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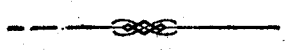
**EAST AFRICA PROTECTORATE.**



**ORDINANCES AND REGULATIONS.**

***Vol. IV.***

January 1st to December 31st 1902.



MOMBASA.

PRINTED AT THE "GOVERNMENT PRINTING PRESS."

1903.

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EAST AFRICA PROTECTORATE.

NOTICE.

The following Regulations made by His Majesty's Commissioner, and allowed by the Secretary of State, are published for general information.

Nairobi, January 16th, 1902.

C. ELIOT,  
His Majesty's Commissioner.

*King's Regulations under Article 45 of "The East Africa Order-in-Council, 1897," and Article 11 of "The East Africa Order-in-Council, 1899."*

No. 1 of 1902.

*"Mombasa Port Regulations, 1902."*

1. The Commissioner may fix and from time to time vary, by Proclamation to be notified in the "Gazette," the scale of fees to be paid for pilotage by vessels making use of the services of Government pilots in the Port of Mombasa.
2. So much of Article 15 of the Mombasa Port Regulations, published in Mombasa on the 13th September, 1899, as relates to fees is hereby repealed.
3. The said Port Regulations may be cited as "The Mombasa Port Regulations, 1899"; these Regulations may be cited as "The Mombasa Port Regulations, 1902"; and these Regulations and "The Mombasa Port Regulations, 1899" may be collectively cited as "The Mombasa Port Regulations, 1899 and 1902."

Nairobi, January 16th, 1902.

C. ELIOT,  
His Majesty's Commissioner.

Allowed:

LANSDOWNE,  
His Majesty's Principal Secretary of State  
for Foreign Affairs.

PROCLAMATION.

Whereas by Article 1 of the "Mombasa Port Regulations, 1902," H. M.'s Commissioner may fix by Proclamation the scale of Fees to be paid for pilotage by vessels making use of the service of Government pilots in the Port of Mombasa: Now I CHARLES NORTON EDGCUMBE ELIOT do hereby direct that the scale of such fees shall be as set forth in the Schedule hereto.

C. ELIOT,  
H. M. Commissioner.

SCHEDULE OF FEES.

SAILING SHIPS.

REGISTERED TONNAGE.

From tons	100 to tons	300	...	...	...	Rs. 70
"	300 "	500	...	...	...	" 73
"	500 "	700	...	...	...	" 76
"	700 "	1,000	...	...	...	" 79
"	1,000 "	1,500	...	...	...	" 82
"	1,500 "	2,000	...	...	...	" 85

Sailing Vessels in tow taking a Pilot will be charged half the above fees.

## STEAMERS.

From tons	To tons	Rs.
100	500	40
"	500	45
"	1,000	50
"	1,500	60
"	2,000	70
"	2,500	80

All steamers chartered exclusively for the Uganda Railway will be charged Rs. 50 for Pilotage.

If a Pilot after having been applied for at a certain hour goes on board and the vessel is not ready to proceed to sea within two hours of such time, a fee of Rs. 15 will be charged as "Pilot's attendance."

## EAST AFRICA PROTECTORATE.

## NOTICE.

As the authority directed by His Majesty's Secretary of State to exercise the jurisdiction powers and duties of the Governor-General of India in Council in relation to Indian Acts applied in the Protectorate of East Africa, I hereby, in exercise of the powers conferred by sections 5 and 7 of "The Indian Explosives Act (Act IV of 1884)," make and publish, for general information, the following Rules to regulate the manufacture, use, possession, and transport of explosives within the Protectorate.

It is further notified that the following Rules supersede "The Quarrying and Blasting Regulations, 1900," which have accordingly been disallowed by the Secretary of State.

C. ELIOT,

Mombasa, February 12th, 1902.

His Majesty's Commissioner.

Rules issued in accordance with the Provisions of "The Indian Explosives Act (Act IV of 1884)."

No. 2 OF 1902.

## Explosives.\*

1. Nothing in these Rules shall apply to the manufacture, use, possession, or sale of any explosive by order or direction of the Government.
2. Licenses under these Rules may be granted by any Sub-Commissioner of a province, or any Collector of a district, or by any Assistant Collector specially authorized by the Sub-Commissioner; but every Collector and Assistant Collector shall observe any directions given by the Sub-Commissioner.
3. No person shall manufacture any explosive within the East Africa Protectorate except in so far as a licensing officer may grant special permission to fill cartridges for sporting purposes.
4. An explosive shall not be possessed except under and in accordance with the conditions of a license to possess the explosive granted under these Rules.
5. Every person holding a license for a fire-arm shall be entitled to a license to possess such an amount of ammunition in respect of each fire-arm for which a license is held as the licensing officer may consider to be reasonable.
- 6.—(a.) Licenses to possess and sell ammunition and fireworks may be granted to such total amount during the currency of the license, and in such places and subject to such conditions as to sale as shall be approved by the licensing officer in each case.  
(b.) Provided that such license shall distinctly specify the building or buildings in which such explosives are to be stored, and that no portion of such explosives may be removed from such named building except upon the written authority of a licensing officer.

\* NOTE.—Explosives, as defined by section 4 of the Explosives Act, means—

(a) Gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect, and includes—

(b) Fog signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined.

7. Licenses to possess and use, or to possess and sell explosives to be used for blasting purposes, may be granted to such total amount during the currency of the license and in such places, and subject to such special conditions as to its sale and use, as shall be approved by the licensing officer.

8. Provided that the general Regulations set forth in the Schedule hereto shall be observed in relation to the quarrying, blasting, loosening, or otherwise removing any rock, stone, or other substance by means of an explosive.

9. All Protectorate and police officers are authorized to exercise the powers specified in section 7 of the Explosives Act.

10. (a.) Any person importing or manufacturing an explosive except as provided by these Rules shall be liable to a penalty not exceeding 3,000 rupees.

(b.) Any person possessing, using, or transporting an explosive except as provided by these Rules shall be liable to a penalty not exceeding 1,000 rupees.

(c.) Any person selling an explosive, except as provided by these Rules, shall be liable to a penalty not exceeding 500 rupees.

(d.) Any person contravening these Rules in any other respect shall be liable to a penalty not exceeding 200 rupees.

11. The following fees shall be payable:

(a.) For each separate consignment of ammunition received by a person holding a license to possess ammunition under Rule 5, 8 annas.

(b.) For a license to possess and sell ammunition under Rule 6, 10 rupees.

(c.) For a license to possess and sell fireworks under Rule 6, 5 rupees.

(d.) For a license to possess and sell blasting explosives under Rule 7, 5 rupees.

(e.) For a license to possess and use blasting explosives under Rule 7, 1 rupee.

(f.) For superintendence of any blasting operations per diem, 3 rupees; and in addition, all actual travelling expenses.

12. These Rules may be cited as "The Explosives Rules 1902."

C. ELIOT,

His Majesty's Commissioner.

Mombasa, February 12th, 1902.

SCHEDULE REFERRED TO IN RULE 8.

1. Application shall be made in writing to a licensing officer, stating the nature and locality of the intended operations.

2. No such operations shall be carried on except in the presence of some person appointed by the licensing authority to superintend the operations.

3. No such operations shall be carried on within 150 feet of any building or within 50 feet of any main public road.

4. Such operations, if carried on outside the limits provided for by clause 3, but within 800 yards of any building or main public way, shall be by means of gunpowder only and in charges not greater than 8 ounces.

5. Such operations, if carried on beyond the limit of 800 yards from any building or main public way, shall be such explosives and in such charges as the licensing authority shall direct.

6. The following tools, &c., shall be used in all blasting operations:

Brass tamping bars.

Powder canisters, of the regulation pattern, with screw tops and padlocks.

Patent fuse (Bickford's).

Red flags.

Graduated measures to hold 8 ounces of powder.

Boxes for tamping.

7. Before any charge is placed in the mine-holes, the person authorized by the licensing authority to superintend the operations, hereafter called the overseer, shall inspect the rocks in which the mine-holes have been drilled.

8. To show that the mine has been duly inspected, and has been approved for blasting, the overseer shall then paint a circle of not less than 12 inches in diameter with red paint round the mine-hole.

9. When the mines have been so inspected and approved, the overseer shall at once make an entry in his book to the effect that he has inspected, measured, and approved the said mines.

10. The overseer shall enter in his book the depth of bore, amount of charge, and length of fuse used in each mine separately, after having superintended the loading of each mine passed by him as ready for explosion, and before the firing of the same.

11. The earth for tamping shall be carefully selected by the overseer, and shall consist of either burnt clay or dongo free from quartz, &c. that may strike fire.

The selected tamping shall be kept by the overseer in a special box fitted with a padlock. The earth from ant-hills or from the nests of mason-flies should be used when procurable in preference to other tamping.

12. The overseer shall see that the first 3 inches of tamping are pressed down gently over the wadding. No hard tamping shall be allowed until after these first 3 inches of tamping have been pressed home to the wad.

13. Before exploding a mine near any premises, inhabited or uninhabited, the overseer shall himself superintend the covering of the said mine with chains or sand-bags, so as to prevent or minimize any damage. Not less than twelve gunny-bags, filled with earth or sand, shall be used in each case.

14. Prior to the explosion of any mine, the overseer shall order three or more men, with a red flag each, to proceed to a distance of at least 100 yards in different directions, and the said men shall ring bells or strike triangles, and call out repeatedly and loudly for at least five minutes the words, "barooti, barooti."

15. Half-an-hour before a mine is exploded in the vicinity of inhabited premises, the overseer shall warn the inhabitants of each house of his intention to explode a mine.

16. The overseer shall charge the mines himself, or shall have them charged in his presence, and the overseer or the miner appointed by him shall fire the mine as soon as possible after the mine has been charged after the above-mentioned precautions have been carried into effect.

17. The practice of sprinkling powder over the mine and fuse-end shall not be permitted.

18. The charge and length of fuse shall be according to the following scale:—

Depth of mine... ..	{	6 inches.	12 inches.	18 inches.	24 inches.	30 inches.	36 inches.
Powder ... ..	{	Not to exceed 2 ozs.	Not to exceed 2 ozs.	Not to exceed 4 ozs.	Not to exceed 4 ozs.	Not to exceed 8 ozs.	Not to exceed 8 ozs.
Length of fuse, in inches ...		18	24	30	36	42	48

and for deeper mines the length of fuse used shall be on the same scale, and the overseer shall always measure the charge in the measures provided.

19. All blasting must take place between the hours of 9 A.M. and midday, and no mine shall be exploded after midday, with the exception of such mines as are mentioned in the following clause.

20. In the case of the non-explosion of a mine, the overseer shall see that the mine is well and continually soaked with water for the space of half-an-hour. No attempt whatever is to be made to withdraw a charge from a non-exploded mine; but another mine shall be bored in a direction parallel to the unexploded mine, and at a distance of not less than 1 foot therefrom.

21. After any serious accident a declaration shall be made at the nearest Police Station by the overseer.

22. Suitable cover shall be provided for the men engaged in the blasting operations at distances not less than 30 yards, and not to exceed 50 yards from the site of the blast.

## EAST AFRICA PROTECTORATE.

### NOTICE.

The following Regulations made by His Majesty's Commissioner, and allowed by the Secretary of State, are published for general information.

C. ELIOT,

Mombasa, February 17th, 1902.

His Majesty's Commissioner.

*King's Regulations under Article 45 of "The East Africa Order in Council, 1897," and  
Article 11 of "The East Africa Order in Council, 1899."*

No. 3 of 1902.

#### NATIVE PORTERS AND LABOUR.

##### *Preliminary.*

1. These Regulations shall apply to every caravan travelling within the Protectorate, and to every person engaging or employing servants within the meaning of these Regulations.

2. In these Regulations—

(a.) "Caravan" means any collection of two or more persons travelling within the East Africa Protectorate wherein any person is engaged to carry a load for a period exceeding three days.

(b.) "Porter" means every person not being an European or an American who serves in or accompanies a caravan.

(c.) "Caravan leader" means any person or persons actually in charge of a caravan and the person or persons who may have fitted out or may control the movements of a caravan.

(d.) "Registrar" means such person as His Majesty's Commissioner and Consul-General may appoint to be Registrar of Porters and Servants for the purpose of these Regulations.

(e.) "Deputy Registrar" means a Protectorate officer appointed by the Commissioner to act as Deputy of the Registrar at any place or for any district.

(f.) "Registering officer" includes Registrar and Deputy Registrar.

(g.) "Employer" means any person employing or intending to engage or employ natives for service, and includes any agent of such person.

(h.) "Servant" means any person who is a native of Africa and who is engaged as an artificer, workman, or manual labourer, but does not include a domestic servant engaged for indoor work or any porters as hereinbefore defined.

(i.) "Collector" means a Collector of a district and any person acting as such.

## PART I.

*Engagement to Travel within the Protectorate.*

3. The Registrar may, with the approval of the Commissioner, make Rules (not inconsistent with these Regulations) as to the places, times, and mode of registration, and generally as to the equipment and management of caravans.

4.—(a.) Such a sum shall be deposited with the Registrar in respect of every porter as he may, with the approval of the Commissioner, from time to time direct, and until further notification be made the deposit shall be at the following rate :—

			Rupees
For a journey not exceeding ten days	...	...	5
" " " one month	...	...	15
" " " two months	...	...	30
" " " three months	...	...	40
" " " exceeding three months	...	...	50

(b.) Provided that the Registrar may, in his discretion, accept approved security in lieu of a cash deposit.

5. Such deposit or security shall be held as a guarantee for due observance of these Regulations and for the payment of porters' wages, and may be transferred into Court if the Registrar considers that there is reason to believe that these Regulations have been infringed, or in the event of any dispute between the porters and the caravan leaders.

6. Such fees shall be charged for the registration of porters as the Registrar, with the approval of the Commissioner, may from time to time notify; and until further notification the following fees shall be charged in respect of each porter.

			Rs. a. p.
If the journey for which he is engaged does not exceed six days	...	...	0 4 0
If it exceeds six days, but does not exceed ten days	...	...	0 8 0
If it exceeds ten days, but does not exceed one month	...	...	1 0 0
If it exceeds one month, but does not exceed two months	...	...	2 0 0
If it exceeds two months, but does not exceed three months	...	...	3 0 0
If it exceeds three months, but does not exceed six months	...	...	5 0 0
If it exceeds six months, but does not exceed twelve months	...	...	8 0 0
If it exceeds twelve months	...	...	10 0 0

7. The registering officer may refuse to register, or may impose special terms before registering, a caravan for or on behalf of, or for the benefit of, any person who has previously committed a breach of Porters' Regulations, and may also, with the sanction of the Commissioner, refuse to register any caravan, without assigning any reason for his refusal.

8. Every engagement with a caravan leader shall be deemed to be for a single trip to such place as may be named, and for the return journey to the place where the porter may have been actually engaged, unless special stipulations may have been made to the contrary and explained to the porters by the registering officer, and in all cases the caravan leader shall declare between what places he intends to travel.

9. Every person who registers a caravan, and every person making use of a caravan, or any of the porters thereof, whether as servant, agent, contractor, or sub-contractor, shall be equally responsible for the due observance of these Regulations, and punishable for their breach, notwithstanding any contract or agreement that he may make to the contrary.

10. No person who has engaged porters may transfer them to any other person without the consent of the porters, testified before an authorized registering officer.

11. The pay of porters, and any damages to which they may be entitled in consequence of any breach of these Regulations, shall be a first charge on all moneys secured or deposited under these Regulations and shall also be a first charge upon any money earned or payable in respect of goods carried or other work done by them.

12. All pay due to deceased porters shall be paid into Court, for distribution according to law. In the event of no person establishing a claim to such pay, the Court may treat it as Wakf property, or may deal with it in accordance with any special directions of the Secretary of State.

13. The registering officer shall explain to the porters engaged for service with the caravan :—

(a.) The place to which the porters are to go, or if the engagement is by time, the time during which the term of service lasts and the places between which they will have to work, and if engagement by time, shall be careful to ascertain that the porters understand the nature of their agreement.

(b.) The wages and rations to which they are entitled.

(c.) That they are not liable to punishment by the caravan leader except as herein stated.

(d.) That no caravan may pass through or near a Government station without being inspected by the officer in charge and an opportunity given to the porters to prefer any complaints that they may wish to make.

14. Upon registering a caravan the registering officer shall hand to the caravan leader a list containing the names, registered number, and monthly wages of every porter, and such other particulars as the Registrar may from time to time prescribe: such list is hereinafter referred to as the caravan list.

15. Before allowing a caravan to proceed the officer shall satisfy himself that all the requirements of these Regulations have been complied with, and in particular that the caravan leader has a reasonably sufficient supply of money, trade goods, and food to enable him to complete his journey, and he shall give a certificate to this effect upon the caravan list.

16. A copy of every caravan list must be forwarded to the Registrar, and shall be filed by him for reference.

17. No officer in charge of a Government station shall permit a caravan to pass through or near his station until he has inspected it and satisfied himself that it has its proper equipment, and that the caravan leader is provided with a reasonably sufficient supply of monthly trade goods and food to enable him to complete his journey.

18. The officer shall check the number of men in every caravan list, and shall note on the list how many men are present and the reason given by the caravan leader for any porter not being present.

19. He shall inquire of the porters if they have any complaints, and shall deal with such complaints as may be made to him, and shall indorse upon the caravan list the particulars of the complaints and the way in which they have been dealt with, and shall forward to the Registrar a copy of his indorsement.

20.—(a.) He shall also certify on the caravan list the general state and appearance of the caravan.

(b.) If after due inquiry it appears to the officer in charge of any station that a caravan is not supplied with sufficient food to enable it to proceed to its destination, he may issue such food as may appear to him to be necessary, and the price of such food shall be a debt due to Government from the caravan leader, and shall be a charge upon any money earned, or payable, in respect of goods carried or other work done by the porters of such caravan.

21. Every porter shall receive at least one kibaba of rice or other suitable grain every day, and every caravan shall be provided with one statutory kibaba measure for every thirty men.

22.—(a.) Every caravan leader shall provide his porters with such equipment as the Registrar may by Rules prescribe, and until further notification he shall provide each porter with the following articles:—

- One flannel shirt or thick woollen jersey.
- One good loin cloth.
- One good blanket.
- One water bottle.

(b.) And also shall provide sufficient tent accommodation for all his men, and one large suffuria and senia for every ten men.

23. Provided that the Registrar may give any caravan leader a special written authority exempting him from the provision of any of the above-named articles if, from the nature of the country through which the caravan is to travel, they may appear to be unnecessary.

24. Every caravan must be provided with an adequate supply of suitable medicines and bandages.

25. A porter's load shall in no case exceed 70 lb., including his blanket, posho, and anything else he may have to carry, and if it shall appear that any individual is unable to carry so great a weight his load shall be reduced to such weight as may appear to be proper. And in case any such reduction is ordered the officer making the order shall notify the fact on the caravan list.

26. In the event of a porter falling sick and being unable to travel, he shall be carried to the nearest station, even though doing so should necessitate the leaving behind of loads.

27. In the event of a porter dying on the road he shall be decently buried at a reasonable distance from the caravan road.

28. All porters must be paid the balance of wages due to them within six days of the termination of their journey. They shall be entitled to full pay and posho up to the date of payment, and shall be at liberty to engage for any other caravan as soon as their journey is completed.

29. All porters must be paid off in the presence of a registering officer or other official appointed by the Registrar for such purpose; and the officer before whom such payment is made shall give the caravan leader a certificate that the porters have been duly paid.

30. Immediately upon the expiration of a journey, the caravan leader shall return to the Registrar his caravan list, together with a certificate that his porters have been duly paid.

31. No caravan leader may inflict any punishment upon a porter beyond taking such steps as may be necessary to secure an accused person for charging him before the nearest Magistrate, except in so far as a power of punishment may be specially conferred upon him in writing by the Sub-Commissioner of the province in which his caravan is registered or through which he may be travelling. Such powers of punishment shall be granted subject to any Regulations that may from time to time be published by the Commissioner. Such powers shall be indorsed on the caravan list, and a strict record of all punishments inflicted shall be kept, and a return made of them on the expiration of the journey both to the Registrar and to the Collector of the District in which the porters were engaged.

32. Any porter who enters into an agreement to accompany or to hold himself in readiness to accompany a caravan, and after receiving an advance of wages or a daily supply of posho for a period of four days or upwards, refuses to accompany or deserts from a caravan, without sufficient cause, and any porter who has engaged himself to any person for caravan work and may subsequently engage or attempt to engage himself to any other person for work with another caravan, may be compelled, if physically fit, to carry out his engagement, and shall be liable to imprisonment of either kind not exceeding six months or to a fine not exceeding 60 rupees, or to both.

33. The registering officer may, with the approval of the Sub-Commissioner of the province in which the caravan is fitted out, direct such modifications in the Regulations as he shall think fit in respect of special caravans, or classes of caravans, as, for instance, caravans under the charge of Protectorate officials or travelling locally for short distances.

## PART II.

### *Engagement for Service within the Protectorate.*

34. Every contract made with a servant for service for any period exceeding two months shall be in writing, and entered into before, and registered by, a registering officer.

35. Such contract shall be executed in duplicate. One copy shall be given to each party, and one shall be filed by the registering officer, who shall sign each copy.

36. The registering officer may refuse to register any contract which appears to him to be inequitable, and may, in his discretion, require security for the due payment of the servants' wages, subject, however, to an appeal to the Sub-Commissioner as aforesaid, whose decision thereon shall be final.

37. The Sub-Commissioner, subject to any directions of the Commissioner, may fix the fees to be paid for registration of contracts of service within his province, and no further duty shall be payable in respect of such contracts.

38. Notwithstanding any agreement to the contrary, it shall be the duty of every employer of labour at the conclusion of a contract for service to return any servant engaged as aforesaid to the place where he was originally engaged, unless a registering officer shall exempt him from such liability for reasons to be recorded.

39. Every contract of service shall clearly set out the names, descriptions, and dwelling-place of each servant, the nature of the work which he may be called upon to perform, the amount of his wages, the period for which he is engaged, and any other particulars which the Registrar may from time to time direct.

40. On registering a contract of service the registering officer shall clearly explain to the servant the terms of the contract, and shall ascertain that they accept such terms.

41. Subject to any directions by the Commissioner, the Sub-Commissioner of each province may make such prohibitions, limitations, and conditions as to the engagement of servants within any specified district or districts of his province as he may deem proper.

## PART III.

### *Engagement without to Travel or Serve within the Protectorate.*

42. Parts I and II of these Regulations shall also apply to the engagement of porters and servants respectively in places without the Protectorate to travel or serve within the Protectorate with the following modification.

43. The Collector of the district by way of which the porter or servant enters the Protectorate shall, before permitting such porters or servants to enter the Protectorate:—

(a.) In the case of a porter or servant entering the Protectorate from the Uganda Protectorate, satisfy himself that "The Native Labour Regulations, 1900," of such Protectorate, or any amendment thereof, have been duly complied with.

(b.) In any other case satisfy himself that the porter or servant has left his home voluntarily for the purpose of service within the Protectorate and understands the nature of the service.

44. In the event of any complaint or dispute arising out of a contract of service, the Court, in addition to the power of punishment for a breach of these Regulations, shall have power to cancel or modify the contract, award damages to either party, and to order the servant to be conveyed home at the employer's expense.

#### PART IV.

##### *Engagement within to Travel or Serve without the Protectorate.*

45. Parts I and II of these Regulations shall apply to the engagements of porters and servants respectively in places within the Protectorate to travel or serve without the Protectorate with the following additions.

46. Any employer may apply to a registering officer for a permit authorizing him to engage porters or servants, to leave or serve without the Protectorate.

47. In the application shall be stated the place to which it is proposed to take the porters or servants, the nature of the service, the rates of pay, the period of service, and the number of porters or servants proposed to be engaged, and the districts from which it is desired to procure them.

48. Every such application shall be referred to the Commissioner, and the Commissioner may in his discretion either grant or refuse the permit.

49. Before granting a permit, the Commissioner may require the employer to deposit a sum not exceeding the total wages of the total number of porters or servants for the proposed period of service, or to enter into a bond for such sum with or without sureties.

50. The registering officer shall not register a porter or contract for service to travel or serve without the Protectorate unless the employer produces the permit of the Commissioner, and unless he is satisfied that the porter or servant fully understands the nature of the service, the distance to be travelled, and such other particulars of the service as seem proper to be understood.

51. The employer shall furnish to the registering officer a list in duplicate showing the name, village, and district of every porter or servant engaged, and the place to which he is to proceed, and the place of exit by which the porters or servants are to leave the Protectorate. The registering officer shall sign the list, and shall deliver one copy to the employer and shall send the other copies to the registering officer at the place of exit. Porters and servants engaged under these Regulations shall not leave the Protectorate at any place other than the place of exit mentioned in the said list.

52. The employer shall bring the porters or servants engaged by him before the registering officer at the place of exit. He shall produce the signed list of porters or servants, and the officer, if he is satisfied as to the identity of the porters or servants, shall countersign the list and return it to the employer; until the list is so countersigned, the employer shall not take any of the porters or servants beyond the Protectorate.

53. The registering officer at the place of exit may, at the expense of the employer, detain for further inquiries any porters or servants whose names do not appear in the list, or as to whose identity he is not satisfied, or may return them to their homes. The employer shall be bound to produce the said list for inspection when required by any Government officer within the Protectorate or Consular officer without the Protectorate. The expenses incurred by the officer under this Regulation shall be a debt due by the employer to the Government, and shall be recoverable accordingly.

54. The sum deposited by the employer, and the amount secured by any bond when realised, may be applied by the Commissioner in payment of any expenses incurred by the Commissioner or any Collector or Magistrate in relation to the employes or porters or servants engaged by him, including the payment of wages not proved to have been paid by the employer, but, save as aforesaid, shall be returned on proof of the payment of wages.

55. A receipt signed by a porter or servant and witnessed by a Magistrate or Consular officer in the country or place in which the porter or servants employed, or by a Magistrate and Collector of the Protectorate, shall be sufficient evidence of the payment mentioned in the receipt on a certificate from a Magistrate certifying to that effect.

#### PART V.

##### *General.*

56. Any person who engages or employs any person as a porter or servant, knowing him to be at the time engaged and registered by some other person, shall be guilty of a breach of these Regulations.

57. Any breach of these Regulations shall be punishable with imprisonment of either description, which may extend to two years, or with a fine or both.

58. The following Regulations and Orders relating to porters are hereby repealed without prejudice to any acts done thereunder:—

Regulations for the registration and protection of porters, dated the 13th May, 1896.

Supplementary Regulations for the recruitment of porters within the Province of Ukamba, dated the 11th June, 1896.

Order as to enlistment of porters, dated the 22nd July, 1896.

Order authorizing punishment of deserting porters, dated the 13th October, 1896.

Order as to enlistment of porters in the Teita district, dated the 1st January, 1897.

“The Porters’ Regulations, 1899.”

59. These Regulations may be cited as “The Native Porters and Labour Regulations, 1902.”

C. ELIOT,

His Majesty’s Commissioner.

Mombasa, February 17th, 1902.

Allowed:—

LANSDOWNE,

His Majesty’s Principal Secretary of State

for Foreign Affairs.

## EAST AFRICA PROTECTORATE.

### NOTICE.

The following Regulations made by His Majesty’s Commissioner, and allowed by the Secretary of State, are published for general information.

C. ELIOT,

His Majesty’s Commissioner.

Mombasa, March 12th, 1902.

*King’s Regulations under Article 45 of “The East Africa Order in Council, 1897,” and Article 11 of “The East Africa Order in Council, 1899.”*

No. 4 OF 1902.

#### *Poisons.*

1. For the purposes of these Regulations the term “poisons” shall mean such articles as may be comprised in the Schedule hereto, provided that His Majesty’s Commissioner and Consul-General (hereinafter referred to as the Commissioner) may, by Proclamation published in the “Gazette” at any time, add any article to the Schedule.

2. It shall be unlawful for any person to sell or keep open shop for selling by wholesale, retailing, dispensing, or compounding poisons, unless such person shall hold a license issued under these Regulations by the Commissioner or such officers as may be designated by Rules made under these Regulations.

3. The Commissioner may make Rules designating the officers by whom and setting forth the terms and conditions upon which, licenses will be issued under these Regulations, and may fix the fees to be paid by persons taking out such licenses.

4. It shall be unlawful to sell any poison either by wholesale or by retail unless the box, bottle, vessel, wrapper, or cover in which such poison is contained be distinctly labelled with the name of the article and the word “Poison,” and with the name and address of the seller of the poison.

5. It shall be unlawful to sell any poison to any person unknown to the seller, unless introduced by some person known to the seller; and on every sale of any such article the seller shall, before delivery, make, or cause to be made, an entry in a book, to be kept for that purpose, stating the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signature of the purchaser and of the person, if any, who introduced him shall be affixed.

6. The provisions of clause 4 of these Regulations, which require that the label shall contain the name and address of the seller, and the provisions of clause 5 of these Regulations shall not apply to sales by wholesale to retail dealers in the ordinary course of wholesale dealing; nor shall any of the provisions of clauses 4 and 5 of these Regulations apply to any medicine supplied to his patient by a person who shall be entitled to practice as a physician or surgeon in the Protectorate, or, in the absence of any law in that behalf, who shall be entitled to practice as a physician or surgeon under a diploma obtained from some Corporation,

Association, or Society duly authorized for that purpose under the laws of the country, in which such Corporation, Association, or Society is situated; nor apply to any article when forming part of the ingredients of any medicine dispensed by a person authorized by the Commissioner to dispense medicines, provided such medicine be labelled in the manner aforesaid with the name and address of the seller, and the ingredients thereof be entered with the name of the person to whom it is sold or delivered in a book to be kept by the seller for that purpose.

7. The Ordinance of the 26th October, 1893, the Notification thereunder of the 24th August, 1900, and "The Poisons Regulations 1900," are hereby repealed.

8. These Regulations may be cited as "The Poisons Regulations, 1902."

Mombasa, March 12th, 1902.

C. ELIOT,  
His Majesty's Commissioner.

Allowed:

LANSDOWNE,  
His Majesty's Principal Secretary of State  
for Foreign Affairs.

SCHEDULE.

Arsenic and its preparations.	Coculus Indicus.
Cyanides of potassium, and all metallic cyanides.	Datura.
Corrosive sublimate.	Ergot of rye.
Oxalic acid.	Henbane.
Tartar emetic.	Nux vomica.
Aconite.	Strychnine.
Belladonna.	Prussic acid.
Calabar bean.	St. Ignatius bean.
Chloroform.	Cantharides.

EAST AFRICA PROTECTORATE.

NOTICE.

The following Regulations made by His Majesty's Commissioner, and allowed by the Secretary of State, are published for general information.

Mombasa, March 12th, 1902.

C. ELIOT,  
His Majesty's Commissioner.

*King's Regulations under Article 45 of "The East Africa Order-in-Council, 1897," and Article 11 of "The East Africa Order-in-Council, 1899."*

No. 5 of 1902.

*Opium.*

1. In these Regulations "Opium" includes also poppy heads, preparations or admixtures of opium and intoxicating drugs prepared from the poppy, and also the preparations known as bhang, ganja, churus, and chandoo natron, and any other product or preparation which the Commissioner may from time to time, by public notice declare to be included.

"Commissioner" means His Majesty's Commissioner and Consul-General for the East Africa Protectorate and any person acting for him.

2. It shall be unlawful for any person to grow, produce, manufacture, sell, either whole sale or retail, export, import, or transport opium unless such person shall hold a license under these Regulations.

3. The Commissioner may cause an advertisement to be inserted in the Official Gazette for the East Africa Protectorate stating the number of licenses which he proposes to issue during a specified period, the different areas to which such licenses shall be confined and such other particulars as he may deem proper.

4. The Commissioner may thereafter cause such licenses to be sold by public auction at such places, and subject to such terms and conditions, including the right to accept the highest or any other bid as he may deem fit.

5. The persons whose bids have been accepted shall each be entitled, upon payment of the amount of their respective bids, to receive a license under these Regulations, the different areas to which their respective licenses are confined being duly inserted therein, in accordance with the advertisement mentioned in Article 3 hereof.

6. Such licenses shall be operative during the period specified in the said advertisement only.

7. The Commissioner may attach to any license such conditions as he may think proper, and, in particular, may by such conditions—

(a.) Restrict the hours during which opium may be sold.

(b.) Restrict the amount of opium which may be sold at one time to any individual.

(c.) Restrict or prohibit the consumption of opium on the premises of the licensee.

(d.) Prohibit the sale of adulterated opium.

(e.) Restrict or prohibit the sale of opium to young persons under a specified age, or to natives, either generally or of particular tribes or classes.

And any breach of a condition so attached to a license shall be punishable as a breach of these Regulations.

8. No license shall be issued save in accordance with the said advertisement.

9. Any person infringing these Regulations shall, on conviction, in addition to the penalties provided by Article 11 of "The East Africa Order-in-Council, 1899," be liable to the forfeiture of any license that he may hold hereunder and to the confiscation of any opium in his possession or under his control.

10. These Regulations may be cited as "The Opium Regulations, 1902."

C. ELIOT,

Mombasa, March 12th, 1902.

His Majesty's Commissioner.

Allowed :

LANSDOWNE,

His Majesty's Principal Secretary of State

for Foreign Affairs.

### EAST AFRICA PROTECTORATE.

#### NOTICE.

The following Regulations made by His Majesty's Commissioner, and allowed by the Secretary of State, are published for general information.

C. ELIOT,

Mombasa, March 13th, 1902.

His Majesty's Commissioner.

*King's Regulations under Article 45 of "The East Africa Order-in-Council, 1897," and Article 11 of "The East Africa Order-in-Council, 1899."*

No. 6 OF 1902.

1. The following additional matter shall be deemed to be included in the matters comprised in Article 1 of "The Fees and Royalties Regulations, 1899," viz., tolls for the use of the Belezoni Canal.

2. These Regulations may be cited as "The Fees and Royalties Amendment Regulations, 1902."

C. ELIOT,

Mombasa, March 13th, 1902.

His Majesty's Commissioner.

Allowed :—

LANSDOWNE,

His Majesty's Principal Secretary of State

for Foreign Affairs.

## EAST AFRICA PROTECTORATE.

## NOTICE.

The following Regulations, made by His Majesty's Commissioner, are published for general information.

Mombasa, March 14th, 1902.

C. ELIOT,  
His Majesty's Commissioner.

*Regulations under Article 9 of The East Africa Rifles Ordinance, 1897."*

No. 7 OF 1902.

*Military Fines Fund.*

1. All fines levied under the provisions of "The East Africa Rifles Ordinance, 1897," shall be paid over to the Treasurer of the Protectorate, to be placed to the credit of a fund to be styled the "Military Fines Fund."

2. No payment shall be made from the Military Fines Fund except on the authority of the Commissioner.

3. The Commissioner may, on the recommendation of the Officer Commanding the Troops in the Protectorate, sanction payments from the Military Fines Fund for any of the following purposes, that is to say:—

(a.) Assistance to the wives or families of deceased soldiers, or soldiers discharged as invalids, who may be in immediate want;

(b.) Contributions towards prizes to be given at athletic meetings, assaults-at-arms, and similar events organized by or for the benefit of soldiers of the force;

(c.) Purchase of ammunition for the encouragement of rifle shooting;

(d.) Payments to soldiers of the force as rewards for special services when such payments cannot otherwise be met out of Protectorate funds;

(e.) Provision of any articles for the use of the force, when the cost of such provision cannot otherwise be met out of Protectorate funds.

4. Annual Statements of receipts and expenditure on account of the Military Fines Fund shall be rendered by the Officer Commanding the Troops in the Protectorate to the Commissioner, who will submit them to the Secretary of State.

Mombasa, March 14th, 1902.

C. ELIOT,  
His Majesty's Commissioner.

## EAST AFRICA PROTECTORATE.

## NOTICE.

The following Regulations made by His Majesty's Commissioner, and hereby declared to be urgent, are published for general information.

Mombasa, March 27th, 1902.

C. ELIOT,  
His Majesty's Commissioner.

*King's Regulations under Article 45 of "The East Africa Order-in-Council, 1897." and Article 11 of "The East Africa Order-in-Council, 1899."*

No. 8 OF 1902.

*Hut Tax in the Provinces of Kisumu and Naivasha.*

1. Until further notice the limit of the tax which may be imposed within the Provinces of Kisumu and Naivasha in respect of a hut under the East Africa Hut Tax Regulations of 1901 (No. 18 of 1901) is hereby declared to be three Rupees.

2. These Regulations may be cited as "The Hut Tax (Amendment) Regulations, 1902."

Mombasa, March 27th, 1902.

C. ELIOT,  
His Majesty's Commissioner.

## EAST AFRICA PROTECTORATE.

## NOTICE.

The attention of the public is called to the following Regulations and especially to Nos. 6 and 51. Whereas no license or fee has hitherto been necessary for prospecting in the territory of the East Africa Protectorate a six months' license of five rupees is now required and persons prospecting without such license will be liable to the penalties prescribed in the Regulations.

C. ELIOT,

H. M. Commissioner and Consul-General.

Mombasa, April 12th, 1902.

## NOTICE.

The following Regulations made by His Majesty's Commissioner, and allowed by the Secretary of State, are published for general information.

C. ELIOT,

His Majesty's Commissioner.

Mombasa, April 12th, 1902.

*King's Regulations under Article 45 of "The East Africa Order-in-Council, 1897,"  
and Article 11 of "The East Africa Order in-Council, 1899."*

No. 9 OF 1902.

*Mining.*

1. These Regulations may be cited as "The East Africa Mining Regula- Short title.  
tions, 1902."

2. In these Regulations the following terms shall have the respective Interpretation.  
meanings hereby assigned to them, unless the context otherwise requires, that  
is to say:—

The term "the Protectorate" means the East Africa Protectorate.

The term "the Commissioner" means His Majesty's Commissioner and  
Consul-General for the Protectorate, or the person for the time being acting as  
Commissioner and Consul-General.

The term "the Government" means the officers administering the Prot-  
ectorate severally and collectively.

"Land-owner" means owner of land subject to a reservation of minerals,  
and includes a lessee of Crown land subject to a reservation of minerals.

The term "public field" or "mining centre" means the proclaimed area  
thrown open by lawful authority for digging and mining.

The term "claim" means that portion of a public field on which any person  
has obtained a license to dig or mine, and which has been lawfully taken up  
and occupied under and by virtue of the provisions of these Regulations.

The term "prospecting area" means a rectangular foursided area, no  
side of which shall exceed 600 yards in length.

The term "European" means a person of European birth or parentage.

The term "the 'Gazette'" means the Gazette of the Protectorate.

The term "mining purposes" means the purpose of searching for, mining,  
and removing gold, silver, precious stones, ores, metals, coals, and all other  
minerals, and of carrying out such works.

The term "prescribed" means prescribed by Rules made under these  
Regulations.

The term "person" shall include any body of persons, corporate or unin-  
corporate.

The term "native" has the same meaning as in the Orders-in-Council for  
the time being applying to the Protectorate.

3. All rights of underground working under these Regulations shall be  
limited by imaginary lines drawn vertically downwards from the surface  
boundaries.

4. The provisions of these Regulations shall extend and apply to all lands Lands to which  
situate within the Protectorate, except— Regulations is  
applicable.

- (a.) Lands dedicated to or set apart for any public purpose.
- (b.) Lands held under grants or leases giving the holder rights of working the mines and minerals which are recognized by the Government.
- (c.) Lands declared by the Commissioner by notice in the "Gazette" to be exempted from the operation of these Regulations.
- Appointment of officers. 5. The Commissioner may appoint an officer, with the title of Commissioner of Mines, and such other officers as may be necessary, to carry into effect the provisions of these Regulations, and may assign to each such officer his duties.
- Prospectors' licenses. 6. The Commissioner of Mines, or other prescribed officer, may issue a prospector's license to any person, authorizing him to prospect and search for gold, silver, precious stones, ores, metals, coal, and all other minerals, or any or all thereof, on any lands to which these Regulations apply. Such license may be granted on personal application, or, in case of renewal, on personal or written application, upon payment, in advance, of a sum of 5 rupees for every six months for which the same is to be in force, and no one shall be allowed to prospect or search for gold, silver, precious stones, ores, metals, coal or any other minerals on such lands without obtaining such license: Provided, however, that such license shall be subject to any Regulations for the time being in force, and provided such license shall not authorize the sale or other disposal of any gold, silver, precious stones, ores, metals, coal, or any other minerals so discovered; and every holder of a prospecting license shall have the right of grazing for six horses or mules, or for sixteen oxen, and of taking wood and water for his domestic use, free of charge on Crown lands, and if on any other lands, on payment to the owner or occupier of the land, where such license is exercised of 8 annas per diem: Provided, however, that the prospector shall only exercise the rights conferred on him by this section on the land at the place or places indicated by the Collector of the district or the owner, as the case may be.
- Limitation of rights conferred by prospecting license. 7. If any question shall arise between the owner or occupier and the prospector as to their respective rights, or as to the suitability of land indicated by the owner, they shall be determined by the Commissioner of Mines or other prescribed officer.
- Disputes as to rights of owners and prospectors to be determined by Commissioner of Mines. 8. Any person applying for a prospecting license for the purpose of prospecting the land of any owner shall, at the time, enter into a bond with two sureties to be approved by the Commissioner of Mines, or other prescribed officer, in the sum of 400 rupees for himself and of 200 rupees for each of the two sureties for the due and proper repair of any surface damage done by him on the land of any owner, and for the due payment of the sum accruing to any owner from the prospector on account of the daily payments such prospector is required to make under section 6 of these Regulations for the grazing, wood, and water rights referred to therein.
- Bond to be entered into by prospector. 9. Such bonds shall be as near as may be in the form of Schedule (B) hereto.
- Form of such bond. 10. Any person being the holder of a prospecting license may beacon off for himself a prospecting area, which area he may hold (subject, however, to all such Regulations as may from time to time be in force) until the expiration of the period for which the license was granted or may have been renewed: Provided, however, that no prospecting area shall be beacons off on any public field within a distance of 880 yards, though prospecting operations may be carried on within such distance, from any known portion of any discovered reef, or of the site of the discovery of any alluvial gold, diamonds, or precious stones. No person shall at any time occupy more than one prospecting area, either by himself or his servants.
- Prospecting area. 11. It shall be the duty of any person having made any discovery or find of gold, silver, or precious stones whilst prospecting under such license, to at once make a solemn declaration of the finding of the same and to lodge such declaration with the Collector of the district in which any such find shall have been made, and any person who shall fail to do so within a reasonable time shall be liable, upon conviction thereof, to a fine not exceeding 500 rupees, or to simple imprisonment for a term which may extend to six months, or to both, and in addition his license may be forfeited.
- Declaration of discovery of gold, &c. 12. Any person who shall make such declaration whilst prospecting or otherwise, well knowing that the gold, silver, or precious stones declared to
- False declaration.

have been found were, by himself or by some other person, placed or deposited in or on the spot, or in the soil or stuff dug out or removed from the spot in which such declarant was prospecting, or in which the discovery of such gold, silver, or precious stones is declared as aforesaid to have been made, and were not naturally situated in or on the spot, or in the soil or stuff in which they were declared to have been found or discovered, or well knowing that the said precious stones or minerals were not found or discovered in or on the place where they were declared to have been found or discovered, shall, upon conviction, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

13. Any person who shall wilfully place or deposit, or be accessory to the wilfully placing or depositing, of any gold, silver, or precious stones in any spot or place for the purpose of inducing any person to make such solemn declaration as aforesaid, or for the purpose of misleading the Government as to the payable nature of a spot or place where gold, silver, or precious stones have been declared to have been found, and previous to such spot being proclaimed an alluvial digging, or mine, or being let out on a lease as hereinafter provided, shall be liable to the same punishment as for an offence under this last preceding section. Fraudulent acts.

14. In any proceedings taken for the contravention of the last preceding section, if the accused person shall be proved to have placed or deposited, or to have been accessory to the placing or depositing, of any gold, silver, or precious stones in any place where the finding thereof would be likely to lead any person to make a declaration of the finding of the same, or would tend to mislead the Government, he shall be taken to have so placed or deposited such gold, silver or precious stones in contravention of the last preceding section, unless he shall produce satisfactory evidence to the contrary. Proof of fraudulent acts.

15. It shall be lawful for the Commissioner from time to time, by proclamation, and when satisfied as to the existence of gold or silver ores or precious stones in payable quantities, to constitute and appoint any portion of the territory to be a mining centre, or public field, under these Regulations, to assign boundaries to such centre or field, to enlarge, contract, or otherwise alter such boundaries, and to declare by what local name, if any, every such mining centre or field shall be designated, and to abolish altogether such mining centre or field. Proclamation of mining centre or public field.

16. The proclaiming of a mining centre or public field by the Commissioner does not carry with it any guarantee of the existence of gold, silver, or precious stones in payable quantities on such mining centre or field. Proclamation no guarantee.

17. Any holder of a prospecting license who shall have complied with the provisions of these Regulations, and who shall prove to the satisfaction of the Commissioner of Mines, or other prescribed officer, that he has found any gold, silver, or precious stones under such license, shall, on abandoning his prospecting area, be entitled, instead, to select five alluvial or seven quartz claims at the place where such gold, silver, or precious stones shall have been found, and shall receive a certificate from the Commissioner of Mines that he is so entitled. Such claim shall be marked off and registered as prospectors' claims: Provided, however, that in no case shall such a discoverer be entitled to select such claims, or receive any such certificate, should his discovery be situated within a distance of 3 miles of any previous discovery for which a certificate has been applied for or granted. The holder of any such certificate, being the original prospector to whom such certificate was granted, shall, whether the claims be included in a public field or not, have the right to work, dig, or mine for gold, silver, or precious stones therein without being required to take out or keep up any prospector's or digger's license for such length of time as he may remain the owner of such claims. Each of such claims shall be of the size fixed and determined under these Regulations as the size of a prospector's or digger's claim. Prospectors' claims.

18. It shall be lawful for the Commissioner of Mines, or other prescribed officer, when satisfied as to the existence of gold, or silver, or precious stones in payable quantity on any prospecting area on any public field, to call upon the owner of such prospecting area to relinquish his prospecting right over such prospecting area, and to take out a digger's license as hereinafter prescribed. Such owner shall be entitled to mark off his digger's claims upon the sight of his prospecting area, and shall be empowered to mark off diggers' claims not being more than twelve in number, exclusive of his own or prospector's claim. When gold is discovered in payable quantity owner to relinquish his prospecting area and mark off diggers' claims.

Commissioner of Mines to decide if gold has been discovered in payable quantity. 19. The question as to whether gold, silver, or precious stones in payable quantity has been discovered on any prospecting area on any public field, shall be determined after due inspection of such area by the Commissioner of Mines, or other prescribed officer, and the determination so arrived at shall, if approved by the Commissioner, be final and conclusive, and not subject to any kind of appeal.

Diggers' licenses on public fields. 20. It shall be lawful for the Commissioner of Mines, or other prescribed officer, to issue a digger's license to any person, authorizing him to dig for gold, silver, or precious stones on any land on any public field not previously occupied under the provisions of these Regulations whether as prospecting claims or otherwise. Such license may be granted to any person applying for the same upon payment in advance of a sum at the rate of 20 rupees for each month, or portion of a month. Each license shall entitle the digger named therein to beacon off a claim on the public field named in the license, upon such conditions and in such manner as may be provided by these Regulations, or in Rules under these Regulations.

Any person may take out two licenses and purchase claims. 21. Any person shall have the right to take out two licenses on each public field, and to hold the same in his own name. He shall also be allowed to hold claims acquired by purchase from other claim-holders.

Amalgamation of claims. 22. Diggers, being holders of adjoining claims being not less than three nor more than twelve in number, who wish to amalgamate their claims, can have the same registered as amalgamated claims on application at the office of the officer appointed for the purpose. When so registered, the share of each digger shall be clearly defined, and the working of one or more of such claims so amalgamated shall be deemed a sufficient compliance with the provisions of the Regulations as to the continuous working of claims.

Transfer of claims. 23. Claims may be transferred from one license holder to another, subject to such Regulations as may be in force. Such transfer may be made according to the form in Schedule (D) to these Regulations, and the price of transfer must be declared by the transferor and transferee; but no transfer of any claim shall be recognized until it has been duly registered by the Commissioner of Mines, or other prescribed officer; and such registration is to take place only on payment of a transfer fee of 10 rupees per claim, provided that the transfer of any claim shall carry with it the transfer of the license, and that the transferee shall continue to pay in advance monthly the 10 rupees payable on such license. In cases of parts of claims transferred, the license payable to be apportioned and included in a new license to be granted for the sub-division, each such transaction to be indorsed on the transferor's license.

A digger having transferred his claims may take out new licenses. 24. A licensed digger who may have transferred his claims shall be at liberty to take out such new digger's licenses as he may under the provisions of these Regulations be entitled to hold. For the purposes of this section an amalgamation shall be considered as a transfer.

Diggers' Committee. 25. At every public field, and in every district at or in which there shall be more than twenty-five registered claim-holders, or license-holders, such persons shall, upon an application made in writing to the Commissioner, and signed by not less than two-thirds of the whole number, and, upon such application being acceded to, be at liberty to elect a Diggers' Committee of not less than five or more than nine members, who shall hold their seats subject to such Rules as may be framed under these Regulations, and whose duties shall consist in making Bye-laws for such public field or district, for the management and administration of mining centres or districts, in respect of all local needs: Provided that such Bye-laws shall not injuriously affect the rights or interests of any person outside such centre or districts, and such Bye-laws shall not have effect until they are approved of by the Commissioner and published in the "Gazette," or otherwise published as may be determined by Rules.

Chairman of Committee. 26. The principal officer in the department of Mines under whose superintendence the public field is shall be Chairman of the Diggers' Committee, with a casting vote in case of equality of votes.

Qualification for membership. 27. Save as hereinafter excepted, every registered claim-holder or working prospector shall be eligible to be a member of a Diggers' Committee, and every claim-holder or working prospector, shall have one vote, and no more, in the election of members of such Committee.

Disqualification. 28. No claim holder or working prospector shall be eligible as a member of a Diggers' Committee, or be a voter for members thereof, whose estate shall be sequestrated as insolvent, and if after election any member shall cease

to be a claim-holder or working prospector or shall become and be declared insolvent, his seat shall, *ipso facto*, become vacant. No claim holder or prospector shall be entitled to vote for, or to be elected as a member of a Diggers' Committee unless he is engaged in actual prospecting or digging upon such public field or in such district on his own account or for others.

29. The owner of any private land included in any public field shall receive one-half of the amount paid to Government for stand licenses or other fees payable in respect of such land.

Owner of private land to receive half license moneys.

30. Every owner of land subject to a reservation of minerals shall, on giving notice to the Commissioner of Mines, be entitled to prospect his own land or holding within the boundaries of his own property, without taking out a license. No such owner or lessee owner shall be allowed to throw open his ground to the public as a public field, either in respect to alluvial or quartz diggings, nor shall he permit any digging or mining on any portion of his land except under the provisions of these Regulations and any Rules issued thereunder.

Owner may prospect without a license on his own lands.

Owner may not throw open his land to the public.

31. Every owner on discovering, gold, silver, or precious stones on his own land, shall make such declaration as is required of the licensed prospector in section 11.

Owner to declare a discovery.

32. The owner of any land which has been proclaimed a public field, or annexed to an already existing field, shall, after the prospector has beaconed off his prospector's and digger's claim, be entitled to beacon off certain claims, to be known as owners' claims, according to the extent of the said land, to wit— one claim for each 100 acres: Provided, however, that the number of owners' claims shall in no case be less than two nor exceed twelve in number, which must be worked in compliance with all the Rules and Regulations as to claims and the licenses requisite therefor. In all cases the prospector shall have first choice of site of claims; the owner shall then select and beacon off such claims as he may be entitled to, and thereafter the holders of diggers' licenses may beacon off claims in terms of the provisions of these Regulations and any Rules made thereunder.

Owner's claims on a public field.

33. There shall be exempt from the operation of these Regulations all land upon which any house or buildings have been erected, and the land immediately adjacent thereto, as also all water furrows, gardens, orchards, or cultivated lands or plantations: Provided, however, that the owner of any such land so exempted may in consideration of compensation, waive all claims to such exemptions. In all cases the water supply of the owner of any land on a public field shall be reserved, so that he shall retain sufficient for his household, his stock, and for any water-mill already erected, and the irrigation of such gardens and land as were under cultivation at the time of the proclamation of such land as a public field. If any question shall arise as to water supply, it shall be determined by the Commissioner of Mines or other person deputed by him.

Exemption of lands on which buildings, &c., are erected.

34. The Commissioner of Mines shall have the power, and is hereby authorized, on the application of any person holding a digger's license, to do the following acts on or with respect to any public field:—

Commissioner of Mines may authorize the erection or construction on Crown lands or land of owner of—

(a.) To lay out lines of road, which shall be made and maintained and used with such fencing, bridges, and for such period and by such person as the Commissioner of Mines may determine. A railway or tramway may be laid down and constructed upon any such road, and be worked with locomotive engines or other motive power.

Roads, bridges, &c.

(b.) To enter upon any lands, and to authorize the construction thereon and therein of pits, shafts, levels, drives, tunnels, excavations, and to allow all and every kind of mining operation to be carried on.

Pits, excavations, &c.

(c.) To enter upon any lands, and to authorize the cutting, constructing, and using of drains thereon, and of water-races, dams, and reservoirs, and taking or diverting water from any spring, pool, or stream situate in or flowing through such lands, and in order to use such water for mining purposes.

Drains water-races, &c.

(d.) To exercise, and authorize the exercise of, any rights of the nature of easements in connection with mining operations upon any lands.

Easements.

35. All expenses of making and maintaining any such road, or constructing any pit, shaft, level, drive, excavation, or other kind of mining operation, or constructing water-races, dams, and reservoirs, and of exercising any rights of

Expenses to be borne by the applicant.

the nature of easements in connection with mining operations, shall in each case be borne by the applicant, who shall, before the application is granted, deposit on account of such expenses such sum of money as the Commissioner of Mines may require.

Powers to be exercised only for public advantage.

36. The Commissioner of Mines shall only exercise the powers by section 34 conferred upon him in such cases as he may consider it to be of advantage to the public interest that facilities as aforesaid should be allowed to any person so engaged in mining.

Compensation for loss for acts under sec : 34.

37. If anything proposed to be done, or done, under the powers by section 34 conferred, shall be calculated to be, or shall be, prejudicial to the owner or occupier of any land, such owner or occupier shall be entitled to full compensation for any loss thereby sustained, or to be sustained, by him in respect of such land from the person or persons applying to the Commissioner of Mines, and doing, or proposing to do, such act. Each claim for compensation shall, if not settled by agreement, be determined by an arbitrator to be appointed by the parties or, in case they cannot agree in such appointment, by the Sub-Commissioner of the province.

Apportionment of rent where owner requires part of land under lease.

38. If a part only of any lands comprised in a lease for a term of years unexpired shall be required for the purposes of these Regulations by the owner of the land, or for admitting thereon of licensed prospectors, or under section 34 of these Regulations, the rent payable in respect of the lands comprised in the lease shall be apportioned between the lands so required and the residue of such lands. Such apportionment may be settled by agreement between the lessor and the lessee, and if not so settled by agreement, then by the Sub-Commissioner of the province in which such lands are situated, subject to appeal, as hereinbefore stated. And after such apportionment, the lessee, shall be liable for so much only of the rent as shall be so apportioned in respect of the land so required ; and all covenants, conditions, and agreements in such lease, except as to the amount of rent paid, shall remain in force in regard to that part of the lands not so required as aforesaid, in the same manner as if such part only of the lands had been included in the lease. Every such lessee shall be entitled to claim compensation for the damage done to him in his tenancy by reason of severance of the land so required from that not so required, and otherwise by reason of mining and prospecting thereon.

Compensation to lessee.

Reservation of owners or occupier's rights.

39. In all cases in which the taking or diverting water from any spring, pool, or stream shall affect the water supply of any owner or occupier of land, such owner or occupier shall be entitled to retain, and have reserved, and to use sufficient for his household requirements, his stock, and the irrigation of such cultivated land or gardens as were under cultivation or ordinarily cultivated at the time of the taking and diversion aforesaid, and also for any water-mill already erected. If any question shall arise as to the water rights of the owner they shall be determined by the Commissioner of Mines.

Mining leases.

40. The Commissioner may grant to any licensed person, who has prospected to the satisfaction of the Commissioner of Mines, and subject to the provisions of these Regulations, a lease of any lands for mining purposes, or for cutting and constructing thereon races, drains, dams, reservoirs, roads, or tramways to be used in connection with any such mining, or for erecting thereon any buildings or machinery to be used for mining purposes, for pumping or raising water from any land mined or intended to be mined upon or for any or all of those purposes, and also for residence in connection with any of such purposes, for any term not exceeding twenty-one years, terminable on six months' notice by the lessee, and upon the terms and conditions prescribed by any Rules framed under the provisions of these Regulations, and the Commissioner may grant a renewal of the lease from time to time for a further period of not exceeding twenty-one years upon the terms and conditions allowed by law in the case of new leases at the time when such renewal is granted.

Definition of "gold mining and mineral leases."

41. All such leases granted for the purpose of mining for gold, silver, or precious stones, or for any of the purposes aforesaid connected with such mining shall be called "mining leases," and all such leases granted for the purpose of mining for any metal or mineral other than gold, silver, or precious stones, or for any of the purposes aforesaid connected with such last-mentioned mining shall be called "mineral leases."

Royalties.

42. There shall be payable to the public revenue of the Protectorate, through the Commissioner of Mines, a royalty upon all gold, silver, precious stones, ores, metals, coal, and all other minerals, found in and extracted from any land not being a public field, to wit :—

- (a.) On gold, a royalty of 2 rupees per ounce.  
 (b.) On silver, a royalty of 2 annas per ounce.  
 (c.) On diamonds, royalty of 2½ per cent. upon the value thereof.  
 (d.) On coal, a royalty of 8 annas per ton.  
 (e.) On other precious stones, ores, metals, minerals, such royalty as the Commissioner may fix.

These royalties are subject to such alteration as the Commissioner may see fit to make from time to time.

And it shall be the duty of any person mining for such gold, silver, precious stones, ores, metals, coal, and all other minerals to render all such accounts as may be required by the Commissioner of Mines, and to pay such royalties at the end of the months of March, June, September, and December in each and every year.

43. One-half the amount received by the Government on account of the rents for mining or mineral leases granted over any private land shall be paid to the owner of such land, as well as one-half of the royalties received by the Government, if and in so far as such royalties do exceed the amount of rent payable.

44. A tract of land once proclaimed a public field or annexed thereto as a portion thereof shall not be directed to be closed unless the population of European birth or descent thereon be reduced to less than one person for every 40 acres. No such public field shall be closed until three years from the publication of a Proclamation directing such closing, and the rights of remaining diggers shall in all such cases be considered, and further time if requisite be granted them for working their unexhausted claims, all in terms of Rules framed under these Regulations.

45. The extent of a prospector's or digger's alluvial claim shall be 150 feet by 150 feet, and each claim shall be properly beaconed off at the four corners with pegs not less than 2 inches in diameter, and standing not less than 3 feet above the ground. The number of the claim, the name of the owner, and the date of pegging off must be duly marked on each peg, such peg being marked with the cardinal point of bearing. The extent of a prospector's or digger's quartz-reef claim shall be 150 feet along the reef, and 400 feet across or on one side of the reef as may be desired. In respect to quartz-reef claims, two central pegs, one at either end of the claim will be sufficient beacons for the first thirty days. After the expiration of that time, four corner pegs must be substituted, and the direction must be indicated by clearly defined beacons. In the case of quartz-reef blocks, of amalgamated claims, four corner pegs shall be sufficient for each block, but the names of the respective claim-holders in the block, or of any trustee or trustees holding for them, or of any Company acquiring such claims, must be legibly marked on each peg, together with the date of amalgamation. No alluvial claims shall be pegged out under power of attorney, and all such claims must be beaconed off, and registered by the person in whose name the license has been taken out.

46. Any digger on a public field desiring to abandon his claim or claims with the object of marking off a new claim or claims, shall be entitled to do so on withdrawing the pegs of the claims to be abandoned, posting a notice of the abandonment on the ground for at least seven days, and reporting the withdrawal and abandonment, in writing, to the Commissioner of Mines, or his authorized deputy.

47. Each licensed digger is entitled to a stand for his dwelling in addition to his claims for digging, but the site of his dwelling shall not be a spot known to contain gold, silver, or precious stones. A licensed digger shall, on receiving notice from the Commissioner of Mines, or other officer appointed for the purpose, remove his dwelling within thirty days.

48. Every person not being a digger, who desires to erect on any public field a store or shop, building, or dwelling-house, or any other kind of erection, may obtain from the Commissioner of Mines, or other prescribed officer, one or more stand licenses. Each such license shall entitle the holder to beacon off a piece of a ground in such a locality as may be pointed out by the Commissioner of Mines, or other prescribed officer, so as not to interfere with mining operations or any area known to contain gold, silver, or precious stones. Each stand license, whether monthly or yearly, at the option of the applicant, must be renewed from time to time. The cost of the stand license, which shall be in addition to other licenses, and the extent of ground included in any stand

Accounts to be rendered.

Half-rents, &c., payable to owner.

Closing of a public field.

Extent of claims.

Claims not to be pegged out under power of attorney.

Abandonment of claims.

Stands for dwellings.

Stand licenses.

- license, shall be fixed from time to time by Rules issued under the provisions of these Regulations: Provided that the Commissioner may at any time authorize the sale, by public auction, of stands on any public field; and in the event of such sale, the owner of any private land included in any public field, and entitled under section 29 of these Regulations, to one-half the amount of stand licenses paid to Government, shall be entitled to receive one-half of the net proceeds of the sale of such stands by public auction.
- Owner to receive half amount of stand licenses.** 49. The cost of licenses for wood-cutting on Government lands included in any public field shall also be fixed from time to time by Rules issued under the provisions of these Regulations.
- Wood-cutting licenses on lands included in public fields.** 50. With respect to the cutting of wood on private land included on any public field, an agreement must be entered into with the owner.
- Wood-cutting on private land included in public field.** 51. Any person or persons, other than those who may be working on land held under a mining or mineral lease, who shall prospect, search for, or dig for gold, silver, precious stones, ores, metals, coal, or any other minerals without being in possession of a license taken in his own name, shall be liable to a fine not exceeding 100 rupees for each offence, and, on failure to pay the fine, to simple imprisonment for a term which may extend to three months. The onus of proof that he is duly licensed shall rest with the person accused. Each licensed prospector or digger shall exhibit his license whenever called upon so to do by any officer of the Government, and any person refusing to exhibit his license shall be deemed to be prospecting or digging without a license.
- Penalty for digging or prospecting without a license.** 52. Any person guilty of illegally altering, shifting or removing the beacons or pegs of any claim shall be liable to imprisonment of either description which may extend to three years, or to a fine not exceeding 1,000 rupees.
- Penalty for removing beacons.** 53. Any person paying his servant in native gold shall be guilty of an offence, and on conviction thereof shall be liable to imprisonment of either description for a term which may extend to three years, or to a fine not exceeding 5,000 rupees.
- Penalty for paying servants in native gold.** 54. Any person purchasing, trading, or receiving native gold from any other than a person duly authorized, either on a proclaimed public field, or elsewhere within the limits of the Protectorate, shall be guilty of an offence, and shall be liable, on conviction, to rigorous imprisonment for a term which may extend to five years, or to a fine not exceeding 10,000 rupees.
- Penalty for dealing in native gold with others than persons duly authorized.** 55. Any person not duly authorized so to do, selling, bartering, receiving, or disposing of native gold shall be guilty of an offence, and shall be punished by rigorous imprisonment for a term which may extend to three years.
- Penalty inflicted on persons dealing in native gold.** 56. It shall be lawful for diggers or miners to dispose of minerals as they may deem fit: Provided that it shall not be lawful to sell or barter native gold to any person or persons other than bankers, or other persons licensed to trade in gold; and all such bankers or licensed persons shall keep a faithful record of their purchases, setting forth the name of the seller, quantity bought and date of transaction.
- Disposal of minerals: native gold.** 57. It shall not be lawful for any person other than a licensed digger, or licensed dealer or lessee, to be in possession of native gold other than in such small quantities as may be reasonably held for scientific purposes or as mineral specimens. Any person found unlawfully in possession of native gold or gold amalgam, shall be liable to summary arrest by any police officer or any licensed digger, and shall, on conviction, be liable to rigorous imprisonment for a term which may extend to three years, or to a fine not exceeding 5,000 rupees.
- Possession of native gold prohibited by others than prospectors, dealers, &c.** 58. In the event of the discovery of mineral oil or oils in the Protectorate, the Commissioner shall have the power to make, promulgate, and enforce such Rules for the proper workings of the wells as from time to time he shall think necessary.
- Mineral oil wells.** 59. Whenever any land owned by any person has been or shall be sold, and the price paid, or to be paid, for such land includes a value put upon gold, silver, coal, diamonds, precious stones, or minerals, supposed to be in and upon the said land, no transfer duty shall be charged or exacted by the Registrar of Deeds or other receiver of transfer duty in respect of the price or value of such gold, silver, coal, diamonds, precious stones, or mineral.
- No transfer duty exacted on value of minerals in land sold.** 60. The Commissioner may from time to time, subject to the direction of the Secretary of State make Rules with respect to the following matters, and
- Commissioner may make rules.**

may apply such Rules, in whole or in part, to the whole or any district or districts of the Protectorate at such time or times as he may think fit :—

(a.) The working of mines so as to secure the safety of persons employed in mines, and of the public ;

(b.) The appointment of Inspectors of mines, and the powers and duties to be exercised by them :

(c.) Any matters required by these Regulations to be prescribed by Rules ; and

(d.) Any matters appearing to the Commissioner to require regulating so as to give effect to the provisions of these Regulations.

By such Rules penalties may be imposed not exceeding in the case of any offence a fine of 500 rupees and imprisonment of either description for a term which may extend to three months, with or without fine.

61. Nothing in these Regulations shall be construed as preventing the Commissioner from authorizing any person to prospect and search for minerals on any Crown lands, on such terms as may seem proper, or from selling or leasing any Crown lands, with such rights of working any mines or minerals therein, and on such terms and conditions as may be expressed in the grant or lease, and any lands so sold or leased shall not be subject to the provisions of these Regulations. General saving.

62. Nothing in these Regulations shall abridge or control the rights and powers of His Majesty in respect of gold, silver, precious stones, ores, metals, coals, and other minerals whatsoever, otherwise than in these Regulations is expressly provided. Rights of the Crown.

Mombasa, April 12th, 1902.

C. ELIOT,  
His Majesty's Commissioner.

Allowed :

LANSDOWNE,  
His Majesty's Principal Secretary of State  
for Foreign Affairs.

#### SCHEDULE (A).

##### *Prospecting Licenses.*

Prospecting License is hereby granted to *A.B.* to prospect and search for gold, silver, precious stones, ores, metals, coal, and other minerals on lands within the East Africa Protectorate during the period from  
to (save such portion of such lands as may be exempted under the provisions of these Regulations) for which license he has paid in advance the sum of \_\_\_\_\_ rupees.

(Signed)

Commissioner of Mines.

[or other officer, as the case may be.]

#### SCHEDULE (B).

Before me, \_\_\_\_\_ Commissioner of Mines [or other officer],  
for \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,  
*A. B.*, residing at \_\_\_\_\_, acknowledges himself to be indebted to our Sovereign Lord the King in the sum of 250 rupees, and *C. D.* and *E. F.* severally acknowledge themselves to be indebted to our said Sovereign Lord the King in the sum of 125 rupees to be levied upon their, and each of their, goods and lands, upon condition that the said *A. B.* shall make due and proper repair of any surface damage done by him on any land upon which he shall have obtained a license to prospect, and for the due payment of the sum accruing to any owner from the said *A. B.* on account of the daily payments the said *A. B.* is required to make under Article 6 of these Regulations for the grazing, wood, and water rights referred to therein.

## SCHEDULE (C).

*Diggers' Licenses.*

License is hereby granted to silver, and precious stones on the Africa Protectorate during to , 19 , and to enjoy all privileges secured by law to licensed diggers.

to mine and dig for gold, public fields in the East Africa Protectorate during months from , 19 ,

For this license has been paid the sum of rupees, being the amount for months at per month.

(Signed)

Commissioner of Mines.

[or other officer, as the case may be.]

## SCHEDULE (D).

*Form of Transfer.*

I, A. B., of , being registered as the holder of claims, numbered in the register , at in the district of , in consideration of the sum of , paid to me by C. D., of the receipt of which sum I hereby acknowledge, do hereby transfer to the said C. D. all my right, title, and interest in and to the claims Nos. , and I the said C. D., hereby accept such transfer.

## NOTICE.

Until further notice H. M's. Sub-Commissioners will act as Commissioners of Mines each in his own province.

Mombasa, April 12th, 1902.

C. ELIOT,  
H. M's. Commissioner.

## EAST AFRICA PROTECTORATE.

## NOTICE.

The following Rules made by His Majesty's Commissioner, with the approval of the Secretary of State, are published for general information.

Mombasa, April 12th, 1902.

C. ELIOT,  
His Majesty's Commissioner.*Rules under Article 60 of "The East Africa Mining Regulations, 1902."*

## No. 10 OF 1902.

*General Mining Rules.*

Prospecting licenses, by whom issued, cost, &amp;c.

1. Prospecting licenses on any lands within the Protectorate may be issued to any person of European birth or descent, on personal application, or in the case of renewal, on personal or written application,—

(a.) By the Commissioner of Mines ;

(b.) By any Sub-Commissioner of a province ;

(c.) By any Collector of a district specially appointed by the Commissioner.

Fee for license.

The fees to be paid for such license shall be 5 rupees for every six months for which the same is to be in force.

Prospecting license, forms of Schedules (A) and (B).

2. Prospectors may, upon payment of the proper fee, obtain a license either in the form of Schedule (A) or of Schedule (B) attached to these Rules.

Bond required of prospector prospecting on private land.

3. Prospectors who may require a license in accordance with the form of Schedule (B) will be required to enter, previously to receiving such license, into the bond specified in Schedule (C) attached to these Rules.

4. Any registered owner or lessee, upon giving notice in writing to the Commissioner of Mines, be entitled to prospect his own land without taking out a prospecting license.

Owner of land not required to take out prospecting license.

4a. It shall be incumbent upon every prospector entering upon the land of any owner for the purpose of prospecting under a prospecting license in the form of Schedule (B), to at once notify to such owner, in writing, the date on which he (the said prospector) entered upon the land.

Prospector on private land to notify to owner date of entry on said land.

4b. Every prospector prospecting upon private lands, shall, at the end of every fortnight, pay to the owner, trustees, lessee, or occupier of the land, the amount of 1 rupee per diem for the number of days during which he has been present on the land.

Payments to owner for grazing rights, &c., to be made direct to owner.

4c. Should any owner of land represent to the Commissioner of Mines, or other officer acting as such, that the amount lawfully due to him from any prospector prospecting his land, has not been paid, and has remained overdue for the space of seven days, the Commissioner of Mines may after due inquiry into the facts of the case, and after satisfying himself that the amount is due unpaid, declare the license granted to the said prospector cancelled, and may take steps, under the bond, entered into by the prospector at the time he took out his license, to recover the amount due to the owner, which shall be paid over to the said owner.

Proceeding in case of prospector failing to pay amounts due to owner.

5. Every prospecting area must be properly beacons off at the four corners with pegs not less than 2 inches in diameter, and standing not less than 3 feet above the ground. On each peg should be legibly inscribed the date on which the area was pegged off and by whom.

Prospecting area, how beacons off.

6. Every prospecting area must be registered within fourteen days from the day of pegging off at the office of the Commissioner of Mines, or other officer authorized on that behalf in a book kept by him for that purpose.

Prospecting area, registration of.

7. Any prospector who may wish to abandon his prospecting area in order that he may peg off a new prospecting area, may do so on withdrawing the pegs of the area he wishes to abandon, and on giving notice in writing to the Commissioner of Mines or other duly authorized officer that he has done so.

Prospecting area, abandonment of.

8. Every prospecting area shall be worked during at least seven days out of every calendar month.

Prospecting area, conditions as to working.

9. Any prospector may obtain a certificate that he is the registered proprietor of the prospecting area registered in his name from the office at which such prospecting area was registered, on payment of a fee of 1 rupee.

Prospecting area, certificate of registration.

10. A prospecting area shall be held to be abandoned should the prospector fail to keep up his prospecting license, or should he fail to comply with the conditions detailed in Rule 8.

Prospecting area, conditions under which it is held.

11. A prospector who may abandon his prospecting area will be required to fill up, or to properly fence, or to secure all shafts, pits, holes, and excavations, in a manner, so as to prevent persons or cattle inadvertently entering the same. No prospector will be permitted to register a new prospecting area, or obtain a fresh or renewal license until this Rule has been complied with.

Filling up of holes, shafts, &c.

12. Prospectors on lands other than those included in any public field desiring to mine for or dispose of any gold, silver, precious stones, ores, metals, coal or other minerals, will be required prior to doing so to take out a mining or mineral lease.

Mining or mineral lease, obligation on prospector to make application for, if desirous of mining.

13. Any lands in the Protectorate not exempted from the operation of "The East Africa Mining Regulations, 1902." and any lands not specially exempted therefrom hereafter by the Commissioner, may be leased under these Rules and in compliance in all respects with the provisions of the said Regulations.

What lands may be leased.

14. The area of land which may be leased under any "mining lease" shall not exceed 25 acres; and under any "mineral lease" shall not exceed 506 acres; and any block of land applied for and leased under a "mining lease" shall as far as possible, be rectangular in shape, and no side shall exceed 600 yards in length.

Extent of lease.

15. Any licensed person who has prospected to the satisfaction of the Commissioner of Mines intending to apply for a lease of any lands in the Protectorate shall, previous to making application as hereinafter directed, erect, or

Boundaries of land applied for to be defined.

- cause to be erected, at each angle of the land proposed to be leased a post not less than 2 inches in diameter, and standing not less than 3 feet above the ground ; and such post shall be maintained at the expense of the applicant until the application shall have been granted or refused.
- Mode of application.** 16. Application shall be made in the form of Schedule (D), hereunto annexed, in triplicate, to the Commissioner of Mines, who shall forward a copy of such application to the Sub-Commissioner of the province within which the land so applied for is situate : and in the case of a lease being applied for over private land, a copy of the application shall also be sent to the owner of such lands.
- Survey.** 17. Upon receipt of such application, the Commissioner of Mines shall cause the land applied for to be surveyed, at the expense of the applicant, by any competent Government surveyor duly admitted to practice in the Protectorate, and he may call upon the applicant to pay the estimated fees for the survey according to such scale as may be in force ; but in case the sum so paid shall exceed the actual costs, the balance shall be returned to the applicant.
- Date of hearing of application.** 18. Upon receipt from the Commissioner of Mines of the copy of any such application, the Sub-Commissioner shall appoint a day for the hearing thereof, being not less than thirty days from the date of the receipt of such application. Immediately on fixing the day of hearing, the Sub-Commissioner shall inform the Commissioner of Mines of the day fixed, who shall cause to be published a notice, setting forth that application has been made for the granting of a lease, and appointing a date before which objections to such lease must be lodged with the Sub-Commissioner, and notifying the day appointed for the hearing of the application ; and such notification may be in the form of the Schedule (E), hereunto annexed, and shall be published in the "Gazette."
- Priority of application.** 19. In the event of more than one application being made for the same land, or any part thereof, the Sub-Commissioner shall determine which of the applicants shall be held to have the prior right, and in so doing shall be guided by priority of occupation, provided that it shall be shown that the prior occupant has used reasonable diligence in lodging his application.
- Protection during application.** 20. All lands for which application shall be made in the manner aforesaid are exempt from occupation from the date of such application until the same shall be granted or refused.
- Survey before final hearing.** 21. The Surveyor shall, if possible, make the survey prior to the day fixed for the hearing, but if from any cause the survey cannot be made or the plan prepared in time, the hearing may be adjourned from time to time in the discretion of the Sub-Commissioner ; and no application shall be finally dealt with by the Sub-Commissioner until the plan and report of the Surveyor has been received.
- Objectors to give notice.** 22. Any person objecting to the issue of a lease so applied for shall, prior to the hearing, forward to the Sub-Commissioner a full statement in writing of his objections and shall deposit with him the sum of 100 rupees as security for the due prosecution of his objections and for payment of any expenses to which the applicant may be put by such objections if disallowed ; and if such objections shall not be prosecuted, or shall be disallowed, so much of such deposit may be handed over to the applicant as the Sub-Commissioner may award, and the balance, if any, shall be refunded to the person so objecting.
- Hearing.** 23. Upon the day appointed as aforesaid for the hearing, the Sub-Commissioner shall proceed to hear the application and objections, and may examine the parties and their witnesses, if any, and such hearing may be adjourned from time to time.
- Proceedings in cases of objections.** 24. If at the hearing of any objections as aforesaid the Sub-Commissioner shall find such objections valid, he shall thereupon reject the application, either as to the whole or a part of the land applied for : and if the Sub-Commissioner shall disallow the objection, he may award to the applicant and his witnesses, if any, reasonable costs and expenses to be paid out of the deposit made by the objector aforesaid.
- Sub-Commissioner to issue certificate.** 25. If at the hearing there shall be no objections to the granting of such lease by the Commissioner, or if on hearing the objections, if any, the Sub-Commissioner shall not find any such objections valid, he shall issue a certificate to such applicant in the form of Schedule (F) hereunto annexed.
- Term of lease.** 26. Leases will be granted upon such applications as may be approved by the Commissioner for a period not exceeding twenty-one years, commencing from the date on which the certificate referred to in Rule 24 is issued by the Sub-Commissioner to the applicant, and shall be terminable on six months'

notice being given by the lessee to the Commissioner of Mines. The Commissioner may grant a renewal of the lease from time to time for a further period not exceeding twenty-one years upon the terms and conditions allowed by law in force in the Protectorate in the case of new leases at the time when such renewal is granted.

27. The lease having been prepared, under instructions from the Commissioner, at the expense of the applicant, the Commissioner of Mines shall cause notice, in the form of Schedule (G), hereunto annexed, to be given to the lessee or lessees, requesting his or their attendance at the office of the Commissioner of Mines, or other place appointed by him, to execute and take delivery thereof within a reasonable time, not exceeding thirty days from the date of service of such notice. Should the lessee fail to execute and take delivery of the lease at the expiration of the thirty days, the lease may be declared cancelled, and a notification thereof shall be published in the Gazette and such newspaper as the Commissioner of Mines may direct. Execution of lease.

28. If any lease so applied for shall be refused, or if any application for a lease shall be withdrawn, a Notice thereof shall be published in the Gazette and in such newspaper as the Commissioner of Mines may direct; and it shall be stated in such Notice that such ground is open to applicants for a lease, as if no lease of the said ground had been applied for. Proceedings in case of refusal of lease.

29. Any applicant for a mining or mineral lease may withdraw his application by giving notice in writing to that effect to the Commissioner of Mines after paying any and all expenses that may have been incurred in his behalf. Withdrawal of application.

30. Rent will be charged at the rate of 20 rupees per acre per annum in respect of mining leases, and at the rate of 5 rupees per acre per annum in the case of mineral leases. Any fractional part of an acre will be considered as a full acre, and any fractional part of a month will be considered as a full month and charged for accordingly; and such rent shall be computed and paid up to the 1st day of January, April, July, and October next following the date of the issue of the certificate referred to in Rule 30, and shall thereafter be made payable quarterly in advance during the whole term of the lease, provided that one-half of the amount received by the Commissioner on account of rents for mining or mineral leases granted over any private land, will be paid to the owner of such land on application.

31. There shall also be payable a royalty of 2 rupees per oz. upon all gold; 2 annas per oz. upon all silver;  $2\frac{1}{2}$  per cent. upon the value of all diamonds; 8 annas per ton upon all coal found in or extracted from the land leased, and upon other precious stones, ores, metals, or minerals such royalty as the Commissioner may hereafter fix. Such royalty shall be paid at the end of the months of March, June, September, and December in each and every year, and in every case where royalty is paid such payment shall be taken as payment of rent or portion thereof. Royalty.

32. Every mining or mineral lease, mill and machine site lease, shall be executed in duplicate, and be registered at the office of the Commissioner of Mines in a book to be kept for that purpose, and for every such entry of registration there shall be payable to the Government a fee of 20 rupees. No sale or assignment of a mining or mineral lease mill and machine site lease, or of any other water-right grant, or of the right, title, or interest therein, shall be valid or effectual if made without the license in writing of the Commissioner of Mines, and such license shall not be granted to Companies or Syndicates which have no place of business or office in the Protectorate. Registration, sale, and assignment of leases.

33. Every sale or assignment of any mining or mineral lease, mill and machine site lease, or grant of water right, or of any interest therein, shall be registered at the office of the Commissioner of Mines and on every such registration a fee of 5 rupees shall be charged. Registration of assignment.

34. If any lessee fails or neglects to perform any condition contained or implied in his lease, application may be made by any person for cancellation thereof in the form or to the effect set forth in the Schedule (I) hereunto annexed: and at the time of lodging such application, there shall be deposited therewith the sum of 200 rupees as security for the due prosecution of the application, and in satisfaction of any expenses to which the lessee may be put by such application, if unsuccessful; and if such application shall not be prosecuted, or shall fail, so much of such deposit may be handed over to the lessee as may be necessary to pay the expenses of such lessee, and the balance, if any, shall be refunded to the applicant after deducting the cost of the service of the Leases may be cancelled.

notice hereafter mentioned. The Commissioner of Mines, shall transmit the application to the Sub-Commissioner of the province to be dealt with by him.

Application for  
cancellation.  
Mode of service.

35. A copy of such application shall be served personally on the lessee, or in such other manner, as the Sub-Commissioner, may direct, or at the discretion of the Sub-Commissioner, may be posted on some conspicuous portion of the ground for such time at the Sub-Commissioner may direct, together with a Notice in the form, or to the effect, set forth in Schedule (J) hereunto annexed.

Hearing before  
Sub-Commis-  
sioner.

36. At the inquiry in the Notice mentioned, the Sub-Commissioner shall take evidence in relation to the application, and to the lessee's answer to the neglect complained of, and immediately thereafter he shall forward to the Commissioner of Mines the application and evidence taken by him as aforesaid, with his Report thereon; and the non-appearance of the lessee, or any one on his behalf, on the day of hearing in the Notice mentioned, shall be sufficient *prima facie* evidence of the neglect complained of, for the cancellation of the lease.

Cancellation to  
be published in  
the Gazette.

37. Upon receipt of such Report as aforesaid, the Commissioner of Mines may declare any such lease cancelled, and notice of such cancellation shall be published in the Gazette, and in one newspaper circulating in the district.

Prior right of  
applicant to take  
up cancelled  
ground.

38. In the event of the cancellation of any lease upon such an application as above-mentioned, the applicant shall, during fourteen clear days from the date of notice of such cancellation, have the prior right to take up the ground or any part thereof in accordance with the Rules for the time being in force, but at the expiration of that period, should he have failed to do so, the land shall be open for occupation by any other person.

Re-survey not  
required.

39. If such priority of right be exercised over the whole of the ground it shall not be necessary to have such claim resurveyed.

Mining and  
mineral leases,  
conditions of.

40. Each mining or mineral lease shall be subject to the following (among other) conditions:—

(a.) A reservation of the right of the Government of the Protectorate to make and construct roads and railways, dams, reservoirs, and to have any telegraphs, telephones, pipe or pipes, conduits, water-courses, or any other appliances for the conveyance of water, made over or under or across any part of the land leased; also to lay gas-pipes, and erect railway, telegraph, and telephone stations for the public use, by order of the Commissioner of Mines, over any part of the land leased, with the right to any person duly authorized by the Government of the Protectorate to enter upon such land for the purpose of constructing, repairing, inspecting, and maintaining any such roads, railways, dams, reservoirs, telegraphs, telephones, gas-pipes, water-pipes, conduits and water-courses, railway, telephone, and telegraph stations, without hindrance by the holders of the lease.

(b.) If the rents, royalties, dues, or duties reserved shall be in arrear and unpaid for the space of twenty-one days next after any of the days hereinbefore fixed for payment thereof, it shall and may be lawful for the Commissioner of Mines, or any person duly authorized by him in that behalf, to enter upon the premises hereby demised, and to seize the machinery, tools, buildings, or other property of the said lessee, for the time being in, under, or upon any part of the premises hereby demised, for or in respect of any such rents, royalties, dues, or duties which ought, to have been paid to the lessor or any person duly authorized to receive the same. The right of seizure conferred upon the Commissioner of Mines hereunder shall constitute a right preferential to that of any creditors, whether secured or not.

(c.) The said lessee shall at all times during the continuance of this lease furnish true and accurate half-yearly Returns in the form of Schedule (K) hereunto annexed, and certify to the same on oath to the Commissioner of Mines or other officer duly authorized in that behalf, of the average number of men on or about the mines and premises hereby leased, and shall from time to time, whenever so required, furnish a true and accurate account, certified as aforesaid, of the amount at such date expended. The said lessee shall at all times during the continuance of his lease, after the first six months, employ in or about the mines and premises leased, a number of men sufficient to insure the efficient mining of the land leased.

(d.) If the said lessee shall for four months discontinue the *bona fide* mining on the said land hereby leased to him, it shall and may be lawful for the said lessor, or any person duly appointed by him in that behalf, to enter into and upon the land and premises hereby leased, and thereby determine the estate of the said lessee therein.

(e.) The lessee of any mineral lease granted for coal-mining purposes shall, within six months of the date of such lease, and thereafter during the whole of the term thereof, continue *bona fide* mining on the said land thereby leased, and shall expend in such mining not less a sum than 40 rupees per acre per annum; he shall also furnish quarterly a Return, duly certified, of the coal extracted and won from such land to the Commissioner of Mines, or other officer duly authorized to receive the same.

(f.) In case the said lessee shall fail or neglect to perform and keep all and every of the covenants, conditions, or provisions and agreements hereinbefore contained or implied by virtue of "The East Africa Mining Regulations, 1902," or of any Rules made thereunder, it shall and may be lawful for the said lessor, or any person duly appointed in that behalf forthwith, or at any time or times thereafter, to enter into and upon the land and premises hereby demised, and thereby determine this lease.

(g.) The land shall be worked and mined efficiently, to the satisfaction of the Commissioner of Mines and without interruption.

(h.) And any such lease which shall be granted shall be in such form and shall contain such covenants, conditions, reservations, and exceptions as the Commissioner of Mines in each case shall approve or direct, having regard to these Rules and any special case arising thereunder.

(i.) The lessee shall permit the Commissioner of Mines, or any person duly authorized on his behalf, to enter upon any land so leased, or into any mine or building thereon, at all times, and in any manner, for the purpose of making any inspection or examination he may desire to make, and the said lessee shall carry out and observe every reasonable direction the said Commissioner may give for the safe working of mining operations on such property.

(j.) The lessee shall be bound to observe and perform all and singular the Rules that may from time to time be made by the Commissioner under the said Regulations to enforce the safe and proper working of mines and other matters and things therein referred to.

41. The Commissioner of Mines upon receipt of notice from the holder of a mining or mineral lease of his desire to mine for any mineral or metal other than that named in the lease, may, with the written consent of the Commissioner, grant to such person license or authority to mine in, and win from, the land leased as aforesaid such other mineral or metal named in such notice, upon and subject to such terms, conditions, and limitations, as the Commissioner may in each case see fit to impose.

Mining for other minerals or metals than that named in original lease.

42. Applications for leases of land for the purpose or mill or machine sites, may be granted only to persons holding mining or mineral leases, or to owners of diggers' claims on a public field.

Leases for mill or machine sites, to whom granted.

43. The site applied for shall not exceed 5 acres in extent, and must be beaconed off by the applicant, and a copy of the application shall be posted by him in some conspicuous place on the land, and a notice of such application shall be published in the Gazette by the Commissioner of Mines, at the expense of the applicant. In the event of such mill or machine site being applied for on land already leased to the applicant for mining purposes, such site shall be taken as included in the mining lease.

Extent of lease, mode of application, &c.

44. Any objections to the granting of such applications must be made in writing to the Commissioner of Mines within thirty days of the publication of the application.

Objectors to give notice.

45. The objections, if any, shall be heard on a day appointed, of which the applicant and objectors shall have due notice by the Commissioner of Mines, who shall decide whether such objections are valid or not.

Hearing of objections.

46. If there are no valid objections to the granting of such application, the Commissioner may grant a lease of such portion of land applied for any term not exceeding twenty-one years; and the Commissioner may grant a renewal of the lease from time to time for a further period of not exceeding twenty-one years upon the terms and conditions allowed by law in force in the Protectorate in the case of new leases at the time when such renewal is granted, for the purpose of a mill or machine site, and for no other purpose at a rent of 15 rupees per acre per annum. Such lease shall contain the usual clause for re-entry.

Rent and term of lease.

47. The land applied for shall be properly surveyed and beaconed at the expense of the applicant. Applications for water rights shall be granted only to persons holding mining or mineral leases, or to the owners of diggers' claims on a public field.

Survey.

- Water rights, mode of application. 48. Applications for water rights shall be made in duplicate to the Commissioner of Mines, and shall be accompanied by a sketch plan showing the point on the river or stream from which it is intended to lead the water, the course of the water-race, and the point at which it is intended to return the water to the river or stream.
- Applications, mode dealt with 49. A copy of such application shall be published in the Gazette, and shall be posted by the Commissioner of Mines during thirty days at the office of the Mines Department of the district in which the water right is applied for, or should there be no such office in the district, at the office of the Sub-Commissioner of the province concerned.
- Objectors to give notice. 50. Any objections to the granting of such water rights shall be made in writing within fourteen days of the date of the publication of the application to the Commissioner of Mines.
- Hearing of objections. 51. The objections, if any, shall be heard on a day appointed, of which the applicant and objectors shall have due notice, by the Commissioner of Mines, who shall decide whether such objections are valid or not.
- License to be paid. 52. If there be no valid objections to the granting of such application, the Commissioner of Mines may grant the application, the license for which shall be 50 rupees per annum.
- Survey. 53. The applicant shall, on the application being granted, forward in duplicate to the Commissioner of Mines a properly surveyed plan of the course of the water-race.
- Commissioner of Mines to regulate supply of water. 54. The Commissioner of Mines shall, if necessary, in the interest of mill-owners, control and regulate the supply of water to every mill.
- Licenses for wood-cutting on private lands. 55. Any person desiring to cut fire-wood, other than that required for domestic use on any private lands not included in any public field, must enter into an agreement with the owner.
- Licenses to deal in native gold. 56. Licenses to be in possession of and to deal in native gold, shall be issued by the Commissioner of Mines, who shall have absolute discretion to grant or refuse any such licenses: and every such license shall expire on the 31st day of December next following the days of its issue.
- Fee for licenses to deal in native gold. 57. There shall be paid to the Commissioner of Mines upon each license a fee of 100 rupees represented by a revenue or postal stamp of that value affixed to the same.
- Native gold: purchased record to be kept. 58. Bankers and other persons licensed to deal in native gold, shall keep a faithful record of their purchases, setting forth the name of the seller, quantity bought, and date of transaction, and shall forward to the Commissioner of Mines a copy of such record on the 30th June and 31st December of each year.
- Penalty clause. 59. Any person contravening any of the above Rules shall, upon conviction, be punished by a fine not exceeding 200 rupees, or by imprisonment, with or without hard labour, for a period not exceeding three months, or by both such fine and such imprisonment, and also by imprisonment in default of payment of fine imposed.

60. These Rules may be cited as "The General Mining Rules, 1902."

C. ELIOT,

His Majesty's Commissioner.

Mombasa, April 12th, 1903.

Approved:

LANSDOWNE,

His Majesty's Principal Secretary of State  
for Foreign Affairs.

SCHEDULE (A).

*Prospecting License for Crown Lands.*

Prospecting license is hereby granted to \_\_\_\_\_ to prospect and search for gold, silver, precious stones, ores, metals, coals, and other minerals on Crown lands subject to the provisions of "The East Africa Mining Regulations, 1902," during the period from \_\_\_\_\_, 19\_\_\_\_, to \_\_\_\_\_, 19\_\_\_\_, for which license he has paid in advance the sum of \_\_\_\_\_ rupees for \_\_\_\_\_ months.

(Signed)

Commissioner of Mines.

[Date, &c.]

[Or other officer, as the case may be.]

Rule 2.

## SCHEDULE (B).

Rules 2, 3, 44.

*Prospecting License for Private Lands.*

Prospecting license is hereby granted to \_\_\_\_\_ to prospect and search for gold, silver, precious stones, ores, metals, coal, and other minerals on \_\_\_\_\_ subject to the provisions of "The East Africa Mining Regulations, 1902," during the period from \_\_\_\_\_, 19\_\_\_\_, to \_\_\_\_\_, 19\_\_\_\_, for which license he has paid in advance the sum of \_\_\_\_\_ rupees for \_\_\_\_\_ months.

(Signed)

*Commissioner of Mines.*

[Or other officer, as the case may be.]

## SCHEDULE (C).

Rule 3.

*Bond.*

Before me, \_\_\_\_\_ Commissioner of Mines [or other officer], for \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, residing at \_\_\_\_\_, acknowledges himself to be indebted to our Sovereign Lord the King in the sum of 250 rupees, and severally acknowledge themselves to be indebted to our said Sovereign Lord the King in the sum of 125 rupees to be levied upon their and each of their goods and lands, upon condition that the said \_\_\_\_\_ shall make due and proper repair of any surface damage done by him on any land upon which he shall have obtained a license to prospect, and for the due payment of the sum accruing to any owner from the said \_\_\_\_\_ on account of the daily payments the said \_\_\_\_\_ is required to make under Article 6 of "The East Africa Mining Regulations, 1902," for the grazing, wood, and water rights referred to therein.

## SCHEDULE (D).

Rule 16.

*Application for**Lease.*

To the Commissioner of Mines.

[Place.]

Sir,

[Date.]

, 19\_\_\_\_.

I hereby apply for a \_\_\_\_\_ lease for the purpose of mining for \_\_\_\_\_ of the lands hereinafter described in accordance with "The East Africa Mining Regulations 1902," and the Rules made under those Regulations, and I agree, upon the approval of this application, to execute a lease upon the basis therein stated, if the Government shall think fit to grant the same.

Name and address of applicant:

Extent of land applied for:

Precise locality:

Term for which lease is required.

(Signature of applicant.)

The above application, and any objection thereto, will be heard at the office of the Sub-Commissioner at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Any person desiring to object to the issue of a lease upon the above application must, on or before the \_\_\_\_\_ day of \_\_\_\_\_, enter his objection in writing at the office of the Sub-Commissioner at \_\_\_\_\_.

(Signed)

, *Sub-Commissioner.*

## SCHEDULE (E).

Rule 18.

*Public Notification.*

In conformity with the Rules made under "The East Africa Mining Regulations, 1902," for the granting of mining and mineral leases, it is hereby notified that application has been made by \_\_\_\_\_ for the issue of a lease for the purpose of mining for \_\_\_\_\_ of the following lands, viz., \_\_\_\_\_ and that objections to the granting of such lease, stating the grounds of objection, must be made in writing and lodged with the Sub-Commissioner at \_\_\_\_\_ on or before the \_\_\_\_\_ day of \_\_\_\_\_.

Copy of the application made and plans annexed may be seen at the office of the Sub-Commissioner.

(Signed)

*Commissioner of Mines.*

Dated \_\_\_\_\_

## SCHEDULE (F).

Rule 25.

(Not transferable.)

*Sub-Commissioner's Office,*

, 19\_\_\_\_.

Whereas the application of \_\_\_\_\_ situated at \_\_\_\_\_ for a \_\_\_\_\_ lease of \_\_\_\_\_, was heard before me on \_\_\_\_\_, 19\_\_\_\_.

This is to certify that no valid objections were upheld at such hearing why a lease of \_\_\_\_\_ acres, \_\_\_\_\_ roods, \_\_\_\_\_ perches, should not be granted by the Commissioner.

(Signed)

*Sub-Commissioner.*

Rule 27.

## SCHEDULE (G.)

*Notice.*

Under the Rules framed under Article 61 of "The East Africa Mining Regulations, 1902." To Mr.

Take notice that unless you attend personally or by attorney at my office at within thirty days from the service of this notice, and execute lease No. , issued in your favour under the General Mining Rules, the said lease will be cancelled.

(Signed)

Office of Commissioner of Mines,  
19

Commissioner of Mines.

*Certificate of Service of Notice.*

I, , messenger of the Court of at , do hereby certify that I have served , mentioned in the within notice, with a copy thereof on the day of , 19 [Here state the mode of service.]

(Signature.)

Rule 34.

## SCHEDULE (I.)

*Form of Application for Cancellation of Lease.*

To the Commissioner of Mines,

I hereby make application for the cancellation of lease No. , originally granted to , and now being occupied by , upon the following grounds:—

[Here state grounds specifically]

Dated at , this day of , 19 (Signature)

## SCHEDULE (J.)

*Form of Notice to Lessee.*

The above application will be heard at on the day of 19 , at the hour of , and you are hereby required then and there to appear in answer thereto, and to produce the lease above referred to.

(Signed)

, Sub-Commissioner.

## SCHEDULE (K.)

To the Commissioner of Mines,

In the matter of lease of lands, situated at , being lease No. , I, , being the lessee in the above-mentioned lease do hereby make oath

and say:—

1. That the average number of men employed on the leased ground and in connection therewith, from the day of , 19 , to the day of 19 , has been

2. That the amount of capital expended from 19 , to date in and upon and in connection with the leased ground, as above, is rupees.

Sworn before me at , this day of , 19

## EAST AFRICA PROTECTORATE.

## NOTICE.

The following Rules made by His Majesty's Commissioner, with the approval of the Secretary of State, are published for general information.

C. ELIOT,

Mombasa, April 12th, 1902.

His Majesty's Commissioner.

*Rules under Article 60 (A) of "The East Africa Mining Regulations, 1902."*

No. 11 of 1902.

*Safe Mining.*

Ventilation.

1. An adequate amount of ventilation shall be produced in every mine, so as to render every part of that mine in which working is taking place fit for working and passing therein.

2. Safety lamps shall be used in every coal mine in which inflammable gas has been found to exist within the preceding twelve months.

Use of safety lamps.

3. In every coal mine in which inflammable gas has been found to exist within the preceding twelve months, then, once in every twenty-four hours the manager of the mine, or a competent person appointed by him, shall, before the work is commenced in any part of the mine inspect with a safety lamp that part of the mine, and shall make a true report of the conditions thereof in a book to be kept for the purpose, which report shall be signed by the person making the inspection.

Inflammable gas.

Such book shall at all times, be open to inspection by the Commissioner of Mines, or other officer appointed by the Commissioner, for the purpose.

4. All entrances to any place not in actual course of working and extension shall be properly fenced across the whole width of such entrances, so as to prevent persons inadvertently entering the same.

Disused workings to be fenced.

5. No person except the Inspector of Mines shall enter any mine unless authorized to do so by the manager or competent person deputed by him.

Unauthorized persons prohibited from entering mines.

6. If at any time it is found by the person for the time being in charge of the mine or any part thereof, that, by reason of noxious gases prevailing in such mine or such part thereof, or from any cause whatever, that the mine or the said part is dangerous, every workman shall be withdrawn from the mine or of such part thereof as is so found dangerous, and a competent person who shall be appointed for the purpose, shall inspect the mine or such part thereof as is so found dangerous, and if the danger arises from inflammable gas, shall inspect the same with a locked safety lamp, and in every case shall make a true report of the condition of such mine or part thereof, and the workman shall not, except in so far as is necessary for inquiring into the cause of the danger, or for the removal thereof, or for exploration, be readmitted into the mine or such part thereof as was so found dangerous, until the same is stated in such report not to be dangerous.

Precautions to be taken in case of discovery of gas.

Every such report shall be recorded in a book, which shall be kept at the mine for the purpose, and shall be signed by the person making the same.

7. In every coal mine where safety lamps have to be employed, a competent person shall be appointed by the person in charge of the mine, whose duty it shall be to see and examine every lamp taken into the mine. He shall see that it is secure and securely locked. No person shall, unless appointed for the purpose, have in his possession any key or contrivance for opening the lock of any such lamp, or lucifer match, or any kind of apparatus for striking a light. Wherever safety lamps are required or directed to be used, no person shall use any open lamp.

Examination of safety lamps.

8. Gunpowder or other explosive or inflammable substance shall only be used in the mine underground as follows:

Explosives, proper use of.

(a.) It shall not be stored in the mine.

(b.) It shall not be taken into the mine except in a case or canister containing not more than 4 lbs.

(c.) A workman shall not have in use at one time, in any one place, more than one of such cases or canisters.

(d.) In charging holes for blasting, an iron or steel pricker shall not be used, and a person shall not have in his possession in the mine underground any iron or steel pricker, and an iron or steel tamping rod or stemmer shall not be used for ramming either the wadding or the first part of the tamping or stemming on the powder.

(e.) A charge of powder which has missed fire shall not be unrammed.

(f.) It shall not be taken into or be in the possession of any person in any mine except in cartridges, and shall not be used except in accordance with the following Rules during three months after any inflammable gas has been found in any such mine, viz.:

(1.) A competent person who shall be appointed for the purpose shall, immediately before firing the shot, examine the place where it is to be used and the place contiguous thereto, and shall not allow the shot to be fired unless he finds it safe to do so, and a shot shall not be fired except by or under the direction of a competent person who shall be appointed for the purpose.

(2.) If the said inflammable gas issued so freely that it showed a blue cap on the flame of the safety lamp, it shall only be used—

(a.) Either in those cases of stone drifts, stone work, and sinking of shafts in which the ventilation is so managed that the return air from the

place where the powder is used passes into the main return air course, without passing any place in actual course of working ; or

(b.) When the persons ordinarily employed in the mine come out of the mine or out of the part of the mine where it is used.

(c.) Where a mine is divided into separate panels in such manner that each panel has an independent intake and return airway from the main air course and the main return air course, the provisions of this rule with respect to gunpowder or other explosive inflammable substance, shall apply to each such panel in like manner as if it were a separate mine.

Precautions to be taken to ascertain if dangerous accumulation of water in working. 9. Where a place is likely to contain a dangerous accumulation of water, the working approaching such place shall not exceed 8 feet in width, and there shall be constantly kept at a sufficient distance, not being less than 5 yards in advance, at least one borehole near the centre of the working, and sufficient flank boreholes on each side.

Signalling in levels, places of refuge. 10. Every underground plane on which persons travel, which is self-acting, or worked by an engine, windlass, or gin, shall be provided (if exceeding 30 yards in length) with some proper means of signalling between the stopping places and at the end of the plane, and shall be provided in every case, at intervals of not more than 20 yards, with sufficient manholes for places of refuge.

Places of refuge or horse roads. 11. Every road on which persons travel underground where the load is drawn by a horse or other animal, shall be provided, at intervals of not more than 50 yards, with sufficient manholes, or with a space for a place of refuge, which space shall be a sufficient length and of at least 3 feet in width between the waggons running on the tram-road and the side of such road.

Places of refuge to be kept clear. 12. Every manhole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a manhole or such place, so as to prevent access thereto.

Disused shafts to be covered in. 13. The top of every shaft which for the time being is out of use, or used only as an air shaft, shall be securely fenced.

Entrance to shafts to be fenced. 14. The top of all entrances between the top and bottom of every working or pumping shaft shall be properly fenced, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations if proper precautions are used.

Shafts, security of. 15. Where the natural strata are not safe, every working or pumping shaft shall be securely cased, lined, or otherwise made secure.

Underground workings security of roof, &c. 16. The roofs and sides of every travelling road and working place shall be made secure, and a person shall not, unless appointed, for the purpose of exploring or repairing, travel or work in any such travelling road or working place which is not so made secure.

Winding engine, competent person to be in charge of. 17. A competent person shall be stationed at the mouth of every shaft for the purpose of working the machinery which may be employed in raising or lowering persons therein during the whole time any person is below ground.

Single-linked chain not to be used for winding gear. 18. A single-linked chain shall not be used for lowering or raising persons in any working shafts or space, except for the short coupling chain attached to the cage of the load.

Winding gear. 19. There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope from slipping.

Brake. 20. There shall be attached to every machine worked by steam, water, or mechanical power, and used for lowering or raising persons, an adequate brake, and also a proper indicator (in addition to any mark on the rope which shows to the person who works the machine the position of the cage or load in the shaft.)

Exposed machinery to be fenced. 21. Every flywheel and all exposed and dangerous parts of the machinery used in or about the mine shall be, and shall be kept, securely fenced.

Boiler regulations. 22. Every steam-boiler shall be provided with a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in the boiler with a proper safety-valve.

23. After dangerous gas has been found in any mine, a barometer or thermometer shall be placed above the ground in a conspicuous position near the entrance to the mine.

24. No person shall wilfully damage or, without proper authority, remove or render useless any fence, fencing, casing, lining, guide, means of signalling, signal, over-chain, flange, horn, break, indicator, steam-gauge, water-gauge,

safety valve, or other appliance or thing provided in any mine with a view to compliance with these Rules and Regulations.

25. Once in every week a competent person appointed for the purpose shall examine the state of the machinery, headgear, shafts, working place, levels, planes, ropes, chains, and other works of the mine which are in actual use, and shall make a true report of the result of such examination; such report shall be recorded in a book kept for the purpose, and shall be open always for inspection by the Commissioner of Mines or other officer deputed by him.

Inspection of machinery, &c.

26. Any accident occurring in or about any mine resulting in injury to the life or limb of any person shall be at once reported to the Commissioner of Mines, and a report shall be forwarded setting forth how the accident occurred within twenty-four hours.

Accident in mines.

27. Steam engines may not be placed in charge of any person under 19 years of age.

Charge of steam-engines.

28. Every mine must be under the control and daily supervision of a thoroughly competent manager.

Competent manager to be employed.

29. The owner, agent, or manager of a mine is required to furnish in triplicate to the Commissioner of Mines, or his duly authorized deputy, all such Returns and statistics of and relating to the workings and operations of the said mine, verified on oath, if required, at such times and in accordance with such forms as the Commissioner of Mines may prescribe.

Returns to be furnished to Commissioner of Mines.

30. A correct plan of an abandoned mine must be sent to the Commissioner of Mines.

Plan of abandoned mines.

31. The registered owners of all mining and mineral leases and prospecting areas or ground held for mining purposes under any other form of holding upon which development work exceeding in the aggregate 500 feet of shafts, winzes, levels, and cross-cuts has been carried out, may be called upon by the Commissioner of Mines to employ a surveyor, duly admitted and licensed to practice in the Protectorate, once every six months, or oftener if necessary; who shall prepare in triplicate (two copies may be cloth tracings), in accordance with technical instructions issued by the Chief Surveyor, the following plans and sections of the workings up to date, viz:—

Working plans.

- (1.) General plan.
- (2.) Working plan.
- (3.) Vertical, longitudinal projections of the workings, on each reef or mineral deposit where the average inclination is more than 45 degrees.
- (4.) Longitudinal section on the plane of each reef, or mineral deposit stopped, where the average inclination is more than 45 degrees.

Transverse sections at right angles to the longitudinal projection. The original to be kept on the mine, and the tracings to be supplied to the Commissioner of Mines who shall forward one of them to the Chief Surveyor for verification in the usual way.

In the event of returns of tonnage of ore or coal extracted, and of ore or coal in reserve, which may appear inaccurate to the Commissioner of Mines, the owners of all mining properties may be called upon to tender a statement prepared by the surveyor employed, as to the said tonnage, based upon the survey of the mine, at the expense of the owner, to the satisfaction of the Commissioner of Mines.

The surveyor is to report opposite to each instruction whether he has carried it out or not, and if he has not carried it out to give his reasons.

32. In any of the following cases, namely:—

Notice of new workings or discontinuance of workings to be

(a.) Where any working is commenced for the purpose of opening a new mine, or a new shaft, or a seam of any mine;

(b.) Where a shaft or seam of any mine is abandoned or the working thereof discontinued;

furnished to the Commissioner of Mines.

(c.) Where the working of shaft or a seam of any mine is recommenced after any abandonment, or discontinuance for a period exceeding two months; or

(d.) Where any change occurs in the name of any mine or in the name of the owner, agent, or manager of any mine, or the principal officers of any incorporated Company which is the owner of a mine; the owner, agent, or manager of the Mine shall give notice thereof in writing to the Commissioner of Mines, within two months after the commencement, abandonment, disconti-

nuance, recommencement or change, and if such notice is not given, the owner, agent, and manager, shall be liable, for failing to give such notice.

Powers of inspection of Commissioner of Mines or other officer.

33. The Commissioner of Mines or other officer appointed as Inspector for the purpose, shall have power to do all or any of the following things namely :—

(a.) To make, or cause to be made, such inquiry and examination as he may consider necessary to ascertain whether the provisions of these Rules are duly complied with.

(b.) To enter, inspect, and examine any mine, and every part thereof and any fence, fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, steam-gauge, water-gauge, safety-valve, or other appliance or things provided in any mine, or any machinery or plant used in connection with such mine, and any mining area, at all reasonable times by day and night, but so as not to impede or obstruct the working of the mine.

(c.) To examine into and make inquiry respecting the state and condition of any mine, or any part thereof and the ventilation of the mine, and the sufficiency of the special Rules for the time being in force in the mine, and all matters and things connected with or relating to the safety of persons employed in or about the mine, or any mine contiguous thereto, or in any mining area, or the care and treatment of the horses and other animals employed in the mine or mining area.

(d.) To exercise such other powers as may be necessary for carrying these Rules into effect.

Offences against Rules.

34. Every person who wilfully obstructs the Commissioner of Mines, or other officer appointed as an inspector, in the execution of his duty under these Rules, and every owner, agent and manager of a mine who refuses or neglects to furnish to the Inspector the means and assistance necessary for making an entry, inspection, examination, or enquiry under these Rules in relation to the mine or mining area, shall be guilty of an offence against these Rules.

Liability of owners, agents, managers, &c.

35. If in any respect ( which is not provided against by any express provision of these Rules, or by any special Rule ) the Inspector finds any mine or any part thereof, or any fence, fencing, casing, mining guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in any mine, or any matter, thing, or practice, in or connected with any such mine, or mining area, or with the control, management, or direction thereof by the manager to be dangerous or defective, so as, in his opinion, to threaten or tend to the bodily injury of any person, he may give notice in writing thereof, to the owner, agent, or manager of the mine, and shall state in the notice the particulars in which he may consider the mine, or any part thereof, or any matter, thing, or practice, to be dangerous, and require the same to be remedied forthwith, and it shall be the duty of the owner, agent, or manager to carry out such orders, but such notice shall not absolve such owner, agent, or manager for liability to prosecution for contravening any of these Rules.

Contractors not exempt from provisions of these Rules.

36. No person shall be precluded by any agreement from doing, or be liable under any contract to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of these Rules.

Jurisdiction of Commissioner of Mines or other officer.

37. The powers of the Commissioner of Mines or other officer appointed as Inspector, shall extend over the whole of the mining area of the digging or mine to which he may be appointed, in so far only as the general safety of life and limb is concerned.

38. Any person found guilty of contravening any of these Rules shall be liable on conviction thereof to pay a penalty not exceeding 500 rupees.

C. ELIOT,

Mombasa, April 12th, 1902.

His Majesty's Commissioner.

Approved :

LANSDOWNE,

His Majesty's Principal Secretary of State

for Foreign Affairs.

## EAST AFRICA PROTECTORATE.

## NOTICE.

The following Regulations made by His Majesty's Commissioner and allowed by the Secretary of State, are published for general information.

Mombasa, April 12th, 1902.

C. ELIOT,  
H. M. Commissioner.

*King's Regulations under Article 46 of "The East Africa Order in Council, 1897," and Article 11 of "The East Africa Order in Council, 1899."*

No. 12 of 1902.

*Prisons.*

1. These Regulations shall apply to the prison at Mombasa, and to every other prison which may be established in the Protectorate under the authority of the Commissioner.

*Prison Staff.*

2.—(a.) Every prison shall be under the control and management of the following officers, that is to say, a Superintendent and a gaoler.

(b.) The Commissioner may, in the case of any prison, appoint also a Deputy Superintendent, who shall, in the absence of the Superintendent, exercise his powers and duties.

3. Where necessary, a jemadar shall be appointed to assist the gaoler; and there shall be in and for every prison as many warders as may be required, so that, so far as practicable, there shall be at least one warder for every four prisoners.

4. The Superintendent and Deputy Superintendent (if any) shall be appointed and may be removed by the Commissioner; the gaoler, and warders shall be appointed and may be removed by the Superintendent, subject to the approval of the Commissioner.

*Matron.*

5.—(a.) In every prison in which female prisoners are imprisoned there shall be a Matron, who shall have the care and superintendence of the female department, and enforce upon the female prisoners the observance of the prison Rules. The wards where females are confined shall, if practicable, be secured by locks different from those securing the wards allotted to males, and the keys shall be kept in custody of the Matron.

(b.) With regard to the general conduct, the Matron shall conform to the Rules laid down for that of the gaoler, so far as they can be applied to the treatment of females.

*Duties of Officers.*

6.—(a.) It is the duty of all prison officers to obey strictly the Regulations and instructions which are here laid down for their guidance, and those which may be added hereafter.

(b.) It is, further, their duty to maintain order and to enforce discipline with justice, firmness, and humanity.

7.—(a.) No prison officer shall have any interest, direct or indirect in any Contract for the supply of the prison.

(b.) No prison officer shall receive any fee or gratuity, or have any business dealings with the prisoners or with the friends of the prisoners, or with the visitors to the prison.

8. Prison officers shall not use their arms except when absolutely necessary, and then so as to disable, not to kill; and no prison officer shall strike a prisoner except for purposes of defence.

9. Complaints can be made once a-week during inspection of the Visiting Justice, but should a prison officer receive a serious complaint, he must report the same at once to the Superintendent.

10. No officer shall enter a prisoner's cell at night unless accompanied by another, and then only in case of sickness or emergency.

*Superintendent.*

11. Subject to the orders of the Commissioner, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

*Gaoler.*

12. The gaoler is the principal resident officer of the prison. He shall live at the prison, and shall not be absent for a night without the leave of the Superintendent.

13. The gaoler shall be responsible, under the Superintendent, for the conduct and treatment of subordinate officers and prisoners. He is expected to enforce due economy in connection with the prison, signing all demands for stores and to insist upon cleanliness and order in the building and among its inmates.

14. The gaoler shall not be concerned in any other employment.

15. The gaoler shall be responsible for the safe custody of the records, the commitment warrants, and all other documents confided to his care, and for the money and other articles taken from prisoners.

16—(a.) The gaoler shall keep the following records:—

- (1.) Admission Register.
- (2.) Discharge Register.
- (3.) Lock-up Register.
- (4.) Labour Distribution.
- (5.) Remission Register.
- (6.) Sick Report.
- (7.) Ration Register.
- (8.) Weighment Book.
- (9.) Out-turn of Tailor's Work.
- (10.) Stock Book.
- (11.) Cash Book.
- (12.) Prison Staff.
- (13.) Order Book.
- (14.) Indents.
- (15.) Supply Book.
- (16.) Punishment Book.
- (17.) Fuel Supply.
- (18.) Visitor's Book.
- (19.) Inventory of Private clothes.

(b.) This list of records may from time to time be altered or varied with the approval of the Commissioner.

17. In the absence of the gaoler, his duties and authority shall devolve upon the jemadar.

18. The gaoler shall hand to the Medical Officer daily a list of those prisoners who are ill, or who complain of illness, or who appear to him to require attention in mind or body, and he shall carry into effect whatever instructions may be given to him by the Medical Officer in relation to such prisoners. Cases of sudden illness shall be reported to the Medical Officer without delay.

19. The gaoler shall see every prisoner once at least in every twenty-four hours. He shall once a week go through the prison at an uncertain hour of the night. He shall test the prisoner's rations, hear and report their complaints, giving them all reasonable facilities for stating their grievances personally to the Superintendent or the Visiting Justices, and he shall be specially careful of those who are in solitary confinement.

20. Upon the death of a prisoner, the gaoler shall give immediate notice to the Superintendent and Medical Officer.

21. He shall be responsible for the due discharge of all prisoners immediately upon their becoming entitled to release, whether by the expiration of their terms of sentence, or by pardon, or by commutation, or by remissions of sentence.

*Jemadar.*

22. It shall be the duty of the jemadar to insure that the instructions of the gaoler are duly carried out; and in the gaoler's absence he shall be his deputy. He is expected to superintend the details of the prison management, to see that the warders know and perform their duties, to exercise general supervision over the labour of the prisoners inside the prison, their meals and clothing; to generally supervise the internal economy of the prison, and to see that punishments are carried out in accordance with instructions.

*Warders.*

23. No warder shall be absent from the prison during his guard without the permission of the gaoler or jemadar.

24. No warder shall be given charge of more than five prisoners as a working party outside of the gaol. He shall count the prisoners at frequent intervals, especially in taking over charge or giving over charge, and on leaving any building or work.

25. No warder shall punish a prisoner unless when ordered to do so.

26. The warder acting as gate-keeper, or any officer of the prison, may examine anything carried in or out of prison, and may stop and search, or cause to be searched, any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and if any such article or property be found shall give immediate notice thereof to the gaoler.

#### *Visits to Prisoners.*

27. Convicted prisoners shall be allowed once in every three months to receive a visit from friends, in the presence of an officer, to write and receive a letter. No other visits or communications, save under the next following Regulation, shall be permitted, except by an order in writing from one of Visiting Justices, and in no case shall a prisoner under punishment for any offence committed within the prison or in close confinement under the sentence of any Court be permitted to receive any visit or communication, except on special grounds stated in the order.

28. If a prisoner, dangerously sick, desires to be visited by any near relation or friend, the Medical Officer may give an order in writing for the admission of such relation or friend if he considers it advisable.

29. All prisoners other than prisoners under sentence shall be given all reasonable opportunities, daily, of communicating with their friends or legal adviser, and they may write or receive letters. Prisoners under trial shall be allowed to see their duly qualified legal advisers in private, so far as possible, so that they cannot be overheard.

#### *Labour.*

30. Prisoners sentenced to hard labour shall be employed on the construction of roads, buildings, scavenging, municipal sanitation, chopping fire-wood, or such other work as the Superintendent may direct, with the approval of the Commissioner.

31. Prisoners sentenced to simple imprisonment must not leave the prison, but shall be given light employment within the walls, such as tailoring, cooking, or drawing water.

32. Female prisoners shall not be employed outside the prison, except on the recommendation of the Medical Officer, and then only on such labour as is suitable for women.

33. Cells will be opened at 5-30 A.M. each morning and after food labour gangs will be distributed for work at 6-30 A.M. There will be one hour's rest from 11 A.M. to 12 noon for food. Gangs working at a distance from the prison will have their food brought to them, and will return to the prison not later than 4 P.M. Cells will be locked for the night at 6 P.M. after all the prisoners have been called over by the gaoler and the jemadar. Unless under exceptional circumstances, Sunday will be observed as a day of rest.

34. All prison labour outside the gaol shall be under the supervision of the Superintendent of Public Works, unless the Commissioner otherwise directs. Employment of prisoners may be arranged for with consent of the Commissioner on such terms as he may think fit.

#### *Prisoners awaiting Trial.*

35. Prisoners awaiting trial, and all others committed for safe custody only, shall in no case be confined in association with convicted criminals.

36. They will not be required to do any labour other than such as is required to keep their rooms, furniture, and utensils clean, and they will be allowed to have this work done for them at their own expense. Employment may be given to them at their own request.

#### *Medical Officer.*

37. The Medical Officer or his assistant shall advise, whenever necessary, on the sanitary condition of the prison. The Medical Officer shall make a complete inspection of the prison at least once every quarter.

38. He or his assistant shall visit the prison daily. He shall examine every prisoner on admission and prior to discharge. He shall from time to time inspect the prisoners while at hard labour. He shall examine daily every prisoner in solitary confinement or hospital, or reported to him by the gaoler as being sick, and he shall give such orders as he may consider desirable in regard to modifications of labour, diet, and punishment.

39. He shall enter in a journal, kept for the purpose, his comments on the cases sent to him for treatment.

40. He shall examine every prisoner sentenced to corporal punishment prior to its being inflicted, and shall be present while it is being carried out.

*Ministers of Religion.*

41. The Minister of the denomination to which a prisoner belongs shall be invited to visit the prison if any prisoner so desires it.

*Visiting Justices.*

42.—(a.) There shall be Visiting Justices of every prison.

(b.) The following are *ex officio* Visiting Justices of every prison in the Protectorate, namely, the Protectorate Judge, the Assistant Judge, and the Commandant of the Forces.

(c.) The Sub-Commissioner of the province, and the Collector and Assistant Collector of the district, in which a prison is situate, shall be *ex officio* Visiting Justices of that prison.

(d.) The Commissioner may appoint such other persons, not exceeding five, to be Visiting Justices of any prison.

(e.) Some one Visiting Justice shall visit the prison not less than once a-week, and who shall record their visits, with remarks, in a book kept for the purpose.

(f.) Every Visiting Justice shall for the purposes of these Regulations have power to summon witnesses and to administer oaths.

*Diet and Dietary Scale.*

43. The prisoners' food must be sufficient in quantity, and wholesome in quality, suitable for men living and working in confinement. In no case must hard work and low diet be combined, and in all cases food should be given before the day's work begins.

44. The quality and quantity of the rations shall frequently be tested by the Superintendent or the gaoler, and the prisoners shall be allowed, if they wish to do so, to see their rations weighed for themselves.

45. The following scale of diet is to be observed, but may be varied in the case of any prison by the Superintendent :—

*Dietary of Prisoners.*

## 1. Scale of dietary for Europeans :—

6 A.M. Tea,  $\frac{1}{4}$  oz.  
Bread, 8 oz.  
Sugar, 3 oz.

12 NOON. Meat, 6 oz.  
Fresh vegetables, 4 oz.  
Bread, 4 oz.  
Ghee, 1 oz.  
Salt,  $\frac{1}{4}$  oz.

6 P.M. Meat, 6 oz.  
Fresh vegetables, 4 oz.  
Bread, 4 oz.  
Ghee, 1 oz.  
Salt,  $\frac{1}{4}$  oz.

## 2. Dietary for Swahilis and Nubians during the first three months of their imprisonment :—

6 A.M. Uji of Mtama, 3 oz.

12 NOON. Mtama, 10 oz.  
Dhall, 3 oz.  
Sim Sim oil, 1 oz.  
Onions,  $\frac{1}{2}$  oz.  
Salt,  $\frac{1}{2}$  oz.  
Condiment,  $\frac{1}{2}$  oz.

5 P.M. Mtama, 12 oz.  
Meat, 4 oz.  
Fresh vegetables, 2 oz.  
Sim Sim oil, 1 oz.  
Onions,  $\frac{1}{2}$  oz.  
Salt,  $\frac{1}{2}$  oz.  
Condiment,  $\frac{1}{2}$  oz.

## 3. Dietary for Swahilis and Nubians after the first three months of their imprisonment :—

The same as the foregoing, except that instead of 3 oz. of dhall, they have 4 oz., and on Mondays and Fridays, instead of mtama at 12 A.M., they receive 10 oz. of rice and 2 oz. of salt fish.

4. Dietary for Indians and Arabs for the first three months of their imprisonment:—

6 A.M. One chopatti, made of 4 oz. of atta flour.

12 noon. Rice, 8 oz.

Dhall, 3 oz.

Sim Sim oil, 1 oz.

Onions,  $\frac{1}{2}$  oz.

Salt,  $\frac{1}{2}$  oz.

Condiment,  $\frac{1}{2}$  oz.

5 P.M. Two chopattis, made of 8 oz. of atta.

Meat, 6 oz.

Sim Sim oil, 1 oz.

Onions,  $\frac{1}{2}$  oz.

Vegetables, 2 oz.

Salt,  $\frac{1}{2}$  oz.

Condiment,  $\frac{1}{2}$  oz.

5. Dietary for Indians and Arabs after the first three months of their imprisonment:—

The same as in the foregoing scale, except that at 12 noon they are to receive 10 oz. of rice and 4 oz. of dhall.

N.B.—The "quantity of matama" refers to the grain which has been deprived of its outer husk before being weighed.

The "quantity of rice" refers to dry rice before it is cooked, and not to rice after cooking.

46. Each prisoner should be weighed once a week and his weight entered in the Weighment Book. Should any serious falling-off in weight be observed, the attention of the Medical Officer should be directed to it.

*Clothing and Cleanliness.*

47. On admission, every prisoner shall be put into a prison suit and supplied with a blanket and metal number ticket. His private clothes, together with any property on his person, shall be made up into a bundle and returned to him when released, an inventory of the same being entered by the gaoler in a book kept for the purpose.

48. The prisoners shall wash their suits once a week at a time appointed by the gaoler, and shall bathe every evening after work.

49. The cells shall be swept every morning, and buckets cleaned and water jars filled with fresh water. The cells should be thoroughly ventilated by leaving the doors open in the day, and walls and roofs swept and whitewashed whenever necessary.

50. The night soil buckets shall be emptied every morning after the working gangs have left the prison.

51. A barber will visit the prison once a-week to shave the heads of prisoners. During the last month of imprisonment a prisoner's head shall not be shaved unless he so desires.

*Admission of Prisoners.*

52.—(a.) Every prisoner on admission must be accompanied by a warrant stating his name, crime, and sentence.

(b.) These particulars, together with a photograph of him (if procurable), and a statement of his nationality, probable age, weight, height, general appearance, identification marks, trade, residence, previous convictions, if any, and date of release shall be entered in a register kept for that purpose.

53. Every prisoner, male or female, shall be searched on admission by an officer of his or her own sex not in the presence of any other prisoner, and every prisoner shall be medically examined as soon as possible after admission.

*Removal of Prisoners.*

54. Prisoners on being sentenced, or during confinement, may be removed to any prison in the Protectorate, in accordance with any general or special orders to be made by the Commissioner.

55. Prisoners if sentenced to hard labour at a station at which there is no prison shall be removed as soon as possible to the prison specified in such general or special orders.

*Discharge of Prisoners.*

56. If the date of a prisoner's release falls on Sunday, Christmas Day, Good Friday, or any public festival, he shall be discharged on the previous day.

57. Prisoners discharged from a prison situate in a district to which they do not belong shall be returned at Government expense to their own district, or supplied with a sum of money sufficient to take them back.

58. With a view to preventing the repetition of crime when prisoners are discharged without friends or means of subsistence, it shall be in the discretion of the Superintendent to pay a gratuity not exceeding 3 rupees in deserving cases, and only after full inquiry has been made. Should the Superintendent consider this sum insufficient, he must obtain authority in writing from the Commissioner or Sub-Commissioner before paying any higher gratuity.

*Separation of Prisoners.*

59. Male and female prisoners shall be kept separate from each other, and shall, if possible, be confined in separate buildings.

60. Juvenile prisoners (*i.e.*, under sixteen years of age) shall be kept separate from adults, and shall, if possible, not be confined in the same building.

61. The rooms or wards where a number of prisoners are confined shall be lighted at night, and be under the constant supervision of the prison officers.

62. No male officer shall enter or remain in a room in which female prisoners are confined unless accompanied by the Matron.

*Classification of Convicted Prisoners.*

63. Prisoners shall be divided into two classes, *viz.*, short-term prisoners sentenced to six months and under, long-term prisoners whose sentences exceed six months.

64. Long-term prisoners shall receive a more generous diet, and by industry and good conduct may earn a remission of one-seventh of their sentence, *i.e.*, one day in each week. For the purpose of such remission, the gaoler shall report at the end of every week to the Superintendent as to the industry and conduct of each prisoner, and marks shall be granted by the Superintendent according to a system to be approved by the Commissioner. The prisoner shall be informed at the end of each week whether or not he has earned remission in respect of that week. Great care shall be taken by the principal officers of the prison to prevent any prisoner being prejudiced in earning remission by reason of the ill-will of any subordinate officer, or being unduly favoured in this matter contrary to his deserts.

65. It shall be in the power of the Commissioner to grant a further remission on very special grounds, such as exceptional merit or permanent ill-health.

66. Remission earned by marks cannot be cancelled otherwise than by loss of marks awarded as a punishment in manner hereinafter provided.

*Punishment of Prisoners.*

67. The punishments for misconduct shall be loss of marks, solitary confinement, penal diet, and in very serious cases corporal punishment. A prisoner shall not be subjected to any of these punishments (except loss of marks) until certified medically fit to undergo it.

68. No prisoner shall be punished until he has had an opportunity of hearing the charges and evidence against him, and of making his defence.

69. Where corporal punishment is awarded, the number of strokes shall be limited, in the case of adults, to twenty-four, with such instrument only as the Commissioner has approved, and in the case of juveniles, to twelve with a birch-rod.

70. Solitary confinement may or may not be combined with penal diet, but penal diet shall not be combined with hard labour, and shall not be given for more than three days continuously.

71. Irons may be employed by the Superintendent and the gaoler, but only as a temporary means of restraint, and only those shall be used of which the pattern has been approved by the Commissioner.

72.—(a.) The Superintendent shall have power to award punishment in respect of the offences following only, that is to say :—

- (1.) Having prohibited articles in the cell.
- (2.) Disobedience of the orders of the gaoler or other officer, or of the Regulations of the Prison by any prisoner.
- (3.) Common assaults by one prisoner on another.
- (4.) Cursing, swearing, or making unnecessary noise.
- (5.) Indecent behaviour.
- (6.) Insulting, threatening, or indecent language by any convict.
- (7.) Idleness or negligence, or wilful mismanagement of work by any convicted prisoner.
- (8.) Wilful injury or destruction of any tools or implements or materials of work, defacing or injuring the walls, furniture or other property of the prison.

(b.) All the above acts are declared to be offences against prison discipline, and it shall be lawful for the Superintendent, after due inquiry, to punish any prisoner guilty of such offence by solitary confinement up to forty-eight hours, penal diet, loss of marks involving the cancellation of not more than seven days' remission, cellular or separate confinement up to three and seven days respectively.

(c.) The Superintendent shall enter in the Punishment Book a statement of the nature of any offence that he has punished in pursuance of this Regulation, with the amount of punishment awarded.

73. If any prisoner is charged with any serious offence or repeated offences against prison discipline which do not come under Regulation 72, a Visiting Justice shall hold an inquiry into the matter upon oath in the presence of the prisoner, and if he finds the charge proved may award any of the following punishments:—

(a.) Solitary confinement in a punishment cell, with or without penal diet, for a period not exceeding 28 days.

(b.) Loss of marks.

(c.) Corporal punishment.

Provided as follows:—

(1.) The solitary confinement shall not be continuous for more than seven days, and an interval of seven days shall elapse before a further period of such confinement.

(2.) Penal diet shall not be imposed for more than three days continuously, with an interval of one day before it is again imposed.

(3.) Corporal punishment shall not be awarded except for mutiny or incitement to mutiny, personal violence to any person, grossly offensive or abusive language, any act of gross misconduct or insubordination, or for repeated offences against prison discipline.

74. No prisoner shall, in consequence of misconduct while in prison, be detained in prison beyond the expiration of his term of sentence without being again brought before a Court of law, and again sentenced. For this purpose a prisoner may, when necessary, be charged before any Magistrate of the first or second class with any offence against prison discipline, and such Magistrate shall have power to award a further sentence of imprisonment for a term not exceeding three months with or without hard labour, together with any such punishment as may, under these Regulations, be awarded by a Visiting Justice.

#### *Punishment of Prison Officers.*

75. Any warder or other subordinate officer may be punished by the Superintendent, with the approval of the Commissioner, for any of the following offences by a fine not exceeding 5 rupees for each offence:—

(1.) Disobedience of orders.

(2.) Untidiness in person or dress.

(3.) Neglect of duty.

(4.) Absence from duty without good cause.

(5.) Striking any prisoner, except in self-defence, or in defence of any other prison officer or prisoner.

#### *Prisoners Under Sentence of Death.*

76. Prisoners under sentence of death shall be searched, and all articles likely to be dangerous shall be taken from them. They shall be confined apart from other prisoners in a special cell, and shall be under constant supervision by day and night.

77. Except on the written order of the Governor no one shall have access to them except the prison officers and the ministers of the religious denominations to which they belong.

78. Executions shall be attended by the Superintendent, the gaoler, and the Medical Officer, and may be attended by a minister of the religion to which the prisoner belongs.

#### *Offences in Relation to Prisons.*

79. Any person who brings, throws, or attempts by any means whatever to introduce into any prison or to give to any prisoner, any spirituous liquor, tobacco, or any intoxicating or poisonous drug, or any prison officer who permits the commission of any such offence shall, on conviction, be liable to imprisonment of either kind, which may extend to six months or to a fine not exceeding 300 rupees, or both.

80. Every gaoler or officer of a prison subordinate to him, who shall be guilty of any violation of duty, or wilful breach or neglect of any rule or regulation, or lawful order made by a competent authority, or who shall withdraw from the duties of his office without permission, or without having given two months' previous notice in writing of his intention to so withdraw, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to a fine not exceeding 200 rupees, or to imprisonment for a period not exceeding three months, or to both.

*Miscellaneous.*

81. In every prison a hospital or proper place for the reception of sick persons shall be provided.

82.—(a.) Whenever it appears to the visiting Justices and Medical Officer that the number of prisoners in any prison is greater than can be conveniently or safely kept therein, and it is not convenient to transfer the excess number to some other prison, or

(b.) Whenever, from the outbreak of epidemic disease within any prison or for any other reason it is desirable to provide for the temporary shelter and safe custody of any prisoners.

(c.) Provision shall be made as the Commissioner may direct for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

83. "The Prisons Regulations, 1897," are hereby repealed.

84. These Regulations may be cited as "The East Africa Prisons Regulations, 1902."

C. ELIOT,

H. M. Commissioner.

Mombasa, April 12th, 1902.

Allowed :

LANSLOWNE,

His Majesty's Principal Secretary of State  
for Foreign Affairs.

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EAST AFRICA PROTECTORATE.

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NOTICE.

The following Regulations made by His Majesty's Commissioner, and allowed by the Secretary of State, are published for general information.

C. ELIOT,

H. M. Commissioner.

Mombasa, April 12th, 1902.

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*King's Regulations under Article 45 of "The East Africa Order in Council, 1897," and  
Article 11 of "The East Africa Order in Council, 1899."*

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No. 13 OF 1902.

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*Gun Tax.*

1. In these Regulations "gun" means any cannon, gun, rifle, machine-gun, or other fire-arm, whether whole or in detached pieces.

2. Within the East Africa Protectorate every person who possesses, uses, or carries a gun, and is not provided with a licence under the Game Regulations in force in the Protectorate, shall pay a yearly tax of 3 rupees in respect of each gun so possessed, used, or carried by him.

3. Such tax shall be payable upon the day the gun enters the Protectorate, or, if acquired in the Protectorate, on the day on which it first comes into the possession of any person, and thereafter upon the 1st January in every succeeding year during which it remains therein.

4. Persons holding licenses under the said Game Regulations shall be exempt from these Regulations, and any person who has paid a gun tax, and who may be allowed thereafter to take out a licence under the Game Regulations, shall have such sum as he shall have paid under these Regulations in respect of gun tax due on or after the 1st January immediately preceding the date of his licence under the Game Regulations, deducted from the cost thereof.

5. Any person possessing, using, or carrying a gun without having first paid the tax in respect thereof, proof whereof shall lie upon him, shall, on conviction, be liable to the penal-

ties provided by Article 11 of "The East Africa Order-in-Council, 1899," and any gun possessed, used, or carried in contravention of these Regulations may be confiscated.

6. These Regulations shall not apply to any officer or servant in Government employment in respect of his carrying or using a gun when so required for the purpose of his duties as such officer or servant.

7. These Regulations may be cited as "The Gun Tax Regulations, 1902."

Mombasa, April 12th, 1902.

C. ELIOT,

His Majesty's Commissioner.

Allowed :

LANSDOWNE,

His Majesty's Principal Secretary of State  
for Foreign Affairs.

## EAST AFRICA PROTECTORATE.

### NOTICE.

The following Regulations made by His Majesty's Commissioner, and hereby declared to be urgent, are published for general information.

Mombasa, April 15th, 1902.

C. ELIOT,

His Majesty's Commissioner.

*King's Regulations under Article 45 of "The East Africa Order-in-Council, 1897," and Article 11 of "The East Africa Order-in-Council, 1899."*

No. 14 OF 1902.

### Plague.

1. During the continuance of the Plague at Nairobi and until further notice the following restrictions shall be observed by all Asiatics travelling between Nairobi and Makindu otherwise than by means of the Uganda Railway.

2. No such person shall travel between the said places in manner aforesaid without having first obtained from an European officer in the public service of the Protectorate or on the Superior Establishment of the Uganda Railway or from his Employer being an European, a certificate to the effect that he has not for ten days immediately previous to the date of the certificate been within any area infected with plague.

3. Any person travelling as aforesaid without such a certificate shall on conviction for a breach of these Regulations be liable to the penalties provided for a breach of King's Regulations and in addition may be detained pending inquiries being made concerning him.

4. These Regulations may be cited as "The Plague Regulations, 1902."

Mombasa, April 15th, 1902.

C. ELIOT,

His Majesty's Commissioner.

## EAST AFRICA PROTECTORATE.

The following order of the Secretary of State is published for general information.

Mombasa, May 11th, 1902.

C. ELIOT,

H. M. Commissioner and Consul-General.

*Order of the Secretary of State.*

No. 15 OF 1902.

*Kisumu and Naivasha Provinces.*

Whereas it was provided by Article 1 of "the East Africa Order-in-Council 1897" that if His Majesty were pleased to direct that any territories for the time being under the protection of His Majesty and other than those previously enumerated in that Article should form part of the East Africa Protectorate, those territories should, from and after a date fixed by an Order of the Secretary of State, be deemed to be within the limits of the said East Africa Order-in-Council 1897,

And whereas His Majesty has been pleased to direct that the territories hitherto known as the Eastern Province of the Uganda Protectorate shall form part of the East Africa Protectorate, I do hereby order that from the 1st day of April, 1902, inclusive, the said territories shall be deemed to be within the limits of the East Africa Order-in-Council 1897 and shall be known as the Kisumu and Naivasha Provinces.

Foreign Office,  
March 5th, 1902.

LANSDOWNE,  
His Majesty's Principal Secretary  
of State for Foreign Affairs.

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EAST AFRICA PROTECTORATE.

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NOTICE.

The following Regulations made by His Majesty's Commissioner, and allowed by the Secretary of State, are published for general information.

Mombasa, June 9th 1902.

C. ELIOT,  
His Majesty's Commissioner.

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*King's Regulations under Article 45 of "The East Africa Order-in-Council, 1897," and  
Article 11 of "The East Africa Order-in-Council, 1899."*

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No. 16 OF 1902.

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*Crown Fisheries.*

1. It is not lawful for any person, unless he is authorized by His Majesty or the Commissioner, to take, acquire, win, carry away, or export—

(i) Pearls, pearl or mother-of-pearl shells or shellfish containing, or believed to contain, pearls or mother-of-pearl ;

(ii.) Bêche-de-mer (for commercial purposes) ;

(iii.) Ambergris,

in or from the fisheries, or from any shore or banks in or about the East Africa Protectorate, or the territorial waters thereof.

2. A person so authorized in respect of pearls or mother-of-pearl shall not acquire, win, carry away, or export pearl or mother-of-pearl shells or shellfish save those which have attained maturity, and are of a diameter of  $4\frac{1}{2}$  inches or more.

3. Any person who discovers any ambergris shall forthwith deliver the same to the nearest Collector or other Government officer.

4. Any person who conceals or is privy to the concealment of any ambergris, or who buys, sells, or otherwise deals in any ambergris which has not been delivered to a Government officer, shall be guilty of a breach of these Regulations.

5. The Commissioner may by Rules prohibit the sale of ambergris except by licensed persons, and may regulate the sale thereof by those persons, and any breach of Rules so made shall be punishable as a breach of these Regulations.

6. These Regulations may be cited as "The Crown Fisheries Regulations, 1902."

Mombasa, June 9th, 1902.

C. ELIOT,  
His Majesty's Commissioner.

Allowed :

LANSDOWNE,  
His Majesty's Principal Secretary of State  
for Foreign Affairs.

## EAST AFRICA PROTECTORATE.

## NOTICE.

The following Regulations made by His Majesty's Commissioner, and declared to be urgent, are published for general information.

Mombasa, June 27, 1902.

C. ELIOT,  
His Majesty's Commissioner.

*King's Regulations under Article 45 of "The East Africa Order-in-Council, 1897,"  
and Article 11 of "The East Africa Order-in-Council, 1899."*

No. 17 of 1902.

*Porter's Amendment Regulations.*

1. His Majesty's Commissioner may in regard to any case or class of cases dispense with the application required to be made to him under the provisions of Part IV of the Native Porter's and Labour Regulations 1902, and, subject to the provisions of the said Regulations, may give such directions to the Registrar of Porters or any Registering Officer as he may think fit respecting the terms upon which porters may be engaged for service out of the Protectorate.

2. These Regulations may be cited as "The Native Porter's and Labour Amendment Regulations 1902."

3. These Regulations are hereby declared to be Urgent.

Mombasa, June 27th, 1902.

C. ELIOT,  
His Majesty's Commissioner.

## EAST AFRICA PROTECTORATE.

## NOTICE.

The following Regulations made by His Majesty's Commissioner, and allowed by the Secretary of State, are published for general information.

Mombasa, July 28th, 1902.

F. J. JACKSON,  
Acting Commissioner.

*King's Regulations under Article 45 of "The East Africa Order-in-Council, 1897,"  
and Article 11 of "The East Africa Order-in-Council, 1899."*

No. 18 of 1902.

*Protection of Forests.*

1. In these Regulations the expression "Crown lands" means Crown lands as defined by "The East Africa (Lands) Order-in-Council, 1901."

2. The Commissioner may from time to time, by Proclamation published in the *Official Gazette*, declare any area in the Protectorate to be a forest area within the meaning of these Regulations, and may, in like manner, declare that any forest area, or any part thereof, shall cease to be a forest area.

3. The Commissioner may make Rules for the protection of trees, shrubs, and other things growing or being in or upon any Crown lands situate in a forest area, and in particular may prohibit any person as regards such Crown lands from—

- (a.) Cutting, burning, injuring, or removing any tree, bush, or plant, or any part thereof;
- (b.) Extracting from any tree, bush, or plant, any rubber, gum, resin, or other substance;
- (c.) Firing any grass or undergrowth;
- (d.) Pasturing animals;
- (e.) Removing any deposits, either miner or vegetable,

except upon such terms and conditions, and upon payment of such fees or royalties as may be prescribed.

4. Such Rules may be of general application, or confined to particular forest areas.

5. The Commissioner may also make Rules for the protection of any mangroves or timber on Crown lands and for the regulation of the felling thereof, and may prescribe the fees and royalties to be paid upon the felling of any mangroves or timber.

6. Any person contravening any Rules made under these Regulations shall be deemed to have committed a breach of these Regulations and shall be punishable accordingly, and in addition shall be liable to forfeit any license granted to him under such Rules, and any produce taken by him from Crown lands, and any boats, tools, carts, cattle, or thing used by him in committing any offence against such Rules.

7. Nothing in these Regulations shall be construed to authorize any person to commit any act upon or in relation to any Crown lands or any tree or thing growing or being therein or thereon, and whether situate in a forest area or not which he would not be entitled to commit if these Regulations had not been made.

8. The following Orders and Regulations are hereby repealed:—

(a.) The Order relating to cutting mangroves at Vanga, issued on the 27th November, 1891.

(b.) The Mangrove Regulations published in the *Official Gazette* on the 1st July, 1900.

(c.) "The Ukamba Woods and Forests Regulations, 1901." (No. 14 of 1901).

9. These Regulations may be cited as "The East Africa Forestry Regulations, 1902."

F. J. JACKSON,  
Acting Commissioner.

Mombasa, July 28th, 1902.

Allowed :

LANSDOWNE,  
His Majesty's Principal Secretary of State  
for Foreign Affairs.

## EAST AFRICA PROTECTORATE.

### NOTICE.

*Rules under the East Africa Forestry Regulations 1902.\**

No. 19 OF 1902.

#### *Forest Rules.*

1. In these rules the terms defined below have the meanings respectively assigned to them.

"Tree" includes "trees" "shrubs" "bushes" "bamboos" "palms" "creepers."

"Timber" includes firewood and all wood whether in its natural state, or converted or fashioned in any way.

"Grass" includes all herbaceous growth.

"Forest Produce" includes all substances found in a "Forest Area" whether vegetable or mineral, e.g. resins, gums, rubbers, fruits, leaves, flowers, stone, iron, gold, earth, coal.

"Cattle" includes horned cattle, horses, donkeys, mules, pigs, sheep, goats, camels.

"Offence" is the commission of any action prohibited under these rules.

2. In a forest area the following acts are prohibited.

(I.) Cutting, lopping, damaging, removing, or subjecting to any converting or manufacturing process, any tree, timber, or grass.

(II.) Burning, or allowing fire to extend to, any tree, timber, or grass.

(III.) Pasturing, or allowing cattle to trespass.

(IV.) Trespassing, hunting, shooting, setting snares, or having in possession any cutting implement, or weapon, for hunting or shooting.

(V.) Removing, destroying, or damaging any pillar post, mark or device for demarcating any forest area.

3. Every servant of the Crown, every headman of a Tribe, every person receiving emoluments from the Crown, whether in land, kind or cash, every person owning, cultivating or residing on, or having rights in, land within a forest area, or within 2 miles of its outer

\* Published in the "Official Gazette" of August 1st 1902.

boundary, shall prevent, and may interfere to prevent, the commission of a forest offence, and shall without delay report to the nearest Forest or Police Officer, or to the nearest civil or military post, the commission of such offence.

4. The Conservator of Forests may accept on behalf of the Crown, from any person, a sum of money as compensation for any offence committed by him; such compensation may extend to 5 times the value of the estimated damage done, or, where the value cannot be estimated, to Rs. 100 for each offence; on the payment of such compensation, any property confiscated in connection with the offence may be released.

5. All forest produce in respect of which an offence has been committed shall be deemed to be the property of the Crown.

6. Nothing in these rules shall be deemed to prevent.

(I.) The commission of any act prohibited thereunder, if such act be authorized in writing by a competent authority.

(II.) The exercise of any right or privilege by the persons entitled to exercise such rights or privileges.

(III.) The utilisation by travellers on public roads of such dry timber as may be required for fuel.

7. These Rules shall apply generally to all areas that may at any time be declared to be Forest Areas under the East Africa Forestry Regulations 1902.

## EAST AFRICA PROTECTORATE.

### NOTICE.

The following Order of the Secretary of State is published for general information.

30th August, 1902.

F. J. JACKSON,  
Acting Commissioner.

#### ORDER OF THE SECRETARY OF STATE.

No. 20 OF 1902.

#### *Prisons.*

In pursuance of the powers conferred by "The East Africa Order-in-Council, 1897," I hereby revoke the Order of the Secretary of State published in the *Official Gazette* of the 15th May, 1900, applying Part XI of the Indian Prisons Act (Act IX of 1894) to the Protectorate.

Foreign Office,  
7th August, 1902.

LANSDOWNE,  
His Majesty's Principal Secretary  
of State for Foreign Affairs.

#### EAST AFRICA ORDER IN COUNCIL, 1902.

*Buckingham Palace, 11th August, 1902.*

At the Court at *Buckingham Palace*, the 11th day of *August*, 1902.

PRESENT,

The KING's Most Excellent Majesty in Council.

Whereas the territories of Africa situate within the limits of this Order are under the protection of His Majesty the King, and are known as the East Africa Protectorate;

And whereas by Treaty, grant, usage, sufferance, and other lawful means, His Majesty has power and jurisdiction within the said territories:

Now, therefore, His Majesty, by virtue and in exercise of the powers on this 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:—

## Preliminary.

1. This Order may be cited as "The East Africa Order in Council, 1902."

The limits of this Order are the territories comprised in the East Africa Protectorate, which includes the territories bounded on east and north-east by the Indian Ocean, the Juba River, the south-western boundary of the Italian sphere, on the north by the Abyssinian frontier, on the west by the Uganda Protectorate, and on the south by the German sphere, and includes all adjacent islands between the mouths of the Rivers Juba and Uмба.

The said territories are in this Order referred to as "East Africa" and "the Protectorate."

If His Majesty is pleased to direct that any other territories, for the time being under the protection of His Majesty, shall form part of the East Africa Protectorate, those territories shall from and after a date to be fixed by an order of the Secretary of State, be deemed to be within the limits of this Order. In like manner, if His Majesty is pleased to direct that any territories for the time being forming part of the East Africa Protectorate shall cease to form part thereof, those territories shall, from and after a date to be fixed by an order of the Secretary of State, cease to be within the limits of this Order.

2. In this Order—

"Secretary of State" means one of His Majesty's Principal Secretaries of State :—

"Crown lands" means all public lands in East Africa which are subject to the control of His Majesty by virtue of any Treaty, Convention, or Agreement, or of His Majesty's Protectorate, and all lands which shall have been acquired by His Majesty for the public service or otherwise howsoever ;

"Gazette" means the Gazette of the East Africa Protectorate ;

"Person" includes Corporation ;

Words importing the plural or the singular may be construed as referring to one person or thing, or to more than one person or thing, and words importing the masculine as referring to females (as the case may require).

3.—(1.) Where this Order or any Ordinance confers a power or imposes a duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2.) Where this Order or any Ordinance confers a power or imposes a duty on the holder of an office, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by the holder of the office for the time being, or by a person duly appointed to act for him.

(3.) Where this Order or any Ordinance confers a power to make rules, regulations, or orders, then, unless a contrary intention appears, the power shall be construed as including a power, exercisable in the like manner and subject to the like approval and conditions (if any) to rescind, revoke, amend, or vary the rules, regulations, or orders.

(4.) Expressions defined in this Order shall have the same respective meanings in any Ordinances, rules, or regulations made under this Order, unless a contrary intention appears.

## Administration.

4.—(1.) His Majesty may by Commission under His Sign Manual and Signet appoint a fit person to administer the Government of East Africa under the designation of Commissioner or such other designation as His Majesty thinks fit, and the person so appointed is hereinafter referred to as the Commissioner.

(2.) In the event of the death, incapacity, removal, or absence from East Africa of the Commissioner for the time being, all and every the powers and authorities by this Order granted to him shall, until His Majesty's further pleasure is signified through the Secretary of State, be vested in the Deputy Commissioner or other principal officer of the Protectorate Government for the time being in East Africa.

(3.) The Commissioner shall administer the Government of East Africa in the name and on behalf of His Majesty, and shall do and execute in due manner all things that shall belong to his said command and to the trust thereby reposed in him, according to the several powers and authorities granted or appointed to him by virtue of this Order and of his Commission, and according to such instructions as may from time to time be given to him under His Majesty's Sign Manual and Signet, or by Order of His Majesty in Council, or by His Majesty through a Secretary of State, and according to such laws as are or shall hereafter be in force in the Protectorate.

5. The Commissioner shall have an official seal, bearing the style of his office, and such device as a Secretary of State from time to time approves, and such seal shall be deemed the public seal of East Africa, and may be kept and used by the Commissioner for the sealing of all things whatsoever that shall pass the public seal. And, until a public seal shall be provided, the seal of the Commissioner may be used as the public seal.

6.—(1.) The Commissioner may, with the approval of the Secretary of State, by Proclamation, define any boundaries of the territories for the time being within the limits of this Order, and divide those territories into provinces or districts in such manner and with such sub-divisions as may be convenient for purposes of administration, describing the boundaries thereof and assigning names thereto.

(2.) If a question arises whether any place is or is not within the Protectorate, or within any province, and such question does not appear to be determined by any such Proclamation, or other evidence, it shall be referred to the Commissioner, and a certificate under his hand and seal shall be conclusive on the question, and judicial notice shall be taken thereof.

7.—(1.) All rights of His Majesty in or in relation to any Crown lands shall vest in and may be exercised by the Commissioner for the time being in trust for His Majesty, or if the Secretary of State at any time with respect to all or any such lands by order under his hand so directs, in such other trustee or trustees for His Majesty as the Secretary of State may appoint.

(2.) The Secretary of State may, when he thinks fit, by a like order remove any trustee so appointed, and may appoint any new or additional trustee or trustees.

(3.) The Commissioner, or such other trustee or trustees, may make grants or leases of any Crown lands, or may permit them to be temporarily occupied, on such terms and conditions as he or they may think fit, subject to the provisions of any Ordinance.

(4.) All mines and minerals being in, under, or upon any lands in the occupation of any native tribe, or any members thereof, or of any person not possessed of the right to work such mines and minerals, shall vest in the Commissioner, or such trustee or trustees, in like manner as the mines and minerals being in, under, or upon any Crown lands.

8. The Commissioner may, as he shall see occasion, in His Majesty's name and on His behalf, grant to any offender convicted of any offence in any Court in East Africa, a free and unconditional pardon, or a pardon subject to such conditions as may be lawfully thereunto annexed, or remit or commute any sentence in whole or in part.

9. The Commissioner may, as he shall see occasion, in His Majesty's name and on His behalf, remit any fines, penalties, or forfeitures which may accrue or become payable to His Majesty.

10.—(1.) A Secretary of State, or the Commissioner, subject to the directions of a Secretary of State, may, on behalf of His Majesty, appoint, or authorize the appointment of such public officers for the administration of East Africa, under such designations as he may think fit, and may prescribe their duties.

(2.) The Commissioner may, upon sufficient cause to him appearing, suspend from the exercise of his office in East Africa any such public officer, which suspension shall continue and have effect only until His Majesty's pleasure therein shall be made known and signified to the Commissioner.

(3.) Subject to the provisions of any Ordinance, the Commissioner may appoint, or authorize Heads of Departments to appoint, such clerks and other subordinate officers as may be required; and unless other provision is made, all subordinate officers shall be removable by the respective officers by whom they were appointed.

11. All Ordinances, Proclamations, Regulations, Rules, or other public notifications shall be published in the *Gazette*, and also in such other manner, if any, as the Commissioner may direct in the case of any particular notification.

#### Legislation.

12.—(1.) The Commissioner may make Ordinances for the administration of justice, the raising of revenue, and generally for the peace, order, and good government of all persons in East Africa.

(2.) The Commissioner shall observe any general or special instructions of the Secretary of State with respect to the previous submission to the Secretary of State of draft Ordinances, to the making of Ordinances for particular purposes, to the amendment of Ordinances or draft Ordinances, and to other matters in relation thereto; but nothing in this provision shall affect the validity of any Ordinance.

(3.) In making Ordinances, the Commissioner shall respect existing native laws and customs except so far as the same may be opposed to justice or morality.

(4.) The Commissioner shall sign every Ordinance made by him, and shall at the first available opportunity transmit an authenticated copy thereof to the Secretary of State.

(5.) The Secretary of State may disallow any Ordinance, wholly or in part, and upon such disallowance being publicly notified in the *Gazette*, the provisions so disallowed shall thereupon cease to have effect, but without prejudice to anything lawfully done or suffered hereunder.

(6.) The Ordinances of each year shall be numbered consecutively, and each may be cited by its number and year, or by its short title, if any.

(7.) Where a date for the commencement of an Ordinance is not fixed in the Ordinance, it shall come into force on the day on which it is promulgated by the Commissioner.

(8.) An Ordinance may apply to East Africa any Act or law of the United Kingdom or of any legislature of India or of any Colony, subject to any exceptions and modifications.

(9.) The Commissioner shall, at the first available opportunity after any rules or regulations are made under any Ordinance by any person or body authorized, transmit an authenticated copy thereof to the Secretary of State.

(10.) An Ordinance shall not be repealable by any rules or regulations made under an Ordinance.

(11.) An Ordinance varying or affecting any Order in Council relating to the Protectorate, which is not repealed by this Order, shall not come into force unless it has been previously approved by the Secretary of State, and such approval shall be recited therein.

#### Application of Law.

13. The enactments described in the First Schedule to the Foreign Jurisdiction Act, 1890, shall apply to East Africa as if it were a British Colony or possession, but subject to the provisions of this Order, and to the exceptions, adaptations, and modifications following, that is to say:—

(i.) The Commissioner is hereby substituted for the Governor of a Colony or British possession, and the High Court is hereby substituted for a Superior Court or Supreme Court and for a Magistrate or Justice of the Peace of a Colony or British Possession.

(ii.) For the portions of the Merchant Shipping Acts, 1854 and 1867, referred to in the said Schedule, shall be substituted Part XIII of the Merchant Shipping Act, 1894.

(iii.) In section 51 of the Conveyancing (Scotland) Act, 1874, and any enactment for the time being in force amending the same, the High Court is substituted for a Court of Probate in a Colony.

(iv.) With respect to the Fugitive Offenders Act, 1881—

(a.) So much of the 4th and 5th sections of the said Act as relates to sending a report of the issue of a warrant, together with the information, or a copy thereof, or to the sending of a certificate of committal and report of a case, or to the information to be given by a Magistrate to a fugitive, shall be excepted, and in lieu of such information the person acting as the Magistrate shall inform the fugitive that in the British possession or Protectorate to which he may be conveyed he has the right to apply for a writ of *habeas corpus* or other like process.

(b.) So much of the 6th section of the said Act as requires the expiration of fifteen days before issue of warrant, shall be excepted.

(c.) The Commissioner shall not be bound to return a fugitive offender to a British possession unless satisfied that the proceedings to obtain his return are taken with the consent of the Governor of that possession.

(d.) For the purposes of Part II of the said Act, Uganda, Zanzibar, the East Africa Protectorate, and all British possessions and Protectorates in Africa south of the Equator shall be deemed to be one group of British Possessions.

14. Where under the Merchant Shipping Act, 1894, or any amending Act, anything is authorized to be done by, to, or before a British Consular officer, such thing may be done, in any place in the Protectorate at which there is no Consular officer, by such officer of the Protectorate Government as the Commissioner may appoint.

#### Courts of Justice.

15.—(1.) There shall be a Court of Record styled “His Majesty’s High Court of East Africa” (in this Order referred to as the High Court) with full jurisdiction, civil and criminal, over all persons and over all matters in East Africa.

(2.) Such civil and criminal jurisdiction shall, so far as circumstances admit, be exercised in conformity with the Civil Procedure, Criminal Procedure, and Penal Codes of India, and the other Indian Acts which are in force in East Africa at the commencement of this Order, except so far as may be otherwise provided by law.

(3.) The High Court shall sit at such place or places as the Commissioner may appoint.

(4.) The High Court shall have a seal bearing the style of the Court and a device approved by the Secretary of State; but until such a seal is provided, a stamp bearing the words “High Court of East Africa” may be used instead thereof.

16.—(1.) The High Court shall be a Court of Admiralty, and shall exercise Admiralty jurisdiction in all matters arising on the high seas or elsewhere or upon any lake or other navigable inland waters or otherwise relating to ships and shipping.

(2.) The following enactments of the Colonial Courts of Admiralty Act, 1890, that is to say, section 2, sub-sections (2) to (4), sections 5 and 6, section 16, sub-section (3), shall apply to the High Court as if in the said sections the said Court were mentioned in lieu of a Colonial Court of Admiralty and the Protectorate were referred to in lieu of a British possession.

(3.) Admiralty jurisdiction may be conferred by Ordinance on any Court subordinate to the High Court.

(4.) Any Ordinance varying or affecting the Admiralty jurisdiction of any Court or conferring Admiralty jurisdiction on any Court shall not come into force unless it has been previously approved by the Secretary of State, and such approval shall be recited therein.

17.—(1.) There shall be as many Judges of the High Court as may from time to time be required.

(2.) Every Judge shall be appointed by His Majesty, and shall hold office during pleasure.

(3.) When there are more Judges than one, the principal Judge shall have such distinguishing title as the Secretary of State may approve.

(4.) In any case of death, illness, or absence, or in any other emergency, the Commissioner may appoint an acting Judge.

18.—(1.) Courts subordinate to the High Court, and Courts of special jurisdiction, may be constituted by or under the provisions of any Ordinance as occasion requires.

(2.) Provision may be made by Ordinance for the hearing and determining of appeals from any such Court by the High Court or otherwise.

19. Article 10 of this Order shall apply to the appointment of all Judges and Magistrates (other than Judges of the High Court), and to Registrars and other principal officers of the High Court, in like manner as it applies to public officers, and the provisions of that Article relating to clerks and other subordinate officers shall apply to all Courts.

20. In all cases, civil and criminal, to which natives are parties, every Court (a) shall be guided by native law so far as it is applicable and is not repugnant to justice and morality or inconsistent with any Order in Council or Ordinance, or any regulation or rule made under any Order in Council or Ordinance; and (b) shall decide all such cases according to substantial justice without undue regard to technicalities of procedure and without undue delay.

21. If any sentence of death is pronounced by the High Court a copy of the evidence shall be transmitted to the Commissioner, and the sentence shall not be carried into effect until confirmed by him.

22. Subject to the provisions of any Ordinance, the High Court may, with the approval of the Commissioner, make rules for regulating the practice and procedure of the High Court and of all other Courts which may be established in East Africa.

The power to make rules under this Article shall include (a) a power to fix fees and scales of remuneration, and (b) a power to regulate the conditions on which persons may be admitted to practice as advocates or solicitors in the Courts of East Africa.

At the first available opportunity after any such rules are made, the Commissioner shall transmit an authenticated copy thereof to the Secretary of State.

23.—(1.) A Court under this Order shall not exercise any jurisdiction in any proceeding whatsoever over the Commissioner or his official or other residences, or his official or other property.

(2.) This Article shall not operate in bar of any proceeding against the Commissioner in his official capacity, where it is sought to establish any liability of the Government of the Protectorate.

#### Removal and Deportation.

24. Where an offender convicted before any Court is sentenced to imprisonment, and the Commissioner, proceeding under section 7 of the Foreign Jurisdiction Act, 1890, authority in that behalf being hereby given to him, considers it expedient that the sentence should be carried into effect outside of the Protectorate the place shall be a place in some part of His Majesty's dominions out of the United Kingdom, the Government whereof consents that offenders may be sent thither under this Article.

25.—(1.) Where it is shown by evidence on oath, to the satisfaction of the Commissioner that any person is conducting himself so as to be dangerous to peace and good order in East Africa, or is endeavouring to excite enmity between the people of East Africa and His Majesty, or is intriguing against His Majesty's power and authority in East Africa the Commissioner may, if he thinks fit, by order under his hand and official seal order that person to be deported from the Protectorate to such place as the Commissioner may direct.

(2.) The place shall be a place in some part (if any) of His Majesty's dominions to which the person belongs, or the Government of which consents to the reception of persons deported under this Order, or to some place under the protection of His Majesty.

(3.) An appeal shall not lie against an order of deportation made under this Article.

(4.) If any person deported under this Order returns to the Protectorate without the permission in writing of the Secretary of State (which permission the Secretary of State may give) he shall be deemed guilty of an offence, and liable on conviction, to imprisonment for any period not exceeding three months, with or without a fine not exceeding five hundred rupees; and he shall also be liable to be forthwith again deported.

(5.) The Commissioner, by order under his hand and official seal may vary or rescind any order of deportation under this Article.

(6.) The Commissioner shall forthwith report to the Secretary of State every order made by him under this Article, and the grounds thereof, and the proceedings thereunder.

26.—(1.) Where, under this Order, a person is to be removed, or deported from the Protectorate, he shall, by warrant of the Commissioner under his hand and seal, be detained if necessary, in custody or in prison, until a fit opportunity for his removal or deportation occurs, and then, if he is to be deported beyond sea, be put on board one of His Majesty's vessels of war, or, if none is available, then on board some other British or other fit vessel.

(2.) The warrant of the Commissioner shall be sufficient authority to the person to whom it is directed or delivered for execution and to the Commander or master of the vessel to receive and detain the person therein named, in the manner therein prescribed, and to remove and carry him to the place therein named, according to the warrant.

(3.) In case of removal for any purpose other than deportation, the warrant of the Commissioner shall be issued in duplicate, and the person executing it shall, as soon as practicable after his arrival at the place therein named, deliver, according to the warrant, with one of the duplicates of the warrant, to a constable, or proper officer of police or keeper of a prison, or other proper authority or person there, the person named in the warrant, to be produced on the order of the proper Court or authority there, or to be otherwise dealt with according to law.

27. Subject to the other provisions of this Order, all expenses of removal of prisoners and others, and the expenses of deportation, and of the sending of any person to Zanzibar, or to any part of His Majesty's dominions or Protectorates, including expenses of maintenance, shall be defrayed in such manner as the Secretary of State directs.

#### Supplementary.

28. On the commencement of this Order, the following Orders in Council shall be repealed, that is to say :—

The East Africa Order in Council, 1897.

The Africa (Acquisition of Lands) Order in Council, 1898.

The Africa Protectorate (Capital Sentences) Order in Council, 1898.

The East Africa Order in Council, 1899.

The East Africa (Lands) Order in Council, 1901.

Provided as follows :—

(1.) Where other provision is not made by Ordinance, any law practice or procedure established by or under the said repealed Orders and all Acts of any legislature in India now in force in East Africa, shall remain in force until such other provision is made.

(2.) Every appointment of a Judge or other officer and every Court established and existing at the commencement of this Order shall, until other provision is made, continue to be as if this Order had not been passed.

(3.) All legal proceedings begun under the said repealed Orders and pending at the commencement of this Order shall be continued as if this Order had not been passed.

(4.) All regulations and rules made under the said repealed Orders shall remain in force until otherwise provided by Ordinance.

29. This Order shall commence and have effect as follows :—

(1.) As to the making of any warrant or appointment, the framing of Ordinances and Rules of Procedure, the issue of instructions, and as to any other provisions necessary for bringing this Order into effect, immediately from and after the date of this Order.

(2.) As to all other matters and provisions comprised and contained in this Order, immediately after this Order is first published in the Gazette, and the time of such publication shall be deemed to be the time of the commencement of this Order.

And the Most Honourable the Marquess of Lansdowne, K.G., one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

A. W. FitzRoy.

**EASTERN AFRICAN PROTECTORATES (COURT OF APPEAL) ORDER IN COUNCIL, 1902.**

*Buckingham Palace, 11th August, 1902.*

At the Court at *Buckingham Palace*, the 11th day of *August*, 1902.

**PRESENT,**

The KING's Most Excellent Majesty in Council.

Whereas, by Treaty, grant, usage, sufferance, and other lawful means His Majesty has power and jurisdiction within the territories of Africa known as the East Africa, Uganda, and British Central Africa Protectorates (in this Order referred to as "the said Protectorates");

And whereas it is expedient that a Court should be established for the hearing and determining of appeals from His Majesty's Courts in the said Protectorates;

Now, therefore, His Majesty, by virtue and in exercise of the powers in this 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:—

1. This Order may be cited as "Eastern African Protectorates (Court of Appeal) Order in Council, 1902."

2. A Court shall be constituted, called His Britannic Majesty's Court of Appeal for Eastern Africa (in this Order referred to as "the Court of Appeal,"), which shall exercise such appellate jurisdiction and such other powers in relation to the High Courts and other Courts in the said Protectorates as may from time to time be conferred by Ordinances passed under the provisions of the Orders in Council relating to the said Protectorates respectively.

3. The members of the Court of Appeal shall be the Judge or Judges for the time being of His Majesty's Court for Zanzibar, and the Judge or Judges for the time being of the High Courts of the said Protectorates respectively, and such other competent person or persons, if any, each being a member of the Bar of England, Scotland, or Ireland, of not less than five years' standing, as the Secretary of State may from time to time appoint.

4. The precedence of the Judges of the Court of Appeal shall be determined according to instructions to be given from time to time by the Secretary of State.

5. For the hearing and determining of appeals, three Judges of the Court of Appeal shall sit together; but provision may be made by Rules of Court for the hearing of any specified classes of cases by less than three Judges.

6. The Court of Appeal may sit at such places in Zanzibar, or in any of the said Protectorates as may be fixed by Rules of Court.

7. The Secretary of State may appoint a Registrar and such other officers of the Court of Appeal as may be necessary.

8.—(1.) The Court of Appeal may make Rules of Court with respect to all matters of procedure relating to the exercise of its jurisdiction.

(2.) Rules of Court when allowed by the Secretary of State shall have effect as if contained in this Order: Provided that in case of urgency declared in the Rules, the same shall take effect before such allowance, and shall continue to have effect unless and until they are modified or altered by the Secretary of State, and are published by the Court of Appeal as so modified or altered.

9.—(1.) When a final judgment or order of the Court of Appeal made in a civil action involves the amount or value of 10,000 rupees or upwards any party aggrieved thereby may, within such time as may be prescribed by Rules of Court or, if no time is prescribed, within three months after the same is made or given, apply by petition to the Court of Appeal for leave to appeal to His Majesty the King in Council.

(2.) The applicant shall give security to the satisfaction of the Court of Appeal to an amount not exceeding the amount or value of 5,000 rupees for prosecution of the appeal; and for such costs in the event of the dismissal of the appeal for want of prosecution as the Court of Appeal may award, and for payment of all such costs as may be awarded to any respondent by His Majesty in Council, or by the Lords of the Judicial Committee of His Majesty's Privy Council.

(3.) He shall also pay into the Court of Appeal a sum estimated by that Court to be the amount of the expense of the making up and transmission to England of the transcript of the record.

(4.) If security and payment are so given and made within such time as may be prescribed by Rules of Court, then, and not otherwise, the Court of Appeal shall give leave to appeal, and the appellant shall be at liberty to prefer and prosecute his appeal to His Majesty

in Council according to the Rules for the time being in force respecting appeals to His Majesty in Council from his Colonies, or such other Rules as His Majesty in Council from time to time thinks fit to make concerning appeals from the Court of Appeal.

(5.) In any case the Court of Appeal if it considers it just or expedient to do so, may give leave to appeal on the terms and in the manner aforesaid.

10.—(1.) Where leave to appeal to His Majesty in Council is applied for by a person ordered to pay money or do any other act, the Court of Appeal shall direct either that the order appealed from be carried into execution, or that the execution thereof be suspended pending the appeal, as the Court thinks just.

(2.) If the Court of Appeal directs the order to be carried into execution, the person in whose favour it is made shall, before the execution of it, give security to the satisfaction of the Court for performance of such Order as His Majesty in Council may think fit to make.

(3.) If the Court of Appeal directs the execution of the order to be suspended, the party against whom it is given shall, before an order for suspension is made, give security to the satisfaction of the Court for performance of such Order as His Majesty in Council may think fit to make.

11. This Order shall not affect the right of His Majesty at any time, on the humble petition of any person aggrieved by a decision of the Court of Appeal, to admit his appeal on such terms and in such manner as His Majesty in Council may think fit, and to deal with the decision appealed from in such manner as may be just.

And the most Honourable the Marquess of Lansdowne, K.G., one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

*A. W. FitzRoy.*

## EAST AFRICA PROTECTORATE.

### AN ORDINANCE

Enacted by Frederick John Jackson Esquire, a Companion of the Most Honourable Order of the Bath and a Companion of the Most Distinguished Order of St. Michael and St. George, Acting Commissioner for the East Africa Protectorate.

F. J. JACKSON,  
Acting Commissioner.

September 27th, 1902.

No. 21 OF 1902.

#### *Crown Lands.*

It is hereby enacted as follows :—

1. This Ordinance may be cited as "The Crown Lands Ordinance, 1902."

2. All conveyances, leases, and licenses for the temporary occupation of Crown land made on behalf of His Majesty shall be made, and all proceedings, notices, and documents under this Ordinance shall be taken or drawn, in the name of the Commissioner, and save as therein otherwise provided shall be deemed to be made under and subject to the provisions of this Ordinance and of any rules for the time being in force under this Ordinance.

3. A conveyance, lease, or license for the temporary occupation of Crown land under this Ordinance shall not confer any right to minerals in or under the said land, or to the waters of any river or lake.

#### *Sales.*

The Commissioner shall not sell to any purchaser more than 1,000 acres of Crown land in one lot without the approval of the Secretary of State, but nothing herein shall invalidate any sale.

5.—(1.) Where an agreement has been entered into for the sale of Crown land and the portion of the price therein mentioned paid the land shall vest in the purchaser, but the Commissioner shall have a lien on the land for the balance of the purchase money.

(2.) If the balance of the purchase money is not paid within six months from the date of the agreement, or within such other period as may be specified in the agreement, the land shall revert to the Commissioner, and all money paid shall be forfeited.

(3.) No purchaser of Crown land shall be entitled to a conveyance until the whole of the purchase money has been paid.

6. The Commissioner may require a purchaser of Crown land to erect reasonable boundary-marks. If any purchaser of Crown land under the Ordinance erects such boundary-marks as may be prescribed, the Commissioner may direct their erection, and may recover the cost of their erection from the purchaser.

7. Any purchaser of Crown land who fails to maintain, and any person, whether the owner of the land or not, who moves, or attempts to move, or in any way tampers with the boundary-marks of land purchased from the Crown, shall be guilty of an offence, and shall be liable to a fine not exceeding 1,000 rupees, or to two months' imprisonment of either kind, or both.

8. The Commissioner may at any time enter upon and view the state of any land sold under the provisions of this Ordinance.

9.—(1) If any land sold under the provisions of this Ordinance appears to the Commissioner to have been unoccupied for a period exceeding twelve months, he may give notice that, if within the next six months the owner does not appear and afford reasonable proof that he intends to use and develop the land to a reasonable extent, the land will be forfeited.

(2) Such notice shall be published in the Gazette, and a copy shall be affixed to the land, and, if the address of the owner of the land is known, a copy shall be sent by post to him at that address.

(3) If the owner does not appear within the six months, or if, having appeared, he fails to afford reasonable proof that he intends to use and develop the land to a reasonable extent the Commissioner shall by notice in the Gazette declare the land forfeited, and the land shall thereupon revert to the Commissioner.

#### Leases.

10. No lease of Crown land shall exceed ninety-nine years.

11. In the absence of special provision to the contrary contained in the lease, all buildings on Crown land leased, whether erected by the lessee or not, shall, on the determination of the lease, pass to the Commissioner without payment of compensation.

12. In every lease under this Ordinance there shall by virtue of this Ordinance be implied covenants by the Commissioner—

(a.) That he has full power to grant the lease.

(b.) That the lessee, paying the rent and fulfilling the covenants therein contained, shall quietly hold and enjoy the premises without any lawful interruption by the Commissioner or any person claiming under him, except so far as the laws in force for the time being in the Protectorate may permit.

13. In every lease under this Ordinance there shall, by virtue of this Ordinance, be implied covenants by the lessee—

(a.) That he will pay the rent or royalties thereby reserved at the time, and in the manner therein provided.

(b.) That he will pay any taxes or charges that may be imposed upon the land or on the buildings or huts thereon.

(c.) That he will allow the Commissioner, or any person acting under his directions or in virtue of his duties as a public officer of the Protectorate, to enter and view the land leased.

14. Except where expressly varied or excepted, there shall, by virtue of this Ordinance, be implied in every lease under this Ordinance covenants by the lessee—

(a.) Not to assign, except by will, the land leased, or any part thereof, without the previous consent of the Commissioner.

(b.) To keep in reasonable repair all buildings erected before the commencement of and included in the lease.

(c.) To allow roads made by the lessee upon the land leased to be used for the public service.

(d.) To permit travellers to encamp with their servants, animals, waggons and baggage, for a period not exceeding forty-eight hours, on any part of the land leased which is uncultivated, and which is not within a quarter of a mile of a dwelling-house, and to allow them access, with their servants and animals, to any river, stream or lake upon the land leased.

(e.) To use and develop the natural resources of the land leased with all reasonable speed, having regard to all the circumstances of the case.

15. In all building leases granted under this Ordinance there shall, by virtue of this Ordinance, be implied, unless such covenants are expressly varied or excepted, covenants by the lessee—

(a.) To erect the buildings specified in the lease and in the manner and within the period therein provided.

(b.) To erect such buildings of good and substantial materials, having regard to all the circumstances.

(c.) To provide reasonable drainage and water supply, having regard to the situation and purpose of the building and the health of the neighbourhood.

(d.) To keep the buildings erected in good and substantial repair.

(e.) To deliver up the buildings in good and substantial repair on the determination of the lease.

16. In all leases under this Ordinance of areas of land for the purposes of agriculture or breeding or raising cattle, or for the growth of india-rubber, cotton, tobacco or other vegetable productions, or as a timber forest, there shall, by virtue of this Ordinance, be implied, unless such covenants are expressly varied or excepted, covenants by the lessee—

(a.) To improve and develop the resources of the land in a prudent and business-like manner, and to abstain from the undue destruction or exhaustion of any timber, trees or plants for the sale or cultivation of which the land is leased.

(b.) That the lessee, his servants and agents, will not interfere with the settlements or villages of the natives, or with land allotted for native settlements or villages, and, so far as possible, will avoid all quarrels with the natives in or near the land leased.

(c.) To refer all disputes between the lessee, his servants or agents, and the natives in villages or settlements in or near the land leased to the Collector of the district.

17. Every covenant, whether express or implied, in a lease under this Ordinance, which is binding upon a lessee, shall, unless it is otherwise provided in the lease, be binding upon all persons claiming an interest in the land leased whose title is derived through or under the lessee.

18.—(1.) If the rent or royalties or any part thereof reserved in a lease under this Ordinance shall at any time be unpaid for the space of twenty-one days after the same has become due, or if there shall be any breach of the lessee's covenants, whether express or implied, the Commissioner may serve a notice upon the lessee specifying the rent or royalties in arrear or the covenant of which a breach has been committed, and at any time after one month from the service of the notice may commence an action in the High Court for the recovery of the premises, and, on proof of the facts, the High Court shall, subject to relief upon such terms as may appear just declare the lease forfeited, and the Commissioner may re-enter upon the land.

(2.) The notice shall either be served personally upon the lessee, or shall be published in the Gazette, and a copy thereof affixed to the premises.

19. For any breach of covenants by the Commissioner, whether express or implied, in a lease under this Ordinance, the lessee shall be entitled to commence an action for damages.

*Licenses for Temporary Occupation.*

20.—(1.) The Commissioner may issue licenses to natives, or to such other persons, not being Europeans or Americans, as he may think fit, to occupy Crown land and to erect thereon a hut or huts or other temporary erection.

(2.) A license under this section shall not permit the occupation of more than 5 acres of land.

(3.) Unless it is expressly provided otherwise, a license under this section shall continue for one year and thenceforward until the expiration of any three months' notice to quit: provided that such notice to quit may be served upon the licensee at any time after the expiration of nine months from the date of the license.

(4.) The rent payable under any license under this section shall be payable monthly, or at such other period as the license shall provide.

(5.) The benefit of a license under this section may, with the consent of the Commissioner, be transferred by the licensee, and such transfer and the consent thereto shall be indorsed on the license.

21. The occupant of any Crown land under a license under section 20 may remove any hut or other building erected by him during his occupation of the land at any time before the license expires.

22. If the rent payable under any license granted under section 20 is unpaid for one month after it became due, or if any tax or taxes imposed upon the land, or upon the huts erected on the land, or upon the licensee, are unpaid for two months after they became due, or if the occupant of such land fails to keep the land in a reasonably clean condition, the Commissioner may eject the licensee from the land, and the license shall be forfeited.

*Compensation.*

23.—(1.) The Commissioner may at any time enter upon any land sold or leased under this Ordinance, and there set up telegraph poles and place telegraph lines across such land, or may lay sewers, water-pipes, or electric lines therein, without paying compensation, but making good all damage.

(2.) The Commissioner shall not be entitled under this section to interfere with any dwelling-house.

24. Where any sale or lease of land under this Ordinance transfers more than 100 acres, the Commissioner may at any time hereafter enter upon such land and construct railways,

canals and roads for the benefit of the public across such land without making compensation for the land, but compensation shall be payable for all buildings destroyed or damaged.

25. Where any sale or lease of land under this Ordinance transfers less than 100 acres, the Commissioner may at any time hereafter enter upon such land and construct railways, canals and roads for the benefit of the public across such land, paying compensation for the land.

26. The Commissioner may at any time hereafter enter upon any land sold or leased under this Ordinance, and there construct railway stations, sidings or any other public works, paying compensation for the land.

27.—(1.) The Commissioner may at any time hereafter enter upon any land sold or leased under this Ordinance, and take therefrom stone and other materials for the making or repairing of roads, railways, canals or other public works.

(2.) If the materials are taken from cultivated land, compensation shall be payable by the Commissioner, but not otherwise.

28. The Commissioner may by writing under his hand authorize contractors, their servants and agents, to exercise the powers conferred upon him by sections 23-28 inclusive of this Ordinance.

*General.*

29.—(1.) Travellers shall be allowed to encamp with their servants, animals, waggons, and baggage, for a period not exceeding forty-eight hours, on any land purchased or leased from the Crown under this Ordinance, which is uncultivated, and which is not within a quarter of a mile of a dwelling-house, and shall be allowed access with their servants and animals to any river, stream, or lake upon the land.

(2.) Any person refusing to allow travellers to encamp, or to have access to water, under this section, or interfering with travellers who are encamped, or any traveller refusing after request from the owner or lessee of the land to depart after the expiration of the forty eight hours, or interfering in any way with the comfort or convenience of the owner or lessee of the land, shall be guilty of an offence, and shall be liable to a fine not exceeding 1,000 rupees, or to imprisonment of either kind not exceeding two months, or to both.

30. In all dealings with Crown land regard shall be had to the rights and requirements of the natives, and in particular the Commissioner shall not sell or lease any land in the actual occupation of the natives.

31.—(1.) The Commissioner may grant leases of areas of land containing native villages or settlements without specifically excluding such villages or settlements, but land in the actual occupation of natives at the date of the lease shall, so long, as it is actually occupied by them, be deemed to be excluded from the lease.

(2.) The Commissioner may allot for the purpose of native settlements or villages portions of the land so leased, and when and so long as these portions are so occupied, they shall be deemed to be excluded from the lease.

(3.) Any land within an area leased which has been in the occupation of natives shall, on ceasing to be so occupied, pass to the lessees.

(4.) Disputes between lessees of land and natives occupying land within or near the area leased shall be referred to the Collector of the district.

(5.) Claims by lessees for reduction of rent on account of diminution of the amount of land leased, or for other compensation on account of the exercise of the powers conferred by this section, and claims by the Commissioner for an increase of rent on account of the vacating of land formerly occupied by natives, shall be referred to the arbitration of a Judge of the High Court under section 525 of the Indian Code of Civil Procedure.

(6.) Any doubts that may arise as to whether any land is or is not included in any native settlement or village, or in lands allotted for that purpose, shall be decided by the Collector of the district.

(7.) Either the lessee of the land or the natives, if dissatisfied with the decision of the Collector, may appeal to the Sub-Commissioner of the province, whose decision shall be final.

32.—(1.) In all conveyances, leases and licenses for the temporary occupation of Crown land, and in all agreements, notices and documents relating to such land, "Commissioner" shall include the holder of that office for the time being, a person duly appointed to act for him, and a person lawfully exercising for the time being the powers and authorities of that office.

(2.) In this Ordinance, in all rules made hereunder, and in all conveyances, leases and licenses for the temporary occupation of Crown land, and in all agreements, notices, and documents relating to such land, "purchaser" and "lessee" unless it is otherwise specified, or unless the context otherwise requires, include personal representatives and assigns.

33. The Commissioner may make rules with regard to the following matters, and generally for carrying into effect the provisions of this Ordinance, and may apply such rules in whole or in part to the whole or to any district or districts of the Protectorate:—

(a.) The procedure to be followed in the case of applications for a conveyance, lease, or license for the temporary occupation of Crown land respectively.

(b.) The officers by whom, and the manner in which, the powers conferred by this Ordinance shall be carried out.

(c.) The survey of Crown land for a conveyance, lease or license for the temporary occupation of which an application is made, and prescribing the fees to be paid for such survey by the applicant.

(d.) The demarcation and maintenance of the boundaries of Crown land which is sold, let, or temporarily occupied under a license.

(e.) The procedure to be followed where land sold under the provisions of this Ordinance is forfeited under section 9.

(f.) The procedure to be followed for the settlement and payment of compensation under this Ordinance.

34. The Commissioner may by rules under this Ordinance prescribe the forms of conveyances, leases, and licenses for the temporary occupation of Crown land, and of all other documents or notices under this Ordinance, and from time to time may vary, change, or withdraw the prescribed forms: provided that nothing herein shall prevent the Commissioner from departing from the prescribed form in any particular instance.

35. The East Africa Land Regulations, 1897, are hereby repealed.

F. J. JACKSON,  
Acting Commissioner.

Mombasa, September 27th, 1902.

## EAST AFRICA PROTECTORATE.

### NOTICE.

An Ordinance enacted by Frederick John Jackson Esquire, C.B., C.M.G., Acting Commissioner for the East Africa Protectorate.

F. J. JACKSON,  
Acting Commissioner.

October 23rd, 1902.

No. 22 OF 1902.

1. This Ordinance may be cited as "The Village Headmen Ordinance 1902."

2. It shall be lawful for H. M. Commissioner as regards any part of the Protectorate, or for a Sub-Commissioner acting under the directions of the Commissioner as regards his Province to appoint any native or natives to be the official headman or collective headmen (hereinafter referred to in the singular only as headman) of any village or group of villages and to make the headman of any village subordinate to the headman of any other village.

3. Such headman shall be the representative of his village or villages and an order made against him in his official capacity shall be enforceable against all the inhabitants of his village or villages.

4. The Commissioner or by his direction a Sub-Commissioner may require any headman to keep order in any area adjacent to his village or villages and to keep any public roads in any such area in good condition and repair.

5. If an outrage occurs in any area in which a headman is responsible for the preservation of order and the perpetrator of such outrage cannot be discovered the Sub-Commissioner may in his discretion impose a fine upon such headman unless he proves to the satisfaction of the Sub-Commissioner that the outrage could not have been prevented by reasonable vigilance on the part of the headman or his people.

6. The Commissioner may make rules conferring upon any headman or any body of headmen in any village or group of villages the power to hear and determine petty native cases to such extent and upon such conditions as to appeal and procedure as the Commissioner may determine.

7. The Commissioner may provide for the remuneration of any headman by a rate to be levied upon the inhabitants of the headman's village or villages in such manner as the Commissioner may approve.

F. J. JACKSON,  
Acting Commissioner.

Mombasa, October 23rd, 1902.

## EAST AFRICA PROTECTORATE

## AN ORDINANCE

Enacted by the Acting Commissioner for the East Africa Protectorate, &c., &c.

F. J. JACKSON,  
Acting Commissioner.

No. 23 OF 1902.

*Trade in the Provinces of Kisumu and Naivasha.*

It is hereby enacted as follows :—

1. This Ordinance may be cited as "The Kisumu and Naivasha Trading Ordinance, 1902."

2.—(1.) No person, not being a native of the provinces, shall be allowed to trade within the provinces unless he is the holder of one or other of the following licenses :—

(a.) A trader's provincial license, carrying with it permission to trade at any place or places within the provinces, the fee for which shall be 50 rupees.

(b.) A trader's township license, carrying with it permission for the holder and his servants to trade at any place or places within a radius of 5 miles from the Collectorate of the township for which it is issued, the fee for which shall be 15 rupees.

(c.) An agent's provincial license, carrying with it permission to trade at any place or places within the provinces as the agent of a person holding a trader's provincial license, the fee for which shall be 5 rupees.

(2.) An agent's license shall not be granted except upon the application of the holder of a trader's provincial license. For this purpose the holder of the trader's license must apply in person with his proposed agent, and must produce his license. The applicant shall sign in duplicate the undertaking appended to the form of license, one copy of which shall be filed in the Collector's Office and one retained by the agent.

(3.) The above-mentioned licenses may be taken out at any time, and shall run for twelve months from the date of issue, and the issue of any license may be refused without any reason being assigned for such refusal.

3. Each of the said licenses carries with it permission to trade within the area therein specified in any products or goods except alcoholic liquor, fire-arms, ammunition, petroleum, explosives, and other things the importation of which is restricted by the Customs Regulations, kauri shells, military accoutrements and clothing, poisons (as defined in any law for the time being in force), opium, cow-elephant ivory, or tusks under 11 lb. in weight of immature male elephants.

4. The Commissioner may make rules prescribing the forms of licenses under this Ordinance, and the officers by whom such licenses shall be granted, and generally for carrying into effect the provisions of this Ordinance.

5. The Commissioner shall be deemed to have had authority to issue traders' licenses in the provinces from the 1st April, 1902.

6. No licenses to sell within the provinces distilled or alcoholic liquors, poisons, or opium, shall be granted to persons other than the holders of trader's licenses under this Ordinance, and the fees for such licenses shall be paid in addition to the fees for a license under this Ordinance.

7.—(1.) This Ordinance shall apply only to the Kisumu and Naivasha Provinces of the East Africa Protectorate.

(2.) In this Ordinance "provinces" means the Kisumu and Naivasha Provinces of the Protectorate.

Mombasa, October 23rd, 1902.

F. J. JACKSON,  
Acting Commissioner.

## EAST AFRICA PROTECTORATE.

## AN ORDINANCE

Enacted by the Acting Commissioner for the East Africa Protectorate.

F. J. JACKSON,  
Acting Commissioner.

No. 24 OF 1902.

*Cattle Disease.*

It is hereby enacted as follows:—

1. This Ordinance may be cited as "The Cattle Disease Ordinance, 1902."
2. In this Ordinance, unless the context otherwise requires, the following terms have the meanings hereinafter respectively assigned to them, that is to say:—
- The expression "cattle" means bulls, cows, oxen, heifers, and calves.  
The expression "animals" means cattle, sheep, goats, camels, and all other ruminating animals, and horses, donkeys, mules, and swine, and any other animal that the Commissioner may at any time, by notification in the *Gazette*, declare to be included in this definition for the purposes of this Ordinance.  
The expression "disease" means rinderpest of cattle, plague, pleuro-pneumonia, foot-and-mouth disease, sheep-pox, sheep-scab, swine-fever, or any other contagious or infectious disease that the Commissioner may at any time declare to be included in this definition for the purposes of this Ordinance.  
The expression "veterinary officer" means a veterinary officer of the Protectorate or any person appointed by the Commissioner to perform the duties of a veterinary officer.
3. Every person having in his possession or charge an animal affected with disease shall keep that animal separate from another animals not so affected, and shall give notice of the existence of the disease to the nearest Collector or Assistant Collector, who shall forthwith inform the nearest veterinary officer.
4. The Sub-Commissioner of each province or a veterinary officer shall cause to be slaughtered all animals affected with cattle plague or pleuro-pneumonia, and may cause to be slaughtered any animal affected, or suspected of being affected, with any disease, or any animal which has been in contact with a diseased animal or has been otherwise exposed to the infection or contagion of disease.
5. In respect of any animal slaughtered under this Ordinance, the owner shall be paid compensation out of the Protectorate Treasury as follows—that is to say, where the animal was affected with disease, one-half of its value immediately before it became so affected, but so that the compensation does not exceed in the case of horses, 300 rupees; in the case of mules, 200 rupees; in the case of donkeys and camels, 100 rupees, and in the case of any other animal, 50 rupees; and where the animal was not so affected, but was suspected of being so affected, the value of the animal immediately before it was slaughtered, but so that the compensation does not, in the case of horses, exceed 600 rupees; in the case of mules, 400 rupees; in the case of donkeys and camels, 200 rupees; and in the case of any other animal, 100 rupees.
6. The amount of compensation payable as aforesaid shall be assessed by the Sub-Commissioner; but he may in any case withhold, either wholly or partially, compensation in respect of any animal slaughtered under this Ordinance where the owner or person in charge of the animal has, in the judgment of the Sub-Commissioner, been guilty of any breach of this Ordinance, or, in the case of an affected animal, where the animal was imported into the Protectorate when affected with disease.
- 7.—(1.) Where an animal has been slaughtered under this Ordinance, its carcase shall belong to the Government, and shall be buried, or sold, or disposed of under such conditions as the Sub-Commissioner or a veterinary officer shall think fit, and any proceeds of sale shall be paid into the Protectorate Treasury.  
(2.) Where an animal dies of disease, the Sub-Commissioner or a veterinary officer shall give directions with reference to the burial, destruction, or disposal of the carcase.

Definitions.

Diseased animal to be kept separate and notified.

Slaughter.

Compensation.

Assessment of compensation.

Disposal of carcasses.

8. The Commissioner may, for the prevention of disease, make orders prohibiting or regulating the importation into the Protectorate from any specified country, port, or territory, or the exportation from the Protectorate of animals, or of any specified kind of animals, or of carcasses, hides, skins, or fodder. Power to prohibit or regulate importation or exportation.

9. The Commissioner may prescribe fees for the examination of animals under this Ordinance, and such fees shall be levied in respect of all animals so examined, except in the case of those animals which may have been slaughtered in consequence of such examination. Fees.

10.—(1.) The Commissioner may appoint any fit persons to be inspectors for the purposes of this Ordinance. Inspectors.

(2.) An inspector, Sub-Commissioner, administrative officer, or veterinary officer, may enter any building, shed, or place, containing, or used for the purpose of containing animals, and may examine the same and any animal found therein.

11. A Sub-Commissioner may make and publish such directions as he may think fit for regulating the movements of animals into, within, and out of his province, and generally for the carrying out of the provisions of this Ordinance, and any such direction shall forthwith be communicated to the nearest veterinary officer. Issue of directions by Sub-Commissioner.

12. A person committing an offence under this Ordinance, or a breach of any orders, rules, or directions under this Ordinance, shall be liable to a fine not exceeding 1,000 rupees or to imprisonment not exceeding two months of either kind, or to both. Penalties.

13. Any person obstructing a person in the lawful exercise of his duties under this Ordinance shall be guilty of an offence under this Ordinance. Obstructing exercise of duties.

14.—(1.) The Cattle Disease Regulations, 1898 (No. 16 of 1898), and the Cattle Disease Regulations, 1899 (No. 13 of 1899), are hereby repealed. Repeal.

(2.) All rules made under the Cattle Disease Regulations, 1899, in force at the time that this Ordinance is published shall be deemed to be rules made under this Ordinance, and shall continue to be in force until rescinded or amended.

F. J. JACKSON,

Mombasa, October 24th, 1902.

Acting Commissioner.

## EAST AFRICA PROTECTORATE.

### AN ORDINANCE

Enacted by the Acting Commissioner for the East Africa Protectorate.

F. J. JACKSON,

Acting Commissioner.

No. 25 OF 1902.

#### Outlying Districts.

It is hereby enacted as follows:—

1. This Ordinance may be cited as "The East Africa Outlying Districts Ordinance, 1902." Short title.

2. The Commissioner may, by Proclamation, declare any district or part of a district to be closed to all travellers under this Ordinance, and such district or part of a district shall be termed a "closed district." Power to close district.

3. No person shall enter a closed district except:—  
(a.) Natives of the district;  
(b.) Public officers of the Protectorate, or persons acting under the orders of the Commissioner in the course of their duty;  
(c.) Persons holding a license. Entry into close district prohibited.

4. The Commissioner may grant licenses to enter a closed district, and may, if he think fit, prescribe conditions, which shall be indorsed upon the license, upon which any particular license shall be granted, and also may, as the condition precedent to the grant of a license, require the proposed licensee to furnish security, either in cash or by bond, for the observance of the conditions. Licenses to enter closed district.

- Withdrawal of license. 5. The Commissioner may at any time withdraw a license.
- Penalty for entering without a license. 6. Any person entering or being in a closed district without a license or remaining in a closed district after the withdrawal of his license shall be guilty of an offence, and in addition shall be liable to repay to the Commissioner any expenses which have been entailed upon the Protectorate Administration.
- Offences by licensees. 7. If a licensee commits a breach of the conditions indorsed upon his license, or does any act calculated to disturb the peace of a closed district, or to cause the natives of that district to be disaffected towards the Administration, he shall be guilty of an offence, and shall also be liable to forfeit any security furnished by him.
- Recovery of expenses from licensee. 8. The Commissioner may recover from a licensee any expenditure incurred by the Administration in rendering him assistance or in quelling disturbance, and shall for that purpose have a lien upon any security furnished by him.
- Penalty for offence. 9. A person guilty of an offence under this Ordinance shall be liable to a fine not exceeding 1,000 rupees, or to imprisonment not exceeding two months of either kind, or to both.
- Power to make rules. 10. The Commissioner may make rules with regard to the following matters, and generally for the purpose of carrying this Ordinance into effect :—  
 (a.) The officers or classes of officers by whom and the manner in which the powers conferred by this Ordinance shall be carried out.  
 (b.) The forms of licenses.  
 (c.) The security to be furnished by licensees.
- Definitions. 11. In this Ordinance "license" means a license granted under the provisions of this Ordinance, and "licensee" means a person holding a license.
- Repeal. 12. The Outlying District Regulations, 1899, are hereby repealed.

Mombasa, October 24th, 1902.

F. J. JACKSON,  
Acting Commissioner.

## EAST AFRICA PROTECTORATE.

### AN ORDINANCE

Enacted by the Acting Commissioner for the East Africa Protectorate.

F. J. JACKSON,  
Acting Commissioner.

No. 26 OF 1902.

#### *Registration of Documents.*

It is hereby enacted as follows :—

1. The Commissioner shall have power to make rules fixing the amount of all fees to be levied under the Laws, Ordinances, Regulations, or Rules in force for the time being concerning the registration of Documents.
2. This Ordinance may be cited as "The East Africa Registration of Documents Ordinance 1902."

Mombasa, 29th October, 1902.

F. J. JACKSON,  
Acting Commissioner.

## EAST AFRICA PROTECTORATE.

## AN ORDINANCE

Enacted by His Britannic Majesty's Commissioner for the East Africa Protectorate, &amp;c., &amp;c.

Mombasa, November 12th, 1902.

C. ELIOT,  
His Majesty's Commissioner.

No. 27 of 1902.

*Distilled and Alcoholic Liquors.*

It is hereby enacted as follows:—

1. From and after the date hereof, no distilled or alcoholic liquors shall be imported into or sold or dealt with within the Protectorate otherwise than in accordance with this Ordinance. General importation prohibited.

2. Distilled liquors may be admitted for the use of the non-native population only. Limited importation allowed.

*Importation.*

3. No person shall import any distilled or alcoholic liquors into the Protectorate for the purposes of sale without a license. Licenses to be taken out by importers.

4.—(1.) Licenses to import distilled or alcoholic liquors into the Protectorate for sale may be granted by such licensing authority and upon such terms and conditions as the Commissioner may by rules prescribe, provided that the fee for such license for the period of one year shall not exceed 1,000 rupees. Conditions upon which licenses are granted.

(2.) No person shall be entitled to demand a license as of right.

5. Distilled and alcoholic liquors may be imported into the Protectorate without license for the purpose of being consumed by the importer; but in the event of any question being raised as to the character of any importation of such liquors, it shall be deemed to be an importation for the purposes of sale unless and until the contrary is proved. Importation for consumption of importer.

6. From and after the date of this Ordinance, a duty at the rate of 2 rupees the gallon at 50 degrees of the Gay-Lussac alcoholometer, at the temperature of 15 degrees centigrade, shall be paid on all distilled liquors, which are imported for sale, consumption, or use in the Protectorate. The said duty shall be augmented proportionally for each degree above 50 degrees, and shall be diminished proportionally for each degree below 50 degrees. Rate of duty.

Provided that all such liquors consigned to importers in the Protectorate and actually in transit at the date of this Ordinance coming into force shall be admitted at the rates and in the manner previously existing. Proviso—liquors in transit.

7. The duty upon wines, beers, and other fermented alcoholic liquors will be payable at the rate of 5 per centum upon their value as heretofore.

8. The Commissioner may make rules for the bonding of any distilled or alcoholic liquors, and for the testing of any distilled liquors imported into or manufactured in the Protectorate. Bonding.

*Manufacture of Distilled Liquor.*

9. Save as hereinafter provided, the manufacture of distilled liquor at any place within the Protectorate is prohibited. Manufacture of distilled liquors: general prohibition.

10. The Commissioner may in his discretion grant licenses for the manufacture of distilled liquor upon such terms and conditions, and upon the payment of such fees, as he may think fit. Licenses may be granted.

11. All liquors distilled in the Protectorate shall be stored in such manner as the Commissioner shall direct, and the Officer appointed by him for the purpose shall at all times have access thereto, for the purpose of testing and measuring. Storage.

12. A duty shall be leviable on all such liquors calculated in like manner and at the same rate as is the import duty imposed upon distilled liquors by this Ordinance. Duty.

*Sale of Liquors.*

- License for selling liquor. 13. No person shall sell any distilled or alcoholic liquors in the Protectorate without a license.
- Conditions upon which licenses to sell liquor are granted. 14. Licenses to sell distilled or alcoholic liquors, either wholesale or by retail, to be consumed either on or off the premises, may be granted by such licensing authority and upon such terms and conditions as the Commissioner may by rules prescribe.
- Place of business to be specified. 15. Every license shall specify the place or places at which the business of the licensee is to be carried on.
- Charge for licenses. 16.—(1) The aforesaid Rules shall provide for the payment of a minimum annual charge for each license, and may also provide for the limitation of the number of licenses to be granted in specified localities, and for the payment of additional charges in respect of licenses to be granted in such localities.  
(2.) The rules may provide for the sale of liquors forming part of the estate of a deceased person without payment of any fee.
- Sale to natives prohibited. 17. Distilled or alcoholic liquor, whether manufactured in the Protectorate or imported, shall not be sold or given otherwise than for medicinal purposes by any person to any native.
- Native defined. 18. For the purposes of this Ordinance, "native" means any person of African extraction not being an immigrant from a place where the sale of distilled or alcoholic liquors to such persons is permitted.
- Power to seize liquor in hands of native. 19. Any distilled or alcoholic liquors found in the possession of a native which have not been sold or given to him for medicinal purposes shall be liable to confiscation, and may be seized by any Protectorate officer or properly authorized person and disposed of as the Sub-Commissioner of the Province may direct.
- Penalties for breach of Ordinance or Rules. 20. Any person who commits a breach of this Ordinance or of any Rules made thereunder, shall on conviction, be liable to a fine not exceeding 1,000 rupees, or imprisonment not exceeding two months of either kind or to both, and to forfeiture of any license granted to him under or by virtue of this Ordinance; and any liquor, together with the vessel or vessels in which it is contained, or any instrument or plant for the manufacture of the same in respect of which a conviction has been obtained for a breach of this Ordinance or of any Rules made as aforesaid, shall be liable to confiscation and to be disposed of in such manner as the Sub-Commissioner of the Province or a Court may direct.
- Tembo exempt from this Ordinance. 21. This Ordinance does not apply to tembo or other liquors habitually drawn or manufactured by natives.
- Repeal. 22. The Distilled Liquor Regulations, 1897 (No. 8 of 1897), the Liquor Regulations, 1897 (No. 13 of 1897), the Liquor Regulations, 1898 (No. 9 of 1898), and the Liquor Regulations, 1900 (No. 22 of 1900), are hereby repealed.
- Short title. 23. This Ordinance may be cited as "The East Africa Liquor Ordinance, 1902."

*General.*

Mombasa, November 12th, 1902.

C. ELIOT,  
His Majesty's Commissioner.**EAST AFRICA PROTECTORATE.****AN ORDINANCE**

Enacted by His Britannic Majesty's Commissioner for the East Africa Protectorate.

C. ELIOT,  
His Majesty's Commissioner.

No. 28 OF 1902.

*Appeals.*

It is hereby enacted as follows:—

1. This Ordinance may be cited as "The Appeals Ordinance, 1902."
2. In any case in which there would have been a right to appeal from His Majesty's Court for East Africa or from any other court in the Protectorate to His Britannic Majesty's

Court for Zanzibar or to any other court in Zanzibar under the East Africa Order-in-Council 1897 or any Order-in-Council amending the same or under any King's Regulations made under the said Orders, there shall be a right to appeal to His Britannic Majesty's Court of Appeal for Eastern Africa.

3. Pending the issue of rules of court, the practice and procedure on appeals to the said Court of Appeal from any court in the Protectorate shall be the same, so far as practicable, as the practice and procedure heretofore in use upon appeals to His Britannic Majesty's Court for Zanzibar or to any other Court in Zanzibar.

Mombasa, November 13th, 1902. C. ELIOT, His Majesty's Commissioner.

EAST AFRICA PROTECTORATE.

AN ORDINANCE.

Enacted by His Britannic Majesty's Commissioner for the East Africa Protectorate.

C. ELIOT, His Majesty's Commissioner.

No. 29 OF 1902.

King's African Rifles.

It is hereby enacted as follows:—

1. This Ordinance may be cited as "The King's African Rifles Ordinance Short title. 1902."

2. In this Ordinance—

Interpretation of terms.

(1) "Officer" means an officer commissioned or in pay as an officer in His Majesty's Imperial, Colonial, or Protectorate forces, or any arm, branch, or part thereof. Warrant and other officers holding honorary commissions are officers within the meaning of this Ordinance.

(2) "Native officer" means any officer other than European above the rank of sergeant-major.

(3) "Non-commissioned officer" includes an acting non-commissioned officer, and a school-master and an enlisted clerk, but does not include British non-commissioned officers, who are subject to the Army Act.

(4) "Soldier" does not include an officer as above defined, but includes every other person subject to this Ordinance during the time that he is so subject.

(5) "Superior officer," when used in relation to a soldier, includes all officers and non-commissioned officers.

(6) "Military decoration" means any medal, clasp, good-conduct badge, or decoration.

(7) "Military reward" means any gratuity for long service or good conduct; it also includes any good-conduct pay or any other military pecuniary reward.

(8) "Enemy" includes all armed mutineers, armed rebels, armed rioters, and pirates.

(9) "Army Act" means the Imperial Statute 44 and 45 Viet., cap. 58, as amended from time to time, or any Imperial enactment substituted therefor.

(10) "Commanding officer" means the officer in command of a battalion, and in relation to any officer, native officer, non-commissioned officer, or private, means the officer in command of the battalion to which such officer, native officer, non-commissioned officer, or private belongs.

(11) "Inspector-General" means the inspector-general of the King's African Rifles.

3. This Ordinance is divided into four parts relating to the following subject matters, that is to say:—

Part I. Constitution and Government.

Part II. Enlistment, Discharge, and Service.

Part III. Discipline.

Part IV. General Provisions.

Division of Ordinance.

## PART I.—CONSTITUTION AND GOVERNMENT.

4. There shall be established and maintained in the Protectorate a battalion of troops to be styled and known as the 3rd Battalion of the King's African Rifles.
- 5.—(1.) The battalions shall form part of a regiment of His Majesty's forces styled the King's African Rifles; hereinafter called the regiment.  
(2.) The regiment shall be charged with the defence of the East Africa, Uganda, British Central Africa, and Somaliland Protectorates, with the maintenance of order and with such other duties as may be from time to time defined by the Commissioner of the Protectorate, within which any portion of the regiment may from time to time be stationed.
- 6.—(1.) A battalion shall consist of an officer with the rank of Lieutenant-Colonel or Major in command and such other officers, native officers, non-commissioned officers and privates, as the Commissioner, subject to the directions of the Secretary of State, shall determine.  
(2.) Officers other than native officers shall be appointed by the Secretary of State.  
(3.) Officers, native officers, non-commissioned officers, and privates, shall receive such rates of pay as the Commissioner, subject to the directions of the Secretary of State, shall determine.  
The officers, native officers, non-commissioned officers and privates of the battalion shall stand with each other in order of precedence and command as they have been here named.  
(5.) Officers of the same rank will stand with each other in the battalion and in the regiment according to the date of their appointment to or promotion in the regiment. If two or more officers are appointed on the same date their seniority will be determined by their respective army rank.  
(6.) The Commissioner may from time to time fill up all vacancies that may occur from removal, death, absence, incapacity, or other cause, by promotion or fresh appointments, and may at any time enrol fit men as privates of the regiment, and every such enrolment shall be an appointment under this Ordinance.
- 7.—(1.) The inspector-general shall be appointed by the Secretary of State, who may prescribe his duties.  
(2.) The inspector-general shall inspect and report to the Secretary of State upon all officers, native officers, non-commissioned officers, and privates of the regiment, whether within or without the Protectorate, and upon the organization, interior economy, and drill of the six battalions, and upon all matters appertaining to their welfare and efficiency.  
(3.) The inspector-general may, whether, within or without the Protectorate, issue instructions with regard to the organization, interior economy, and drill of the regiment or any part thereof, and the officers, native officers, non-commissioned officers, and privates of the regiment shall conform to all such instructions.  
(4.) The Protectorate shall make such contribution towards the expenses of the inspector-general and to the expenses of the 3rd Battalion when serving out of the Protectorate as the Secretary of State may determine.
- 8.—(1.) The Commissioner may at any time and for any purpose as the Secretary of State may direct, order that a battalion or any part thereof that may be stationed in the Protectorate shall be employed out of and beyond the Protectorate.  
(2.) The Commissioner may, on the recommendation of the commanding officer, order that any non-commissioned officer or private of the regiment, shall proceed to the United Kingdom for the purpose of undergoing instruction or training or for other duty or employment.
9. This Ordinance shall not apply to the native officers, non-commissioned officers, and privates of any battalion of the regiment which is recruited in India, but the said native officers, non-commissioned officers, and privates shall be subject to the Indian Articles of War, and the Indian Articles of War are hereby applied to such native officers, non-commissioned officers, and privates while serving in the Protectorate.
10. The commanding officer, subject to the orders and directions of the Commissioner, shall have the command, direction, and general superintendence of the battalion, including appointments, promotions, and reductions in the native ranks.

Constitution of  
regiment.

Duties of  
regiment.

Appointment of  
officers, &c.

Inspector-  
general: duties  
of, &c.

Employment  
beyond  
Protectorate.

Indian battalion:  
application of  
Indian Articles  
of War.

Duty of  
commanding  
officer.

11. The officers of the regiment, when posted to any station or district, shall be charged with the command, direction, and superintendence of the non-commissioned officers and privates of the regiment from time to time posted within such station or district, subject to the orders of the commanding officer and of the Commissioner. When not posted to a station or district, the officers shall have such command and such duties as the commanding officer, subject to the orders of the Commissioner, may direct. Duties of officers.

12. The commanding officer shall be charged with, and accountable for, all public stores of whatever description belonging to or appertaining to that battalion in case of their being lost, spoiled, or damaged, otherwise than by unavoidable accident, theft, robbery, or actual service. Responsibility of commanding officers for stores.

13. Every officer in command of any detachment of the regiment shall be charged with the arms, accoutrements, ammunition, clothing, and all other public stores, and with all public moneys issued and delivered for the use of the detachment of the regiment under his command, and shall account for such arms, accoutrements, ammunition, clothing, and stores to the commanding officer in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident, theft, robbery, or actual service, and to the paymaster of his battalion for such public moneys in case of their being lost, otherwise than by unavoidable accident, theft, or robbery. Responsibility of officers commanding detachments for stores.

14. The paymaster of a battalion shall be charged with such duties in connection with the accounts of a battalion as may be intrusted to him by the commanding officer. The quartermaster shall have the immediate custody of, and account to his commanding officer for all arms, accoutrements, clothing, necessaries, ammunition, and other Government stores appertaining to the battalion in his charge, and he shall issue the same upon the requisition of his commanding officer, or according to such regulations as the Commissioner may from time to time prescribe. Duty and responsibility of pay and quartermasters.

15. The Commissioner may from time to time, in consultation with the commanding officer, make such rules and regulations consistent with this Ordinance and subject to the provisions thereof, relative to the battalions, as may be necessary for the purpose of preventing the spread of contagious disease, and to render the force efficient in the discharge of its duties, and for the discipline, good order, and guidance of the force, for the form and method of enlistment of the persons constituting the same, and for their general government, the services required of them, their conduct in the performance thereof, their distribution, posting, and removal from station to station and their inspection, and for the description, supply, use and disposal of arms, accoutrements, clothing, necessaries, and other warlike stores, to be furnished to them, and also with relation to the fiscal duties to be performed by the pay or quarter-masters and other officers with relation to the regiment, and generally for the better carrying out of the provisions of this Ordinance. Such rules shall come into operation upon the publication thereof in the Gazette, or at such time as shall be provided therein. Commissioner to make Regulations &c.

#### PART II.—ENLISTMENT, DISCHARGE, AND SERVICE.

16. Every private shall be enlisted for the first term of engagement to serve in the regiment for three years, or such less period as may from time to time be fixed by the Commissioner, the term to be reckoned from the day on which the recruit shall have been finally approved for service and taken on the strength of the regiment. First term of engagement.

17.—(1.) Any non-commissioned officer or private of good character who at any time has completed, or is within three months of completing, the term of his engagement may, with the approval of his commanding officer, re-engage to serve for a further term of three years or less from the expiration of his first period. Re-engagement and continuance in service.

(2.) Any non-commissioned officer or private of good character who has completed at least twelve year's service may, with the approval of his commanding officer, re-engage for such period as shall complete a total period of twenty-one years' service, reckoning from the time of his first enlistment.

(3.) And upon completing such period of twenty-one years' service, he may, if he so shall desire, and with the approval of his commanding officer, and of the Commissioner, continue in the regiment in the same manner in all respects as if his term of service were still unexpired, except that it shall be lawful for him to claim his discharge at the expiration of any period of three months after he has given notice to the officer under whose command he is serving of his wish to be discharged.

Conditions of  
re-engagement.

18.—(1.) Any non-commissioned officer or private who being entitled to his discharge at the expiration of his first, second, third, or fourth period of service; re-engages for further service with the approval of his commanding officer, will be allowed to proceed on three months' furlough, and will receive during that period the half-pay of his rank.

(2.) If a non-commissioned officer or private offers to re-engage within three months after having received a certificate of discharge, he will, on re-engagement, be entitled to the advantages to which he was entitled with regard to good conduct badges, pay, and rank at the time of his discharge. If, however, a longer period than three months from the date of his discharge has elapsed, then it will be discretionary with the commanding officer to allow the service, or part of the service, of such person previous to the date of such re-engagement to reckon towards good-conduct pay and badges; the question of the rank in which the non-commissioned officer or private re-engages being also left to the discretion of the commanding officer.

Declaration on  
enlistment, &c.

19. Every man enlisting or re-engaging in the regiment as aforesaid shall, previous to his being approved or re-engaged, make the following declaration, and shall confirm such declaration by oath in his native language in such manner as he may declare to be most binding upon his conscience :—

I, *A. B.*, do hereby solemnly and sincerely declare and promise that I will be faithful and bear true allegiance to His Majesty King Edward VII, his heirs and successors, and that I will faithfully serve and defend His Majesty the King, his heirs and successors, for a period of three\* years, and will obey all orders of His Majesty and of the officers placed over me, and subject myself to all ordinances, rules, and regulations relating to the King's African Rifles now in force, or which may from time to time be in force, within the said period.

Signature or mark of recruit.

Declared at                    this                    day of                    , 19                    , before me.

Signature of officer.

The declaration and oath shall be made on parade before the senior officer of the regiment for the time being at the station at which the declaration and oath are made, and shall be preserved as a part of the enlistment papers of every recruit.

Prolongation of  
service termin-  
ating during war.

20. Any non-commissioned officer or private whose period of service expires during a state of war, insurrection, or hostilities, may be detained, and his service prolonged for such further period, not exceeding twelve months, as the Commissioner may direct.

Discharge on  
completion of  
service.

21. Subject to the provisions of section 17 and of the last preceding section, every non-commissioned officer and private who has completed his period or periods of engagement or service according to the provisions of this Ordinance, shall be discharged by his commanding officer, unless at the expiration of any period he is undergoing punishment for, or stands charged with the commission of, any offence under this Ordinance, and in case he is undergoing such punishment, or is charged with any such offence, his service shall be prolonged and his discharge deferred until such punishment shall have terminated, or until he has undergone his trial and any punishment awarded in respect of the offence with which he is charged.

Non-commis-  
sioned officers  
and privates  
subject to all  
regulations until  
formal discharge.

22. Every non-commissioned officer and private, until he has received a certificate of discharge, shall remain subject to all the provisions of this Ordinance and to all rules and regulations made in pursuance thereof.

Discharge when  
unfit for service  
or on being  
dismissed.

23. A non-commissioned officer or private may be discharged by his commanding officer at any time during the currency of any term of engagement—

- (a.) When pronounced by the medical officer mentally or physically unfit for further service.
- (b.) When sentenced to be dismissed the regiment for misconduct.
- (c.) If within six months of attestation his commanding officer shall consider that he is unlikely to become an efficient soldier.
- (d.) On reduction of establishment.

\* In case of re-engagement for a period other than three years this figure must be altered as the case may require.

24. In reckoning the service of any non-commissioned officer or private for discharge, either in the case of limited engagements, whether for the first, second, third, or fourth term, or for the total period of twenty-one years' service, there shall be excluded therefrom all periods during which he has been absent from his duty from any of the following causes:—

Rules for  
reckoning  
service.

- (a.) Imprisonment for any cause save that of detention awaiting any trial which results in the acquittal or discharge of the prisoner.
- (b.) Imprisonment with hard labour.
- (c.) Desertion for any period.
- (d.) Absence without leave exceeding forty-eight hours.

25. Whenever any non-commissioned officer or private ceases to belong to the regiment, either by being dismissed therefrom, or by being discharged on the termination of his period of engagement, or as unfit for further service, or on reduction of establishment, all powers and authorities vested in him shall immediately cease and determine, and he shall, before a certificate of discharge is delivered to him, deliver over his arms, ammunition, accoutrements, uniform, and other appointments which are the property of the Protectorate Administration, to such person and at such time and place as shall be directed by the officer under whose command he may be at the time of ceasing to belong to the regiment; provided that a soldier discharged before the expiration of one year for any fault, or as not likely to make an efficient soldier, shall not take away with him any arms, or any articles of uniform or equipment described by any rules or regulations as personal property of soldiers.

Consequence of  
discharge or  
dismissal.

26. Every non-commissioned officer under the rank of sergeant, and every private, who shall have served for three years without having incurred a sentence of:—

Good-conduct  
Pay.

- (a.) Imprisonment or confinement to barracks for more than seven days;
- (b.) Imprisonment with hard labour for any term;
- (c.) Fine in any sum exceeding 5s;
- (d.) Corporal punishment;

shall be entitled to bear one good-conduct badge, and to receive extra pay at the rate of 1s. per month; and for every subsequent period of three years which he shall have served under like conditions he shall be entitled to bear one additional good-conduct badge, and to receive extra pay at the rate of one additional shilling per month for each badge; provided that no non-commissioned officer or private shall receive more than six good-conduct badges.

27.—(1.) Gratuities at the following rates, in lieu of pension, shall be granted on discharge after a continuous good service extending to a period of twelve years, viz:—

Gratuities on  
discharge, &c.

	£
To native officers...	40
„ sergeants-major ...	20
„ sergeants ...	10
„ corporals ...	8
„ lance-corporals and privates...	6

And at the following rates after a total continuous good service extending to twenty-one years, viz:—

	£
To native officers...	60
„ sergeants-major ...	30
„ sergeants ...	15
„ corporals ...	12
„ lance-corporals and privates...	9

(2.) No increased rates of gratuity shall be paid in respect of any period of service in excess of a total service of twenty-one years; and no native officer, non-commissioned officer, or private, who have received a gratuity on discharge after twelve years' service shall, in the event of his afterwards re-enlisting, receive in respect of his service after such re-enlistment any higher gratuity than may, together with such first gratuity, be equal to the gratuity which he would have earned by continuous service for twenty-one years.

(3.) Where any non-commissioned officer or private is discharged as unfit for further service, or on account of reduction of establishment, before completing such continuous period of twelve years or of twenty-one years as aforesaid, he may receive such proportion of the gratuity which he would have earned if he had completed the period of service he is then passing through as his com-

manding officer may, in his discretion, determine, and, in the event of the death of any non-commissioned officer or private before receipt by him of such gratuity it shall be lawful for the Commissioner to direct and cause the amount thereof to be paid to or for the benefit of the widow or widows, or child or children, or to any next of kin of the non-commissioned officer or private so dying, on such conditions and, if to or for the benefit of more than one person, in such proportions, as to the Commissioner shall seem fit.

Gratuities on  
decease.

28. Any gratuity that would have been due and payable to any non-commissioned officer or private had he taken his discharge under the provisions of this Ordinance shall, in the event of his re-engaging for a further term and dying in the service before the completion of such term, be deemed for the purposes of this Ordinance to be his personal property in the charge of the Treasurer for the time being, and shall be paid out and distributed by the Treasurer or such other person as he may appoint in accordance with the provisions and conditions of this Ordinance.

Regiment may  
be temporarily  
increased.

29. It shall be lawful for the Commissioner, subject to the directions of the Secretary of State, when occasion arises to enrol for a limited period such number of officers, native officers, non-commissioned officers, and privates, as he shall deem necessary: the period or number limited by such order may from time to time be prolonged, shortened, increased, reduced, or varied, by any subsequent order of the Commissioner; provided that no man shall be compelled to serve for a longer period than that for which he was enrolled under this section, except with his own consent.

Condition of  
service of  
persons  
temporarily  
enrolled.

30. Save as hereinafter enacted, all the provisions of this Ordinance, and of any Ordinance amending or extending the same, and of the rules and regulations which may from time to time be in force shall, so far as they may be applicable, apply to all officers, native officers, non-commissioned officers, and privates enrolled under the last preceding section; and such officers, native officers, non-commissioned officers, and privates shall be deemed to be for all purposes part of the regiment as long as they shall be enrolled therein.

Provided always that when any officers, native officers, non-commissioned officers, or privates who are enrolled in, belong to, or are in the service of any Colony or other Protectorate shall be enrolled for temporary service in the Protectorate under this Ordinance, the rate of pay to be given them, the mode and time of payment, and all other matters relating to the pay and remuneration of such officers, native officers, non-commissioned officers, and privates, may be arranged between the Commissioner and the officer administering the government of the Colony or Protectorate in which the said officers, native officers, non-commissioned officers, and privates may be previously enrolled, or in the service of which they may be, and paid accordingly; but subject to this proviso, all officers, native officers, non-commissioned officers, and privates temporarily enrolled under this Ordinance shall receive the rates of pay respectively drawn by officers, native officers, non-commissioned officers, and privates of equal rank in the regiment.

Oath on  
temporary  
enrolment.

31. Every non-commissioned officer and private temporarily enrolled under this Ordinance shall make the following declaration, and shall confirm his declaration by oath in his native language in such manner as he may declare to be most binding upon his conscience:—

I, *A. B.*, do hereby solemnly and sincerely declare and promise that I will be faithful and bear true allegiance to His Majesty King Edward VII, his heirs and successors, and that I will faithfully serve and defend His Majesty the King, his heirs and successors, and the Government of the Protectorate until I am discharged, and will obey all orders of His Majesty and of the officers placed over me, and subject myself to all ordinances, rules and regulations relating to the King's African Rifles now in force, or which may from time to time be in force during my service.

Declared at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_

Signature or mark.

19 \_\_\_\_\_, before me

Signature of officer.

The declaration and oath shall be made on parade before the senior officer of the regiment for the time being at the station at which the declaration and oath are made, and shall be preserved as a part of the enlistment papers of every recruit.

## PART III.—DISCIPLINE.

32. The Army Act and any Articles of war or rules made in pursuance of such Act, and for the time being in force, shall, as to the provisions therein contained respecting discipline, apply—

Application of the Army Act.

(a.) At all times to European officers and non-commissioned officers appointed to or attached to the regiment.

(b.) To native officers, non-commissioned officers, and privates when on active service, within the meaning of the said Act; provided that any native officer, non-commissioned officer or private who is guilty of any offence named in this part of the Ordinance or in the Army Act when on active service within the meaning of that Act, may be punished as provided by this Ordinance.

(c.) To native officers, non-commissioned officers and privates during their residence in the United Kingdom when sent there for the purpose of undergoing instruction or training, or other duty or employment.

33. The remaining sections of this Part of the Ordinance apply to native officers, non-commissioned officers, and privates not on active service—

Application of sections 32-55.

(a.) When in the Protectorate.

(b.) When employed out of and beyond the Protectorate, in accordance with section 8 (1), of this Ordinance, in so far as they may be applicable.

*Crimes and Punishments.*

34. Every person subject to this Ordinance who—

(1)—(a.) Causes or conspires with any other persons to cause any mutiny or sedition; or

Mutiny and sedition.

(b.) Endeavours to seduce any person from allegiance to His Majesty, or to persuade any person to join in any mutiny or sedition; or

(c.) Joins in, or being present does not use his utmost endeavours to suppress, any mutiny or sedition; or

(d.) Coming to the knowledge of any actual or intended mutiny or sedition does not without delay inform his commanding or other superior officer of the same; or who

(2.) Strikes or uses or offers any violence to his superior officer, being in the execution of his office; or who

Striking or threatening superior officer, being in the execution of his office.

(3.) Disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office, whether the same is given orally, or in writing, or by signal, or otherwise,

Defiant disobedience to superior officer, in the execution of his office.

shall, on conviction, be liable to suffer death, or such less punishment as is in this Ordinance mentioned.

Punishment for offences in this section.

35.—(1.) Every person subject to this Ordinance who—

(a.) Deserts, or attempts to desert, and shall be proved to have previously committed a similar offence; or

Repeated desertion.

(b.) Persuades, endeavours to persuade, procures, or attempts to procure, any person to desert, and shall be proved to have previously committed a similar offence; or

(c.) When belonging to any of His Majesty's Imperial or other forces, without having first obtained a regular discharge therefrom, or otherwise fulfilled the conditions enabling him to enlist, enlists in any other of His Majesty's Imperial or other forces, and shall be proved to have previously committed a similar offence,

Repeated fraudulent enlistment.

Shall, on conviction, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Punishment for offences in this section.

(2.) Where an offender has fraudulently enlisted once or oftener he may, for the purposes of this section, be deemed to belong to any one or more of the corps to which he has been appointed or transferred, as well as to the corps to which he properly belongs; and it shall be lawful to charge an offender with any number of offences against this section at the same time, and to give evi-

dence of such offences against him, and, if he be convicted thereof, to punish him accordingly.

36. Every person subject to this Ordinance who—

Fraud by persons  
in charge of  
moneys or goods.

(1.) Being charged with or concerned in the care or distribution of any public or regimental money or goods, steals, fraudulently misapplies, or embezzles the same, or is concerned in or connives at the stealing, fraudulent misapplication, or embezzlement thereof, or wilfully damages any such goods ; or who—

Wilfully per-  
mitting escape  
of prisoner.

(2.)—(a.) When in command of a guard, piquet, patrol, or post, wilfully releases without proper authority any prisoner committed to his charge ; or

(b.) Wilfully allows to escape any prisoner who is committed to his charge, or whom it is his duty to keep or guard,

Punishment for  
offences in this  
section.

shall, on conviction, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

37. Every person subject to this Ordinance who—

Offences in  
relation to  
guards, &c.

(1.)—(a.) Without orders from his superior officer, leaves his guard, piquet, patrol, or post : or

(b.) Forces or strikes a soldier when acting as sentinel ; or

(c.) Impedes the provost-marshal or any assistant provost-marshal, or any officer or non-commissioned officer or other person legally exercising authority under or on behalf of the provost-marshal, or, when called on, refuses to assist in the execution of his duty, the provost-marshal, assistant provost-marshal, or any such officer, non-commissioned officer, or other person ; or

(d.) Forces a safeguard ; or

Offences in  
relation to  
inhabitants.

(e.) Leaves his commanding officer for the purpose of committing any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving ; or

(f.) Breaks into any house or other place for the purpose of committing any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving ; or

(g.) Commits any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving ; or

Irregular  
detention, &c.,  
of supplies.

(h.) Does violence to any person bringing provisions or supplies to the forces ; or

(i.) Irregularly detains or appropriates to his own regiment, battalion, or detachment any provisions or supplies proceeding to the forces, contrary to any orders issued in that respect ; or

Misbehaviour of  
sentinel.

(j.) Being a soldier acting as sentinel, commits any of the following offences ; that is to say—

(i.) Sleeps or is drunk on his post ; or

(ii.) Leaves his post before he is regularly relieved ; or who

Insubordination.

(2.) Strikes or uses or offers any violence to his superior officer, or uses threatening or insubordinate language to his superior officer ; or who

(3.)—(a.) Strikes or uses or offers violence to any person, whether subject to this Ordinance or not, in whose custody he is placed, and whether he is or is not his superior officer ; or

(b.) Resists an escort whose duty it is to apprehend him or to have him in charge ; or

(c.) Breaks out of barracks, camp, or quarters ; or who

Disobedience.

(4.) Disobeys any lawful command given by his superior officer ; or who

Neglect to obey  
garrison or other  
orders.

(5.) Neglects to obey any general, or garrison, or other orders ; or who

Desertion.

(6.)—(a.) Deserts or attempts to desert : or

(b.) Persuades, or endeavours to persuade, procures, or attempts to procure, or assists any person to desert ; or

(c.) Being cognisant of any desertion or intended desertion of any person, does not forthwith give notice to his superior officer, or take any steps in his power to cause the deserter or intending deserter to be apprehended ; or

Fraudulent  
enlistment.

(d.) When belonging to any of His Majesty's Imperial or other forces, without having first obtained a regular discharge therefrom, or otherwise fulfilled the conditions enabling him to enlist, enlists in

- any other of His Majesty's Imperial or other forces ; or
- (e.) Having been discharged with disgrace from any part of His Majesty's Imperial or other forces ; or having been dismissed with disgrace from the navy, has afterwards enlisted without declaring the circumstances of his discharge or dismissal ; or
- (f.) Is concerned in the enlistment of any man, when he knows or has reasonable cause to believe such man to be so-circumstanced that by enlisting he commits an offence against this Ordinance ; or who
- (7.)—(a.) Absents himself without leave ; or
- (b.) Fails to appear at the place of parade or rendezvous appointed by his superior officer, or goes from thence without leave before he is relieved, or without urgent necessity quits the ranks ; or
- (c.) When in camp or garrison or elsewhere, is found beyond any limits fixed or in any place prohibited by any general, garrison, or other order, without a pass or written leave from his officer ; or
- (d.) Without leave from his officer, or without due cause, absents himself from any school when duly ordered to attend there ; or who
- (8.)—(a.) Attempts to commit suicide : or
- (b.) Malingers, or feigns or produces disease or infirmity ; or
- (c.) Wilfully maims or injures himself or any other soldier, whether at the instance of such other soldier or not, with intent thereby to render himself or such other soldier unfit for service, or causes himself to be maimed or injured by any person, with intent thereby to render himself unfit for service : or
- (d.) Is wilfully guilty of any misconduct, or wilfully disobeys, whether in hospital or otherwise, any orders, by means of which misconduct or disobedience he produces or aggravates disease or infirmity, or delays its cure ; or
- (e.) Steals or embezzles, or receives, knowing them to be stolen or embezzled, any money or goods the property of a comrade or of an officer, or any money or goods belonging to any regimental mess, band, or institution, or any public money or goods ; or
- (f.) Is guilty of any other offence of a fraudulent nature not before in this Ordinance particularly specified, or of any other disgraceful conduct of a cruel, indecent, or unnatural kind ; or who
- (9.) Commits the offence of drunkenness, whether on duty or not on duty ; or who
- (10.)—(a.) When in command of a guard, piquet, patrol, or post, releases without proper authority any prisoner committed to his charge ; or
- (b.) Allows to escape any prisoner who is committed to his charge, or whom it is his duty to keep or guard ; or who
- (11.)—(a.) Commits or connives at any extortion ; or
- (b.) Without proper authority exacts from any person, carriage, portorage, or provisions ; or
- (c.) Lays any duty upon, or takes any fee or advantage in respect of, or is in any way interested in, the sale of provisions or merchandise brought into any garrison, camp, station, barrack, or place, in which he has any command or authority, or the sale or purchase of any provisions or stores ; or who
- (12.)—(a.) Makes away with, or is concerned in making away with, his arms, ammunition, equipments, instruments, clothing, regimental necessaries, or any animal of which he has charge ; or
- (b.) Loses by neglect anything before in this paragraph mentioned ; or
- (c.) Makes away with any military decoration granted to him ; or
- (d.) Wilfully injures anything before in this paragraph mentioned or any property belonging to a comrade, or to an officer, or to any regimental mess, band, or institution, or any public property : or
- (e.) Ill-treats any animal used in the public service ; or who
- (13.)—(a.) In any report, return, muster roll, pay list, certificate, book, route, or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy, knowingly makes or is privy to the making of any false or fraudulent statement, or knowingly makes or is privy to the making of any omission with intent to defraud : or
- (b.) Knowingly and with intent to injure any person, or knowingly and

Enlistment of  
soldier or sailor  
discharged with  
ignominy or  
disgrace.

Absence without  
leave.

Disgraceful  
conduct of  
soldier.

Drunkenness.

Permitting  
escape of  
prisoner.

Corrupt dealings  
in respect of  
supplies to  
forces.

Deficiency in  
and injury to  
equipment.

Falsifying official  
documents and  
false declara-  
tions.

- with intent to defraud, suppresses, defaces, alters, or makes away with any document which it is his duty to preserve or produce ; or
- (c.) Where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration ; or
- (d.) When signing any document relating to pay, arms, ammunition, equipments, clothing, regimental necessaries, provisions, furniture, bedding, blankets, sheets, utensils, forage, or stores, leaves in blank any material part for which his signature is a voucher ; or
- (e.) Refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send ; or who
- (14.)—(a.) Makes a false accusation against any officer or soldier, knowing such accusation to be false ; or
- (b.) In making a complaint, where he thinks himself wronged, knowingly makes any false statement affecting the character of any officer or soldier, or knowingly and wilfully suppresses any material facts ; or
- (c.) Makes a wilfully false statement to any military or judicial officer in respect of his military service ; or who
- (15.)—(a.) Being duly summoned or ordered to attend as a witness before a court-martial, makes default in attending ; or
- (b.) Refuses to take an oath or make a solemn declaration legally required by a court-martial to be taken or made ; or
- (c.) Refuses to produce any document in his power or control legally required by a court-martial to be produced by him ; or
- (d.) Refuses when a witness to answer any question to which a court-martial may legally require an answer ; or
- (e.) Is guilty of contempt of a court-martial by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court ; or
- (f.) When examined on oath or solemn declaration before a court-martial or any court or officer authorized by this Ordinance to administer an oath, wilfully gives false evidence ; or who
- (16.) Uses traitorous or disloyal words regarding the Sovereign ; or who
- (17.) Without due authority, either verbally or in writing or by signal or otherwise, discloses the numbers or position of any forces, or any magazines or stores thereof, or any preparations for, or orders relating to, operations or movements of any forces, at such time and in such manner as may be injurious to His Majesty's service ; or who
- (18.) Being a native officer or non-commissioned officer,
- (a.) Strikes or otherwise ill-treats any soldier ; or
- (b.) Having received the pay of any non-commissioned officer or soldier, unlawfully detains or unlawfully refuses to pay the same when due ; or who
- (19.) On application being made to him, neglects or refuses to deliver over to the civil magistrate, or to assist in the lawful apprehension of, any non-commissioned officer or private accused of an offence punishable by a civil court ; or who
- (20.) Is guilty of any act, conduct, disorder, or neglect, to the prejudice of good order and military discipline,
- shall on conviction be liable to suffer imprisonment not exceeding two years, or such less punishment as is in this Ordinance mentioned.
- Provided that, in the case of conviction for drunkenness, the offender shall be liable, either in addition to or in substitution for any other punishment, to pay a fine not exceeding 1*l*. For the purposes of this section the expression "drunkenness on duty" means drunkenness committed on the march or otherwise on duty, or after the offender was warned for duty, or when by reason of the drunkenness the offender was found unfit for duty.
38. Punishment may be inflicted in respect of offences committed by persons subject to this Ordinance and convicted by court-martial according to the scale following :—
- (a.) Death.
- (b.) Imprisonment with or without hard labour, for a term not exceeding five years.

Neglect to report,  
and signing in  
blank.

False accusation  
or false  
statement.

Offences in  
relation to  
courts-martial.

False evidence.

Traitorous  
words.

Injurious  
disclosures.

Ill-treating  
soldier.

Refusal to deliver  
to civil power  
soldiers accused  
of civil offences.

Conduct to  
prejudice of  
military  
discipline.

Punishment for  
offences in this  
section.

Scale of  
punishments by  
courts-martial.

- (c.) Discharge with ignominy from His Majesty's service.
- (d.) Reduction in the case of a non-commissioned officer to a lower grade, or to the ranks.
- (e.) Corporal punishment not exceeding twenty-four lashes.
- (f.) Forfeitures, fines, and stoppages.

Provided that—

- (1.) A soldier when sentenced to imprisonment may, in addition thereto, be sentenced to be discharged with ignominy from His Majesty's service.
- (2.) In addition to or without any other punishment in respect of any offence, an offender convicted may be subject to forfeiture of any service towards gratuity, military decoration, or military reward.
- (3.) In addition to or without any other punishment in respect of any offence, an offender may be sentenced to any deduction authorized by this Ordinance to be made from his ordinary pay.
- (4.) The Commissioner shall, by regulation, prescribe the instrument with which corporal punishment under this section shall be inflicted.

*Arrest.*

39. The following regulations shall be enacted with respect to persons subject to this Ordinance when charged with offences punishable under this Ordinance. Arrest.

- (1.) Every person subject to this Ordinance when so charged may be taken into military custody: Provided, that in every case where any soldier remains in such military custody for a longer period than eight days without a court-martial for his trial being ordered to assemble, a special report of the necessity for further delay shall be made by his commanding officer in manner prescribed; and a similar report shall be forwarded every eight days until a court-martial is assembled or the soldier is released from custody:
- (2.) Military custody means, according to the usages of His Majesty's service, the putting the offender under arrest or the putting him in confinement:
- (3.) An officer may order into military custody any non-commissioned officer or private of the regiment, and any non-commissioned officer may order into military custody any private; and any such order shall be obeyed, notwithstanding the person giving the order and the person in respect of whom the order is given do not belong to the same corps, arm, or branch of the service:
- (4.) An officer or non-commissioned officer commanding a guard, or a provost-marshal or assistant provost-marshal, shall not refuse to receive or keep any person who is committed to his custody by any officer or non-commissioned officer, but it shall be the duty of the officer or non-commissioned officer who commits any person into custody to deliver at the time of such committal or as soon as practicable, and in every case within twenty-four hours thereafter, to the officer, non-commissioned officer, provost-marshal, or assistant provost-marshal into whose custody the person is committed, an account either verbal or in writing, of the offence with which the person so committed is charged:
- (5.) The charge made against every person taken into military custody shall without unnecessary delay be investigated by the proper military authority, and, as soon as may be, either proceedings shall be taken for punishing the offence, or such persons shall be discharged from custody.

*Power of Commanding Officer.*

40. The commanding officer shall, upon an investigation being had of a charge made against a person subject to this Ordinance of having committed an offence under this Ordinance, dismiss the charge, if he in his discretion thinks that it ought not to be proceeded with; but where he thinks the charge ought to be proceeded with, he may take steps for bringing the offender to a court-martial, or may deal with the case summarily. Power of commanding officer.

- (1.) Where he deals with a case summarily, he may—
  - (a.) Award to the offender imprisonment, with or without hard labour, for any period not exceeding forty-two days.
  - (b.) Reduce any non-commissioned officer to a lower rank or to the rank of private.
  - (c.) Award corporal punishment not exceeding twenty-five lashes. The Commissioner shall, by regulation, prescribe the instrument with which such punishment shall be inflicted.
  - (d.) Dismiss the offender from the regiment.

- (e.) Impose a fine not exceeding 10s., to be levied by stoppages from the offender's pay.
- (f.) In addition to or without any other punishment, may order the offender to suffer any deduction from his ordinary pay to make good the amount of any loss or damage he may have caused.
- (g.) Confinement to barracks for any period not exceeding twenty-one days, such confinement involving the taking of all duties in regular turn, attending parades and punishment drills, not exceeding one hour at a time, nor four hours in all on the same day, inclusive of ordinary parades, and also liability to employment on duties of fatigue ;
- (h.) Extra guards and piquets, but only for minor offences or irregularities when on or parading for guard or piquet.

Punishment for drunkenness.

- (2.) The offence of drunkenness may be dealt with and summarily punished by the commanding officer as follows :—
  - (a.) For the first and second offence the offender shall be admonished or confined to barracks ;
  - (b.) For every subsequent offence the offender shall be fined according to such scale as the Commissioner may approve, such fines to be levied by stoppages from the offender's pay, but no single award is to exceed 10s. ;
  - (c.) For an act of drunkenness on duty, or when an act of drunkenness is accompanied by any other offence, the offender may be sentenced to imprisonment, with or without hard labour, or confinement to barracks in addition to the fine ;
  - (d.) Any non-commissioned officer convicted of drunkenness may be reprimanded or reduced to a lower rank or to the rank of a private.

*Powers of Officer Commanding a Detachment.*

Punishments which officers commanding detachments, &c., may award.

41. Any officer commanding a detachment, or the Collector resident at and in charge of any station where there is a detachment but no officer of the regiment, may examine into the truth of any charge against a non-commissioned officer or private ; and, if his decision is against the accused, he may impose on him any one or more of the following punishments :

- (1.) If a private—
  - (a.) Imprisonment, with or without hard labour, for any period not exceeding fourteen days ;
  - (b.) Fine not exceeding 5s., except in the case of drunkenness, to be levied by stoppages from the offender's pay ;
  - (c.) Confinement to barracks for any period not exceeding twenty-one days, such confinement involving the taking of all duties in regular turn, attending parades and punishment drills, not exceeding one hour at a time, nor four hours in all on the same day, inclusive of ordinary parades, and also liability to employment on duties of fatigue ;
  - (d.) Extra guards and piquets, but only for minor offences or irregularities when on or parading for guard or piquet.
- (2.) If a native or non-commissioned officer—
  - Reprimand.

Punishments for drunkenness.

(3.) The offence of drunkenness may be dealt with and summarily punished, as laid down in section 40 (3) of this Ordinance, by such officer or Collector, except that any sentence of reduction on a non-commissioned officer must be confirmed by the commanding officer.

Cases of aggravated or repeated offence to be reported to commanding officer.

Whenever it shall appear to the officer commanding a detachment or Collector as aforesaid that the offence which any non-commissioned officer or private has committed would, by reason of its aggravation or by reason of previous offences of the accused, not be adequately punished with any of the aforesaid punishments, or combinations of punishments, he shall delay passing sentence, and shall report the whole proceedings in the case to the commanding officer, who may send back such report for any further inquiry he considers requisite, or make any other or further order, or may rehear the case, as he may see fit.

42. It shall be lawful for the commanding officer by writing under his hand to confer the powers of a commanding officer, as defined by section 38 of this Ordinance on the officer commanding any detachment, under such restrictions and for such period as he may think fit, and to revoke the same. Any sentence of reduction in the case of a non-commissioned officer, and any sentence of dismissal from the service, imposed under this section, shall be subject to the approval of the commanding officer.

Delegation of powers of commanding officer to officer commanding detachment.

43.—(1.) For the purposes of this Ordinance there shall be two kinds of courts-martial, that is to say—

(a.) General courts-martial;

(b.) Regimental courts-martial.

Description, constitution, and powers of courts-martial.

(2.) A general court-martial shall be convened by the commanding officer, provided that he is in possession of a warrant authorizing him to convene a general court-martial, or provided that the power to convene and confirm general courts-martial has been delegated to him by the inspector-general.

(3.) A regimental court-martial shall be convened by the commanding officer, or some officer deriving authority to convene a regimental court-martial from him.

(4.) A general court-martial shall consist of not less than five officers, each of whom must have held a commission in His Majesty's service for not less than one year, unless the officer convening the court-martial is of opinion that five officers are not available, having due regard to the public service, in which case the court-martial may consist of three officers, in which case also the convening officer may preside.

(5.) A regimental court-martial shall consist of not less than three officers, each of whom must have held a commission in His Majesty's service for not less than one year, unless the officer convening the court-martial is of opinion that three officers are not available, having due regard to the public service, in which case the court-martial may consist of two officers.

(6.) A general court-martial shall have power to try all persons subject to this Ordinance, and to pass sentence of death or such less punishment as is in this Ordinance mentioned, provided that, if the court-martial consist of less than five members, sentence of death shall not be passed on any prisoner without the concurrence of all the members.

(7.) A regimental court-martial shall not award the punishment of death or of imprisonment in excess of two years; but, subject as aforesaid, any offence under this Ordinance committed by a person subject to this Ordinance may be tried and punished by a regimental court-martial.

(8.) The president of a court-martial shall be appointed by order of the authority convening the court, and, in the case of a regimental court-martial, the convening officer may appoint himself as president.

(9.)—(a.) One of the members of the court shall, if possible, be an officer of the battalion, and the other members of the court may be officers of the regiment, or officers of His Majesty's Army or Royal Marine Forces of Royal Navy, or officers of any of His Majesty's naval or military services.

Constituent members of courts-martial.

(b.) In case of emergency, or when a sufficient number of military officers is not available, it shall be lawful for public officers of the Protectorate to sit as members of a court-martial, but in no case shall they sit as presidents, unless they are entitled to do so in virtue of their military rank in His Majesty's services.

(10.) In all cases or matters before the court, the proceedings of the court shall be, as nearly as may be, in accordance with the Rules of Procedure made under the Army Act.

Proceedings, how regulated.

44. The following authorities shall have power to confirm the findings and sentences of courts-martial; that is to say—

Confirmation and approval of sentences.

(a.) In the case of a regimental court-martial, the commanding officer or officer having authority to convene such a court-martial at the date of the submission of the finding and sentence thereof.

(b.) In the case of a general court-martial, the convening officer.

*Execution of Sentences.*

Execution of sentences of imprisonment.

45.—(1.) Any sentence of imprisonment, or of imprisonment with hard labour, imposed upon any non-commissioned officer or private of the regiment for any offence under this Ordinance, may be carried out in any prison established within the Protectorate, or where the sentence of imprisonment imposed does not exceed fourteen days, with or without hard labour, in any lock-up house or cells which for that purpose the Commissioner may think fit to attach to any fort or barracks. The Commissioner may from time to time make rules for the government of any lock-up house or cells attached by him to any fort or barracks, and with regard to the admission, discharge, custody, removal, safeguarding, diet, labour, occupation, discipline, instruction, and offences of soldiers of the regiment confined therein, and with regard to any and every other matter or thing relating to and connected with the carrying out and management of imprisonment in any such lock-up house or cells: provided that no soldier of the regiment shall be imprisoned in any such lock-up house or cells unless and until such rules as aforesaid shall have been made, and provided that any soldier of the regiment, notwithstanding that his sentence exceeds fourteen days, may, whilst awaiting removal to a prison, be temporarily imprisoned in any such lock-up house or cells.

(2.) A sentence passed upon any person subject to this Ordinance shall be in no respect affected by such person ceasing to be subject to this Ordinance by discharge or otherwise.

Gaolers to carry out sentences on order of commanding officer, &c.

(3.) Every gaoler shall receive into his custody and carry out the sentence upon any soldier of the regiment sentenced to imprisonment, or imprisonment with hard labour, for any offence under this Ordinance, upon an order in writing in that behalf being delivered to him under the hand of the commanding officer or of the officer or Collector imposing the sentence, which order shall specify the offence and the period of imprisonment, or of imprisonment with hard labour.

Persons undergoing sentences deemed criminal prisoners.

(4.) Every person whilst undergoing any such sentence of imprisonment, or imprisonment with hard labour, shall be deemed and dealt with as a criminal prisoner.

Pay not to accrue during imprisonment under sentence.

46. No pay shall accrue or become due to any soldier of the regiment in respect of any period during which he is undergoing any sentence of imprisonment, imprisonment with hard labour, or is detained in prison awaiting any trial which results in his conviction either for any offence against discipline, or for any other crime.

Fines to be recovered by stoppages.

47.—(1.) All fines imposed upon non-commissioned officers or privates of the regiment for offences under this Ordinance shall be recovered by stoppages from the offender's pay due at the time of committing such offence, or thereafter accruing due, and not from any other source or in any other manner.

Amount of stoppages.

(2.) The amount of stoppage shall be in the discretion of the officers authorized to impose fines, in no case exceeding one-third of the daily pay of the offender; and, whenever more than one order of stoppage for any cause is in force against the same person, so much only of his pay shall be stopped as shall leave him a residue of at the least two-thirds of his daily pay.

Accumulated stoppages.

(3.) Where more than one order of stoppage is made upon the same person, the order or orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders are discharged.

Disposal of fines on non-commissioned officers or privates of the regiment.

48.—(1.) All fines recovered within the Protectorate from non-commissioned officers or privates of the regiment shall be paid over to the Treasurer of the Protectorate, to be placed to the credit of a fund to be styled the "Military Fines Fund."

(2.) No payment shall be made from the Military Fines Fund except on the authority of the Commissioner.

(3.) The Commissioner may, on the recommendation of the commanding officer, sanction payments from the Military Fines Fund for any of the following purposes, that is to say:—

- (a.) Assistance to the wives or families of deceased soldiers, or soldiers discharged as invalids, who may be in immediate want;
- (b.) Contributions towards prizes to be given at athletic meetings, assaults-at-arms, and similar events organized by or for the benefit of the soldiers of the regiment;
- (c.) Purchase of ammunition for the encouragement of rifle shooting:

- (d.) Payments to soldiers of the regiment as reward for special services when such payments cannot otherwise be met out of Protectorate funds;
- (e.) Provision of any articles for the use of the regiment, when the cost of such provision cannot otherwise be met out of Protectorate funds.
- (4.) Annual statements of receipts and expenditure on account of the Military Fines Fund shall be rendered by the senior commanding officer to the Commissioner, who will submit them to the Secretary of State.

*Supplemental Provisions as to Discipline.*

49. The sentence on a non-commissioned officer for any offence shall in no case include corporal punishment, or imprisonment, unless it also includes reduction of the offender to the rank of a private, but a non-commissioned officer sentenced to corporal punishment or imprisonment shall be deemed to be reduced to the ranks, and in such case the sentence of reduction shall precede and be carried out before that of corporal punishment or imprisonment. Restrictions as to punishment of non-commissioned officer.

50. No sentence of corporal punishment shall be carried out until a period of twenty-four hours has elapsed, and unless under the superintendence of a medical officer, or in case no medical officer is available, a European officer of the administration, nor until such medical officer or European officer shall certify the physical fitness of the offender to undergo the same, and in relation thereto the said medical officer or European officer may give and shall have carried out such orders for preventing injury to health as he may deem necessary, and, in case the said medical officer or European officer shall order the punishment to be discontinued, it shall be immediately discontinued accordingly. Restrictions as to corporal punishment.

51.—(1.) Upon reasonable suspicion that any person is a deserter any non-commissioned officer or private of the regiment or other person may apprehend him, and forthwith bring him before the Collector of the district wherein he was found, who shall deal with the suspected deserter as if he were brought before him by warrant under the laws in force in the Protectorate. Apprehension of deserters.

(2.) Upon its appearing to such Collector by the testimony of one or more witnesses, or by his own confession, that the accused is a deserter, he shall cause him to be conveyed to the nearest detachment of the regiment, and delivered over to the officer in command thereof, together with an office copy of the proceedings and of the evidence taken by him; and such officer shall deal with the case in accordance with the provisions of this Ordinance. Procedure thereupon.

52.—(1.) Forfeiture of one good-conduct badge and 1s. per month of good-conduct pay shall be involved in and deemed a part of any sentence of— Forfeiture of good-conduct badges and pay consequential on certain sentences.

(a.) Imprisonment or confinement to barracks for more than seven days;

(b.) Imprisonment with hard labour for any term;

(c.) Fine in any sum exceeding 5s.;

(d.) Corporal punishment;

and every such forfeiture shall be entered on the offender's defaulter sheet and in the guard report.

(2.) If a non-commissioned officer be reduced to the rank of a private, or reduced in degree of rank, he shall forfeit one good-conduct badge, should he be in possession of the same, and 1s. per month of good-conduct pay. Upon reduction of rank.

(3.) The commanding officer may in any case of aggravated offence recommend to the Commissioner that the offender forfeit all or any good-conduct badges and pay that he may be in possession of or may have earned, and all or any decorations or honorary rewards, and any advantage as to gratuity on discharge which he may have earned by past service, and such effect shall be given to such recommendation as the Commissioner may determine. In aggravated offences.

53. Any non-commissioned officer or private who has forfeited any period of past service qualifying towards good-conduct badges and pay or gratuity may have such service restored to him by the Commissioner, on the recommendation of his commanding officer, at any time as a reward for conspicuous gallantry in the field or other notable service, or when he has served with uninterrupted good conduct, as shown by his having no entries in the regimental defaulter's book, for two years in case of a first conviction entailing loss of service, for five years in case of a second conviction of the same nature, and for seven years in case of a third conviction of the same nature, or should circumstance of an aggravated character have attended the offence on account of which his service was forfeited. Such period of probation shall be reckoned from the release of the person convicted from imprisonment or other completion of his punishment and his return to duty. Restoration of forfeited service.

Power of  
summoning  
witnesses.

54.—(1.) Every officer hereinbefore empowered to inquire concerning offences under this Ordinance shall in any matter touching such inquiries have the powers of a Magistrate under the Indian Code of Criminal Procedure, or of a Justice of the Peace in England, of summoning and examining witnesses on oath or affirmation, and calling for documents in any matter before him under this Ordinance, and of adjourning any hearing from time to time.

Form of  
proceedings.

(2.) In every inquiry in which evidence is taken on oath or affirmation the proceedings and evidence shall be recorded in writing, and the cause of proceeding with respect to the taking of evidence and the conduct of the inquiry shall be as nearly as may be in conformity with the practice prescribed in the Rules of Procedure made under the Army Act.

Ordinary course  
of law not to be  
interfered with.

55. Nothing in this Ordinance shall be construed to exempt any non-commissioned officer or private of the regiment from being proceeded against by the ordinary course of law when accused of any crime or offence other than the offences hereinbefore mentioned or referred to; and whenever any non-commissioned officer or private of the regiment is accused of any capital crime or of violence, or of any offence against person or property punishable by the law of the Protectorate, the commanding officers, officers and non-commissioned officers, and privates of the regiment shall use their utmost endeavours to cause such persons to be discovered and secured and delivered over to be tried in the ordinary course of justice.

Exemption from  
second trial or  
punishment for  
same offence.

56.—(1.) An offender shall not be liable to be tried by court-martial for any offence which has been dealt with summarily by his commanding officer, and shall not be liable to be tried by court-martial or to be punished by his commanding officer for any offence of which he has been acquitted or convicted by a competent civil court or by a court-martial. An offender shall not be liable to be tried by a civil court for any offence which has been dealt with summarily by his commanding officer or for which he has been tried by court-martial.

(2.) If any non-commissioned officer or private of the regiment has been convicted by a competent civil court of any crime or offence he shall not be liable to be punished for the same under this Ordinance, otherwise than by loss of pay under section 46, and by reduction to an inferior rank or to the rank of a private, by order of the Commissioner communicated through the commanding officer, in the case of a non-commissioned officer, or by dismissal from the regiment, or by the loss of the whole or any period of his previous service reckoning towards discharge, or by the loss of all or any good-conduct badges which he may possess, together with forfeiture of the whole or any part of any good-conduct pay of which he is in receipt, by order of the Commissioner communicated through the commanding officer.

Mode of com-  
plaint by soldier.

57. If any non-commissioned officer or private thinks himself wronged in any matter by any officer other than his captain, or by any non-commissioned officer or private, he may complain thereof to his company commander, and if he thinks himself wronged by his company commander, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to his commanding officer; and if he thinks himself wronged by his commanding officer, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to the Commissioner; and every officer to whom a complaint is made in pursuance of this section shall cause such complaint to be inquired into, and shall, if on inquiry he is satisfied of the justice of the complaint so made, take such steps as may be necessary for giving full redress to the complainant in respect of the matter complained of.

#### PART IV.—GENERAL PROVISIONS.

##### *Legal Penalties in Matters respecting Regiment.*

Inducing mem-  
bers of the corps  
to desert.

58. Any person who by any means whatsoever directly or indirectly procures or persuades, or attempts to procure or persuade, any non-commissioned officers or private of the regiment to desert, or who aids, abets, or is accessory to the desertion of any non-commissioned officer or private of the regiment, or who, having reason to believe that any man is a deserter, harbours such deserter

or aids him in concealing himself, or aid or assists in his rescue, shall be liable to be imprisoned, with or without hard labour, for a term not exceeding six months; and shall in addition be liable to a fine not exceeding 200 rupees.

59. Any person who aids, abets, or is accessory to any mutiny, sedition, or disobedience to any lawful command of a superior officer by any non-commissioned officer or private of the regiment, or maliciously endeavours to seduce any non-commissioned officer or private of the regiment from his allegiance or duty, shall be punishable with imprisonment, with or without hard labour, for a term not exceeding two years; and shall in addition be liable to a fine not exceeding 800 rupees.

Inciting to mutiny, &c.

60. Any person who shall knowingly detain, buy, exchange, or receive from any non-commissioned officer or private of the regiment, or deserter, or any person acting for or on his behalf, or who shall solicit or entice any non-commissioned officer or private of the regiment, or who shall be employed by any non-commissioned officer or private of the regiment, or deserter, knowing him to be such, to sell, make away with or dispose of any arms, ammunition, clothing, accoutrements, medals, or other appointments furnished for the use of the regiment, or who shall have in his possession, any such arms, ammunition, clothing, accoutrements, medals, or appointments and shall not give a satisfactory account how he came by the same, shall be liable to a penalty not exceeding 500 rupees together with double the value of all or any of the several articles of which such offender shall so become or be possessed.

Unlawful possession of arms, &c., of regiment; penalty.

61. Whoever, not being a member of the regiment, or being a deserter therefrom; puts on the dress or accoutrements of a person serving in the regiment, or part thereof, or any dress intended to simulate that of the regiment, or part thereof, or any medal or badge which he is not authorized to wear, or takes the name, designation, or character of a person appointed to or serving in the regiment for the purpose of thereby doing or obtaining to be done any act which he would not be entitled to do, or procure to be done of his own authority or for any other unlawful purpose, shall be liable to be imprisoned, either with or without hard labour, for a term not exceeding six months, or to a fine not exceeding 800 rupees, or to both.

Personating; penalty.

62. All offences under this Ordinance committed by persons not belonging to the regiment shall be prosecuted, and all sentences imposed on such persons shall be carried into effect, in the manner provided by the laws in force in the Protectorate, and the amount of any fines recovered shall be paid to the Treasurer and form part of the public revenue.

Procedure where offences committed by other persons.

Disposal of fines.

#### *Enforcement of Civil Contracts.*

63.—(1.) Any non-commissioned officer or private shall be liable to be taken out of the King's African Rifles only by process or execution on account of any criminal charge, or on account of an original debt proved by affidavit of the plaintiff, or of some one on his behalf, to the value of 20l, at the least over and above all costs of suit, but not for any original debt not amounting to 20l, not for the breach of any covenant, agreement, or other engagement, nor for having left or deserted his employer or master, or his contract, work, or labour; and all warrants or other process of execution on account of the matters for which it is herein declared that such non-commissioned officer or private is not liable to be taken out of the said service shall be null and void.

Non-commissioned officers or privates of the regiment not to be taken from service except for criminal charge or debt of 20l. or upwards.

(2.) Any plaintiff, upon notice of the cause of action first given in writing to the officer under whose command the defendant is serving at the date of service of the writ of summons, may proceed in any action or suit to judgment, and have execution other than against the body of any non-commissioned officer or private, or than (except as next after mentioned) against the pay due or accruing due to him.

Plaintiff may have execution other than personal.

(3.) The pay of any non-commissioned officer or private due or accruing to him at the date of any judgment, or afterwards, shall not be liable to be arrested upon any civil process except in respect of any debt or liability which he may have incurred within three years next before being appointed to the regiment, and for such debt or liability, when constituted by decree, his pay may be arrested to an extent not exceeding one-third thereof. Where an order for such arrestment is made, the court making the order shall give notice thereof to the paymaster, and thereupon the amount ordered shall be stopped out of the judgment debtor's pay until the amount of the decree is made good.

Pay of non-commissioned officers or privates of the regiment not arrestable for debt; exception.

*Wills and Distribution of Property.*

Soldier on enlistment to register name of person to whom estate is to be paid in the event of his dying intestate.

64.—(1.) Every soldier on enlistment shall declare the name of the person or persons to whom, in the event of his decease without having made a valid will, any money or personal property due or belonging to him should be paid or delivered, and the name of such person or persons shall be recorded at the headquarters of the soldier's battalion. The record shall be verified periodically, and it shall be the duty of the soldier to report any alteration in the record which he wishes made.

(2.) The paymaster or any officer of the regiment, or of the Treasury or other public department, having in his charge or control any pay, accumulations of pay, gratuity, or other allowance, or any personal property or money belonging to any soldier dying intestate who has complied with the above conditions, may pay or deliver the same to the person or persons whose name or names has or have been recorded by the soldier in the manner prescribed.

Form of will.

65.—(1.) Any will made by a non-commissioned officer or private of the regiment shall be valid for disposing of any money or personal property which shall be due or belonging to him at his decease :—

If it is in writing and signed or acknowledged by him in presence of, and in his presence attested by one witness, being an officer of the regiment or public officer of the Protectorate, or

If it is executed with the formalities required by any law now or hereafter in force in the Protectorate, in the case of persons not being soldiers of the regiment.

Such will shall be deemed well made for the purpose of being admitted to probate, and the person taking out representation to the testator under such will shall exclusively be deemed the testator's representative with respect to the money or personal property thereby bequeathed.

Accumulation of pay, &c., if less than 50%, may be paid without probate.

(2.) The paymaster or any officer of the regiment, or of the Treasury, or other public department, having in his charge or control any pay, accumulations of pay, gratuity, or other allowance, or any personal property, or money belonging to such testator, not exceeding in the aggregate the value of 50%, may pay or deliver the same to any person entitled thereto under the will, or to the person entitled to procure probate of, or administration under, such will, although probate or administration may not have been taken out.

Probate to be taken if value exceeds 50%.

If the value of the said money and personal property exceeds the said sum of 50%, the paymaster or other officer as aforesaid, having the same in his charge or control, shall require probate or administration to be taken out, and thereupon pay and deliver the said money and effects to the legal representative of the deceased.

Distribution in cases of intestacy.

66. In case any non-commissioned officer or private of the regiment dies without having complied with the requirements stated in section 64 of this Ordinance, and without having made any valid will under this or any law or ordinance regulating wills for the time being in force, the paymaster or other officer having in his charge or control money or personal property of the deceased as aforesaid may, with the concurrence of the Commissioner, pay or deliver such money or personal property to any claimant showing herself or himself to the satisfaction of the Commissioner to be the widow of the deceased, or to be the child or any near relative of the deceased according to the rules of kinship of the tribe to which the deceased belonged, and where there are more such claimants than one, then in such shares and proportions as the claimants would be entitled to receive under the rules of succession prevailing among such tribe or as nearly as may be.

As to payment of debts.

67. Notwithstanding anything hereinbefore contained, if in cases where probate of the will or administration to the estate of the deceased is not taken out, the paymaster or other officer aforesaid, before disposing of the money and personal property of the deceased in manner aforesaid has notice of any debt due by the deceased, he shall apply such money and property so far as remaining in his charge or control, or so much thereof as may be requisite in or towards payment of such debt, subject to the following conditions :—

(1.) That the debt accrued within three years before the death.

(2.) That payment of it is claimed within one year after the death.

(3.) That the claimant proves the debt to the satisfaction of the Commissioner.

Any person claiming to be a creditor of the deceased shall not be entitled to obtain payment of his debt out of any money that may be in the hands of the

paymaster or any officer of the regiment, or of the Treasury or other public department, except by means of a claim on the paymaster or commanding officer or some Collector, and proceeding thereon under and according to this Ordinance.

68. In all cases where the money or personal property of the deceased or any part thereof is paid or delivered to any person as being interested therein by reason of his or her name having been recorded in accordance with section 64 of this Ordinance, or under the will of the deceased, or as his widow or child or near relative, or in any other manner under this Ordinance, any creditor of the deceased shall have the same rights and remedies against such person as if he had received the same as a legal personal representative of the deceased.

Property distributed subject to rights of creditors.

69. If the money or personal property belonging to the deceased, or any part thereof, remains for one year undisposed of or unappropriated, and without any valid claim thereto having been made, then the paymaster or other officer having the charge or control thereof shall apply and make over the same towards any reward and gratuity fund for the benefit of the regiment as may be prescribed by any order or regulations of the Commissioner.

Money undisposed of applied to regiment fund.

Provided that the application under this section of any such money or property, or part thereof, undisposed of or unappropriated as aforesaid, shall not be deemed to bar any claim of any person to the same, or any part thereof, that may be established at any time after such application.

Proviso.

70. Medals, uniforms, and decorations shall not be considered to be comprised in the personal estate of any deceased with reference to claims of creditors, or for any of the purposes of administration under this Ordinance or otherwise, and the same shall be delivered to and held by the paymaster, and disposed of according to regulations made by the Commissioner.

Medals and decorations excepted.

71. In every case of desertion the money or property of the deserter in the charge or control of the paymaster, or any other officer as aforesaid, shall be disposed of according to regulations made by the Commissioner.

Application of money, &c., in case of desertion.

Provided that in every such case the provisions of section 65 of this Ordinance shall, *mutatis mutandis*, apply as nearly as may be.

72. The East Africa Rifles Regulations, 1897, and the Military Fines Fund Regulations, 1902 (No. 7 of 1902), are hereby repealed.

C. ELIOT,  
Commissioner.

Mombasa, November 21st, 1902.

## EAST AFRICA PROTECTORATE.

### AN ORDINANCE

Enacted by His Britannic Majesty's Commissioner for the East Africa Protectorate.

C. ELIOT,  
Commissioner.

No. 30 of 1902.

#### Marriages.

It is hereby enacted as follows:—

1. This Ordinance may be cited as "The East Africa Marriage Ordinance, 1902."

Short title.

2.—(a.) In this Ordinance (unless the context otherwise requires):—

(b.) The expression "Registrar" means a Registrar of Marriages, and includes a Deputy Registrar when acting as Registrar.

(c.) The expression "Registrar-General" means, until a Registrar-General is appointed, any officer appointed by the Commissioner to act as Registrar-General for the purposes of this Ordinance;

(d.) The expression "district" means a marriage district constituted under this Ordinance;

(e.) The expression "the Protectorate" means the East Africa Protectorate.

3. The Commissioner shall, by order published in the Gazette, divide the Protectorate into districts, for the purposes of this Ordinance, herein referred to as marriage districts, and may from time to time, by like order, alter the

Interpretation.

Constitution of marriage districts.

marriage districts either by alteration of boundaries or by union or sub-division of districts, or by the formation of new districts.

Appointment of Registrars.

4. The Commissioner shall, from time to time, appoint a fit and proper person to be the Registrar of Marriages for each marriage district, and may revoke such appointments; and may also from time to time appoint a Deputy Registrar of Marriages for any district to act in the absence or during the illness or incapacity of the Registrar, and may revoke such appointment.

Offices of Registrars.

5. Every Registrar shall have an office at such place in his district as the Commissioner shall from time to time direct.

Places of worship to be licensed for celebration of marriages.

6. The Commissioner may license any place of public worship to be a place for the celebration of marriages, and may at any time cancel such license: in either case he shall give notice thereof in the Gazette.

*Preliminaries to Marriage.*

Notice of marriage.

7. Whenever, after the commencement of this Ordinance, any persons desire to marry, one of the parties to the intended marriage shall sign and give to the Registrar of the district in which the marriage is intended to take place, a notice in the Form (A) in the first Schedule hereto.

Signature of notice by person unable to write or to understand English language.

8. If the person giving such notice is unable to write or is insufficiently acquainted with the English language, or both, then it shall be sufficient if he place his mark or cross thereto in the presence of some literate person who shall attest the same, which attestation shall be in the form appended to Form (A) in the first Schedule.

Registrars to supply forms of notice.

9. Every Registrar shall supply forms of notice gratuitously to any persons applying for the same.

Notice to be entered in Marriage Notice Book and published.

10. Upon receipt of such notice the Registrar shall cause the same to be entered in a book to be called the "Marriage Notice Book," which may be inspected during office hours without fee. He shall also publish such notice by causing a copy of the same to be affixed on the outer door of his office, and to be kept exposed there until he grant his certificate as hereinafter mentioned, or until three months shall have elapsed.

Registrar to issue certificate on proof of conditions by affidavit.

11. The Registrar, at any time after the expiration of twenty-one days and before the expiration of three months from the date of the notice, upon payment of the prescribed fee, shall thereupon issue his certificate in the Form (C) in the first Schedule hereto. Provided always that he shall not issue such certificate until he has been satisfied by affidavit—

(a.) That one of the parties has been resident within the district in which the marriage is intended to be celebrated at least fifteen days preceding the granting of the certificate.

(b.) That each of the parties to the intended marriage (not being a widower or widow) is 21 years old, or that if he or she is under that age, the consent hereinafter made requisite has been obtained in writing and is annexed to such affidavit.

(c.) That there is not any impediment of kindred or affinity, or any other lawful hindrance to the marriage.

(d.) That neither of the parties to the intended marriage is married by native law or custom to any person other than the person with whom such marriage is proposed to be contracted.

Such affidavit may be sworn before the Registrar, or before a Magistrate.

Explanations to be given.

The Registrar or Magistrate taking such affidavit shall explain to the person making the same, what are the prohibited degrees of kindred and affinity, the effect of the provisions of this Ordinance as to the succession of property under section 39, and the penalties which may be incurred under other provisions of this Ordinance.

Marriage to take place within three months after date of notice.

12. If the marriage shall not take place within three months after the date of the notice, the notice and all proceedings consequent thereupon shall be void; and fresh notice must be given before the parties can lawfully marry.

Commissioner may grant license to marry.

13. The Commissioner, upon proof being made to him by affidavit that there is no lawful impediment to the proposed marriage, and that the necessary consent, if any, to such marriage has been obtained, may, if he shall think fit, dispense with the giving of notice, and with the issue of the certificate of the Registrar, and may grant his license, which shall be according to Form (D) in the first Schedule hereto, authorizing the celebration of a marriage between

the parties named in such license by a Registrar, or by a recognized Minister of some religious denomination or body.

14. Any person whose consent to a marriage is hereby required, or who may know of any just cause why the marriage should not take place, may enter a caveat against the issue of Registrar's certificate, by writing at any time before the issue thereof the word "Forbidden," opposite to the entry of the notice in Marriage Notice Book, and appending thereto his name and place of abode, and the grounds upon or by reason of which he claims to forbid the issue of the certificate, and the Registrar shall not issue his certificate until such caveat shall be removed as hereinafter is provided.

Caveat may be entered against issue of certificate.

15. Whenever a caveat is entered against the issue of a certificate, the Registrar shall refer the matter to the High Court, and that Court shall thereupon summon the parties to the intended marriage, and the person by whom the caveat is entered, and shall require the person by whom the caveat is entered to show cause why the Registrar should not issue his certificate, and shall hear and determine the case in a summary way, and the decision of the High Court shall be final.

When caveat entered question to be referred to court.

16. If the High Court decides that the certificate ought to be issued, the Judge shall remove the caveat by cancelling the word "Forbidden" in the Marriage Notice Book in ink, and writing in such Marriage Notice Book, immediately below such entry and cancellation, the words "Cancelled by order of the High Court," and signing his name thereto. The Registrar shall then issue his certificate and the marriage may proceed as if the caveat had not been entered, but the time that has elapsed between the entering and the removal of the caveat shall not be computed in the period of three months specified in section 11 hereof.

Removal of caveat.

17. The High Court may award compensation and costs to the party injured, if it appear that a caveat was entered on insufficient grounds.

Compensation and costs.

*Consent to Marriage in certain Cases necessary.*

18. If either party to an intended marriage, not being a widower or widow, is under 21 years of age, the written consent of the father, or if he be dead or of unsound mind or absent from the Protectorate, of the mother, or if both be dead or of unsound mind or absent from the Protectorate, of the guardian of such party, must be produced annexed to such affidavit as aforesaid, before a license can be granted or a certificate issued.

Consent to Marriage of minors.

19. (1.) If the person required to sign such consent is unable to write, or is insufficiently acquainted with the English language, or both, then he shall sign such consent by placing his mark or cross thereto in the presence of one of the following persons:—Any Judge, Sub-Commissioner, Magistrate, Justice of the Peace, Secretary to Government, Registrar of the High Court, Registrar of Marriages, Registrar of Deeds, Medical Officer in the service of the Protectorate, or Minister of religion.

Signature of consent by person unable to write or to understand English language.

(2.) Such signature shall be attested by such person in the form (B) in the first Schedule hereto.

20. If there be no parent or guardian of such party residing in the Protectorate and capable of consenting to the marriage, then any of the following persons may consent to such marriage in writing, upon being satisfied after due inquiry that the marriage is a proper one; that is to say, the Commissioner, a Judge of the High Court, a Sub-Commissioner, and such consent shall be as effectual as if the father or mother had consented.

Consent where no parent or guardian capable of consenting.

*Celebration of Marriage.*

21. Marriages may be celebrated in any licensed place of worship by any recognized Minister of the Church, denomination or body to which such place of worship belongs, and according to the rites or usages of marriage observed in such Church, denomination or body, provided that the marriage be celebrated with open doors between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon, and in the presence of two or more witnesses besides the officiating Minister.

Marriage in licensed place of worship by recognized Minister. Between hours of 8 A. M. and 6 P. M. Witnesses.

22. A Minister shall not celebrate any marriage if he knows of any just impediment to such marriage, nor until the parties deliver to him the Registrar's certificate or the Commissioner's license.

Minister not to celebrate marriage if impediment nor without license, &c.

Where Minister may celebrate marriage.

23. A Minister shall not celebrate any marriage except in a building which has been duly licensed by the Commissioner, or in such place as the Commissioner's license may direct.

Registrar &c., to be provided with books of certificate.

24. The Commissioner shall cause to be printed and deliver to the several Registrars, and to the recognized Ministers of licensed places of worship, books of marriage certificates in duplicate and with counterfoils in the form marked (E) in the first Schedule hereto. Such books shall be kept by the several Registrars and the recognized Ministers for the time being of such places of worship, under lock and key, and be in custody of such Registrars and Ministers respectively.

Entries to be made in marriage certificate.

25. Immediately after the celebration of any marriage by a Minister, the officiating Minister shall fill up in duplicate a marriage certificate with the particulars required by the said Form (E), and state also and enter in the counterfoil the number of the certificate, the date of the marriage, names of the parties, and the names of the witnesses.

Signature of certificate.

26. The certificate shall then be signed in duplicate by the officiating Minister, by the parties and by two or more witnesses to the marriage. The Minister having also signed his name to the counterfoil, he shall sever the duplicates certificate therefrom, and he shall deliver one certificate to the parties, and shall within seven days thereafter transmit the other to the Registrar of Marriages for the district in which the marriage takes place, who shall file the same in his office.

Duplicate certificate to be sent to Registrar.

Marriage in a Registrar's office.

27. After the issue of a certificate under section 11 or 16 hereof, or of a license, under section 13, the parties may, if they think fit, contract a marriage before a Registrar, in the presence of two witnesses in his office, with open doors, between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon, and in the following manner:—

Form to be observed.

The Registrar, after production to him of the certificate or license, shall, either directly or through an interpreter, address the parties thus:—

“Do I understand that you *A. B.*, and you *C. D.*, come here for the purpose of becoming man and wife?”

If the parties answer in the affirmative, he shall proceed thus:—

“Know ye that by the public taking of each other as man and wife in my presence, and in the presence of the persons now here, and by the subsequent attestation thereof by signing your names to that effect you become legally married to each other, although no other rite of a civil or religious nature shall take place, and that this marriage cannot be dissolved during your lifetime, except by a valid judgment of divorce; and if either of you before the death of the other shall contract another marriage while this remains undissolved, you will be thereby guilty of bigamy, and liable to punishment for that offence.”

Each of the parties shall then say to the other, “I call upon all persons here present to witness that I, *A. B.*, do take thee, *C. D.*, to be my lawful wife (or husband).”

Marriage certificate to be signed.

28. The Registrar shall then fill up, and he and the parties and witnesses shall sign the certificate of the marriage in duplicate, and the Registrar shall then fill up and sign the counterfoil as herein before prescribed in the case of a marriage by a Minister, and shall deliver one certificate to the parties and shall file the other in his office.

Marriage under Commissioner's license.

29. Whenever the Commissioner's license authorizes the celebration of marriage at a place other than a licensed place of worship, or the office of a Registrar of Marriages, the Registrar of the district in which such marriage is intended to take place, upon the production of such license, shall deliver to the person producing the same, a blank certificate of marriage in duplicate, and the Minister or Registrar celebrating such marriage shall fill up such certificate, and observe strictly all the formalities hereinbefore prescribed as to marriage in a licensed place of worship, or Registrar's office, as the case may be.

#### *Registry and Evidence of Marriages*

Marriage certificates to be registered.

30.—(1.) The Registrar of Marriages in each district shall forthwith register in a book to be kept in his office for such purpose, and to be called “The Marriage Register Book,” every certificate of marriage, which shall be filed in his office, according to the Form (F) in the first Schedule hereto; and every such entry shall be made in the order of date from the beginning to the end of the book, and every entry so made shall be dated on the day on which it is so entered, and shall be signed by the Registrar, and such book shall be indexed in such manner as is best suited for easy reference thereto.

(2) The Registrar shall at all reasonable times allow searches to be made in the Marriage Register Book, and shall give certified copies therefrom upon payment of the prescribed fee.

(3.) Within ten days after the last day of each month, every Registrar shall send to the Registrar-General a certified copy of all entries made by him during the preceding month in the Marriage Register Book of his district, and the Registrar-General shall file the same in his office.

31. Any Registrar, when authorized by the Registrar-General, may correct any clerical error in any certificate of marriage filed in his office, upon production to him of the certificate delivered to the parties, and shall authenticate every such correction by his signature and the date of such correction.

32. Every certificate of marriage which shall have been filed in the office of the Registrar of any district, or a copy thereof purporting to be signed and certified as a true copy by the Registrar of such district for the time being, and every entry in a Marriage Register Book or copy thereof certified as aforesaid, shall be admissible as evidence of the marriage to which it relates, in any Court of Justice or before any person now or hereafter having by law or consent of parties authority to hear, receive, and examine evidence.

#### *Invalid Marriages.*

33.—(1.) A marriage may be lawfully celebrated under this Ordinance between a man and the sister or niece of his deceased wife, but save as aforesaid, no marriage in the Protectorate shall be valid, which, if celebrated in England, would be null and void on the ground of kindred or affinity, or where either of the parties thereto at the time of the celebration of such marriage is married by native law or custom to any person other than the person with whom such marriage is had.

(2.) A marriage shall be null and void if both parties knowingly and wilfully acquiesce in its celebration (a) in any place other than the office of a Registrar of Marriages or a licensed place of worship (except where authorized by the Commissioner's license); or (b) under a false name or names; or (c) without the Registrar's certificate of notice or Commissioner's license duly issued; or (d) by a person not being a recognized Minister of some religious denomination or body, or a Registrar of Marriages.

(3.) But no marriage shall, after celebration, be deemed invalid by reason that any provision of this Ordinance other than the foregoing has not been complied with.

34. All marriages celebrated under this Ordinance shall be good and valid in law to all intents and purposes.

35. Any person who is married under this Ordinance, or whose marriage is declared by this Ordinance to be valid, shall be incapable, during the continuance of such marriage, of contracting a valid marriage under any native law or custom, but save as aforesaid, nothing in this Ordinance contained shall affect the validity of any marriage contracted under or in accordance with any native law or custom, or in any manner apply to marriages so contracted.

#### *Marriages already celebrated.*

36. Every marriage celebrated in the Protectorate before the commencement of this Ordinance by any Minister of any religious denomination or body, according to the rites in use by such religious denomination or body, shall be, and shall be deemed to have been from the time of the celebration thereof, a legal and valid marriage: Provided that nothing herein contained shall legalize any marriage which has before the commencement of this Ordinance been declared invalid by any competent Court, nor any marriage, either party to which had at the time of its celebration a lawful wife or husband living, nor any marriage which was void by reason of kindred or affinity, or fraud, or incapacity to contract marriage; nor any marriage otherwise invalid, either party to which shall before the commencement of this Ordinance, and in the lifetime of the other party thereto, have intermarried with any other person.

37. Every Minister of religion or other person in the Protectorate who has in his custody or control any register, record, or paper, purporting to be such, of marriages heretofore celebrated in the Protectorate, shall, on or before the day of January, 1903, deliver or transmit to the Registrar-General the said register or official record, or a copy thereof, omitting, if desired, any matter of a private nature, with a certificate appended thereto in the following form:—

"I A. B. of [here describe place of abode and position], do certify that the annexed written pages contain the true record (excepting matters of a confidential nature) of the marriages heretofore celebrated in [here name church].

"Dated the \_\_\_\_\_ day of \_\_\_\_\_, 190 .

(Signed) "A. B."

Certain expenses to be defrayed from general revenue.

38. The Administrator may defray out of the general revenue of the Protectorate all proper expenses connected with the transmission or delivery of the said registers, or which may otherwise become necessary to be incurred in carrying out the provisions of this Ordinance.

*Succession to Intestate's Property.*

Succession to property of natives married under Ordinance and dying intestate.

39.—(a.) Where any person who is subject to native law or custom contracts a marriage in accordance with the provisions of this or of any other law relating to marriage, or has contracted a marriage prior to the passing of this Ordinance, which marriage is validated hereby, and such person dies intestate, subsequently to the commencement of this Ordinance, leaving a widow or husband, or any issue of such marriage.

And also where any person who is the issue of any such marriage as aforesaid dies intestate subsequently to the commencement of this Ordinance.

The personal property of such intestate, and also any real property of which the said intestate might have disposed by will, shall be distributed in accordance with the provisions of the law of England relating to the distribution of the personal estates of intestates, any native law or custom to the contrary notwithstanding.

Provided always that where by the law of England any portion of the estate of such intestate would become a portion of the casual hereditary revenues of the Crown, such portion shall be distributed in accordance with the provisions of native law and custom, and shall not become a portion of the said casual hereditary revenues.

Provided also that real property, the succession to which cannot by native law or custom be affected by testamentary disposition, shall descend in accordance with the provisions of such native law or custom, anything herein to the contrary notwithstanding.

(b.) Before the Registrar of Marriages issues his certificate in the case of an intended marriage, either party to which is a person subject to native law or custom, he shall explain to both parties the effect of these provisions as to the succession to property as affected by marriage.

*Fees.*

Fees.

40. The fees specified in the second Schedule hereto shall be paid to the Registrars for the several matters to which they are applicable, and shall be paid by them into the Treasury of the Protectorate.

Fee may be remitted on ground of poverty.

41. The Commissioner may, when he is satisfied of the poverty of the parties, reduce the amount of the said fees, or remit them altogether; and, if they have been paid into the Treasury, order their refund.

Minister may receive customary fees.

42. This Ordinance shall not preclude a Minister from receiving the fees ordinarily paid to a Minister of his denomination for the celebration of marriage.

*Offences and Penalties.*

Bigamy.

43. Whoever is guilty of bigamy shall be liable to imprisonment, with or without hard labour, for a period not exceeding five years.

Marriage with a person previously married.

44. Whoever, being unmarried, goes through the ceremony of marriage with a person whom he or she knows to be married to another person, shall be liable to imprisonment, with or without hard labour, for a period not exceeding five years.

Making false declarations, &c., for marriage.

45. Whoever in any declaration, certificate, license, document, or statement by law to be made or issued for the purposes of a marriage, declares, enters, certifies, or states any material matter which is false, shall, if he does so without having taken reasonable means to ascertain the truth or falsity of such matter, be liable to imprisonment for a period not exceeding one year, or shall, if he does so knowing that such matter is false, be liable to imprisonment, with or without hard labour, for a period not exceeding five years.

Falsely pretence of impediment to marriage.

46. Whoever endeavours to prevent a marriage by pretence that his consent, thereto is required by law, or that any person whose consent is so required does not consent, or that there is any legal impediment to the performing of

such marriage, shall, if he does so knowing that such pretence is false or without having reason to believe that it is true, be liable to imprisonment, with or without hard labour, for a period not exceeding two years.

47. Whoever performs or witnesses as a marriage officer the ceremony of marriage, knowing that he is not duly qualified so to do, or that any of the matters required by law for the validity of such marriage has not happened or been performed, so that the marriage is void or unlawful on any ground, shall be liable to imprisonment, with or without hard labour, for a period not exceeding five years.

Unlawfully performing marriage ceremony.

48. Whoever, being under a duty to fill up the certificate of a marriage celebrated by him, or the counterfoil thereof, or to transmit the same to the Registrar of Marriages, wilfully fails to perform such duty, shall be liable to imprisonment, with or without hard labour, for a period not exceeding two years.

Wilful neglect of duty to fill up or transmit certificate of marriage.

49. Whoever personates any other person in marriage, or marries under a false name or description, with intent to deceive the other party to the marriage, shall be liable to imprisonment, with or without hard labour, for a period not exceeding five years.

Personation in marriage.

50. Whoever goes through the ceremony of marriage, or any ceremony which he or she represents to be a ceremony of marriage, knowing that the marriage is void on any ground, and that the other person believes it to be valid, shall be liable to imprisonment, with or without hard labour, for a period not exceeding five years.

Fictitious marriage.

51. Whoever contracts a marriage under the provisions of this Ordinance, or any modification or re-enactment thereof, being at the time married in accordance with native law or custom to any person other than the person with whom such marriage is contracted, shall be liable to imprisonment, with or without hard labour, for a period not exceeding five years.

Contracting marriage under this Ordinance when already married by native law.

52. Whoever, having contracted marriage under this Ordinance, or any modification or re-enactment thereof, during the continuance of such marriage contracts a marriage in accordance with native law or custom, shall be liable to imprisonment, with or without hard labour, for a period not exceeding five years.

Contracting marriage by native law when already married under this Ordinance.

Forms.

53. The forms contained in the first Schedule hereto may be used in the cases to which they are applicable, with such alterations as may be necessary.

Forms in Schedule may be used.

54. This Ordinance shall commence and come into operation on the 1st day of January, 1903.

Date of commencement.

Mombasa, November 29th, 1902.

C. ELIOT,  
Commissioner.

FIRST SCHEDULE.

FORM (A).

Notice of Marriage.

To the Registrar of Marriages for the District of East Africa.

I hereby give you notice that a marriage is intended to be had within three months from the date hereof between me, the Undersigned, and the other party herein named.

Name	Condition	Occupation, Rank, or Profession	Age	Dwelling or Place of Abode	Consent, if any, and by whom given
Bridegroom	Bachelor or Widower	Farmer, &c. (as case may be)	23	Mombasa	...
Bride	Spinster or Widow	Laundress (as case may be)	18	Nairobi	Father

Witness my hand, this day of , 190 (Signature.)

## FORM (B).

*Form of Attestation*

Signed by the said \_\_\_\_\_, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_, this notice having been first read over to him [her] [or, read over and truly interpreted to him [her] in the \_\_\_\_\_ language] by \_\_\_\_\_. He [she] seemed to understand the same and made his [her] mark thereto in my presence.

(Signed)

## FORM (C).

*Registrar's Certificate*

I, \_\_\_\_\_, Registrar of Marriages in the \_\_\_\_\_ District in East Africa, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, notice was duly entered in the Marriage Notice Book of this district of the marriage intended between the parties herein named and described, such notice being delivered under the hand of \_\_\_\_\_, one of the parties, that is to say :—

Name.	Condition.	Occupation Rank, or Profession.	Age.	Consent.	Dwelling.	Length of Residence.
A. B.	Bachelor	Cultivator (as case may be)	19 (as case may be)	E. F., the father (as case may be)	Mombasa (as case may be)	
C. D.	Spinster	Laundress (as case may be)	16 (as case may be)	G. H., the mother (as case may be)	Nairobi (as case may be)	

Date of notice entered, \_\_\_\_\_, 190\_\_\_\_.

Date of certificate given, \_\_\_\_\_, 190\_\_\_\_.

No caveat has been entered against this issue of the certificate ; or

A caveat was entered against the issue of this certificate on the \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_, but it has been cancelled.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_.

(Signed) A. B.,

Registrar of Marriages, \_\_\_\_\_ District.

*Note.*—This certificate will be void unless the marriage is solemnized on or before the \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_.

A. B

## FORM (D).

*Special License.*

Whereas A. B. and C. D. desire to intermarry, and sufficient cause has been shown to me why the preliminaries required by "The East Africa Marriage Ordinance, 1902," should be dispensed with ;

Now, therefore, in pursuance of the said Ordinance, I do dispense with the giving of notice and the issue of the certificate thereby prescribed, and do hereby authorize any Registrar of Marriages, or recognized Minister of some religious denomination or body, to celebrate marriage between the said A. B. and C. D., at [place of celebration], within \_\_\_\_\_ days from the date hereof.

Such marriage may be celebrated by a Registrar of Marriages between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon, or by such recognized Minister between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_.

(Signed)

\_\_\_\_\_, Commissioner.



## SECOND SCHEDULE.

	£	s.	d.
Filing every notice and entering same...	0	8	0
On issue of each certificate or certified copy thereof ...	0	2	0
Certifying any extract ...	0	2	0
On every marriage in Registrar's office...	0	4	0
Special license ...	1	0	0

## EAST AFRICA PROTECTORATE.

## AN ORDINANCE

Enacted by His Britannic Majesty's Commissioner for the East Africa Protectorate

C. ELIOT,  
Commissioner.

Mombasa, December 12th, 1902.

No. 31 of 1902.

*Native Courts.*

It is hereby enacted as follows:—

- Short title. 1. This Ordinance may be cited as "The East Africa Native Courts Amendment Ordinance, 1902."
- Creation of special districts. 2. The Commissioner may by Proclamation declare any district or part of a district to be a special district within the meaning of this Ordinance, and such district shall be called a "special district."
- Native Courts Regulations not to apply. 3. The Native Courts Regulations, 1897, shall not apply to a special district.
- Establishment and jurisdiction of Special Court. 4.—(1.) In every special district there shall be established a Court with full civil and criminal jurisdiction over all natives in the special district, and such Court shall administer justice among the natives of the district in accordance with the laws in force in the Protectorate for the time being.  
(2.) The said Court, hereinafter called a "Special Court," shall be termed "His Majesty's Special Court for the district of ..."
- Collector to preside. 5.—(1.) The collector of the district shall be the judge of and shall preside over the Special Court, but the Commissioner may direct an assistant collector to preside over the special court instead of the Collector or to hold and preside over an additional Special Court in the district.  
(2.) "Collector" in this Ordinance includes an assistant collector directed by the Commissioner under this section to hold a Special Court.
- Native assessors. 6. The collector may in any case where he thinks fit, or where it may be prescribed by Rules of Court, appoint one or more native assessors to sit with him in the Special Court, but such assessors shall have a consultative voice only.
- Weekly sittings. 7. A Special Court shall sit at such times and places as the collector directs, but every Special Court shall, so far as practicable, hold not less than one sitting in each week.
- Record to be kept. 8. The collector shall keep a record of all the proceedings in the Special Court.
- Inspection of records. 9. A Judge of the High Court shall periodically inspect the records of all Special Courts, and may give such instructions and advice as he may deem necessary to the collector.
- Rules of Court. 10.—(1.) The High Court shall make Rules of Court as to the procedure to be followed and the fees to be paid in Special Courts, and as to the manner of keeping the records and their transmission for inspection, and as to appeals to the High Court.  
(2.) Subject to the Rules of Court, Special Courts shall follow the principles of the procedure laid down in the Indian Codes of Civil and Criminal Procedure so far as the same may be applicable and suitable to the requirements of the natives.
- Sentence of whipping. 11.—(1.) A Special Court may impose a sentence of whipping not exceeding fifty lashes.

(2.) A sentence of whipping shall not be carried out except in the presence of a medical officer of the Protectorate or, if no medical officer is available, of an European officer of the Protectorate, nor before the said officer, after examination of the prisoner, has certified that he is physically fit to undergo the sentence imposed upon him.

(3.) The medical or European officer may at any time during the execution of a sentence of whipping intervene and prohibit the remainder of the sentence from being carried out, if he considers the prisoner unable to bear it without risk of physical injury.

(4.) No sentence of whipping shall be carried out in instalments.

(5.) The instrument used in whipping shall be such as the Commissioner may from time to time direct.

12.—(1.) No sentence of death imposed by a Special Court shall be carried into effect until a copy of the evidence has been transmitted to the High Court, and the sentence has been confirmed by that Court and also by the Commissioner. Confirmation of sentences.

(2.) No sentence imposed by a Special Court exceeding twenty-five lashes or six months' imprisonment shall be carried into effect, and no fine exceeding 500 rupees shall be exacted until a copy of the evidence has been transmitted to and the sentence confirmed by the High Court.

13. The High Court may reduce or amend any sentence or fine imposed by a Special Court if upon the inspection of the record the sentence is considered excessive or unjust. Reduction and remission of sentences.

14. An appeal shall lie to the High Court from any decision of a Special Court. Appeal.

15.—(1.) Nothing herein shall affect the power of the Commissioner to recognize the jurisdiction of a tribal Chief over the members of his tribe, or the exercise by such tribal Chief of such authority as may be lawfully vested in him, or may be granted to him by the Commissioner. Authority of tribal Chief.

(2.) The collector may transfer to any recognized tribal Chief the determination of any suit or proceeding in a Special Court.

(3.) The collector may take such steps as he think fit to enforce the orders of any recognized tribal Chief in a special district.

16. The collector shall exercise supervision over, but shall not unduly interfere with the procedure, orders, or punishments of, any tribal authority within a special district, except where such procedure, orders, or punishments are contrary to justice or morality, or the laws in force for the time being within the Protectorate. Supervision of tribal authority.

17. Warrants for the arrest of a native in a special district shall be issued by the collector. Warrants.

Mombasa, December 12th, 1902.

C. ELIOT,  
Commissioner.

## EAST AFRICA PROTECTORATE.

### AN ORDINANCE

Enacted by His Britannic Majesty's Commissioner for the East Africa Protectorate.

C. ELIOT,  
Commissioner.

No. 32 of 1902.

It is hereby enacted as follows :—

I. That on and after the 1st day of January 1903 the Indian Tramways Act. (Act No. XI of 1886) shall apply to the East Africa Protectorate.

II. That in the application of the said Act to the Protectorate the following modifications shall be made, that is to say :—

1. In the said Act the East Africa Protectorate shall be substituted for British India.

2. The powers of the Governor General in Council and of the Local Government under the said Act shall be exercisable by His Majesty's Commissioner.

C. ELIOT,  
Commissioner.

Mombasa, December 28th, 1902.

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**APPENDIX.**

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EAST AFRICA PROTECTORATE.

NOTICE.

Until further notice it is hereby ordered that the antelope *Hippotragus Equinus* commonly known as the Roan be placed in the first Schedule of the Game Regulations among the animals not to be hunted, killed or captured by any person except under special license.

January 12th, 1902.

C. ELIOT,  
H. M. Commissioner and Consul-General.

NOTICE.

Notice is hereby given that after March 31st next the management of the Railway Zone will be undertaken by the Administration of the East Africa Protectorate.

After that date, applications for the grant or renewal of leases and contracts concerning land within the zone should be made to H. M. Commissioner.

Nairobi, March 11th, 1902.

C. ELIOT,  
H. M's. Commissioner.

NOTICE.

On and after the 15th March the following inland telegraph rates will be adopted by the East Africa Protectorate.

To or from any Telegraph Office in the East Africa Protectorate, as well as to or from any Telegraph Office on the Uganda Railway:—

“Urgent telegrams” Rs. 2 for 8 words or under and 4 annas for every additional word.

“Ordinary telegrams” Re. 1 for 8 words or under and 2 annas for every additional word.

Nairobi, 10th March, 1902.

C. ELIOT,  
H. M's. Commissioner.

NOTICE.

It is hereby notified that the transmission by letter post of coin, gold, silver, precious stones, jewellery, &c., into the East Africa or Uganda Protectorates is prohibited.

Nairobi, 10th March, 1902.

C. ELIOT,  
H. M's. Commissioner.

NOTICE.

Notice is hereby given that after the 31st instant the borders of the East Africa Protectorate will be extended to Lake Victoria. The territory taken over from Uganda includes the following stations:—Naivasha, Ravine, Baringo, Fort Ternan, Kisumu, Nandi, Mumias.

March 15th, 1902.

C. ELIOT,  
H. M's. Commissioner.

NOTICE.

Until further notice the territory taken over from Uganda by the E. A. Protectorate will be divided into the Kisumu Province and the Naivasha Province administered respectively by the Sub-Commissioners at those two stations. The former will include the Districts of Kisumu, Mumias, Fort Nandi, and Fort Ternan: the latter the Districts of Naivasha, Nakuru, the Ravine and Baringo.

Mombasa, March 27th, 1902.

C. ELIOT,  
H. M's. Commissioner.

## NOTICE.

The Teita District is hereby transferred from the Province of Ukamba to that of Seyidie.

Nairobi, March 31st, 1902.

C. ELIOT,  
H. M's. Commissioner.

## NOTICE.

The Vagrancy Regulations of February 1st 1900 are hereby applied to the Township of Nairobi.

Nairobi, March 31st, 1902

C. ELIOT,  
H. M's. Commissioner.

## NOTICE.

It is hereby notified that under Article XCI of the Brussels Act, the Protectorates of Zanzibar, Uganda and East Africa remain within the zone of prohibition of alcoholic liquors and that the British Somaliland Protectorate is hereby included within that zone.

Foreign Office,  
January 17, 1902.

LANSDOWNE,  
His Majesty's Principal Secretary of  
State for Foreign Affairs.

## NOTICE.

*Rules made under Article 3 of "The Poisons Regulations, 1902."*

1. Licenses shall be granted to sell Poisons in conformity with the conditions and restrictions of the above Regulations and within such premises only as are specified in each license.
2. Licenses shall be issued by the Sub-Commissioner of each Province, of the East Africa Protectorate or by such officer to whom such Sub-Commissioner may specially delegate his powers for this purpose.
3. Licenses shall be valid for one year from the date thereof and the fee payable for each license shall be Rs. 45.

Mombasa, April 18th, 1902.

C. ELIOT,  
H. M. Commissioner and Consul-General.

## NOTICE.

NATIVE COURTS RULES AND ORDERS.

In exercise of the powers conferred upon me by The Native Courts Rules and Orders (No. 2) 1901 I hereby appoint the Assistant Judge of the Protectorate to be an additional Judge of the Chief Native Court.

Dated June 10th, 1902.

C. ELIOT,  
His Majesty's Commissioner.

## NOTICE.

The following Regulations published by His Majesty's Commissioner and Consul-General on 8th July 1897 are republished for general information.

Mombasa, July 5th, 1902.

F. J. JACKSON,  
Acting Commissioner.

No document purporting to transfer any interest in land from a native of any portion of the East Africa Protectorate (not included in the dominions of His Highness the Sultan of Zanzibar or His Highness the Sultan of Witu) to any subject of Her Majesty or of any foreign Sovereign or State shall have any validity, without the approval of the Collector of the district in which the land is situated, to be certified on the document under his hand.

Mombasa, July 8th, 1897.

(Sd.) ARTHUR H. HARDINGE,  
H. B. M. Commissioner and Consul-General.

## NOTICE.

FEES AND ROYALTIES REGULATIONS 1899.

The fees leviable under numbers 18 and 19 of the List of Fees and charges authorized under the above Regulations are abolished from 15 July 1902.

Dated, 10th July, 1902.

F. J. JACKSON,  
Acting Commissioner.

NOTICE AS TO ALTERATION OF GAME RESERVE.

In virtue of the authority conferred upon me by Article 11 of the East Africa Game Regulations 1900 and with the sanction of His Majesty's Secretary of State I hereby proclaim that so much of the first area described in the fifth Schedule to the said Game Regulations as lies to the north of the Uganda Railway Zone shall henceforth cease to be a game reserve.

Mombasa, July 17th, 1902. F. J. JACKSON, Acting Commissioner.

NOTICE

THE EAST AFRICA HUT TAX REGULATIONS 1901. (No. 18 of 1901).

It is hereby notified that in the Provinces of Seyidie, Tanaland, Ukamba and Kenya the hut tax has been raised to Rs. 2 for each hut for the year ending on 1st April next.

Mombasa, July 28th, 1902. F. J. JACKSON, Acting Commissioner.

NOTICE

In exercise of the powers conferred upon H. M. Commissioner by the East Africa Registration Regulations 1901 (No. 16 of 1901) I hereby appoint the Collector of every District to be the Registrar of Documents within his District.

Mombasa, July 30th, 1902. F. J. JACKSON, Acting Commissioner.

NOTICE

1. Until further notice land can be bought or leased in the East Africa Protectorate. The sale or lease will in all cases be subject to the reservation by the Administration of water, minerals, and the right to make roads and other public works, and subject also to the Land Regulations in force for the time being.

2. Agricultural and pastoral land of average quality, suitable for farms and homesteads, may be obtained in lots not exceeding 1,000 acres. The price for the purchase of the freehold varies from two rupees an acre upwards. If taken by lease the rent for terms not exceeding 99 years is 15 rupees (£1) per 100 acres.

3. Lands suitable only for such purposes as zebra or ostrich farming can be purchased or rented on lease at lower rates varying according to the situation of the land.

4. The above rates do not apply to land in the immediate vicinity of townships, but such land can be bought or leased at special rates according to its value.

5. In Townships the land will be sold or leased in suitable plots at special rates according to its value.

6. Land within the Railway Zone, which is a strip extending to a distance of one mile on either side of the Railway, and also land in or in the immediate vicinity of the coast towns, and in Mombasa Island, will as a general rule not be sold, but will only be leased.

7. Land believed to contain India rubber and other valuable products will not be sold, but may be rented on terms to be arranged by the applicant with His Majesty's Commissioner.

8. Applications for the purchase or lease of lands should be addressed by residents in the Protectorate to His Majesty's Sub-Commissioners, and by other persons to His Majesty's Commissioner, Mombasa.

Mombasa, July 31st, 1902. F. J. JACKSON, Acting Commissioner.

NOTICE

THE EAST AFRICA MINING REGULATIONS 1902.

Mr. George Pauling of 26 Victoria Street London having been granted the exclusive right to prospect in the tract of country the boundaries whereof are set out in the Schedule hereto, I hereby give notice in accordance with the requirements of Article 4 Sub-Article (c) of the above mentioned Regulations that the said tract of country is exempted from the operation of the said Regulations and that persons holding general prospecting licenses under the said Regulations are not authorized to prospect within the said tract.

August 14th, 1902. F. J. JACKSON, Acting Commissioner.

THE SCHEDULE BEFORE REFERRED TO.  
BOUNDARIES OF LAND.

- East. Longitude 36°  
 West. The Western boundary of the East Africa Protectorate.  
 North. A line drawn due West from Longitude 36° to a point on the said Western boundary midway between Mounts Elgon and Dabasien.  
 South. A line drawn due West from Longitude 36° opposite the South end of Lake Baringo to the said Western boundary.

N O T I C E .

THE NATIVE PORTERS AND LABOUR REGULATIONS 1902.

Notice is hereby given that the fees chargeable for the registration of porters in respect of each porter under section 6 of the above mentioned Regulations are as stated hereafter in lieu of the fees set forth in section 6 of the said Regulations.

D. J. WILSON,  
Registrar.

Dated, August 30th, 1902.

Approved :

F. J. JACKSON,  
Acting Commissioner.

If the journey for which a porter is engaged does not exceed 7 days.....	No charges.
If it exceeds 7 days but does not exceed 14 days.....	4 annas.
If it exceeds 14 days but does not exceed 1 month.....	8 annas.
If it exceeds 1 month but does not exceed 2 months.....	Re. 1
If it exceeds 2 months but does not exceed 3 months.....	Rs. 1-8
If it exceeds 3 months but does not exceed 6 months.....	Rs. 2
If it exceeds 6 months but does not exceed 12 months.....	Rs. 3-8
If it exceeds 12 months .....	Rs. 4-8

N O T I F I C A T I O N .

It is hereby notified that the following arrangements for the administration of the East Africa Protectorate have been made with the approval of the Secretary of State :—

1. The Deputy Commissioner and the Assistant Deputy Commissioner will perform such duties as may be assigned to them by the Commissioner, and subject to directions, will act for and in the name of the Commissioner.

2. The Protectorate (exclusive of the Sultanate of Witu) is for administrative purposes, divided into seven provinces, that is to say, the Seyidie, Tanaland, Jubaland, Ukamba, Kenya, Naivasha, and Kisumu.

The officer in charge of a province is to be styled the Sub-Commissioner of that Province.

3. The provinces are, for administrative purposes, to be divided into districts.

The officer in charge of a district is to be styled the Collector of that District.

The names of the districts, so far as the same are at present constituted, are set out in the Schedule hereto.

4. The officers appointed to assist a Collector in the administration of a district are to be styled " Assistant Collectors."

An Assistant Collector may be appointed, as may be expedient, either to assist the Collector in the administration of an entire district, or to have charge under the Collector of a sub-division of the district, to be called a sub-district.

5. Any powers or duties heretofore conferred or imposed on officers of districts under the designations of District Officers and Assistant District Officers respectively will, in future, be exercised and performed by the Collectors and Assistant Collectors, as the case may be.

6. Where any person is appointed to any of the offices hereinbefore mentioned, or to act for any of the said officers, or where any exchange of duties is authorized by the Commissioner, such appointment or authority will be notified in the Gazette.

F. J. JACKSON,  
Acting Commissioner.

## SCHEDULE.

## 1. PROVINCE OF SEYDIE (4 districts)—

Mombasa.  
Vanga.Malindi.  
Taita.

## 2. PROVINCE OF TANALAND (2 districts)—

Lamu.

Tana River and the Sultanate of Witu.

## 3. PROVINCE OF JUBALAND (not yet divided into districts)

## 4. PROVINCE OF UKAMBA (3 districts)—

Masailand.  
Ulu.

Kitui.

## 5. PROVINCE OF KENYA (not yet divided into districts).

## 6. PROVINCE OF NAIVASHA (3 districts)—

Naivasha.  
Baringo.

Ravine.

## 7. PROVINCE OF KISUMU (4 districts)—

Kisumu.  
Mumias.Fort Nandi.  
Fort Ternan (military).

## NOTICE.

In accordance with Clause 1 of the East Africa Prisons Regulations 1902, the prisons at the following Government Stations are hereby established as such under my authority:—

## SEYDIE PROVINCE.

Malindi.  
Takaungu.  
Shimoni.  
Rabai.  
Taveta.

## UKAMBA PROVINCE.

Nairobi.  
Machakos.  
Nengia.

## KENYA PROVINCE.

Fort Hall.

## NAIVASHA PROVINCE.

Naivasha.  
Eldama Ravine.

## KISUMU PROVINCE.

Kisumu.  
Mumias.  
Nandi.  
Kericho.

## TANALAND PROVINCE.

Lamu.  
Kipini.  
Witu.  
Faza.

Kiunga.

## JUBALAND.

Kismayu.

F. J. JACKSON,  
Acting Commissioner.

Mombasa, September 24th, 1902.

## NOTICE.

The attention of the Public is called to the "Gun Tax Regulations 1902" published on 15th April last.

Every person possessing using or carrying a gun as defined by the Regulations, and who is not provided with a license under the Game Regulations, is required to pay a yearly tax of Rs. 3 in respect of each gun so possessed used or carried by him.

Further any person possessing using or carrying a gun without having first paid the tax in respect thereof is liable to the penalties provided by Article 11 of the East Africa Order in Council 1899 and the gun may be confiscated.

F. J. JACKSON,  
Acting Commissioner.

Mombasa, September 29th, 1902.

## NOTICE.

"The Fees and Royalties Regulations 1899" and "The Fees and Royalties Amendment Regulations 1902."

Notice is hereby given that on and after the first of October next the following tolls for the use of the Belazoni Canal will be levied.

Steam or petroleum launches.....	Re. 1 per trip per launch.
Dhows canoes vessels or boats other than steam or petroleum launches whether loaded or unloaded and whether in tow or otherwise.....	1 anna per $\frac{1}{4}$ ton or 560 lbs. estimated carrying capacity.

F. J. JACKSON,  
Acting Commissioner.

September 26th, 1902.

## NOTICE.

The following Rules, made by the Acting Commissioner, are published for general information.

F. J. JACKSON,  
Acting Commissioner.

Mombasa, October 29th, 1902.

*Rules under Section 1 of The Registration of Documents Ordinance, 1902.*

## 1. The following fees shall be levied :—

(i.) On the registration of any document not otherwise charged, the registration of which is compulsory—		Rs. as. p.
(a.) For the first 100 words or part thereof, where the value of the property conveyed or affected is less than 100 rupees	...	3 0 0
(b.) For the first 100 words or part thereof, where the value of the property conveyed or affected is 100 rupees or over	...	5 0 0
(c.) For every further 100 words or part thereof	...	0 8 0
(ii.) On the registration of Vakallas, the registration of which is compulsory	...	3 0 0
(iii.) On the registration of any documents not otherwise charged, registration of which is optional—		
(a.) For the first 100 words or part thereof	...	2 0 0
(b.) For every further 100 words or part thereof	...	0 8 0
(iv.) For the translation of a document not written in English, Arabic, Kiswahili, or Gujarati—		
(a.) For the first 100 words or part thereof	...	8 0 0
(b.) For every further 100 words or part thereof	...	4 0 0
(v.) On the registration of promissory notes, receipts, or acknowledgments	{ 8 annas per cent. on the value expressed, such charge not to be less than 1 rupee or more than 5 rupees.	
(vi.) On search—		Rs. as. p.
(a.) For specified deed	...	1 0 0
(b.) For general search	{ 5 rupees, for each year searched, not exceeding 50 rupees.	
(vii.) For copies—		
Certified—		Rs. as. p.
(a.) For the first 100 words or part thereof	...	2 0 0
(b.) For every further 100 words or part thereof	...	1 0 0
(c.) Of plan	{ 12 rupees or such other sum as the Registrar may direct.	
Uncertified—		Rs. as. p.
(d.) For the first 400 words or part thereof	...	1 0 0
(e.) For every further 100 words or part thereof	...	0 4 0
(f.) Of plan	{ 5 rupees, or such other sum as the Registrar may direct.	
(viii.) (a.) For attending to take an oath, affirmation, or statement beyond the Registration Offices	...	3 0 0
(b.) And in addition, for any distance beyond 1 mile, the expenses incurred.		

## 2. These Rules may be cited as "The East Africa Registration Fees Rules, 1902."

## NOTICE.

The Secretary of State has decided that until further notice the following order of precedence will be in force in the East Africa Protectorate.

1. His Majesty's Commissioner.
2. His Majesty's Deputy Commissioner.
3. The Officer Commanding Troops.
4. The Bishop of Mombasa.

5. His Majesty's Judge.
6. The Assistant Deputy Commissioner.
7. Sub-Commissioners.
8. The Treasurer.
9. The Manager and Chief Engineer of the Uganda Railway.
10. Field Officers, King's African Rifles.
11. The First Secretary to the Administration.
12. The Principal Medical Officer.
13. The Chief of Customs.
14. The Local Auditor.
15. The Assistant Judge and Administrator General.
16. The Superintendent of Public Works.
17. The Conservator of Forests.
18. The Inspector General of Police.
19. The Crown Advocate.
20. The Second Secretary to the Administration.
21. Collectors.
22. Company Commanders, King's African Rifles.
23. Protectorate Magistrates.
24. The Post Master General.
25. The Superintendent of Telegraphs.
26. The Port Officer.
27. Heads of Railway Departments and District Engineers.
28. The Superintendent of Government Transport.
29. The First Assistant Treasurer.
30. The Assistant Auditor.
31. The Assistant Inspector General of Police.
32. Subalterns, King's African Rifles, and Medical Officers of over five years' standing, and the Veterinary Officer.
33. The Registrar.
34. Assistant Collectors.
35. Subalterns, King's African Rifles, and Medical Officers of under five years' standing.
36. Officers in Departments and in the Uganda Railway not specially mentioned.

On all official occasions the Senior Officer of the Administration has the highest rank; that is to say if neither the Commissioner nor the Deputy Commissioner are present, the Sub-Commissioner or Acting Sub-Commissioner has the first place and ranks above the Officer Commanding the Troops, the Judge, etc.

A Company Commander commanding in a province ranks above a Collector.

The Director of Agriculture and the Geologist rank with Collectors and Assistant Collectors respectively, and according to their seniority.

For purposes of determining the uniform to be worn the four classes established in the *Gazette* of February 15th 1901 are maintained but the second class extends to and includes No. 19, the third class extends from No. 20 to No. 33, both inclusive, and the remaining numbers form the 4th class. All medical officers however who have hitherto worn the uniform of the third class are authorized to continue wearing it.

C. ELIOT,

H. M's. Commissioner.

Mombasa, November 1st, 1902.

#### NOTICE.

It is hereby notified that the following correction is made in the Schedule of Provinces and Districts of the East Africa Protectorate published in the "Official Gazette" of October 1st 1902.

7. Province of Kisumu (5 districts)—
- |                         |             |
|-------------------------|-------------|
| Kisumu.                 | Fort Nandi. |
| Mumias.                 | Lumbwa.     |
| Fort Ternan (military). |             |

F. J. JACKSON,  
Acting Commissioner.

Mombasa, October 22nd, 1902.

#### NOTICE.

##### UNDER THE EAST AFRICA MARRIAGE ORDINANCE 1902.

1. I hereby appoint the First Secretary to the Administration of the East Africa Protectorate to act as Registrar-General for the purposes of the East Africa Marriage Ordinance 1902.

2. I hereby declare the Provinces of the Protectorate to be marriage districts and the Sub-Commissioners of each Province to be Registrars for that purpose.

Mombasa, November 29th, 1902.

C. ELIOT,  
H. M's. Commissioner.

NOTICE:

THE CATTLE DISEASE ORDINANCE 1902.

Under Article 9 of the Cattle Disease Ordinance 1902 the following fees for the examination of cattle are hereby prescribed

Cattle, Horses, Camels, Donkeys Mules and Swine	...	...	Re. 1 0 0 per head
Sheep and Goats	...	...	Re. 0 8 0 per head

Mombasa, November 20th, 1902.

C. ELIOT,  
H. M's. Commissioner.

NOTICE.

THE BUILDING REGULATIONS 1901.

I give notice under Article 36 of the above Regulations that they are hereby applied to the towns of Takaungu and Mambui in the District of Malindi.

Mombasa, November 15th, 1902.

C. ELIOT,  
H. M's. Commissioner.

NOTICE.

HIS MAJESTY'S HIGH COURT OF EAST AFRICA.

*Rules made by the High Court with the approval of His Majesty's Commissioner under Article 20 of the East Africa Order in Council 1902.*

No. 1 of 1902.

*Court Fees.*

1. The fees specified in the Schedule hereto annexed shall henceforth be levied in respect of the several proceedings mentioned therein.

2. These Rules may be cited as "The East Africa Court Fees Rules, 1902."

R. B. P. CATOR,  
R. W. HAMILTON,  
Judges of the High Court.

Mombasa, December 2nd, 1902.

Approved:  
C. ELIOT,  
His Majesty's Commissioner.

SCHEDULE.

SCALE OF FEES TO BE LEVIED IN HIS MAJESTY'S HIGH COURT OF EAST AFRICA.

I.—Civil.

	Rs.	a.	p.
1. For taking particulars of plaint	...	...	0 8 0
2. In all suits unless otherwise specified—			
Where the amount involved is—			
(a.) Not exceeding ten rupees			0 8 0
(b.) Not exceeding 50 rupees			1 0 0
(c.) Exceeding 50 rupees and not exceeding 100 rupees			2 0 0
(d.) Exceeding 100 rupees			{ An additional fee of 2 rupees for every 100 rupees or part thereof up to 1,000 rupees, and an additional fee of 1 rupee for every 100 rupees in excess of 1,000 rupees. The whole fee levied not to exceed 1,000 rupees.
3. On submission of special case, to include hearing...			
4. In every suit where it is impossible to estimate the subject-matter at a money value, and with regard to which no special fee is prescribed, unless in any class of cases the Judge otherwise orders			10 0 0
Provided that in every case where by reason of any finding or order of the Court a declaration of ownership of any money or property is made, an <i>ad valorem</i> fee at the same rate as in fee 2 shall at once become payable less the fee already paid.			

5.	In a suit for arrears of rent by landlord against tenant where an order for the possession of the property occupied is sought from the tenant...	} An <i>ad valorem</i> fee of 5 per cent. on the yearly rental of the property in addition to the fee leviable for recovery of rent under fee 2.			
6.	On every interlocutory application, including the filing of an affidavit in support ...				Rs. a. p.
7.	On every order made thereon ...			3 0 0	
8.	On application for a mandamus or final prohibitory injunction unless the Judge otherwise orders ...			2 0 0	
9.	On every summons, motion, application or demand taken out, made or filed (not particularly charged) ...			50 0 0	
10.	On every decree or order (not particularly charged) ...			5 0 0	
11.	On order of adjournment of hearing rendered necessary by default of either party (to be paid by that party) ...	} Such sum as the Judge may order, not exceeding ...		2 8 0	
12.	On every warrant of execution against goods—			10 0 0	
	(a.) For less than 100 rupees ...	} To include keeping possession for 15 days unless the Court otherwise order		2 0 0	
	(b.) For 100 rupees and not exceeding 500 rupees ...			5 0 0	
	(c.) For 500 rupees and not exceeding 1,000 rupees ...			10 0 0	
	(d.) For 1,000 rupees and upwards ...			20 0 0	
13.	On taking or passing an account by an officer of the Court, otherwise than in Court, unless the Judge otherwise orders ...			10 0 0	
	And in addition for every hour or part thereof after the first ...			5 0 0	

II.—CRIMINAL.

14.	On every summons or warrant issued at the instance of a private individual unless specially directed by the Court to be issued free of charge ...			2 0 0
15.	For service—			
	(a.) Within 2 miles (English) of the Court issuing the same ...			1 0 0
	(b.) Beyond that distance ...	} Such fees as will cover the cost of service, but not less than 2 rupees.		
16.	On hearing unless specially directed by the Court to be free ...			
17.	On warrant of commitment ...			2 0 0
18.	On every recognizance or bail bond ...			1 0 0
19.	On any proceedings taken at the instance of private individuals in respect of offences under Chapter XXI of the Indian Penal Code fees shall be charged as far as possible upon the same scale as in a civil action for damages unless the Judge otherwise orders.			1 0 0

III.—PROBATE AND ADMINISTRATION.

20.	On application for probate or administration ...			15 0 0
21.	On oath for every executor, administrator, or surety ...			7 8 0
22.	On every security ...			15 0 0
	Provided that the sum levied in respect of fees 20, 21, and 22, shall not in the aggregate exceed 5 per cent. of the net value of the estate.			
23.	On probate or administration in the Protectorate ...	} The like sum as was payable in England for stamp duty under section 27 of the Act 44 Vict. cap. 12, in like cases.		
	<i>Provided that where the Judge shall be satisfied that estate duty under "The Finance Act, 1894" (57 &amp; 58 Vict., cap. 30), or under "The Finance Act, 1896" (59 &amp; 60 Vict. cap. 28), or any Act amending the same, has been paid in the United Kingdom in respect of property passing on the death of the deceased situate at any place within the jurisdiction of the Court, it shall be lawful for the Court to repay to the legal personal representative the amount paid in respect of that property on obtaining probate or administration</i>			
24.	On filing account ...			Rs. a. p.
25.	On passing account ...			10 0 0
26.	In the case of estates of less than 1,500 rupees gross value, in place of fees Nos. 20, 21, 22, 23, 24, and 25 ...	} 5 per cent. on gross value of the estate, not exceeding 50 rupees.		15 0 0
27.	On lodging a caveat ...			
28.	Where the Court itself winds up an estate or grants Probate or Administration to the Administrator-General of the Protectorate if any, or other officer of the Protectorate, in his official capacity, a fee shall be charged at the rate of 2½ per cent. upon the total amount realized and 2½ per cent upon the total amount distributed.			5 0 0

IV.—BANKRUPTCY AND LIQUIDATION BY ARRANGEMENT OR COMPOSITION.

29.	On declaration by a debtor of inability to pay his debts ...			4 0 0
30.	On application under Chapter XX of the Code of Civil Procedure ...			4 0 0
31.	On bankruptcy petition ...			80 0 0
32.	On petition for arrangement or composition ...			15 0 0
33.	On order of adjudication ...			15 0 0
34.	On meeting or adjournment of meeting ...			15 0 0
35.	On order of discharge ...			30 0 0
36.	On notice to creditors (each) ...			0 4 0
37.	On preparing advertisement ...			4 0 0
	Provided that if, on account of the small value of the estate, the Judge thinks fit to reduce any of the above fees (numbered 29 to 37), he may do so.			

V.—MISCELLANEOUS.

38.	For service of summons, petition, answer, motion-paper, notice, warrant, decree, order, or other document on a party, witness, assessors, or other person under any branch whatever of the civil jurisdiction—	
	(a.) Within 2 miles (English) of the Court issuing the same...	1 0 0
	(b.) Beyond that distance...	{ Such fees as will cover the cost of service, but not less than 2 rupees.
		Rs. a. p.
39.	On the issue of every witness summons ... ..	1 0 0
40.	For attending to view, in addition to all expenses incurred, unless the Judge otherwise orders ... ..	10 0 0
41.	On taxation of any bill of costs, for every ten folios ... ..	5 0 0
42.	On deposit of any document ... ..	15 0 0
43.	For taking an affidavit ... ..	1 0 0
44.	For every exhibit ... ..	0 8 0
45.	For attending to administer an oath or affirmation, or to take a declaration elsewhere than at the offices of the Court, in addition to the ordinary fee thereon ... ..	5 0 0
46.	On every deposition taken by the Judge before trial ... ..	5 0 0
47.	On evidence taken on commission—	
	(a.) To be charged by the officer taking the evidence ... ..	10 0 0
	(b.) And in addition for every hour or part thereof after the first ... ..	5 0 0
48.	On balances of estates of deceased persons paid into Court ... ..	{ 2½ per cent. on the amount or value up to 1,000 rupees and 1 per cent. above
49.	For superintending or taking an inventory ... ..	{ in no case exceeding a total fee of 50 rupees.
50.	On deposit of any money or valuables in Court ... ..	{ 1 per cent. not exceeding a total fee of 25 rupees.
		Rs. a. p.
52.	On filing in the High Court any document for the filing whereof no other special fee is prescribed under the present Schedule ... ..	2 0 0
53.	On filing in any Court, other than the High Court, any document for the filing whereof no other special fee is prescribed under the present Schedule ... ..	1 0 0
		Rs. a. p.
54.	For certifying signature or seal ... ..	4 0 0
55.	For attendance of an officer of the Court at a sale ... ..	10 0 0
	And in addition for every hour or part thereof after the first ... ..	5 0 0
56.	On reference to the archives ... ..	2 0 0
57.	For certified copy of any document in the archives—	
	(a.) For the first folio of 100 words ... ..	2 0 0
	(b.) For each subsequent folio ... ..	1 0 0
58.	For uncertified copy of any document in the archives—	
	(a.) For the first four folios or part thereof ... ..	1 0 0
	(b.) For each subsequent folio ... ..	0 4 0
59.	For an official certified translation of any document—	
	(a.) For first folio ... ..	8 0 0
	(b.) For each subsequent folio ... ..	4 0 0
60.	For communication with another Tribunal out of the jurisdiction of the Court ... ..	8 0 0
61.	For communication with another Tribunal within the jurisdiction of the Court ... ..	2 0 0
62.	On every recognizance or bail bond ... ..	1 0 0
63.	On a reference to the High Court other than an appeal unless the Judge otherwise orders ... ..	10 0 0

VI.—APPEAL.

(A.) On Appeals from any Court within the Protectorate to any other Court within the Protectorate.

(i.) *In Civil Matters.*

64.	On filing a memorandum of appeal ... ..	{ An <i>ad valorem</i> fee of 4 rupees for every 100 rupees or part thereof, such fee not to exceed 40 rupees.
	Provided that, if the appeal be abandoned, half the fee shall be returned.	
65.	On every appeal where it is not possible to estimate the subject-matter at a money value ... ..	{ A fee not to exceed twice the fee charged in the lower Court.
	Provided that, if the appeal be abandoned, half the fee shall be returned.	
		Rs. a. p.
65.	On every security for costs ... ..	5 0 0

(ii.) *In Criminal Matters.*

67.	On filing a memorandum of appeal ... ..	10 0 0
	Provided that the Judge may reduce this fee at his discretion.	

(B.)—On Appeal from the High Court to the Court of Appeal for Eastern Africa.

(i.) *In Civil Matters.*

68.	On filing memorandum of appeal ... ..	50 0 0
69.	On every security for costs ... ..	5 0 0
70.	On record of appeal (including expenses of transmission) ... ..	{ Such sum as the Court may direct.
		Rs. a. p.

(ii.) *In Criminal Matters.*

	Rs.	a.	p.
71. On the appeal ... ..	10	0	0
VII.—ON ADMISSION OF LEGAL PRACTITIONERS.			
72. On certificate of admission to practice ... ..	200	0	0
73. On each annual renewal of such certificate... ..	30	0	0

## NOTICE.

Whereas by Article 7 of the East Africa Game Regulations 1900 it is provided that if any person is found to be in possession of any elephant tusk weighing less than 11 lbs. or any ivory being in the opinion of the Court part of an elephant's tusk which would have weighed less than 11 lbs. he shall be guilty of an offence against those Regulations and the tusk or ivory shall be forfeited unless he proves that the tusk or ivory was not obtained in breach of these Regulations.

And whereas by Schedule I of the aforesaid Regulations it is unlawful for any person except under special licence to hunt kill or capture female elephants.

And whereas there is reason to believe that certain persons are in possession or control of small ivory and cow elephant tusks which they obtained prior to the publication of the said Regulations.

Notice is hereby given that up to and including June 30th 1903 His Majesty's Government on such small ivory and cow elephant tusks being brought to any officer in the service of the Protectorate, will purchase the same, provided they be in fair condition, at a price equal to 50% only of the price which such officer shall consider to be the full value thereof.

C. ELIOT,

December 8th, 1902.

H. M.'s. Commissioner and Consul-General.

## PROCLAMATION.

By virtue of the power conferred upon me by The East Africa Native Courts Amendment Ordinance 1902, Article 2, I hereby proclaim that every district in the Province of Ukamba, Naivasha, Kisumu, Kenya and Jubaland shall be a Special District withing the meaning of the aforesaid Ordinance.

C. ELIOT,

December 12th, 1902.

H. M.'s. Commissioner.

## NOTICE.

The Land rules dated October 28th, 1902, and published on pages, 352 to 355 of the "Official Gazette," of November 1, 1902 are hereby withdrawn and the following Rules substituted for them. Attention is drawn to the fact, which appears to have been misunderstood, that rules made under the Crown Lands Ordinance cannot in any way abrogate that ordinance but merely supplement its provisions. The notice dated July 31, and published in the "Gazette" of August 1st, also remains in force, except in as far as the present rules fix the price of average agricultural land instead of leaving it as a varying amount.

The present rules deal only with agricultural land. Rules respecting grazing areas and building sites will be published later but meanwhile H. M. Commissioner is prepared to entertain any applications for such land which may be addressed to him.

*Rules for the Purchase of Land under the Crown Lands Ordinance 1902.*

## GENERAL.

(1.) The ordinary terms for the purchase of agricultural land of average quality for settlement shall be at the rate of Rs. 2 (2 shillings and eight pence) per acre.

(2.) Every holding shall be subject to the approval of the land officer who may refuse to accept any application on shewing reason.

(3.) The purchaser shall within six months of the date of his agreement to purchase mark out the boundaries of his selection including any preempted land.

(4.) Every land holder shall reside continuously upon his holding or leave a responsible person to represent him in case of absence.

(5.) Ten per cent. of the area of every selection shall be kept in perpetuity as forest land. Selections where less than 10 per cent. of the area is forest shall be planted with forest by the holder to bring the area under forest up to 10 per cent of the total area.

Provided that if there be no forest on a selection the holder shall not be required to plant more than 2 per cent. and that it shall be in the discretion of the Conservator of Forests to dispense with the obligation entirely.

Provided that the said planting shall extend over a period of 16 years from the date of agreement and provided that a reasonable proportion of forest be planted every year and that the forest be maintained to the satisfaction of the forest officer.

For the purposes of this rule any belts of forest of not less than one chain in width shall be accepted as forest.

(6.) No stream or piece of water which extends beyond the limit of one holding may be dammed up, diverted or in any way interfered with either directly or indirectly (for instance by sinking a well so near it as to draw off water).

Provided that the leave of the land officer in writing may be obtained to dam up, divert or use water in any other way for temporary purposes for a period of not more than one year and provided that for periods exceeding one year a Crown lease for water may be granted.

(7.) All land purchased from the Crown shall be subject to any irrigation rules that may be hereafter made.

(8.) Every settler who keeps live-stock should provide fences to prevent his stock from straying off his own land and until proper fences are provided a settler shall be unable to impound any cattle found trespassing on his land or bring any action in respect of damage caused thereby.

(9.) One hundred feet on either side of the Uganda Railway line and such area round any station as may be marked off by the Railway authorities is absolutely reserved for Railway purposes

(10.) The fees for survey purposes are upon the following scale :—

acre	
For homestead lands	Rs. 15 per 55 or part thereof.
„ Grazing	„ 15 100 or part thereof.
„ Market Garden	„ 2 1 or part thereof.
„ Building	„ 2 unit of 100 feet by 75 feet.

The fees will include the delivery of one copy of the plan to the settler.

(11.) No sewage filth or refuse shall be allowed to enter into or foul in any way any lake, pond, stream or water course.

(12.) Every settler must sign an agreement relating to the terms upon which he is to be allowed to settle before he enters into possession of any holding.

(13.) The land officer shall be such person as may from time to time be appointed to perform the duties of the Land Officer.

#### *Purchases of Homesteads by Instalments.*

In the following rules homestead shall be understood to mean a holding purchased or to be purchased by instalments under those rules.

(14.) The maximum area of a homestead selection to be purchased in this manner shall be 160 acres, provided that when entering into an agreement to take up a homestead selection, the settler may reserve a right to take up a further area hereinafter referred to as preempted land not exceeding 480 acres.

(15.) The purchase money for a homestead is payable at the end of three years.

Provided that the settler may spread the payment over a period of 16 years paying at the rate of 2 annas per acre per annum without interest and provided that the settler may pay the whole or part of the outstanding balance at any time in sums of Rs. 100 or a multiple thereof.

(16.) At the expiration of three years from the date of agreement to take up a selection if all conditions appertaining to the holding have been fulfilled or when the full price has been paid, in the event of it being paid by instalments spread over more than three years a certificate of ownership, herein referred to as the final certificate, shall be granted to the settler. In regard to preempted land the period of three years will be calculated from the date of leave being given to enter into possession. Separate certificates will be given for the original homestead and for any preempted land.

(17.) In every year for the first three years the settler shall bring 1/10 of his original holding under cultivation and shall keep all cultivated lands in good heart and condition until he acquires a final certificate.

Provided that as soon as he has cultivated 3/10 of the holding he shall not be compelled to cultivate any further portion.

(18.) The right of preemption to preempted land shall subsist for three years, within which time if 3/10 of the original holding have been brought under cultivation and all other conditions respecting the original holding have been fulfilled, the settler may proceed to cul-

tivate the preempted land, but he shall not enter into possession thereof until he obtains permission from the land officer in writing, and such permission shall contain a certificate that all the conditions relating to the original holding have been fulfilled.

The settler shall cultivate  $\frac{1}{3}$  of the preempted land in each year after he has entered into possession thereof and shall keep the cultivated land in good heart and condition.

Provided that as soon as he has cultivated  $\frac{2}{3}$  of such preempted land he shall not be compelled to cultivate any further portion.

(19.) Every settler must begin to occupy his selection within six months from the date of agreement and every settler shall, within 3 years, erect a living house of a reasonable permanent character upon his original holding.

(20.) Until a final certificate has been granted a settler may not deal with his interest in his holding by sale, lease, mortgage or otherwise except by consent of the land officer. But on a final certificate being granted he shall be free to deal with the property as freehold subject to any condition imposed by the Crown Lands Ordinance (No. 21 of 1902) or by these rules.

All the time limits in the foregoing rules unless otherwise expressed refer to the beginning of a term to be named in the agreement or, if no such term is named, then to the date of execution thereof.

C. ELIOT,

H. M's. Commissioner.

Mombasa, December 21st, 1902.

#### NOTICE.

#### THE PRESERVATION OF ORDER BY NIGHT REGULATIONS, 1901.

I give notice under Article 6 of the above Regulations that they are hereby applied to the town of Mambui.

C. ELIOT,

H. M. Commissioner.

Mombasa, December 31st 1902.

#### NOTICE.

#### Rules under the Provisions of Ordinance No. 27 1902.

1.—(a.) The Sub-Commissioner of a Province shall be the licensing authority within the limits of such Province.

(b.) "Wholesale" means a sale of liquor in kegs jars casks or other receptacles containing not less than  $4\frac{1}{2}$  gallons imperial standard gallon measure or in not less than 2 dozen reputed quart bottles at one time to one person to be consumed or drunk elsewhere than on the premises of the seller.

(c.) "Retail" means a sale of liquor other than wholesale.

2. No person shall import into the Protectorate or deal in liquor without first taking out a license in accordance with these Rules.

(3.) Such licenses may be issued on application to and at the discretion of the Sub-Commissioner of the Province in which it is desired to import or deal in liquor and all such licenses shall be renewable on the 1st day of January every year.

4. A licensee may be required to lodge such security as the Sub-Commissioner may require.

5. Such licenses shall consist of the following classes:—

CLASS I.—License for the importation of distilled and alcoholic liquors for the purpose of sale.

CLASS II.—License for the sale of liquor wholesale only to be sold between the hours of 6 A.M. and 8 P.M. on the premises of the licensee specified in the license only.

CLASS III.—License for the sale of liquor either wholesale or retail to be sold between the hours of 6 A.M. and 8 P.M. on the premises of the licensee as specified in the license only and to be consumed or drunk elsewhere than on such premises.

CLASS IV.—License for the sale of liquor either wholesale or retail, to be sold on the premises of the licensee as specified in the license only between the hours of 6 A.M. and 10 P.M. Sundays excepted and to be consumed or drunk either on or off such premises.

CLASS V.—License for the sale of liquor either wholesale or retail, to be sold on the premises of the licensee as specified in the license only between the hours of 6 A.M. and 12 P.M. and to be consumed or drunk either on or off such premises.

A Sub-Commissioner may grant an occasional license to a holder of a license under Class IV and V for the sale of liquors in exceptional cases, for a limited period at any place other than the premises specified in the said license.

6. The following fees shall be levied in respect of such licenses and shall be paid prior to the issue thereof and upon every renewal thereof.

Class I	...	...	...	Rs. 100
Class II	...	...	...	„ 200
Class III	...	...	...	„ 250
Class IV	...	...	...	„ 450
Class V	...	...	...	„ 600

An occasional license Rs. 5 per diem.

7. A separate license shall be taken out for each shop or house wherein liquor is sold.

8. The Sub-Commissioner as aforesaid is empowered hereby to grant at his discretion in exceptional cases; an extension of the hours mentioned in licenses under Class V hereof.

9. No license shall be transferable except with the permission of the Sub-Commissioner.

10. It is hereby provided that no license or fee shall be necessary or payable for the sale by a deceased person's legal, personal, representatives of any liquors forming part of the estate of such deceased person.

11. All imported, distilled or alcoholic liquors may be warehoused by the Chief of Customs until the duty chargeable thereon is paid together with whatever warehousing charges may be in force.

12. The Chief of Customs may approve and appoint warehouses at any port or place wherein distilled or alcoholic liquors may be kept, without payment of duty. The proprietor or occupier of every such warehouse shall, before any goods are warehoused therein, be required to give security by bond for the payment of the full duties chargeable on any goods which shall at any time be warehoused.

13. The Chief of Customs or any person whom he may appoint shall have power at all times to inspect the goods so warehoused.

14. No goods under bond shall be removed without notice to the Chief of Customs or without his order and all duties chargeable thereon shall be paid before such goods are removed.

15. The Chief of Customs shall have power to take samples of all distilled liquors imported or manufactured within the Protectorate for the purpose of testing the strength thereof and assessing the duty payable thereon.

C. ELIOT,  
His Majesty's Commissioner.