nairobi,
Dated this 29th day of July, 1908.

J. HAYES SADLER,
Governor.

NOTICE.

It is notified for general information that for the future horses and mules may be imported free of Customs duty.

Nairobi,
September 2nd, 1908.

F. J. JACKSON,
Lieut. Governor.

PROCLAMATION.

Under the Diseases of Animals Ordinance, 1906.

In pursuance of the powers conferred upon me by Section 7 of the Diseases of Animals Ordinance, 1906, I hereby declare that the Cattle from Kitui District may be allowed to proceed to the Coast Districts on permit to be obtained from the Stock Inspector, Kitui.

Nairobi,
October 8th, 1908.

J. HAYES SADLER,
Governor.

The Proclamation respecting the boundaries of the Naivasha and Kisumu Provinces which appeared in the "Official Gazette" of 1st October, 1908, Page 524, is hereby cancelled, and the following Proclamation substituted therefor.

PROCLAMATION.

Provinces of Naivasha and Kisumu.

WHEREAS the Secretary of State has approved of an alteration in the existing boundary between the Provinces of Naivasha and Kisumu in so far as to include the UASIN GISHU plateau in the Province of Naivasha. Now therefore in exercise of the powers conferred upon me by the East Africa Order-in-Council, 1902, I hereby declare that from the date hereof, all the country lying on the East and the North side of the following boundaries shall be within the Province of Naivasha.

EAST. Commencing at a point where 35 degrees Longitude intersects the SUAM river, thence in a direct line South to KAMPI SIMBA, thence in a South East direction along the NOLLOSEGELLI river otherwise GUASA MASA to a point due North of Mount ELDALAT, thence to ELDALAT skirting its North and Eastern base, thence in a direct line to the Eastern side of ENDONOGARI hill, thence to the Eastern side of DUDANETTI hill, thence in a direct line to DONYO LESSOS hill also known as KONGONI hill immediately South of the "SCLATER" road, thence to KETPARAK hill, thence GUNGIT hill, thence in a Westerly direction to the KIPTAMUK and CHAMANGEN hills, thence in a South West line to the KIRONDIU river thence the KIRONDIU river to a point where this river joins the KUNDUS or CHAPCHURER river, thence to a point where the latter joins the KIBIGORI river, and proceeding along the centre of that river to a point three miles from Kibigori railway Station.

NORTH. From the last named point in a line three miles North of the railway line to LIKUNO stream (East of MUHORONI Station) thence by a line three miles North of the railway to a point North of Fort Ternan, and thence in a direct line to a point one mile North of FORT TERNAN Station, thence proceeding by a line one mile North of the railway line past LUMBWA to a point mid-way between LUMBWA and LONDIANI, thence in a direct line to the railway line, thence along the line to the Western confines of LONDIANI Station where this description ends.

Nairobi,
September 29th, 1908.

J. HAYES SADLER
Governor.

NOTICE.

It is hereby notified for public information that on and after the 1st of November, 1908, the rates of postage for parcels exchanged between British East Africa and German East Africa, by the direct service from Kisumu or Mombasa, shall be as follows:—

	For parcels not exceeding		
	3 lbs.	7 lbs.	11 lbs.
For the coast service, <i>i.e.</i> , from any Post Office of British East Africa, to places in German East Africa served through Mombasa	Rs. cts. 1 08	Rs. cts. 1 62	Rs. cts. 2 16
For the lake service, <i>i.e.</i> , from any Post Office of Uganda to the German Post Offices of Muanza, Schirati or Bukoba	1 00	2 00	3 00

Nairobi,
Dated 26th October, 1908.

J. HAYES SADLER,
Governor.

RULE UNDER THE ELECTRICITY ACT.

In exercise of the powers conferred upon me by the Electricity Act, 1887 (XIII of 1887) as applied to the East Africa Protectorate, I hereby make the following rule:—

Nairobi,
Dated this 31st day of October, 1908.

J. HAYES SADLER,
Governor.

1. Wherever "Sub-Commissioner" appears in Rules Nos. 2 (1) 5, 7, 13, 15, 17, 19, 20, 21 and 77 of the Rules under the Electricity Act, published in the "Official Gazette," of the 15th September, 1903, there shall be read "Commissioner of Public Works."

KISUMU TOWNSHIP RULES.

Rules issued by the Governor of the East Africa Protectorate under the provisions of "The Africa Township Ordinance, 1903."

Nairobi,

J. HAYES SADLER,

Dated this 11th day of November, 1908.

Governor.

1. These rules shall apply to the Township of Kisumu.
2. The Township of Kisumu shall for the purpose of these rules be divided into the following areas :—
 - Area "A."**—An inside area to be called "Port Florence" the limits of which shall be defined as follows :—
 - East.**—By a line drawn from a point 100 yards East of the slaughter house furthest from the centre of the Township along the lake shore (allowing a distance of 440 yards into the lake) to the North East boundary of the Native Location, plot No. 10, thence along the Eastern boundaries of plots 10, 11, 12 and 13 past the Eastern point of plot 14, thence along the Eastern boundary of plot 34, thence in a direct straight line produced from the last point to a distance of 4,950 feet or thereabouts.
 - South.**—From the last named point in a straight line in a Westerly direction $1\frac{1}{4}$ miles.
 - South West.**—From the last named point in a direct line to the Lake at a point immediately South of the Lime Kilns.
 - North & North East.**—From the last named point along the lake shore to the Connaught Parade, thence by a line produced at a right angle from the said parade into the lake for a distance of 440 yards, thence to the pier head, thence in a direct line until opposite the mark given at the commencement of the Eastern boundary.
 - Area "B."**—Which shall be an area approximately 440 yards wide, measured from the outside edge of the boundary defined for area "A".
 - Area "C."**—Which shall be the remaining area of the Township situate outside the limits of area "B".
3. No building of any description shall be erected in the last mentioned area without the sanction of the District Commissioner or other person or persons as may be approved by the Provincial Commissioner.
4. There shall not be erected or established in either Area "A" or "B" any of the following :—
 - (1) Native huts, except such as are erected with the authority of the District Commissioner in locations to be established by the same authority;
 - (2) Lodging houses, tea or coffee shops intended for the use of Africans or Asiatics.
 - (3) Cattle or transport bomas or shelters other than those erected with the sanction of the District Commissioner;
5. No African or Asiatic shall reside in either Area "A" or "B" except he be
 - (1) the lessee or sublessee of land leased by the Crown within such area or the manager of a trade or business carried on within such area on land leased by the Crown;
 - (2) A registered domestic servant or office or shop assistant of a person residing in such area;
 - (3) The registered employee of a Department of the Government;

Provided further that any of the person aforesaid other than a lessee or sublessee of the Crown shall, unless accomodated in the houses or buildings approved by the District Commissioner for such purpose, reside in locations to be set apart for their use.
6. The District Commissioner shall set apart suitable places within Area "A" for use as locations for such Asiatics and Africans as shall be registered as hereinafter provided.
7. Licences may be granted by the District Commissioner to Departments of the Government or to person residing or carrying on business within areas "A" or "B" authorising them to accomodate their registered employees in any such locations or portion of such location to be described in such licence. Every licence shall be subject to the conditions following :—
 - (a) the licensee shall be responsible for maintaining order and cleanliness in the location or portion of the location set apart for the occupation of his employees.
 - (b) the licensee shall erect and maintain in such location or part thereof as aforesaid, proper and sufficient latrine accomodation and for making proper arrangement for the removal and disposal of night soil to the satisfaction of the Medical Authority.

Any licensee who shall fail to comply with the conditions of such licence shall be deemed to have committed a breach of these rules.

8. (1) Every Asiatic and Africans (other than those mentioned in Rule 5.) (1) at the time residing in areas "A" or "B" shall be registered by his employer at the office of the District Commissioner.
- (2) Upon every such registration the District Commissioner shall give to the person registered an identification ticket, which ticket such person shall at any time whilst a resident in either such area produce on demand being made by an officer of the Administration or a police officer.
- (3) Whenever a registered employee shall be dismissed or shall cease to be in the service of the employer who shall have registered him, the employer shall without undue delay inform the District Commissioner accordingly and the employee shall return to the District Commissioner his ticket of identification.
- (4) Any employer who shall fail to register an employee under these rules or to notify the District Commissioner of the fact that an employee has ceased to be in his service, and any employee who shall fail without good cause to produce his registration ticket when demanded, or to return the same to the District Commissioner shall be deemed to have committed a breach of these rules.
9. Any person committing a breach or failing to comply with the provisions of the rules, shall on conviction, be liable to a fine not exceeding 200 Rupees, or in default of payment, to imprisonment for a term not exceeding two months.

RULES.

Made by His Excellency the Governor for the East Africa Protectorate under the provisions of the East Africa Forestry Regulations, 1902.

The following fees shall be payable for timber and other forest produced in Government Forests.

- (1) **Timber.** Trees within a 10 miles radius of Nairobi or within 5 miles of the Uganda Railway.
- | | | |
|--|--------|------|
| Cedar, (Kik.) mu Tarákwa, (Juniperus procera) | ... 30 | cts. |
| Sandal, (Kik.) mu Hugu, (Brachylaena sp.) | ... 40 | " |
| Camphor, (Kik.) m'Zaite, (Lauraceae) | ... 30 | " |
| Red Stinkwood, (Kik.) mu Wére, (Pygeum Africanum) | ... 25 | " |
| Poon, (Kik.) m'Ona (Allophyllum) | ... 25 | " |
| Yellowwood, (Kik.) mu Sengèra, (Podocarpus gracilior thunbergii) | 25 | " |
| Kajatenhout, (Sw.) Bemba kofe, (Afzelia cunanzensi) | ... 25 | " |
| Copa, (Sw.) m'Tanderusi, (Trachylobium hornemannianum) | ... 25 | " |
| All other Reserved Trees, | ... 20 | " |
| Unreserved Trees, | ... 6 | " |

The above rates are subject to a General reduction of 1 p.c. per mile outside the Nairobi 10 mile radius and outside the railway 5 mile radius. This reduction applies to all timbers except Camphor and Sandal (m'Hugu) and extends to a minimum of 50 p.c. of the above rates, after which no further reductions will be made.

In unexplored forests, Tana and Juba Rivers, parts of Kenia, Mau, etc., special rates will be furnished on application to the Chief Conservator of Forests, Nairobi. Sandal (m'Hugu) is also subject to special rates. The forest will be marked in Sections 250 acres more or less. Where there are two or more purchasers for the nature timber on the same Section, it will be sold to the highest bidder. Timber specially inspected and marked for any purchaser outside a Section, will be sold at an increase of 50 p.c. on these rates and a deposit of 50 cents per acre will be required for the survey and marking of a Section. Timber will be marked and adjudged mature by the Forest Department on the basis of a 20 years' rotation the regeneration of the more valuable species, and the sylvics (sylvicultural conditions) of the forest. Only mature timber will be sold from Government Forests.

The measurement will be per c. ft. of sound bole, allowance being made for unsound timber as far as this can be judged before the tree is sold. Timber too unsound to measure in the bole, will be sold by "stacked measurement," viz: per cubic foot of the stack of such sound timber as can be got out of the unsound bole.

Unless otherwise stated on the licence, all crown and branch wood is the property of the purchaser of the bole.

Windfall, dead, and refuse timber, will be sold at one half, or a fraction of the above rates, according to circumstances.

- (2) **Poles.** Split posts at the above rates according to their cubic content.
- Round poles (when available) according to their cubic contents, at double the above rates, (to cover the cost of extra supervision.)
- Round green poles of Cedar, Yellowwood, Camphor, Sandal (mu Hugu), Mona, Stickwood, Bemba kofe and Copal are not sold from Government forests.

Withies are not longer sold from Government forests.

Bamboos under 3" diameter at base, Re. 1 per 100.

Bamboos over 3" diameter at base, at 10 cents each or at special rates which will be furnished on application.

- (3) **Firewood.** For the removal of firewood, licenses will be granted either per quantity or per time according to circumstances.

Quantity Licence. Per cart load of 1 ton or 80 c. ft. Rs. 3.

" " Per head load, if no axes be taken into the forest, 6 cts. per head load.

" " Per head load, if axes are used in procuring it, 12 cts. for dry wood.
25 cts. for green wood.

A donkey load of firewood is reckoned at 3 head loads.

Time Licence.

Entering forests to remove dead wood without axes, per month, 50 cts.

Entering forests to remove dead wood with axes, Re. 1.

All Government dues, whether for timber, firewood, posts, or other forest produce, must be pre-paid.

THE TOWNSHIP ORDINANCE 1903.

Rules.

Rules issued by the Governor of the East Africa Protectorate under the provisions of the East Africa Township Ordinance 1903.

Nairobi,

J. HAYES SADLER,

Dated this 18th day of November, 1908.

Governor.

1. These Rules shall apply to the Townships of Kismayu and Gobwen.
2. No public sale of cattle or any live stock shall take place except in the Government sale bomas and in the presence of an auctioneer approved by the Provincial Commissioner.
3. The fees following shall be paid and levied.

(a) Slaughter house fees.

For cattle or camel slaughtered Re. 1 per head.

For goats or sheep slaughtered 25 Cents per head.

No such animal shall be killed unless it bears the Government brand showing that the above fee has been paid.

(b) Pound fees.

Goats and sheep per day 50 Cents per head.

Other stock for first day Re. 1 " "

" for each succeeding day 50 Cents " "

(c) Market fees.

Licence to sell meat Re. 1 per annum.

" Fruit and vegetables " " "

" Fish " " "

(d) Permits.

For cattle boma Rs. 5.

For sheep goats and donkey boma " 3.

For building " 1.

For Bakeries " 2.

For Dhobi " 2.

For Ngoma " 1.

For Ngoma ya Pepo " 2.

Lime kiln " 2.

NOTICE.

In exercise of the Powers thereto enabling me contained in Section 2 Sub-Section 9 (b) of the Indian Stamp Act 1899 (Act 11 of 1899) as applied to the East Africa Protectorate, I hereby give Notice that Provincial Commissioners as substituted for Collectors in the application of the said Act to the East Africa Protectorate shall include District Commissioners, The Registrar of the High Court, The Principal Registrar of Documents, Deputy Principal Registrar of Documents, and the Town Magistrate at Nairobi and Kisumu.

This Notice is in substitution of the Notice of August 24th, 1904, under the said Act which is hereby cancelled.

J. HAYES SADLER,
Governor.

NOTICE.

It is hereby notified for general information that although the Uasin Gishu Plateau has now been thrown open to settlement, the country north of the Nzoia River still remains a Closed District.

Nairobi,

November 24th, 1908.

F. J. JACKSON,
Deputy Governor.

NOTICE.

In Exercise of the powers conferred upon the Governor by the East Africa Registration Regulations 1901, I hereby appoint every Assistant District Commissioner to exercise the duties of a Registrar of Documents under the aforesaid Regulations within his district in the absence of the District Commissioner from the district station.

Nairobi,

Dated this 25th day of November, 1908.

F. J. JACKSON,
Deputy Governor.

NOTICE.

In exercise of the provisions of the Native Christian Marriage Ordinance 1904, Section 7 I hereby appoint the following minister to be a Registrar of Marriages for the purposes of the aforesaid Ordinance.

Mr. G. Muhlhoff of the Newkirchener Mission at Ngao.

Nairobi,

November 28th, 1908.

F. J. JACKSON,
Deputy Governor.

RULES.

Issued by the Governor of the East Africa Protectorate under the East Africa Liquor Ordinance 1902.

Nairobi,

Dated this 8th day of December, 1908.

J. HAYES SADLER,
Governor.

1. No licence for the sale of distilled or alcoholic liquors in the Protectorate shall be issued for a longer period than 6 months or shall authorise the sale of distilled or alcoholic liquors in the Protectorate after the 30th day of June, 1909.

2. The Rules issued under the East Africa Liquor Ordinance 1902 and dated June 29th, 1908, are hereby repealed.

UNDER THE DISEASES OF ANIMALS ORDINANCE, 1906.

In exercise of the powers conferred upon me by the Diseases of Animals Ordinance, I hereby prohibit the movement of cattle into any portions of the Nairobi Quarantine area which have been or shall be fenced in for the purpose of excluding cattle. Notice boards are being erected on these portions of the area.

December 7th, 1908.

J. HAYES SADLER,
Governor.

RULES UNDER THE DISEASES OF ANIMALS ORDINANCE 1906.

In exercise of the powers conferred upon me by the Diseases of Animals Ordinance 1906, I hereby declare the road which has been fenced in through the Naivasha infected area open to cattle traffic under permit as follows :—permission may be granted by authorized Issuers of permits for cattle from the South of Naivasha to proceed along this road as far as the Boma prepared for them near Naivasha Railway Station and for cattle from the North of Naivasha to proceed along this road as far as the separate boma prepared for them near that station. No cattle may go beyond this fenced road or their respective bomas.

December 7th, 1909.

J. HAYES SADLER,
Governor.

NOTICE.

In exercise of the powers conferred upon me by Section 235 A of the Indian Succession Act 1865 (Act X of 1865) as applied to the East Africa Protectorate and with the Sanction of His Excellency the Governor I hereby appoint W. T. Porter, Esquire to be Acting District Delegate for the Grant of Probate and Letters of Administration in non-contentions cases relating to non-natives within the province of Kisumu.

Nairobi,
November 8th, 1908.
J. HAYES SADLER,
Governor.

R. W. HAMILTON,
Principal Judge, High Court.

NOTICE.

It is notified for general information that the rates of postage from East Africa for packets forwarded by parcel post to countries to which there is no direct exchange of parcels from East Africa and Uganda shall be the charges as far as the country serving as an intermediary plus onward charges payable to such intermediary country.

Nairobi,
Dated 14th December, 1908.

F. J. JACKSON,
Deputy Governor.
