

EAST AFRICA PROTECTORATE.

ORDINANCES AND REGULATIONS.

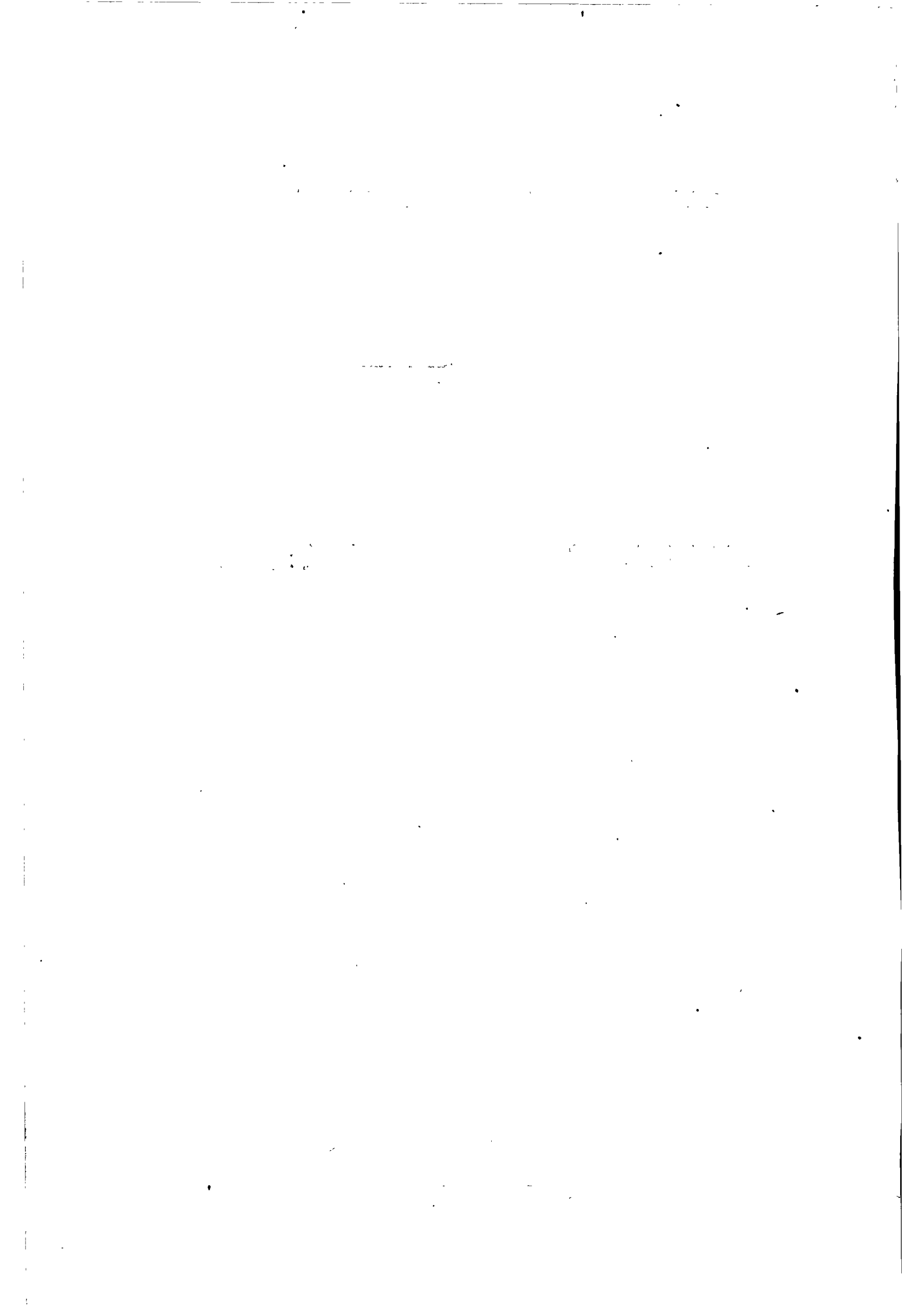
VOL. XIV.

January 1st to December 31st, 1912.

NAIROBI,

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1913.



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Schedule of Rules and Regulations.

Act or Ordinance under which Rules, etc., have been issued.	Date of Rule, Proclamation, etc.	Reference in Official Gazette		Reference in Ordinances and Regulations.		Effect of Rule, Proclamation, etc.
		Year.	Page.	Volume.	Pg. of Appx.	
Game Ordinance, 1909	15-12-11	1912	2	XIV.	1	Reduction in number of Rhinoceros to be hunted.
	5- 6-12	"	440	"	57	" " Thomas' Kob Antelope.
Outlying Districts Ordinance, 1902	27-12-11	1912	2	XIV.	1	Roads excluded, S. Kavirondo District.
	1- 3-12	"	166	"	12	Trade Centres, Ukamba Province.
	1- 3-12	"	167	"	14	Road and Trade Centre excluded, Lumbwa Dist.
	7- 5-12	"	310	"	32	Yala River Trading Centre.
	7- 5-12	"	311	"	33	Riana River Trading Centre.
	13- 5-12	"	311	"	33	Exclusion of land each side of Magadi Ry.
	6- 6-12	"	440	"	58	Cancellation of closed Districts, Nyanza Prov.
	23- 7-12	"	521	"	90	Masai Reserve, closed District.
	—	"	524	"	—	Njangwa Trading Centre.
	11-12-12	"	1009	"	170	Boundaries of Native Reserves, Ukamba Prov.
3-12-12	"	1012	"	173	Trade Centres and Roads, Kenia Province.	
Townships Ordinance, 1903 (amended vide p. 15)	15-12-11	1912	2	XIV.	1	Tailboards for two-wheeled carts.
	15-12-11	"	3	"	2	Latrine accommodation for workmen.
	15-12-11	"	3	"	2	Construction of footbridges.
	27-12-11	"	3	"	2	Pratique and head lights for vessels at Kisumu.
	15- 1-12	"	34	"	6	Registration of bicycles.
	(amended vide p. 14)	13- 2-12	"	70	"	8 Quarry Royalties in Nairobi.
	16- 2-12	"	132	"	10	Rickshaw Rules (amendment).
	19- 2-12	"	132	"	10	Cemetery Regulations (Nairobi).
	5- 3-12	"	167	"	14	Quarry Royalties (amendment).
	11- 3-12	"	168	"	15	Manufacture of ice or aerated water.
	11- 3-12	"	168	"	15	Latrine accommodation for workmen.
	27- 3-12	"	202	"	25	Sanitation and Fire-arms Rules, Nyanza Prov.
	7- 5-12	"	310	"	32	Yala River declared a Township.
	7- 5-12	"	310	"	33	Application of Rules to Yala River Township.
	3- 5-12	"	326	"	48	Amendment to Mombasa Township Rules 1904.
	(amended vide p. 169)	13- 5-12	"	326	"	48 Mombasa Boat Regulations.
	(amended vide p. 56)	12- 5-12	"	329	"	51 Application of Rules to Nyeri Township.
	12- 5-12	"	329	"	51	" " Mumias Township.
	14- 5-12	"	368	"	53	Mombasa Trolleys and Rickshaw Rules.
	14- 5-12	"	370	"	55	Fares for Rickshaws, Mombasa.
	30- 5-12	"	371	"	55	Mombasa Public Trolley Rules.
	30- 5-12	"	371	"	56	Fort Hall & Nyeri Township Rules (amendment).
	24- 5-12	"	371	"	56	Appoint. of Inspector of Vehicles, Mombasa.
	5- 6-12	"	440	"	58	Application of Rules to Yala River Township.
	11- 6-12	"	440	"	58	Fees on Township huts in Nyanza Province.
	15- 6-12	"	440	"	58	Mombasa trolleys and rickshaw licensing fees.
	13- 6-12	"	442	"	60	Mombasa Slaughter House Fees and cubic space of Dwellings.
	13- 6-12	"	443	"	61	Machakos cases of sickness Rules.
	(cancelled vide p. 131)	6- 7-12	"	492	"	82 Muhoroni Township Boundary.
	6- 7-12	"	493	"	83	Application of Rules to Muhoroni Township.
	23- 7-12	"	522	"	91	Power of Town Clerk, Nairobi, to sue for fees, etc.
	23- 7-12	"	522	"	—	Powers of Med. Officers re infectious diseases.
	13- 7-12	"	523	"	92	Application of Rules to Mombasa.
8- 8-12	"	545	"	95	Meat unfit for food (Mombasa).	
8- 8-12	"	545	"	95	Boundary of Mazaras Township.	
11- 8-12	"	545	"	96	Application of Rules to Kipini Township.	
8- 9-12	"	636	"	127	Hire of bicycles (Nairobi).	
—	"	641	"	131	Muhoroni Township Boundary.	
26- 9-12	"	658	"	132	Homa Port Township Boundary.	
26- 9-12	"	660	"	133	Application of Rules to Homa Port Township.	
—	"	663	"	134	Fort Hall Township Boundary.	
10-10-12	"	689	"	135	Fishmongers' licences (Mombasa).	
10-10-12	"	689	"	135	Application of Rules re bathing to Kyambu.	
25-10-12	"	751	"	141	Substitution of "Town Clerk" for Collector (Nrb.)	
14-11-12	"	929	"	142	Boundary of Eldoret Township.	
14-11-12	"	929	"	142	Application of Rules to Eldoret Township.	
12-11-12	"	931	"	144	Whips (Nairobi).	
22-11-12	"	982	"	160	Mombasa Boat Regulations (amendment)	

SCHEDULE OF RULES AND REGULATIONS—(Contd.)

Act or Ordinance under which Rules, etc., have been issued.	Date of Rule, Proclamation, etc.	Reference in Official Gazette		Reference in Ordinances and Regulations.		Effect of Rule, Proclamation, etc.
		Year.	Page.	Volume.	Pg. of Appx.	
Native Passes Regulations, 1900	15-12-11	1912	4	XIV.	3	Native Identification Ticket, Nyanza Province. <i>Re</i> movement of Masai.
	15-12-11	"	5	"	4	
Orders-in-Council 1902, and 1906	—	1912	5	XIV.	4	Rules of Court (Appeals by Natives Amendment). No. 7 of 1911.
	23- 4-12	"	268	"	28	Licensed Wakils Costs (Rules of Court No. 1 of 1912).
	11-11-12	"	982	"	169	Colonial Solicitors as Legal Practitioners, (No. 2 of 1912).
Plague and Cholera Ordinance, 1907	15-12-11	1912	5	XIV.	4	Zanzibar Sanitary Station.
Marriage Ordinance, 1902	15-12-11	1912	5	XIV.	5	Licence to Neukerchener Mission, Hola.
	9- 1-12	"	35	"	7	" Ngenda Mission.
	4- 4-12	"	233	"	27	" St. Paul's Church, Kyambu.
	24- 4-12	"	269	"	30	" Seventh Day Adventists, Kendu.
	15- 4-12	"	269	"	29	" Nyabururu, S. Kavirondo.
	23- 6-12	"	480	"	81	D. C. Kisumu to be Depy. Registrar for Nyanza Province.
	1- 7-12	"	499	"	89	Licences to R. C. Mission, Nairobi, Makindu and Katanga.
	3- 7-12	"	499	"	89	Licences to Miumbani, Kitui.
	4-12-12	"	1014	"	175	Appointment of J. C. Shaw, Deputy Registrar for Uasin Gishu.
Land Acquisition Act, 1894	27-12-11	1912	6	XIV.	5	<i>Re</i> land at Mombasa.
	27-12-11	"	6	"	5	Appt. of D. C. Mombasa as Collector for above.
Crown Lands Ordinance, 1902	10- 1-12	1912	35	XIV.	6	Deposit required of applicants for leases, etc.
	10- 7-12	"	502	"	—	Notice <i>re</i> A. J. R. Frew.
	26- 8-12	"	600	"	105	" " J. A. Coryell.
	5- 9-12	"	640	"	129	" " Holman James.
	5- 9-12	"	640	"	130	" " Irene James.
	9- 9-12	"	641	"	130	" " G. S. Morrison.
	26- 9-12	"	661	"	134	Ngong-Nairobi Road declared public.
	5-10-12	"	691	"	137	Athi River Road declared public.
Diseases of Animals Ordinance, 1906	—	1912	50	XIV.	7	Fort Ternan Quarantine boundary.
	11- 3-12	"	165	"	11	Ostrich declared an animal.
	11- 3-12	"	165	"	12	<i>Re</i> cattle, camels and buffalo from India and Mauritius.
	11- 3-12	"	165	"	12	Cancellation of areas previously declared infected.
	11- 3-12	"	165	"	12	Importation of rabbits prohibited.
	(amended <i>vide p. 83</i>) 11- 3-12	"	169	"	16	Diseases of Animals Rules, 1911.
	—	"	175	"	22	Instructions to Issuers of Permits.
	—	"	237	"	27	East Coast Fever area near Enarosura and Molo River.
	—	"	237	"	27	Permits for transport cattle in Machakos, Fort Hall, Nyeri and Nairobi.
	—	"	237	"	27	Addition of Gobwen to ports of entry.
	6- 7-12	"	493	"	83	Amending Rules of March 11th, 1912.
	28- 8-12	"	591	"	98	Importation of cattle from the United Kingdom.

SCHEDULE OF RULES AND REGULATIONS—(Contd.)

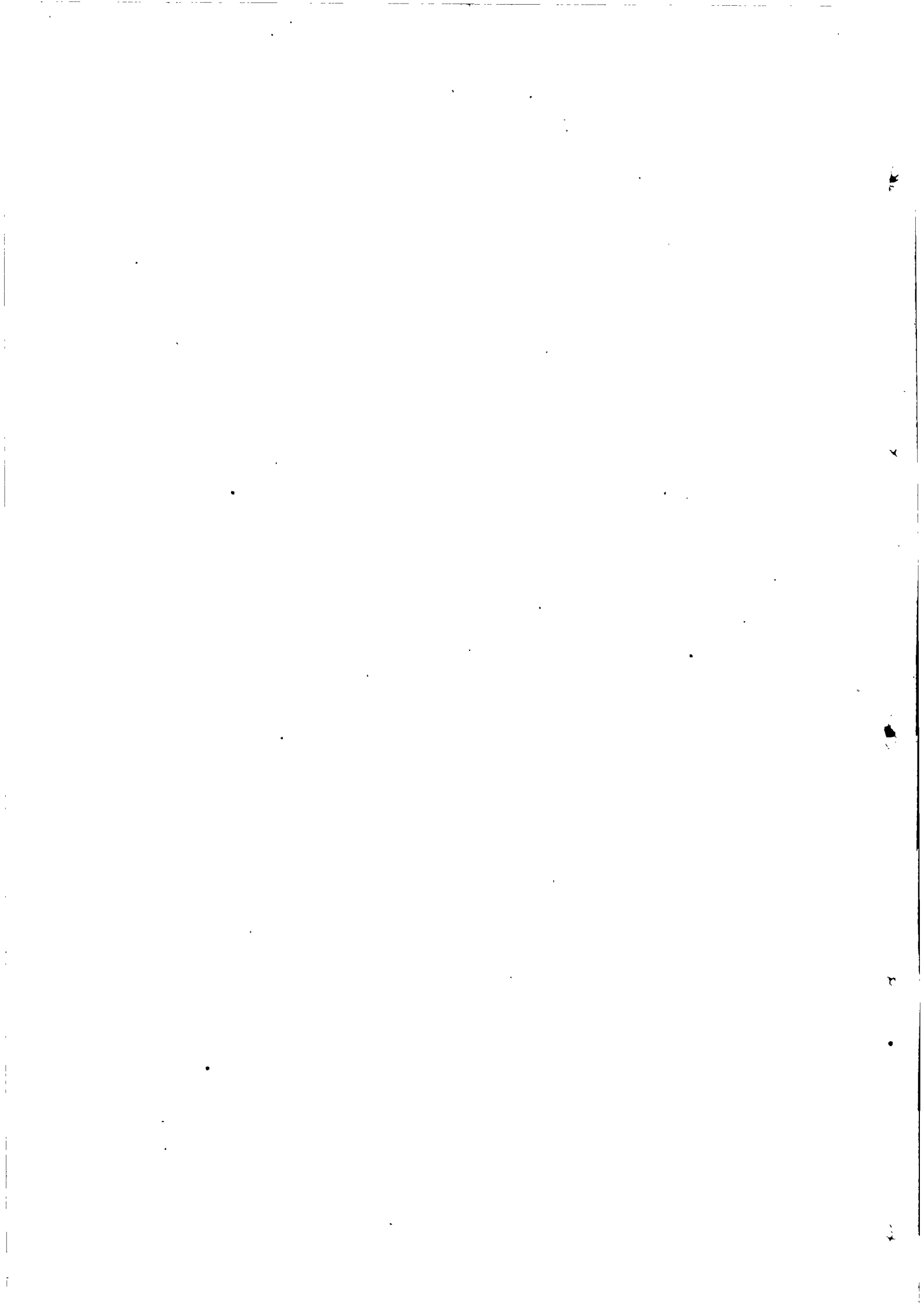
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		Year.	Page.	Volume.	Pg. of Appx.	
Fees and Royalties Ordinance, 1903 <i>(amended, vide O. G., 1912, p. 484)</i>	3- 2-12	1912	70	XIV.	8	Royalty on stone in Nairobi Municipal Quarries.
	—	"	70	"	8	Notice of Royalties.
	13- 6-12	"	443	"	61	Slaughter-house Fees and Quarry Royalties, Mombasa.
	12- 9-12	"	637	"	128	Mombasa Cattle Pound Fees.
Diseases of Plants Prevention Ord., 1910	3- 2-12	1912	71	XIV.	9	Inspectors of coffee plantations.
	9- 8-12	"	546	"	96	Importation of plants from Ceylon.
	10-10-12	"	690	"	136	" " fruit trees from South Africa.
Forest Ordinance, 1911 <i>(cancelled vide p. 35)</i>	7- 3-12	1912	168	XIV.	15	Firewood licences.
	12- 5-12	"	313	"	35	General Forest Rules, Licences, Fees, etc.
	12- 5-12	"	318	"	40	Rules relating to timber.
	12- 5-12	"	322	"	44	Rubber Rules.
	23- 6-12	"	480	"	81	Tana River Forest Area.
	23- 6-12	"	480	"	81	Export of boritis from above area prohibited.
	3- 7-12	"	492	"	82	Nairobi Municipal Forest Area.
	—	"	—	"	89	" " " " Notice re.
	30- 7-12	"	543	"	94	Kikuyu Forest Area.
	6- 9-12	"	635	"	126	Karura, Thigirii, Kamiti and Kyambu Forest Areas.
	25- 9-12	"	658	"	131	Forest Areas in Coast Creeks.
26- 9-12	"	660	"	133	Cancellation of previous Rules.	
Native Hut and Poll Tax Ordinance, 1910 <i>(amended, vide O. G., 1912, p. 600)</i>	21- 3-12	1912	202	XIV.	25	Tax of Rs. 2 for Warrio Section, 1912.
	23- 4-12	"	268	"	29	Exemption from tax on huts in Townships.
	9- 5-12	"	311	"	33	Levy of Poll Tax in Nyanza Province.
	3- 7-12	"	493	"	83	Production of receipts on demand.
	6- 8-12	"	546	"	96	Tax of Rs. 2 for Warrio Section, 1913.
Indian Post Office Act, 1898	27- 3-12	1912	203	XIV.	25	Fees for insurance of letters and parcels.
Native Christian Marriage Ord., 1904	15- 3-12	1912	203	XIV.	26	Licence granted to Rev. J. Youngson.
	15- 4-12	"	269	"	29	" " Priest-in-charge of Nyabururu.
	24- 4-12	"	269	"	30	" " " " Kendu.
	1- 7-12	"	499	"	89	" " " " licensed R. C. Missions.
	3- 7-12	"	499	"	89	" " " " Lutheran Ministers.
	12- 9-12	"	637	"	128	" " " " Rev. E. J. Rees, Kaimosi
Registration of Documents Ordinance, 1902	9- 4-12	1912	233	XIV.	26	Leases from the Crown to Natives, Fees for
Criminal Procedure Code 1898 (Indian Act No. 5 of 1898)	2- 4-12	1912	233	XIV.	26	Exemption of U. R. officers as Jurors or Assessors
	12- 6-12	"	—	"	59	Notification of residence by released convicts.
Infectious Diseases Ordinance, 1903	15- 4-12	1912	234	XIV.	27	Application to Kisumu Indian Bazaar.
	13- 4-12	"	269	"	30	" to Mile 551 (Muhoroni).
	15- 4-12	"	270	"	30	" of Rules to Kisumu Indian Bazaar.
	16- 4-12	"	270	"	30	Passes for persons leaving Kisumu.
	—	"	—	"	—	—

SCHEDULE OF RULES AND REGULATIONS—(Contd.)

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Infectious Diseases Ord., 1903—(Contd.) (cancelled vide p. 145) do. do.	24- 5-12	1912	371	XIV.	56	Application of Rules to Machakos.
	29- 8-12	"	592	"	99	Burial of persons dying from infectious diseases.
	29- 8-12	"	594	"	101	Mombasa declared infected by small-pox.
	6- 9-12	"	637	"	128	Application of Rules to Nairobi Township.
	5- 9-12	"	639	"	129	Infected area in Indian Bazaar, Nairobi.
	2-10-12	"	689	"	135	Reports of cases of sickness or death.
	23-10-12	"	753	"	—	Kyambu declared infected area.
	12-11-12	"	932	"	145	Cancellation of Rules of 5-9-12 and 6-9-12.
Land Titles Ordinance, 1908.	1- 5-12	1912	267	XIV.	28	Court Fees Rules.
	—	"	270	"	31	Claims submitted after the prescribed time.
	31- 5-12	"	445	"	62	Crown lands in Malindi and Takaungu Districts.
	29- 8-12	"	593	"	100	Notice of Sale or Transfer, Mortgages, etc.
	17- 8-12	"	599	"	105	Appoint. of Mr. Sanderson to appear for Crown.
	17- 9-12	"	659	"	132	Rules re 'dividing line.'
	12-11-12	"	931	"	144	Fee for Affidavits.
Forest Amendment Ordinance, 1912	—	1912	272	XIV.	32	Notice of non-disallowance.
Ostrich Amendment Ordinance, 1912	—	1912	272	XIV.	32	Notice of non-disallowance.
Native Hut and Poll Tax Ordinance, 1912	—	1912	272	XIV.	32	Notice of non-disallowance.
Mining Ordinance, 1912	—	1912	272	XIV.	32	Notice of non-disallowance.
Master and Servants Ordinance, 1910	9- 5-12	1912	311	XIV.	34	Notification of death of servants.
Mahomedan Marriage and Divorce Registration Ordinance, 1906	7- 5-12	1912	330	XIV.	52	Appointment of Registrar for Kisumu District.
	21- 6-12	"	479	"	63	Application of Ordinance to Mumias District.
Mining Regulations, 1902	—	1912	332	XIV.	52	Cancellation of previous notices.
	—	"	500	"	89	D. C. Eldoret to issue prospecting licences.
Master and Servants Amendment Ordinance 1912	—	1912	333	XIV.	52	Notice of non-disallowance.
Indian Tramways Act (11 of 1886)	24- 5-12	1912	371	XIV.	57	Repeal of Rules dated 15th April, 1903.
Customs Ordinance, 1910	27- 5-12	1912	372	XIV.	57	Charges on goods in Customs premises.
	18- 7-12	"	524	"	93	Closing of Takaungu as sub-port.
Fugitive Criminals Surrender Ord., 1908	—	1912	392	XIV.	57	Application of Ordinance to Greece.
	—	"	443	"	62	" " Siam.
	—	"	637	"	128	" " Tunis.
Volunteer Reserve Amendment Ord., 1912	—	1912	374	XIV.	57	Notice of non-disallowance.
Copyright Act, 1911	1- 7-12	1912	479a	XIV.	63	Proclamation of the Act. in E. A. P.
	24- 6-12	"	543	"	93	Privy Council Order.
	24- 6-12	"	619	"	110	" " "

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Judgments Extension Ordinance, 1908	6- 7-12	1912	492	XIV.	82	Extension of Ordinance to Nyasaland.
Immigration Restriction Ordinance, 1906	6- 7-12	1912	493	XIV.	83	Visiting and embarkation passes.
E. Africa and Uganda (Currency) Order-in-Council, 1910	22- 7-12	1912	522	XIV.	91	Mutilation of currency notes.
	31- 8-12	"	592	"	99	Date of coming into force of above rules.
Probate and Administration (Public Trustee) Ordinance, 1912	—	1912	526	XIV.	93	Notice of non-disallowance.
Wattle Bark Industry Ordinance, 1912	—	1912	546	XIV.	97	Notice of non-disallowance.
Weights and Measures Ordinance, 1912	—	1912	547	XIV.	97	Notice of non-disallowance.
Vaccination Ordinance, 1912	1- 9-12	1912	592	XIV.	99	Application to Mombasa Island.
	5- 9-12	"	636	"	127	" Fort Hall District.
	15-10-12	"	929	"	142	" Nairobi, Nakuru, Naivasha, Ravine, Machakos, Kitui, Kyambu, Makindu, Kibwezi.
	—	"	1018	"	—	Notice re hours of vaccination.
Railways Ordinance, 1910	17- 8-12	1912	594	XIV.	102	Rules for reporting & investigating accidents.
Police Ordinance, 1911	12- 9-12	1912	634	XIV.	125	Application of Ordinance to Makindu, Sultan Hamud and Kibwezi.
Volunteer Reserve Ordinance, 1910	5- 9-12	1912	635	XIV.	126	Notice to be given on leaving the Protectorate.
	29-10-12	"	929	"	142	Importation of military rifles.
Appropriation Ordinance, 1912	—	1912	638	XIV.	128	Notice of non-disallowance.
Public Works Loan Ordinance, 1912	—	1912	638	XIV.	129	Notice of non-disallowance.
Prison Regulations, 1902	19- 9-12	1912	658	XIV.	131	Establishment of Prisons at Nakuru, Eldoret, Alexandria, Gobwen, Sankuri.
Wireless Telegraphy Ordinance, 1908	26- 9-12	1912	660	XIV.	134	Apparatus on merchant vessels.
Non-Native Poll Tax Ordinance, 1912 (cancelled, vide p. 167)	13-11-12	1912	930	XIV.	143	Rules and receipt form.
	26-11-12	"	980	"	167	" " " "
	28-11-12	"	981	"	168	Court costs and expenses.
Registration of Trade Marks Ordinance, 1912	—	1912	958	XIV.	145	Notice re date of coming into force.
	23-11-12	"	958	"	145	Rules, fees, and schedule of forms.
Village Headmen						



EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 1 OF 1912.

An Ordinance to amend the Law Relating to the Administration of the Estate Title of Deceased Persons.

[19th February, 1912.] Date.

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

1. This Ordinance may be cited as “The Probate and Administration Short Title. (Public Trustee) Ordinance, 1912.”

2. When any bond or security would be required from a private person upon the grant to him of letters of administration to the estate of a person deceased, the Public Trustee, if administration is granted to him, shall not be required to give such bond or security, but shall be subject to the same liabilities and duties as if he had given such bond or security. Public Trustee not to be required to give administration bond.

3. For the purposes of this Ordinance the term “Public Trustee” shall mean the Public Trustee appointed under and for the purposes of the Imperial Statute 6. Edw. 7, Ch. 55. Definition.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 2 OF 1912.

An Ordinance to amend the Forest Ordinance, 1911. Title.

[19th February, 1912.] Date.

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

1. This Ordinance may be cited “The Forest Amendment Ordinance, 1912.” Short Title.

2. The Forest Ordinance, 1911, shall be and is hereby amended as follows :— Amendment of the Forest Ordinance, 1911.

(1) By the deletion of the definition of the word “timber” in Section 2 of the said Ordinance and by the substitution therefor of the definition following :—

“Timber” shall include any tree, which has been felled or fallen and any part of a tree which has been cut off or fallen, and all wood, whether sawn, split, hewn, or otherwise fashioned.”

(2) By the deletion of the words “and two persons not” in Section 7 Sub-section (1) and by the substitution therefor of the words “and two of whom shall not be”

- (3) By the substitution of the words and figures "1,500 Rupees" for the words and figures "450 Rupees" in Section 14 of the said Ordinance.
- (4) By the deletion of the words "or in any other way whatsoever" in Section 15 of the said Ordinance and by the substitution therefor of the words "or of any other act or omission whatsoever."
- (5) By the insertion of the word "establishments" before the word "buildings" in the third and fifth lines of the second paragraph of Section 16 of the said Ordinance.
- (6) By the substitution of the words and figures "6,000 Rupees" for the words and figures "1,500 Rupees" in Section 23 of the said Ordinance.
- (7) By the deletion of the word "Regulations" and by the substitution therefor of the word "Regulations" in the Schedule to the said Ordinance.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 3 OF 1912.

Title.

An Ordinance to amend the Ostrich Ordinance, 1907.

Date.

[19th February, 1912.]

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

Short Title.

1. This Ordinance may be cited as "The Ostrich Amendment Ordinance, 1912" and shall be read as one with The Ostrich Ordinance, 1907, hereinafter referred to as the Principal Ordinance.

Feather Merchants prohibited from selling feathers to Natives outside Native Reserves and Closed Districts.

2. A Feather Merchant's Licence shall not authorise the holder to sell any feather of a domesticated ostrich to a Native who, at the time of the sale, is not within a Native Reserve or Closed District, anything in Section 14 of the Principal Ordinance to the contrary notwithstanding.

Natives outside Native Reserves and Closed Districts prohibited from possessing ostrich feathers.

3. No Native shall have in his possession outside a Native Reserve or Closed District any ostrich feather.

Penalty.

4. Any person who commits any breach of this or the Principal Ordinance or of the conditions of his licence shall, save where other provision is made in the Principal Ordinance, on conviction, be liable to a fine not exceeding Fifteen hundred Rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

In all cases of conviction any ostrich or ostrich feather or ostrich egg in respect of which the offence has been committed shall be liable to forfeiture. If

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 4 OF 1912.

An Ordinance to amend the Master and Servants Ordinance, 1910.

Title.

[19th February, 1912.]

Date.

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

1. This Ordinance may be cited as “The Master and Servants Amendment Ordinance, 1912” and shall be read as one with the Master and Servants Ordinance, 1910, hereinafter referred to as the Principal Ordinance. Short Title.

2. The Principal Ordinance shall be and is hereby amended as follows:— Amendment to Principal Ordinance Section 2.

(1) By the addition to the interpretation of the word “Servant” in Section 2 of the Principal Ordinance of the words following:—

“and any Arab or Native to be exhibited in any
“capacity in any circus, show, or exhibition.”

(2) By the deletion of Section 63 of the Principal Ordinance and by the substitution therefor of the Section following:— Section

63. (1) Save as is hereinafter otherwise provided this Ordinance shall not apply to any contract governed by any Imperial law relating to shipping or effect the rights and remedies of the parties thereunder.

(2) Every agreement entered into in the Protectorate by a Master of any ship to which Part II of the Merchant Shipping Act, 1894, applies, for the engagement of any Native or Arab as a seaman, shall contain, in addition to the terms required by or under the aforesaid Act, a stipulation by the Master, that, if the service of the seaman engaged shall terminate for any cause whatsoever otherwise than by the death or desertion of the seaman or by the consent of the seaman to be discharged during the currency of the agreement, at any port or place other than a port or place within the Protectorate or the Dominions of the Sultan of Zanzibar, he will make adequate provision, as is hereinafter defined, for the maintenance and return of the seaman to the port in the Protectorate at which he was engaged.

(3) If a Master of a ship to which Part II of the Merchant Shipping Act 1894 applies carries any Arab or Native to sea as a seaman without entering into an agreement containing a stipulation required by the preceding Sub-section he shall, for each offence, be liable to a fine not exceeding 150 Rupees.

(4) In the preceding Sub-sections the term “Arab or Native” shall include only Arabs and Natives of, or ordinarily resident in, the Protectorate or the Dominions of the Sultan of Zanzibar or in the Uganda Protectorate.

The term “adequate provision” shall mean such provision as a Master is required by the Merchant Shipping Act 1906, to make in respect of the maintenance and return of a seaman to whom the provisions of Section 32 Sub-section (1) of the said Act are applicable.

(5) The provisions of Sub-sections (2) and (3) of this Section shall

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 5 OF 1912.

Title. *An Ordinance to amend the Native Hut and Poll Tax Ordinance. 1910.*

Date. [19th February, 1912.]

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

Short Title. 1. This Ordinance may be cited as “The Native Hut and Poll Tax Amendment Ordinance, 1912” and shall be read as one with “The Native Hut and Poll Tax Ordinance, 1910” hereinafter referred to as the Principal Ordinance.

Court may award costs against defaulter in proceedings to recover tax. 2. Whenever proceedings are taken for the recovery of any tax under the Principal Ordinance it shall be lawful for the Magistrate to order the person in default to pay such sum for Court costs, not exceeding in any case three rupees, as the Magistrate in his discretion may determine.

The sum ordered to be paid as costs as aforesaid together with the amount of tax unpaid shall be recoverable by distress and in default of distress the Court may order imprisonment with or without hard labour for any period not exceeding three months.

Repeal. 3. (1) The Hut and Poll Tax Amendment Ordinance, 1911, is hereby repealed.

(2) Section 7 of the Principal Ordinance as enacted in the said Ordinance purported to have been deleted from the said Ordinance by the Hut and Poll Tax Amendment Ordinance, 1911, shall be and is hereby re-instated in the Principal Ordinance.

(3) Any proceedings begun in any Court under and in accordance with the provisions of the said Ordinance repealed by this Ordinance and pending at the commencement of this Ordinance may be continued and concluded as if this Ordinance had not been made and the Court is authorised and empowered to do any act or thing or make any order in such proceedings which might have been done or made before the commencement of this Ordinance.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 6 OF 1912.

An Ordinance Relating to Mining.

Title.

[19th February, 1912.]

Date

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

PART I.

Introductory.

1. This Ordinance may be cited as "The Mining Ordinance 1912" and shall come into operation, for the purposes of making any appointments or regulations under the Ordinance, on the publication of the Ordinance, and for all other purposes, on such date as the Governor, by notification in the "Gazette," shall declare. Short Title.

2. This Ordinance is divided into parts as follows:—

PART I—Introductory. Division.

PART II—Departmental and Official.

PART III—Acquisition of Rights of Prospecting, Mining and Occupation.

Division I—General.

Division II—Prospecting licences.

Division III—Gold and Precious stones leases.

Division IV—Mineral Leases.

Division V—Coal and Oil Leases.

Division VI—Miscellaneous Leases.

Division VII—Surface rights conferred by lease for mining purposes.

PART IV—Inspection of Mines.

PART V—Regulations.

PART VI—Miscellaneous.

3. The several enactments mentioned in Schedule A hereto, are hereby repealed, but such repeal shall not affect any right, interest, or liability already created, existing or incurred, nor anything lawfully done or suffered under any enactment hereby repealed; and any proceeding in respect of such right, interest or liability may be carried on as if such repeal had not taken place. Repeal.

4. In the construction of this Ordinance, except where inconsistent with the context or subject matter:— Definitions.

"Alluvial" means any loose soil, earth or other substance containing or supposed to contain gold or precious stones, not being a seam, lode, quartz vein, cement or banket.

"Coal" includes all descriptions of coal, lignite and carbonaceous shale.

"Commissioner of Mines" shall include a person appointed to act for the Commissioner of Mines.

"Constantly employed" means working on or in connection with a mining claim or lease for not less than 8 hours on every lawful working day, excepting Saturdays, when four hours shall be considered a full day, and excepting proclaimed holidays.

"European" means a male person of European birth or descent.

"Foreigner" means any person who is not a British Subject.

"Foreign Corporation" means any Corporation other than a Corporation established under and subject to the laws of some part of His Majesty's Dominions or of the Protectorate and having its principal place of business in those

“ Inspector ” means an Inspector of Mines appointed for the purposes of this Ordinance.

“ Land Owner ” includes also a mortgagee, a lessee, and a person occupying land under a licence from the Crown.

“ Mine ” as a noun, includes all lands and works on, in, or by which mining is carried on.

“ Minerals ” includes metals other than gold, but does not include precious stones, coal, or oil, or such clay, sand or stone as the Commissioner of Mines shall declare to be suitable only for road making, building, making of pottery and similar purposes and from which no other mineral of such quality or in such quantity as to be of commercial value can be obtained.

“ Ordinance ” includes Regulations.

“ Prospecting ” includes all modes of prospecting for gold, precious stones, minerals, coal or oil.

“ Banket ” means a sedimentary or foliated deposit interbedded among or superincumbent on the strata of the country and containing or supposed to contain gold.

“ Placer ” means alluvial deposit of ancient date *i. e.* not now in process of formation, containing or supposed to contain gold.

“ Mineral Oil ” shall include bitumen, asphalt, and other bituminous substances with the exception of coal.

“ Mining ” or “ to mine ” includes all modes of prospecting and mining for obtaining and making merchantable gold, precious stones, minerals, coal or oil.

“ Oil ” includes all descriptions of mineral oil.

“ Payable ” a claim or lease is payable when the value of the gold, precious stones, minerals, coal, or oil mined for and obtained thereon equals the sum paid or which would, at current wages, have been payable ; wages to all the miners actually employed in obtaining such gold, precious stones, minerals, coal or oil ; and all other necessary working expenses.

The onus of proof that a claim or lease is not payable shall rest upon the claim holder or lessee.

“ Protectorate ” means the East Africa Protectorate.

“ Prescribed ” means prescribed by this Ordinance.

“ Private Land ” shall include lands privately owned and land the subject of a lease from the Crown or occupied under a licence from the Crown.

5. The provisions of this Ordinance shall extend to all lands situate in the Protectorate.

Provided, however, nothing herein contained shall be deemed to authorise any person to prospect or mine on or under :—

- (a) Lands dedicated or set apart for any public purpose.
- (b) Lands held under grants or leases giving the holder rights of working the gold, precious stones, minerals, coal and oil which are recognised by the Governor.
- (c) Land situate within any Township or Municipal area except with the consent of the owner of the land, and of the Governor or Municipal authority.
- (d) Land over which exclusive prospecting rights have been or may be granted by the Governor or by or on behalf of His Majesty and during such time as such rights shall be subsisting except by, or on behalf of, the persons to whom such rights shall have been granted.
- (e) Land reserved for the purposes of any Railway or situate within 100 yards of any Railway, except with the consent of the Railway Administration.
- (f) Land the site of or within 300 yards of any building or the site of or within 500 yards of any artificial dam or reservoir, the property of the Crown or of the Government, except with the sanction of the Governor.
- (g) Land lawfully and *bona fide* used as a yard, garden, cultivated field or as the site of any building or artificial dam or reservoir, or land within 300 yards of any building or within 500 yards of any artificial dam or reservoir and the property of or leased by the owner of such building, artificial dam or reservoir, except with the consent of the owner, and occupier

compensation, if not otherwise agreed upon, to be determined by arbitration. The person desiring the cesser of such exemption and the land owner shall be deemed parties to such arbitration.

- (h) Lands declared by the Governor by Notice in the "Gazette" to be exempt from the operation of this Ordinance.
- (i) A street, road or highway without the consent in writing of the Governor or of the Municipal Corporation or other public body having the control thereof.
- (j) Land within a Native Reserve except with the consent in writing of the Commissioner of the Province within which the Reserve is situate and on such conditions as may be prescribed.

6. Nothing in this Ordinance shall be deemed to authorise any person to enter any closed district, except he shall have obtained a licence on that behalf from the proper authority. Prospecting and mining in closed districts.

7. Any person who prospects or mines without being authorised to do so by virtue of this Ordinance or of some enactment theretofore in force or without the licence or authority of the Governor, shall be guilty of an offence, and shall, on conviction, be liable to pay for each offence a penalty not exceeding 15 Rupees for every day on which he shall so prospect or mine. Penalty for unauthorised mining.

8. The fees set out in the Schedule B hereto shall be charged and taken in respect of the matters referred to in such Schedule. Fees to be charged

PART II.

Departmental and Official.

9. There shall be a Commissioner of Mines to be appointed from time to time by the Governor and such Commissioner of Mines or the Officer for the time being acting for him shall have charge of the administration of this Ordinance and of the Department of Mines. Commissioner of Mines.

10. The Governor may appoint such Wardens, Inspectors, Registrars, and other Officers as may be necessary for the purposes of this Ordinance. Appointment of Wardens, etc.

11. (1) The Commissioner of Mines may hear and determine in a summary way all suits concerning any right, claimed in, under, or in relation to a prospecting claim or prospecting licence, or any advantage thereof or liability thereunder, or any contract in respect thereof. Jurisdiction of Commissioner in Suits.

(2) The Jurisdiction of the Commissioner of Mines shall extend not only to cases where the litigants are the parties originally interested in the cause of suit, but to cases where the title of litigants is derived from or through any of such parties.

12. The Commissioner of Mines may decide any suit, and any matter arising therein, in such manner as may be just, and may make and give all orders and directions necessary for enforcing his decision, and may award reasonable costs. Power of hearing.

13. The mode of proceeding in a suit before the Commissioner of Mines shall be as follows:— Mode of proceeding before Commissioner.

- (1) The person suing shall lodge a plaint note at the Office of the Commissioner of Mines.
- (2) The plaint note shall be in the prescribed form and shall specify shortly the subject matter of the complaint, and the relief claimed.
- (3) Upon receipt of the plaint note the Commissioner of Mines shall give notice in the prescribed form, by post or otherwise, to the party sued and the time and place at which the same will be heard and determined.
- (4) At the time and place appointed the parties shall attend and state their cases before the Commissioner of Mines, and may call evidence on oath (which oath the Commissioner of Mines is hereby authorised to administer) in support thereof, and the Commissioner of Mines having heard such statement and evidence, shall give his decision, which shall be final, except as hereinafter provided.

(6) Save as in this Ordinance otherwise expressly provided no person who is not the holder of a prospecting licence in his own name shall have any right to institute proceedings before the Commissioner of Mines.

Commissioner's order need not be formally drawn up.

14. The order or decision of the Commissioner of Mines need not be formally drawn up, but the record in the book, which he is hereby required to keep for the purpose, shall be conclusive evidence of the order or decision and any person may obtain a copy of the record on payment to the Commissioner of Mines of the prescribed fee.

Commissioner may order minerals, etc. to be seized.

15. The Commissioner of Mines, upon the hearing of a suit, may cause any gold or precious stones, mineral, coal or oil to be summarily seized and delivered to the person entitled thereto.

Inspection by Commissioner.

16. The Commissioner of Mines or any Inspector or any person authorised by the Commissioner of Mines may, at all reasonable times, enter and inspect any mine held under a claim or mining lease, and examine and take extracts from all books, accounts, vouchers, and documents relating thereto, or to any gold or precious stones, minerals, coal, or oil obtained therefrom.

Law regulating proceedings before, and enforcement of orders of, the Commissioner.

17. The law for the time being regulating proceedings before and the powers of a Subordinate Court of the First Class in the exercise of its civil jurisdiction shall, so far as practicable, and subject to any modifications, alterations, or additions which may be prescribed, apply to proceedings before the Commissioner of Mines and to the enforcement of his decisions in like manner as if such decisions were the decisions of a Judge of a Subordinate Court of the First Class.

Appeal.

18. There shall be an appeal from any determination in any suit, of the Commissioner of Mines, or from any order of dismissal, which appeal shall be to the High Court, and shall be conducted in manner provided for an appeal from a Judge of a Subordinate Court of the First Class.

Jurisdiction of ordinary Courts not excluded.

19. (1) Nothing in the preceding Sections contained shall be deemed to prevent the holder of a prospecting licence from bringing in any of the ordinary Courts of the Protectorate any suit which might be heard and determined by the Commissioner of Mines. Provided, however, that whereas it is the intention of this Ordinance that all suits brought by the holder of a prospecting licence concerning any right, claimed in, under, or in relation to a prospecting licence or a prospecting claim or any advantage thereof or liability thereunder, or any contract in respect thereof shall, so far as may be proper and convenient, be heard and determined by the Commissioner of Mines, the High Court or any Court subordinate thereto before which any such suit as aforesaid may be brought, may, on the application of the defendant or if there be more defendants than one, on the application of any one or more of the defendants, and if satisfied that the suit could be properly and conveniently heard and determined by the Commissioner of Mines, direct that the suit be brought before the Commissioner of Mines.

Governor may confer upon a Warden jurisdiction in suits.

(2) The Governor may, by notice in the "Gazette," confer upon any Warden the powers and jurisdiction vested in the Commissioner of Mines by Sections 11 to 18 (both inclusive) of this Ordinance, and may in like manner define the area within which such Warden shall exercise such powers and jurisdiction.

PART III.

Acquisition of rights of Prospecting, Mining, and Occupation.

PART III—DIVISION I—GENERAL.

Modes of acquiring right of prospecting, mining, and occupation.

20. Prospecting and Mining shall be permitted pursuant to this Ordinance by virtue of:—

- (a) A Prospecting licence :
- (b) A gold lease :
- (c) A precious stones lease :
- (d) A mineral lease :
- (e) A coal lease :

- (g) A miscellaneous lease :
and in addition to the rights of occupation conferred by the foregoing, occupation shall be permitted pursuant to this Ordinance by virtue of :—
- (a) A business licence, or
(b) An occupation licence.

PART III—DIVISION II—PROSPECTING LICENCES.

21. A Prospecting Licence, to be in force for one year from the date thereof, shall be issued by the Commissioner of Mines or other prescribed Officer to any European of or over the age of 16, upon payment of the sum of Five Rupees, and such licence shall be in the form contained in Schedule C to this Ordinance. Prospecting licence

A prospecting licence shall not be transferable.

22. A prospector's licence may be renewed at any time during its currency. Renewal.

23. Every renewal shall be in force for one year from the expiration of the licence renewed. Term of renewal.

24. (1) A prospecting licence shall, in the first instance, authorise the holder to prospect for any gold, precious stones, mineral, coal, or oil the property of the Crown, and to peg out such claims as are hereafter in this Ordinance specified. Privileges under Prospecting licence

(2) No person shall, at the same time, own more than one claim by virtue of the same prospecting licence; but any European of or over the age of 16 may hold any number of prospecting licences, and for each prospecting licence so held by him he may own one claim. Provided that no person shall hold more than one alluvial or placer gold or precious stones claim. Provided further that nothing in this Sub-section contained shall be deemed to prohibit a discoverer of gold, precious stones, minerals, coal or oil from holding the prescribed number of reward claims by virtue of one prospecting licence.

(3) The pegging out of any claim shall be invalid unless done by or in the presence of, the person who intends to register the claim in his own name.

(4) The pegging out of any claim shall be invalid if done between the hours of 6 p.m. and 6 a.m.

(5) A Prospecting Licence shall not authorise a person who is not a British Subject to peg out an oil claim.

25. A prospecting licence shall authorise the holder to own a claim of the kind following :— Claims which may be pegged out.

- (a) A gold claim, reef or banket.
(b) A gold or precious stones claim, alluvial or placer.
(c) A precious stones claim, other than alluvial.
(d) A mineral claim.
(e) A coal claim.
(f) An oil claim.

Provided, however, a person who is not a British Subject shall not be entitled to own an oil claim or to enjoy the right of mining for oil anything in this Ordinance to the contrary notwithstanding.

26. Claims which may be owned under this Ordinance shall not exceed the following dimensions :— Dimensions of claims.

- (a) A gold claim, reef or banket, 300 feet in length along the supposed line of the reef or banket and 600 feet in width.
(b) A gold or precious stones claim, alluvial or placer, 100 feet by 100 feet.
(c) A precious stones claim, other than alluvial, twenty acres.
(d) A mineral claim, forty acres.
(e) A coal or oil claim, six hundred and forty acres.

27. The shape of a claim shall, as nearly as circumstances permit, be that of a rectangular parallelogram, the length of the longer side of which shall not exceed twice the length of the shorter side and one of the sides shall run as nearly as may be in a North and South direction, the bearings being magnetic. Shape of claim.

- (a) The name of the Prospector.
 - (b) The date of the pegging out of the claim.
 - (c) The length and width of the claim in feet.
 - (d) The distance in feet from the point of the discovery to each end of the claim.
 - (e) The general course of the claim.
- (2) The date of the erection of the post or monument at the point of discovery and the posting of the notice aforesaid shall be deemed to be the date of the pegging out of the claim. Provided that the Prospector shall, before registering the claim, place at each corner of the claim a substantial post 4 feet above the ground or a stone monument 3 feet above the ground on which shall be marked or advertised the initials of the Prospector and the date of the pegging out, and shall further cut two trenches not less than 6 feet long and 6 inches deep in the direction of the boundary lines of which the post is intended to form the corner. Such corner posts or monuments shall be maintained in position while the claim is held.

Registration of claim.

29. The owner of a claim of whatever nature, within 30 days after the claim is first pegged out, or within such additional time (if any) as the Commissioner of Mines may, on the ground of sickness, absence or other like disability of any such owner, or for other reasonable cause, allow, shall register the claim in the office of the Provincial Commissioner of the Province wherein the claim is situated, or with the prescribed Officer.

A monthly return of all such registers shall be furnished by the Provincial Commissioners and the prescribed Officers to the Commissioner of Mines.

Prospecting licence to be produced on registration.

30. No claim shall be registered unless the prospecting licence under which the claim is held is produced to the Provincial Commissioner or prescribed Officer.

Mode of registration.

31. Any person desiring to register a claim shall make an application for registration in the manner and form prescribed.

The Provincial Commissioner or prescribed Officer shall, on payment of the prescribed fee, enter in a book to be called " The Mining Register " full particulars of each application clearly specifying the class of claim and shall fill in and sign a certificate of registration in the prescribed form, and hand such certificate of registration to the person so producing or forwarding such application.

Neglect to register.

32. If any person neglects to register his claim in the manner and time aforesaid he shall forfeit all rights in respect thereof.

False representations.

33. Any person who shall, by false representations or fraudulent concealment of facts, obtain registration of any claim under this Ordinance, shall forfeit his rights in the claim in respect of which such registration has been obtained, and be liable to a penalty not exceeding seven hundred and fifty Rupees.

Rights of owners of claim.

34. The ownership of a claim shall subject to the provisions of Section 35 confer the following rights in respect thereof :—

- (a) As to a gold claim, the preferential right to a gold lease, and in the meantime the sole right of mining on the claim for gold and the ownership of all gold or minerals found.
- (b) As to a precious stones claim, the preferential right to a precious stones lease, and in the meantime the sole right to mine on the claim for precious stones, and the ownership of all precious stones, gold or minerals found.
- (c) As to a mineral claim, the preferential right to a mineral lease and in the meantime the sole right to mine on the claim for any minerals, and the ownership of all such minerals when found.
- (d) As to a coal or oil claim, the preferential right to a coal or oil lease, and in the meantime the right to mine for coal or oil and the ownership of such coal or oil when found.

Claim not to be pegged out twice under the same or different class of claim. Saving as to gold and precious stones.

35. Whenever an alluvial or placer deposit of gold or precious stones is found on any claim other than an alluvial or placer claim, the holder of a prospecting licence may peg out on such claim an alluvial or placer claim; and whenever precious stones shall be found on any claim other than a precious stones claim, alluvial placer or otherwise, the holder of a prospecting licence may peg out a precious stones claim; and whenever oil is found on any claim other than an oil claim the holder of a Prospecting Licence being

or with his sanction, under the same or any other class of claim unless forfeiture of such first mentioned claim has been declared or such claim has been abandoned.

36. Whenever the same area shall be included in different classes of claims, Priority of claims. the different classes shall have priority in the following order :—

- (a) Alluvial or placer gold or precious stones claim.
- (b) A precious stones claim, other than alluvial, a gold claim, reef or banket.
- (c) Mineral coal or oil claims.

but the owners of all claims shall comply with prescribed requisites for securing to each the benefit of his claim, and for preventing unnecessary interference with any right previously existing.

37. A prospecting licence shall confer upon the holder the following Additional rights of a prospector. rights when engaged actively in prospecting or mining, namely :—

- (1) On unoccupied Crown land to take fuel and water for his domestic use provided, however, that he shall not have the right to cut any standing timber in any Proclaimed Forest Area, or any reserved tree unless he shall have obtained permission in writing from the Conservator of Forests or other prescribed officer.
- (2) On any land on which he is entitled to prospect to take for his domestic use water from any lake river or stream, and, with the consent of the owner or occupier of private land or on tendering to the owner or occupier a reasonable sum in payment therefor, any fuel other than standing live timber.

38. The owner of a claim shall have the right to reside on his claim and of Right of residence and grazing on claim. grazing on his claim for six horses or mules, or for sixteen oxen or donkeys free of charge on unoccupied Crown land, and if on any private lands on payment to the owner or occupier of the land where such licence is exercised of fifty cents per diem. Provided, however, that on private land the owner of the claim shall only exercise the rights conferred on him by this Section on such portion of the claim as shall be indicated by the owner or occupier.

If any question shall arise between the owner or occupier of the land and the owner of the claim as to the suitability of land indicated by the owner or occupier it shall be determined by the Commissioner of Mines or other prescribed officer.

39. Any person who shall abandon his claim shall forthwith fill up or Owner of claim must on abandonment, fill up shaft etc. fence or secure to the satisfaction of the Commissioner of Mines or other prescribed officer all shafts, pits, holes and excavations, in such manner as to prevent persons or stock inadvertently entering the same.

Any person who shall have failed to comply with the provisions of this Penalty. section shall be liable to pay, to the Commissioner of Mines if the claim shall have been situate on unoccupied Crown land, or to the landowner if the claim shall have been situate on the land of any landowner, such sum as the Commissioner of Mines or other prescribed officer shall certify will be the cost of filling up, fencing or securing all shafts, pits, holes and excavations on the abandoned claim.

40. The Commissioner of Mines shall, on the written application of any Owner of claim may be required to make a deposit or to enter into a bond. landowner on whose land a claim shall have been pegged out, require the owner of the claim to deposit with the Commissioner of Mines the sum of 400 Rupees or to 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 200 Rupees for each of the two sureties for the due and proper repair in the event of the claim being abandoned by him of any surface damage done by him on the land of any owner, and for the due payment of the sum accruing to the landowner from the owner of the claim on account of the daily payments such claim owner is required to make under Section 38.

If the owner of the claim shall fail or neglect to make such deposit or enter into such bond as aforesaid within the time specified by the Commissioner of Mines and the landowner shall not, in writing addressed to the Commissioner of Mines release the owner of the claim from his obligation to make the deposit or enter into such bond, the claim shall be liable to be forfeited.

41. The Commissioner of Mines shall hold subject to the provisions of this When deposit may be refunded. Ordinance, any deposit made under the provisions of the preceding Section until one month after (a) the claim in respect of which the deposit shall have been made shall have been forfeited, or (b) notice shall have been received from

to the depositor the sum deposited, less any deduction which may have been made in accordance with the provisions of this Ordinance, provided that a suit shall not then have been commenced before the Commissioner of Mines by the landowner for the recovery from the depositor of any moneys due to the landowner under this Ordinance.

Sums due to landowner may be deducted from the deposit.

42. Whenever the Commissioner of Mines is satisfied in a suit instituted before him by a landowner, which suit a landowner is hereby authorised to bring although not the holder of a prospecting licence, that any sum is due from the depositor to such landowner in respect of any of the payments matters or things in respect of which the deposit has been paid, he may deduct and pay to the landowner out of the moneys deposited such sum as he shall find to be due to the landowner, and in addition the costs, if any, of the suit.

Claim when deemed to be abandoned.

43. A claim shall be deemed to be abandoned in any of the following cases:—

(1) If, except under such circumstances as may be prescribed, no prospecting or mining shall have been done on the claim by the owner of the claim or by some person in the employ of, or prospecting or mining with the consent of, the owner, for a period of 28 days and notwithstanding that forfeiture of the claim shall not have been declared.

(2) If the owner of the claim shall notify the Commissioner of Mines in writing of his intention to abandon the claim, or

(3) If at any time no prospecting licence is held by the owner or if there are more owners than one, by no one of the owners.

Forfeiture.

44. (1) Every claim shall be liable to forfeiture upon non-compliance by the owner with the prescribed conditions as to working the same.

(2) If at any time the Commissioner of Mines is satisfied that payable results have been obtained on any claim he may require the owner of the claim to take a lease of his claim, and in default of compliance with such requisition within such time as the Commissioner of Mines may specify the claim shall be liable to forfeiture.

Rights of persons proving liability to forfeiture.

45. A holder of a prospecting licence who shall, in a suit instituted by him before the Commissioner of Mines, or a Warden if authorised by the Governor in this behalf, prove that a claim is liable to forfeiture, shall be entitled to an order declaring and enforcing such forfeiture, and shall, for fourteen days after the making of such order, have a preferential right to enter upon and peg out such claim.

Transfer of claims and interest therein

46. (1) After, but not before, the registration of a claim the owner may, subject to the regulations, and in the prescribed manner, by instrument in writing, divide the interest in the claim into such shares as he shall think proper, and may allot shares and transfer the claim or create or transfer any interest therein.

(2) The transfer of an oil claim and the grant or transfer of any share or interest therein shall be invalid unless the consent in writing of the Governor to such transfer or grant shall first have been obtained, and the transferee or grantee is a British Subject, or a firm or Syndicate, all the members of which shall at all times be and remain British Subjects, or a British Company registered in Great Britain or in a British Colony or in the Protectorate and having its principal place of business within His Majesty's Dominions or in the Protectorate and the Chairman of the said Company and all the remaining Directors shall at all times be British Subjects and the Company shall not at any time be or become a Corporation directly or indirectly controlled by foreigners or foreign Corporations.

Amalgamation of claims.

47. Two or more adjoining claims may be amalgamated in manner prescribed, and every amalgamation shall be registered as prescribed.

PART III—DIVISION III—GOLD LEASES AND PRECIOUS STONES LEASES.

Gold leases.

48. (1) The Governor may grant to the owner of a gold or precious stones claim a gold or precious stones lease of lands not exceeding twenty acres.

(2) A gold or precious stones lease may be for any term not exceeding forty two years, and shall reserve an annual rent of one Rupee an acre payable yearly in advance, the first payment to be made on making the application for such lease.

- (1) That he will pay the rent reserved by such lease as and when it shall become due :
- (2) That he will pay the royalty (if any) prescribed as and when it shall become due :
- (3) That he will not without permission in writing from the Commissioner of Mines use the leased land for any other purpose than that of mining on such land as authorised by his lease or the regulations :
- (4) That he will, during the term of the lease, keep constantly employed in mining or prospecting for gold or precious stones as the case may be upon such land not less than one European of or over the age of 16 for every five acres or portion of five acres of such land and shall furnish the Commissioner of Mines, whenever required by him, with satisfactory evidence that such number of men have been and are employed :
- (5) That he will furnish the prescribed statements of the workings and proceeds of the mine, and observe all the provisions of this Ordinance :
- (6) That he will not assign the lease or any interest therein without the consent in writing of the Governor first obtained :
- (7) Such other covenants and conditions as may be prescribed :

and shall contain a proviso that the lease shall be liable to forfeiture upon breach by the lessee of any covenant or condition.

50. The holder of a gold or precious stones lease under this Ordinance shall be entitled by virtue of his lease to mine for gold, precious stones, minerals, and coal, in and upon such land, subject to the conditions of his lease and to the regulations. Gold or precious stones lessee may mine for other metals or minerals.

51. Any number of gold or precious stones leases may be held by one person Number of leases.

PART III—DIVISION IV—MINERAL LEASES.

52. (1) The Governor may grant to the owner of a mineral claim a mineral lease of land not exceeding forty acres. Mineral leases.

- (2) A mineral lease may be for any term not exceeding forty two years, and shall reserve an annual rent of one Rupee an acre payable yearly in advance, the first payment to be made on making the application for such lease.

53. Every mineral lease shall contain the following covenants by the lessee :— Covenants in Mineral lease.

- (1) That he will pay the rent reserved by such lease as and when it shall become due ;
- (2) That he will pay the royalty (if any) prescribed as and when it shall become due :
- (3) That he will not, without permission in writing from the Commissioner of Mines, use the leased land for any other purpose than of mining as authorised by his lease, or the Regulations :
- (4) That he will, during the term of the lease, keep constantly employed in mining or prospecting for minerals upon such land not less than one European of or over the age of 16 for every twenty acres or portion of twenty acres of such land and shall furnish the Commissioner of Mines whenever required by him, with satisfactory evidence that such number of men have been and are employed :
- (5) That he will furnish the returns required by, and observe all the provisions of this Ordinance :
- (6) That he will not assign the lease or any interest therein without the consent in writing of the Governor first obtained :
- (7) Such other covenants and conditions as may be prescribed :

and shall contain a proviso that the lease shall be liable to forfeiture upon breach by the lessee of any covenant or condition.

54. Any number of mineral leases may be held by one person. Number of leases.

PART III—DIVISION V—COAL AND OIL LEASES.

55. (1) The Governor may grant to a holder of a coal or oil claim a coal or oil lease of land not exceeding 640 acres. Leases for coal mining etc.

- (2) A coal or oil lease may be for any term not exceeding forty

Conditions of Lease

56. Every coal or oil lease shall contain the following covenants by the lessee:—

- (1) That he will pay the rent reserved by such lease as and when it shall become due:
- (2) That he will pay the royalty (if any) prescribed as and when it shall become due:
- (3) That he will not, without permission in writing from the Commissioner of Mines, use the leased land for any other purpose than that of mining as authorised by his lease:
- (4) That he will, during the term of the lease, keep constantly employed in mining or prospecting upon such land as authorised not less than one European of or over the age of 16 for every eighty acres or portion of eighty acres of the land leased, and that he will furnish the Commissioner of Mines whenever required by him, with satisfactory evidence that such number of men have been and are employed:
- (5) That he will furnish the returns required by and observe all the provisions of this Ordinance:
- (6) That he will not assign the lease or any interest therein without the consent in writing of the Governor first obtained:
- (7) Such other covenants as may be prescribed: and shall contain a proviso that the lease shall be liable to forfeiture upon breach by the lessee of any covenant or condition thereon.

Number of leases.

57. The Governor may prescribe the number of coal or oil leases which may be held by one person.

Conditions in respect of Leases for mineral oil.

58. Every lease granted for the purpose of mining for mineral oil or authorising the lessee to mine for mineral oil shall be subject to the approval of the Secretary of State and shall only be given subject to the following conditions:—

- (a) That the Lessee shall give an undertaking that he will, if required to do so, erect in the Protectorate a refinery capable of dealing with the out-put of oil from the area leased to him, and will so treat the oil as to produce residues suitable for the requirements of His Majesty's Government, provided that the Lessee may, if he prefer to do so, arrange with the proprietors of some approved refinery already erected in the Protectorate to refine the oil in accordance with the requirements of His Majesty's Government, provided also that the Governor shall have the power to waive this condition in any lease, either for a fixed period to cover the initial stages of development or until a reasonable time after His Majesty's Government shall have announced its readiness to purchase from the Lessee stated quantities of oil residues at their current commercial value:
- (b) That the Lessee shall give reasonable security for the proper development of the area leased:
- (c) That His Majesty's Government shall have the right of pre-emption at current commercial prices of all crude oil won from the area leased, and of all products of the refining or treatment of such oil:
- (d) That in the event of war, the Governor on behalf of His Majesty's Government shall have power to take control of the works and plant in the area leased:
- (e) That the Governor shall have the power to regulate the site of any refinery or place of storage of oil in the Protectorate.

Oil Leases only to be granted or assigned to British Subject.

59. (1) No lease for the purpose of mining for mineral oil or authorising the Lessee to mine for mineral oil shall be granted and no assignment of any such Licence or lease shall be made, unless the Lessee or Assignee shall be a British Subject or a firm or Syndicate, all the members of which shall at all times be and remain British Subjects, or a British Company registered in Great Britain or in a British Colony or in the Protectorate and having its principal place of business within His Majesty's

- (2). If the Lessee shall assign the same in whole or in part without the previous consent in writing of the Governor, or if the Lessee or Assignee shall cease to be a British Subject, or if, where a firm or Syndicate is the Lessee or Assignee, any member of the firm or Syndicate shall cease to be a British Subject, the Governor may thereupon cancel the lease, and in the event of any alteration being made in the articles of association or constitution of a Company holding any such lease previous notice thereof shall be given in writing to the Governor who, if in his opinion the said alteration shall be contrary to the cardinal principle that the said Company shall be and remain a British Company and under British control, may refuse his consent to such alteration. If and whenever any such alteration shall be made without the written consent of the Governor or if the Company shall at any time cease to be a British Company or shall become a Corporation under foreign control, the Governor may thereupon cancel the lease.

PART III—DIVISION VI—MISCELLANEOUS LEASES.

60. The Governor may grant to the holder of a prospecting licence leases of Crown lands for such term and at such rent and upon such terms and conditions as may be prescribed, for all or any of the following purposes:—

Salt and Gypsum lease, etc.

- (1) For the manufacture or obtaining of soda salts or gypsum.
- (2) For the working of mineral springs.
- (3) For sites for smelting works or any other mining works approved by the Governor.

61. Every lease granted under the preceding section shall contain:—

Conditions of lease.

- (1) A Covenant by the lessee to use the leased land *bonâ fide* for the purpose for which it shall have been leased, and for no other purpose.
- (2) Such other covenants and conditions as may be prescribed.
- (3) A proviso for forfeiture upon breach by the lessee of any covenant or condition therein.

PART III—DIVISION VII.

Surface rights conferred by lease for Mining purposes.

62. A lease under this Ordinance of private land for mining purposes shall confer upon the lessee surface rights only so far as may be absolutely required for or in connection with mining purposes. Whenever a disagreement shall arise between the owner of private land and a lessee of such land for mining purposes as to whether any surface right claimed by the lessee is absolutely required for or in connection with mining purposes the same shall be determined by arbitration.

A lease of private land to confer only such surface rights as are absolutely required for mining purposes.

63. An owner of private land who shall be disturbed in his possession, or damaged or injured in any way by reason or in consequence of any right or power conferred by any lease of such land for mining purposes shall be entitled to claim from the lessee compensation in respect of such disturbance, damage or injury, the amount of which compensation shall, in all cases of disagreement, be determined by arbitration.

Owner of private land entitled to compensation for disturbance, etc.

64. A lease of land, other than private land, for mining purposes shall confer such surface rights only as may be prescribed.

Surface rights on Crown land.

PART IV.

Inspection of Mines.

65. An inspector at a¹ reasonable times by day or night, but so as not unreasonably to impede or obstruct the working of the mine may:—

Powers of Inspector.

- (i) Enter, inspect, and examine any mine:
- (ii) Examine into and make enquiry respecting the condition and ventilation thereof, and all matters relating to the safety and health of the persons employed:
- (iii) Inspect and examine the state of the external parts of the machinery used upon or in the mine, and the state of all plant, works, and ways:

matter, thing or practice, to be defective, and requiring the same to be remedied :

- (v) Inspect the storage of explosives upon any mine and direct in what manner the same shall be stored.
- (vi) Exercise all powers necessary for carrying this part of the Ordinance into effect.

Proceedings on objection to comply with notice.

66. If the owner, agent, or manager of the mine objects to remedy the matter complained of in any notice under the last preceding section, he may, within twenty one days after the receipt thereof, send his objection in writing stating the grounds thereof, to the Commissioner of Mines, and thereupon the matter shall be submitted to and determined by the Commissioner of Mines, or by such officer as he may appoint on that behalf.

Proceedings on failure to comply with notice.

67. If the owner, agent, or manager of the mine fail to comply with the requisition of the notice, where no objection is sent within the time aforesaid, or with the decision of the Commissioner of Mines or other officer as aforesaid within twenty one days after the expiration of the time for objection or the decision (as the case may be), he shall be liable to a penalty not exceeding 7,500 Rupees.

Adjournment.

68. The Court, if satisfied that the owner, agent or manager has taken active measures for complying with the notice or decision of the Commissioner of Mines or other officer, but has not been able with reasonable diligence to complete the work, may adjourn any proceedings for punishing such offence, and if the works are completed within a reasonable time no penalty shall be inflicted.

Agreement not to preclude or exempt.

69. No person shall be precluded or exempted by any agreement from doing such acts as may be necessary to comply with the provisions of the last preceding three sections, or be liable under any contract to any penalty or forfeiture for doing such acts.

Special inquiry may be directed.

70. The Commissioner of Mines may direct an Inspector to make a special inquiry and report with respect to an accident in or about a mine causing loss of life or personal injury, and shall cause such report to be made public at such time and in such manner as he thinks expedient.

Notice of accident to be given.

71. (1) Where in or about a mine, whether above or below ground, loss of life or serious personal injury occurs by reason of any accident whatever, the owner, agent or manager of the mine shall, within twenty four hours next after the accident, send notice in writing of the accident, and of the loss of life or personal injury occasioned thereby, to the Commissioner of Mines or other prescribed officer, and shall specify in such notice the nature of the accident, and the number of persons killed and injured respectively.

Notice when death results.

(2) Where any personal injury of which notice is required to be sent under this section results in the death of the person injured, notice in writing of the death shall be sent to the Commissioner of Mines within twenty four hours after such death comes to the knowledge of the owner, agent or manager.

Penalty.

(3) Every owner, agent, or manager who neglects to comply with this section shall be liable to a penalty not exceeding 750 Rupees.

Penalty for refusing means of inspection

72. Every owner, agent, or manager of a mine who refuses or neglects to furnish an Inspector with the means necessary for making any entry, inspection, examination or enquiry under this Ordinance, in relation to such mine, shall be liable to a penalty not exceeding seven hundred and fifty Rupees, or to be imprisoned, with or without hard labour, for any period not exceeding six months.

PART V.

Regulations.

Governor may make Regulations.

73. In addition to any power by this Ordinance conferred on the Governor to make regulations as to any special matter (which power shall, in every case, be implied for the purposes of any section in this Ordinance in which regulations are referred to, or in which the word " prescribed " is used) the Governor may, subject to the provisions of this Ordinance, make regulations, either of general or limited application. Such regulations may be for any of the purposes following :

- lessee under this Ordinance, and the modes, times, and places of issue thereof :
- (ii) For prescribing the mode of transferring or assigning any claim or lease, or business licence or occupation licence and for prohibiting any such transfer or assignment, and regulating the form thereof and the fees to be paid therefor :
 - (iii) For enforcing, under a penalty in case of default of not more than 1,500 Rupees, the proper ventilation and safe construction and timbering or supporting of all mining shafts, tunnels, drives or other mining workings used in mining ; for prescribing the mode of inspection of all such mines, shafts, tunnels, drives, or workings, and the powers and duties to be exercised by inspectors ; and for determining and enforcing the distance at which all such shafts and other mining workings are to be kept from public and private roads, ways and passages, and from private land, dwellings, and other buildings :
 - (iv) For regulating the cutting, constructing, use, and maintenance of races, dams, reservoirs upon Crown land, or upon claims or lands held under leases for mining purposes under this Ordinance or any other Ordinance :
 - (v) For prescribing the manner in which, and with what incident rights and obligations, and subject to what liabilities as to forfeiture and otherwise, any claim or class of claims, business or residence areas, race, dam or reservoir, or any water taken or diverted by virtue of any licence, shall be taken possession of, held, occupied, used, worked or transferred :
 - (vi) For determining the order of priority among the holders of claims entitled to the use of any water ; how such priority is to be regulated, and under what conditions and circumstances :
 - (vii) For prescribing the mode of registration of land occupied under this ordinance for residence or business, or of any claim, race, dam, reservoir or easement enjoyed, or any share or interest therein, or encumbrance thereon, and the mode of registration of the transfer or assignment of any such land, claim, race, dam, reservoir or easement, or of any share or interest therein, or encumbrance thereon, or of the discharge of any such encumbrance ; and the mode of registration of the devolution of any such share or interest ; or of the sale of any such share or interest under the decree, judgment or order of any Court, or of the Commissioner of Mines or a Warden ; and the mode of registration of amalgamated claims, and of claims for suspension of work, and for fixing the fees to be charged on any such registration :
 - (viii) For enforcing and regulating the drainage of claims and of lands held under leases for mining purposes heretofore or hereafter granted :
 - (ix) For regulating the mode in which the rights and privileges of the owners of claims, and of races, dams, reservoirs, and easements, and of lands occupied under this Ordinance for residence or business, may be exercised or enjoyed, and limiting, qualifying, or restricting the exercise and enjoyment of such rights and privileges ; and generally for the protection of such owners in the exercise and enjoyment of the rights, privileges, and interests conferred by this Ordinance :
 - (x) For providing for reward claims to be pegged out in the prescribed manner by the discoverer of gold, precious stones, minerals, coal, or oil on his reporting such discovery in the prescribed manner :
 - (xi) For preventing the accumulation, and for the removal to some convenient place, of sludge, tailings and other refuse matter oozing or flowing from or connected with any land held or occupied under this Ordinance, and of waste water ; and for the making of channels for any of the purposes aforesaid ; and for otherwise regulating as between claims such oozing

- posts, fences, and notices, and of plant or appliances used for or in connection with mining, and for the protection from obstruction of such races and dams, and of channels, drains, creeks, and rivers, used for mining purposes :
- (xiii) For regulating the mode of construction and the material used in the construction, and the strength of embankments of dams and reservoirs used or to be constructed for or in connection with mining purposes :
 - (xiv) For the construction and keeping in repair of suitable bridges or other crossings over races, channels, or drains used for mining purposes cut across roads or thoroughfares or over such races, channels, or drains over which roads or thoroughfares shall be carried, and for making proper approaches to such bridges or crossings, and for determining the width of such bridges, crossings and approaches :
 - (xv) For making and keeping in repair and for regulating the width and formation of private ways and passages, used for mining purposes over claims or races, or any lands used in connection with mining under this Ordinance, or business carried on under business licences, and for regulating and imposing conditions on the right to change the direction of any such way or passage, and for the protection of the same from injury or obstruction by the leaving of felled or fallen timber or other obstruction, or any waste or injurious matter thereon :
 - (xvi) For the prevention of nuisances in and about residences or places of business held under this Ordinance, and for cleansing and keeping clean the same :
 - (xvii) For securing the baling of water from mines so as to prevent injury from such water to any mining workings :
 - (xviii) For preventing the defiling of or wasting of water used for domestic purposes, or in any stream, and for determining whether any and what stream, waterhole, spring, or other depository of water shall be reserved for domestic use, and the mode of such reservation :
 - (xix) For ensuring the fencing and protection of mines and works for the safety of man and beast :
 - (xx) For compelling contributions by parties benefited of a fair share of the cost of pumping in cases where pumping in one mine benefits other mines :
 - (xxi) Providing for the survey of claims and of lands applied for under this Ordinance for purposes of mining, business or residence, and prescribing the fees to be paid for such survey by the owner of the claim or applicant :
 - (xxii) Prescribing the compensation to be paid to natives by the owner of a claim situate in a native reserve or by the applicant for a lease or the lessee or licensee, under this Ordinance, of land situate in a native reserve ; the person by whom and the manner in which such compensation shall be assessed, and the persons to whom the same shall be paid and the manner in which it shall be distributed or used in the interests of the natives :
 - (xxiii) Prescribing the surface rights which shall be conferred upon a lessee under or by virtue of a lease of lands other than private land for mining purposes :
 - (xxiv) Prescribing the conditions and restrictions to be imposed for the protection of the rights of a lessee of Crown land for mining purposes, on the purchaser, lessee, or licensee of surface rights over such land :
 - (xxv) Prohibiting or regulating the cutting of timber on land the subject of a mining lease, and prescribing the compensation to be paid to the Government or to the person having surface or forest rights by a Lessee thereby authorised to cut timber :
 - (xxvi) Prescribing the royalty to be paid under a lease for mining purposes, provided that such royalty shall not exceed,

- (xxvii) Prescribing the terms and conditions on which sole prospecting rights may be granted over any area, and providing for the protection of the privileges of the person to whom such prospecting rights shall have been granted :
- (xxviii) Conferring upon the Commissioner of Mines the power to execute for and on behalf of the Governor all or any leases which may be granted under this Ordinance and to exercise all or any power or to do any act or thing which may be exercised or done by the Governor by virtue of this Ordinance other than the power to make regulations or appointments :
- (xxix) For fixing fees, prescribing forms, regulating registration and otherwise fully and effectually carrying out and giving force and effect to the various objects, purposes, powers, and authorities of this Ordinance, and guarding against evasions and violations thereof :
- (xxx) For prescribing the duties and powers of wardens, inspectors, mining registrars, and other officers to be appointed under this Ordinance :
- (xxxi) For imposing penalties for breaches of the regulations not exceeding 1,500 Rupees for any one offence.

General words in this Section shall not be limited or controlled by particular words.

74. Every regulation made by the Governor under the authority of this Ordinance shall, when published in the "Gazette," have the force of law. Regulations to be published.

PART VI.

Miscellaneous.

75. When gold, minerals, coal, or oil are found in payable quantities on any claim or mining lease, the matter shall be reported to the Commissioner of Mines in manner prescribed, and if default shall be made in compliance with this Section, the claim or lease shall be liable to forfeiture. Payable results to be reported.

76. Every holder of a claim or lease, other than an alluvial claim, shall half-yearly, in the months of January and July, furnish to the Commissioner of Mines or other prescribed officer, a full and true return, showing the quantity of stone or ore treated, and the quantity of gold, precious stones, minerals, coal or oil taken from such claim or lease during the preceding half year, and if default shall be made in compliance with this Section, shall be liable, on conviction, to forfeit and pay a sum not exceeding 150 Rupees for every such default. Claim holders and lease holders to furnish half yearly returns.

77. The Governor may, at any time before breach thereof, suspend or wholly or partially remit all or any of the covenants and conditions contained in any lease for mining purposes, in any case where he is satisfied that by reason of special circumstances it would be impossible to comply with, or would inflict great hardship upon the lessee to enforce such covenants or conditions. Governor may remit covenants

78. A lessee may, subject to the regulations, surrender a lease for mining purposes. Lease may be surrendered.

79. All rights of surrender conferred by this Ordinance are subject to the rights of persons claiming from or under the lessee. Rights of surrender subject to other rights.

80. The rent reserved by any mining lease may be levied or recovered by or under the authority of the Commissioner of Mines, in like manner as rent is or shall be leviable or recoverable by law in cases where private persons only are concerned, and, in case such rent is leviable by distress, an order under the hand of the Commissioner of Mines shall be sufficient warrant and authority to distrain. This Section shall not affect any other remedy for recovery of the rent. Rent, how recoverable.

81. If the rent or any other sum payable under a mining lease is not paid on or before the day appointed for payment thereof, a payment of five per centum shall be added to such rent or other sum, and if the said rent or sum be not paid within one month after such day, together with such penalty, a further penalty of ten per centum shall be added ; and if the said rent or other sum and such penalties be not paid within one month after such first month, the same shall be recoverable by the Commissioner of Mines by action in his own name in any Court of competent jurisdiction. Penalties on non-payment of rent.

82. In every case where the rent of land held under a mining lease is Forfeiture of lease.

any of the covenants or conditions contained in such lease, except in the case of non-payment of the rent as aforesaid, and except in cases of non-compliance with the labour conditions of any leases, the Governor shall give written notice to the lessee specifying the covenants or conditions which he has reason to believe are not being complied with, and notifying him that such lease will be liable to forfeiture at the expiration of one month from the date of such notice, unless in the meantime such covenants and conditions are duly complied with; and if at the expiration of such notice such covenants or conditions are still not being complied with by the lessee, the Governor may cancel such lease, and shall thereupon insert a notice in the Gazette declaring the lease to be forfeited. In case of non-payment of rent or the non-compliance with the labour conditions, the Governor may exercise the power of cancellation without giving the written notice hereinbefore mentioned. Every such notice shall be conclusive evidence that the lease therein mentioned was legally cancelled and forfeited, and the land included therein may be dealt with as if such lease had never been granted.

Extension after breach.

83. Whenever a lease for mining purposes is liable to forfeiture, and in the opinion of the Governor a less penalty than forfeiture would meet the justice of the case, the Governor may extend the period during which the lessee may perform the conditions of his lease, for such time and subject to such terms and conditions as he may think fit; and the terms and conditions so imposed by the Governor shall bind the lessee and all transferees, mortgagees, assignees, and other persons claiming through or under him, and the lease shall thereafter be construed as if such terms and conditions were inserted therein.

Owner may remove plant.

84. The owner of any plant, machinery, engines, or tools on any forfeited or surrendered lease shall have three months in which to remove such plant, machinery, engines, or tools, from the date of forfeiture or surrender, but shall not, under a penalty of not more than 1,500 Rupees or less than seventy five Rupees for each such offence, be permitted to remove or to interfere with any timber in any mines.

Persons under sixteen not to hold mining lease, etc.

85. No person under the age of sixteen years shall hold, directly or indirectly, a mining lease or prospecting claim, except in a representative capacity. All covenants and conditions contained in or imposed by a mining lease or a licence granted to an infant of the age of sixteen or upwards shall be binding upon him as if he were of full age.

Discovery by Government servant

86. (1) In the event of the discovery of any gold, precious stone, mineral, coal or oil by any person in the service of the Government, it shall be lawful for the discoverer to peg out in the prescribed manner a Government protection area not exceeding six hundred and forty acres.

The discoverer shall forthwith report such pegging out to the Commissioner of Mines, and it shall be unlawful for any person to prospect in a Government protection area except with the consent of the Commissioner of Mines.

(2) A Government protection area pegged out as aforesaid may be disposed of, for the purposes of prospecting or mining, in such manner as the Governor may direct, and there shall be paid as a reward to the discoverer out of the revenues of the Protectorate such sum as the Governor shall determine.

Arbitration.

87. Every arbitration in pursuance of this Ordinance shall be under The Arbitration Act 1889 (52 and 53 Victoria C. 49), and the parties to the submission shall, for the purposes of such arbitration and of such last mentioned Act, be deemed to have entered into a written agreement to submit the differences in respect of the matter in question to the arbitration of two arbitrators, one to be appointed by each party, and the said Act shall apply accordingly with such modifications as may be necessary for purposes of substituting the High Court of the Protectorate for the English High Court of Justice.

Obstructing Officer.

38. Any person who shall wilfully obstruct, hinder or assault, or resist a warden or inspector, or any person duly authorised by a warden or inspector or a person authorised by this Ordinance to exercise any right or power or execute any duty or shall wilfully disobey a warden's order other than an order for the payment of money, or shall be guilty of contempt of the Commissioner of Mines or Warden acting in a judicial capacity, shall be liable to a penalty not exceeding seven hundred and fifty Rupees, or to imprisonment of either description for any

Ordinance, shall, on conviction, be liable to imprisonment of either description for a term not exceeding three years, or to a fine not exceeding fifteen hundred Rupees.

90. No person shall erect or cause to be erected a refinery for the purpose of refining oil except the consent in writing of the Governor shall first have been obtained. Refinery for oil not to be erected without consent of Governor.

Any person who shall erect or cause to be erected a refinery without such consent shall be liable to a fine not exceeding Three Thousand Rupees and any person who shall use for the purpose of refining oil any refinery which has been erected without such sanction shall be liable to a fine not exceeding Seven hundred and fifty Rupees for every day on which he shall use the same for such purpose.

91. Any person who infringes a provision of this Ordinance for the infringement whereof no penalty is prescribed shall be liable for every offence to a penalty not exceeding one hundred and fifty Rupees. Infringement of Ordinance.

92. In every case of the adjudication of a fine or pecuniary penalty or amends under this Ordinance, and of non-payment thereof, the Court may commit the offender or person making default in payment to gaol for a term not exceeding twelve months, the imprisonment to cease on payment of the sum due, and any cost which may have been awarded. Imprisonment in default of payment of penalty.

Schedules.

Schedule A.

Law Repealed.

- The East Africa Mining Regulations 1902 (No. 2 of 1902).
- The East Africa Mining (Amendment) Ordinance 1903 No. 8 of 1903).
- The Mining Regulations (Amendment) Ordinance 1907 No. 2 of 1907).

Schedule B.

	Rs.	cts.
Prospecting licence	5	00
Renewal of prospecting licence	5	00

Schedule C.

Prospecting Licence.

E. A. P.

No.....

Prospecting Licence.

Issued at.....

Issued to.....

Residence

Date of issue.....

Date of expiry.....

Fee paid.....

Commissioner of Mines.

(or Officer authorised to issue).

EAST AFRICA PROTECTORATE.

Fee Five Rupees.

No.....

Prospecting Licence.

Issued to.....

under the provision of " The Mining Ordinance 1912 " to be in force until.....day of.....191 .

Place of issue.....

Date of issue.....

(Not Transferable)

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 7 of 1912.

Ord 54/12

Title. *An Ordinance to amend the Customs Tariff Ordinance, 1910.*

Date. [February 19th, 1912.]

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

Short Title.

1. This Ordinance may be cited as "The Customs Tariff (Amendment) Ordinance, 1912" and shall be read as one with The Customs Tariff Ordinance, 1909, hereinafter referred to as the Principal Ordinance.

Further exemptions from Import Duty.

2. On and after the publication of this Ordinance the Table of Exemptions from Import Duty set out in the Principal Ordinance shall be varied by adding thereto the following :—

(30) Motor vehicles suitably constructed for, and intended to be usually and principally employed in, the conveyance of goods; and spare parts of such Motor vehicles.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 8 of 1912.

Title. *An Ordinance to apply a sum of money for the service of the year ending the 31st day of March, 1913.*

Date. [31st May, 1912.]

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

Public Revenue and other Funds charged.

1. The Public Revenue for the year 1912-13 and other funds of the East Africa Protectorate are hereby charged towards the service of the year ending the thirty-first day of March, one thousand nine hundred and thirteen with a sum of nine hundred and fifty seven thousand eight hundred and ninety nine pounds.

Application of money granted.

2. The money granted by this Ordinance shall be applied to the purposes and services expressed in the Schedule annexed hereto.

Treasurer's authority for payment.

3. The Treasurer of the Protectorate is hereby authorised and required, from time to time, upon the warrant or order of the Governor, to pay out of the Revenue and other funds of the Protectorate, for the several services specified in the Schedule, the said sum of nine hundred and fifty seven thousand eight hundred and ninety nine pounds which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and thirteen.

Short Title.

4. This Ordinance may be cited as "The Appropriation Ordinance, 1912."

Schedule

DIVISION.				AMOUNT.
				£
1.	Rent and Interest to H. H. the Sultan ...	...	...	17,000
2.	Pensions ...	...	...	2,593
3.	His Excellency the Governor ...	...	...	7,204
4.	Secretariat ...	...	...	6,200
5.	"Official Gazette" and Printing ...	...	...	3,807
6.	Provincial Administration ...	...	...	91,265
6a.	do Special Expenditure ...	...	...	200
7.	Treasury ...	...	...	9,203
8.	Customs Department ...	...	...	15,455
9.	Port and Marine Departments ...	...	...	4,745
9a.	do do Special Expenditure ...	...	...	3,490
10.	Audit Department ...	...	...	3,859
11.	Legal Departments ...	...	...	15,167
12.	Police ...	...	...	47,431
13.	Prisons ...	...	...	11,590
13a.	do Special Expenditure ...	...	...	1,586
14.	Medical Departments ...	...	...	18,129
14a.	do Special Expenditure ...	...	...	1,177
15.	Hospitals and Dispensaries ...	...	...	14,538
16.	Education ...	...	...	7,775
17.	Transport ...	...	...	2,961
18.	Military Expenditure ...	...	...	54,287
18a.	do do Special Expenditure ...	...	...	150
19.	Miscellaneous Services ...	...	...	5,762
20.	Bombay Agency ...	...	...	851
21.	Post Office and Telegraphs ...	...	...	35,477
21a.	do do Special Expenditure ...	...	...	5,570
22.	Railway Department ...	...	...	282,132
22a.	do do Special Expenditure ...	...	...	43,883
23.	Agricultural Department ...	...	...	24,214
23a.	do do Special Expenditure ...	...	...	2,184
24.	Forestry Department ...	...	...	9,217
25.	Game Department ...	...	...	3,490
26.	Immigration Department ...	...	...	440
27.	Survey Department ...	...	...	24,504
28.	Land Department ...	...	...	6,653
29.	Public Works Department ...	...	...	20,217
30.	do Recurrent ...	...	...	24,250
31.	do Extraordinary ...	...	...	46,814
32.	Abolition of Slavery ...	...	...	1,010
33.	Coast Land Settlement ...	...	...	10,804
34.	Loan Charges ...	...	...	2,115
35.	Special Expenditure Magadi ...	...	...	68,500
Total £				957,899

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 9 OF 1912.

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

[31st May, 1912.]

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

2. The East Africa Police Ordinance, 1911, shall be and is hereby amended as follows:—

- (i) By the insertion after the figure and word “3 years” in Sub-section (1) of Section 29 of the said Ordinance of the words “or such less period as shall, from time to time, be fixed by the Governor.”
- (ii) By the deletion of paragraph (d) of Sub-section (2) of Section 51 of the said Ordinance and by the substitution therefor of the following:—
 - “(d) Dismissal from the force.”
 - “Provided that any sentence of reduction in rank or dismissal shall be confirmed by the Commissioner before being carried into execution.”
- (iii) By the deletion of the figures “57” and by the substitution therefor of the figures “56” in Section 52 of the said Ordinance.
- (iv) By the deletion of the figures “65 (2)” and by the substitution therefor of the figures “64 (2)” in Sub-section (1) of Section 65 of the said Ordinance.
- (v) By the deletion of the figures “65 (2)” and by the substitution therefor of the figures “64 (2)” in Sub-section (2) of Section 65 of the said Ordinance.

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

AN ORDINANCE

No. 10 of 1912.

An Ordinance to Charge the Principal and Interest of certain advances made to the Government of the East Africa Protectorate by way of Loan for the construction of certain Public Works upon the General Revenues of the Protectorate.

[31st May, 1912.]

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

WHEREAS by The Finance Act 1911, the advance by way of loan to the Government of the East Africa Protectorate was authorised of a sum not exceeding two hundred and fifty thousand pounds for the purpose of providing improved railway communication and harbours in the Protectorate, and improved water supply for Mombasa, AND WHEREAS it is expedient to make provision to authorise the raising of such loan, and to prescribe that any monies advanced shall be applied to the purposes for which the advance was authorised by the aforesaid Act, and to provide for the payment of interest and sinking fund on the loan in accordance with the terms of the said Act.

Short Title.

1. This Ordinance may be cited as “The Public Works Loan Ordinance, 1912”.

Power of Govern-
ment to borrow.

2. It shall be lawful for the Government of the East Africa Protectorate from time to time to borrow from the Imperial Treasury, for the purposes of providing improved railway communication and harbours in the Protectorate, and improved water supply for Mombasa, sums not exceeding in the whole two hundred and fifty thousand pounds.

Application of loan.

3. The amount advanced by way of loan by the Imperial Treasury to the Government of the East Africa Protectorate under the authority of the Finance Act 1911, shall be appropriated and duly applied for the purposes for which the

4. The principal and interest on any such loan shall be charged on the ^{Principal and interest of loan a charge on general revenue.} general revenues and assets of the Protectorate with priority over any subsequent charges.

5. The Treasurer is hereby authorised and required to pay annually to the ^{Payments on account of interest and sinking fund.} Imperial Treasury out of the revenues of the Protectorate until the whole of the advance is deemed to have been repaid, interest at the rate of three and a half per cent, on the amount advanced, and also, by way of sinking fund, a further sum equal to one per cent, on the amount advanced, and the whole of the advance shall be deemed to have been repaid when sinking fund payments have been made sufficient, if accumulated at three and a half per cent, with yearly rests, to produce an amount equal to the advance.

EAST AFRICA PROTECTORATE.

Ord: 13/22

AN ORDINANCE

No. 11 OF 1912.

An Ordinance to Amend the Customs Tariff Ordinance, 1909.

[25th June, 1912.]

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

1. This Ordinance may be cited as “ The Customs Tariff Amendment (No. 2) ^{Short Title.} Ordinance, 1912 ” and shall be read as one with The Customs Tariff Ordinance 1909, hereinafter referred to as the Principal Ordinance.

2. On and after the publication of this Ordinance the Table of Export ^{Amendment of Table II of the Principal Ordinance.} Duties set out in the Principal Ordinance shall be and is hereby amended as follows :—

By the deletion of the words and figures “ 3, India Rubber (other than plantation rubber).....10% , ” and by the substitution therefor of the words and figures “ 3, Rubber (other than rubber which is obtained from a plantation created in open land not in connection with the lease of a forest).....10% . ”

3. From and after the publication of this Ordinance ^{Amendment of Table III of the Principal Ordinance.} the Table of Exemptions from Import Duties set out in the Principal Ordinance shall be varied by adding thereto the following :—

31. Petrol.

Any petrol lying on the Customs premises or in Customs warehouses on the date of the publication of this Ordinance shall be exempt from import duty.

32. The luggage equipment and stores imported by the Inspector General King's African Rifles or his Staff Officer for the use of the said Officers or either of them whilst travelling on duty.

33. Machinery, plant, materials and rolling stock, when imported or purchased prior to clearing through the Customs by the Magadi Company for the purpose of the construction or the initial equipment of the Magadi Railway or the Magadi Company's port.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 12 OF 1912.

An Ordinance to make Further and better provision for the prevention of the spread of Small-Pox.

[June 12th, 1912.]

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

Short Title.

1. This Ordinance may be cited as "The Vaccination Ordinance 1912."

Definition.

2. In this Ordinance unless there is something repugnant in the subject or context:—

"Parent" includes the father and mother of a legitimate child and the mother of an illegitimate child;

"Guardian" means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognised usage, or who has accepted or assumed the care nurture or custody of any child or to whom the care or custody of any child has been entrusted by any authority lawfully authorised in that behalf;

"Public Vaccinator" shall include a Public Vaccinator appointed by the Principal Medical Officer and any person appointed by the Principal Medical Officer to assist or act for a Public Vaccinator;

"Medical Practitioner" means any person registered or licensed as a Medical Practitioner under the Medical Practitioners and Dentists Ordinance 1910;

"Unprotected child" means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under the provisions of this Ordinance to be insusceptible to vaccination;

"Unprotected person" includes a child who has no parent or guardian, and means a person who has not been protected from small-pox by having had the disease either naturally or by inoculation or by having been successfully vaccinated, and who has not been certified under the provisions of this Ordinance to be insusceptible of vaccination; and

"Prescribed" means prescribed by Rules issued under this Ordinance.

Power of Governor to make order rendering Vaccination compulsory.

3. (1) For the purpose of preventing the spread of small-pox, the Governor may, by order published in the "Official Gazette," direct that from the date named therein until further order all adults and children found in any local area specified in such order, who have not been previously inoculated or vaccinated successfully or already had small-pox shall be vaccinated.

(2) Where the Governor is satisfied that vaccination is prohibited by or is repulsive to the creed or religion of any person or persons he may by writing exempt any such person or the members of any creed, caste, religion or community from the operation of this Ordinance.

Public Vaccinators.

4. When an order shall have been made under the preceding Section the Principal Medical Officer shall appoint such person as he may think fit to be the Public Vaccinator for the local area in respect of which such order shall have been made, and may appoint suitable persons to be assistants to the Public Vaccinator.

5. When an order has been made under Section 3 of this Ordinance the Public Vaccinator shall appoint the times and places at which adults may attend and at and to which parents and guardians of children may bring such children to be vaccinated. Appointment of times and places for vaccination.

6. Every unprotected person in any local area in respect of which an order has been made under Section 3 of this Ordinance shall, within one month from the date of such order or if he or she shall not come into the local area within one month from the date of such order, within fourteen days from the date of his or her coming to such local area attend for vaccination at a time and place appointed under Section 5 of this Ordinance, and shall subsequently attend at such time or times and at such place or places as the Public Vaccinator may direct for the purpose of ascertaining whether or not the vaccination has been successful, and if necessary, for revaccination. Vaccination of adults.

Every person who shall fail to comply with the provisions of this Section shall be liable on conviction to a fine not exceeding seventy five Rupees or to imprisonment for a term not exceeding one month.

7. The parent or guardian of any unprotected child in any local area in respect of which an order has been made under Section 3 of this Ordinance, shall within six months after the birth of the child, or if such child is over the age of six months at the date when such order comes into operation, within one month of such date, or if the child being over the age of six months is brought within the local area after the date of the order, within one month of the child being brought within the local area, bring such child to a Public Vaccinator for vaccination at a time and place appointed under Section 5 of this Ordinance, and shall subsequently at such time or times and at such place or places as the Public Vaccinator may direct, produce such child for the purpose of ascertaining whether or not the vaccination has been successful and, if necessary, for revaccination; Vaccination of children.

Every parent or guardian of any child, who shall fail to comply with the provisions of this Section shall be liable on conviction to a fine not exceeding seventy five Rupees or to imprisonment for a term not exceeding one month. Penalty.

8. Every Public Vaccinator may, subject to such restrictions (if any) as may be prescribed, on any day between the hours of six in the morning and six in the afternoon, enter any house and any yard and compound and any building therein in any local area in respect of which an order has been made under Section 3 of this Ordinance and inspect every adult and child found therein, and, may thereupon vaccinate any such adult and child at such place, or at a convenient place named by the adult or parent or guardian of the child, unless he is satisfied that such adult or child has been previously inoculated or vaccinated successfully or already has had small-pox. Provided, however, a Public Vaccinator shall not, under the powers conferred by this Section, vaccinate a child under the age of six months, or any person exempt from the provisions of this Ordinance by virtue of an order made by the Governor under sub-Section (2) of Section 3 of this Ordinance, without the consent of the parent or guardian of the child or of the person exempt, as the case may be. Power of Public Vaccinators to enter houses, etc. and vaccinate. Proviso.

Every adult who shall refuse to allow himself and every parent or person in charge of any child, who shall refuse to allow such child to be inspected or vaccinated in contravention of the provisions of this section shall be liable on conviction to a fine not exceeding seventy five Rupees or to imprisonment for a term not exceeding one month. Penalty.

9. If any Public Vaccinator or Medical Practitioner shall be of opinion that any adult or child is not in a fit state to be vaccinated, he shall give to the adult or to the parent or guardian of the child a certificate under his hand according to the form of Schedule "A" hereto annexed, or to the like effect, that the adult or child is then in a state unfit for vaccination. If adult or child be unfit for vaccination certificate in form of Schedule "A" to be given.

The said certificate shall remain in force for 6 months only but shall be renewable for successive periods of 6 months until the Public Vaccinator or Medical Practitioner shall deem the adult or child to be fit for vaccination when the adult or child shall, with all reasonable despatch, be vaccinated.

10. If any Public Vaccinator or Medical Practitioner who shall find that any adult or child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that the adult or child coming or brought to him for vaccination has already been successfully inoculated or had the small- Certificate of insusceptibility to be given.

Certificate to be given for successful vaccination.

11. Every Public Vaccinator or Medical Practitioner who shall have performed the operation of vaccination upon any adult or child and shall have ascertained that the same has been successful, shall deliver to such adult or to the parent or guardian of such child a certificate in the form of Schedule 'C' annexed hereto, or to the like effect, certifying that the said adult or child has been successfully vaccinated.

No fee to be charged for a certificate or for vaccination by Public Vaccinator.

12. (1) No fee or remuneration shall be charged by any Public Vaccinator for any certificate granted under this Ordinance, nor for any vaccination done by him in pursuance of this Ordinance.

Public Vaccinator to enter in certificate a description of the person in respect of whom the same is given.

(2) A Public Vaccinator or Medical Practitioner giving any certificate under this Ordinance shall enter therein a description of the person in respect of whom the certificate is given sufficient for the purpose of identification.

Medical Officer of Health may in certain cases require immediate vaccination of unprotected person or child on board ship arriving at a Protectorate Port.

13. If a ship or vessel arrives at any port in the Protectorate having on board any person suffering from the disease of small-pox, the Medical Officer of Health may, if he deems it expedient in order to prevent the risk of contagion of small-pox being conveyed into the Protectorate, require any unprotected person who is going to land from such ship or vessel to submit himself forthwith to be vaccinated, or the parent or guardian of any unprotected child who is going to land from the ship or vessel to submit such child forthwith to be vaccinated; and every such person shall, before leaving the ship or vessel submit himself, and every such parent or guardian shall before the child shall leave the ship or vessel submit the child to the said Medical Officer of Health or any person duly authorised to act on his behalf to be vaccinated.

Penalty.

Any person who, having been required as before provided to submit himself for vaccination, shall land from the ship or vessel without having submitted himself for vaccination, and any parent or guardian who having been required as before provided to submit a child for vaccination shall allow such child to land without having been submitted for vaccination, shall on conviction be liable to a fine not exceeding seventy five Rupees or to imprisonment for a term not exceeding one month.

Proviso.

Provided that nothing herein contained shall apply to any ship or vessel belonging to or in the service of His Majesty or to any ship or vessel belonging to a foreign Prince or State, or to any person who shall be declared by any Rule under this Ordinance to be exempt from the provisions of this Section.

Power to make Rules

14. The Governor may, from time to time, make Rules for the purposes of carrying this Ordinance into effect and may attach a penalty not exceeding seventy five Rupees or imprisonment for any term not exceeding one month to any breach thereof.

Schedule A.

I, the undersigned, hereby certify, that in my opinion.....

..... is not now in a fit and proper state to be vaccinated, and I do hereby recommend that the vaccination be postponed for the period of 6 months from this date.

Dated this.....day of.....19.....

(Signature of Medical Practitioner or Public Vaccinator).

Schedule B.

I, the undersigned, hereby certify, that I have three times unsuccessfully vaccinated.....

(or that.....has already had small-pox as the case may be) and I am of opinion that the said.....is insusceptible of successful vaccination.

Schedule C.

I, the undersigned, hereby certify, that.....

..... has been successfully vaccinated by me.

Dated this.....day.....19.....

(Signature of Medical Practitioner
or Public Vaccinator).

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 13 OF 1912.

The Interpretation and General Clauses Ordinance, 1912.

[June 12th, 1912.]

Whereas it is expedient to define the Rules of Interpretation applicable to certain terms and provisions usually adopted in Ordinances and other legal enactments, and to make provision with regard to the construction and application thereof;

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

1. This Ordinance may be cited as “The Interpretation and General Clauses Ordinance, 1912.”

Short Title.

2. In this Ordinance and in every law (other than an Imperial Statute or applied Indian Act) whether enacted before or after the commencement of this Ordinance the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

- (1) “Abet” with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code or in any Ordinance hereafter—substituted for such Code.
- (2) “Act” used with reference to an offence or civil wrong, shall include a series of acts, and words which refer to acts done extend to illegal omissions.
- (3) “Chapter,” “Part,” “Section” and “Schedule” shall denote respectively a Chapter, Part and Section of, and Schedule to the Ordinance in which the word occurs, and Sub-section shall denote a Sub-section of the Section in which the word occurs.
- (4) “Commencement” used in reference to an Ordinance shall mean the date on which the Ordinance comes into force.
- (5) “Court” shall mean any Court of the Protectorate of competent jurisdiction.
- (6) “Court of Appeal” shall mean His Majesty’s Court of Appeal for Eastern Africa or any Court substituted therefor for the hearing and determining of Appeals from the High Court.
- (7) “Coin” shall mean gold, silver and bronze or other coin legally current in the Protectorate.
- (8) “Crown Lands” shall mean all public lands in the Protectorate 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.
- (9) “District” shall mean one of the Administrative Districts into which the Protectorate is divided by the Governor with the approval of the Secretary of State.
- (10) “The Gazette” shall mean the Government Gazette of the Protectorate.

- (12) "Governor" shall include the Officer for the time being administering the Government of the Protectorate.
- (13) "Governor in Council" shall mean the Officer administering the Government with the advice of the Executive Council.
- (14) "High Court" shall mean His Majesty's High Court for East Africa.
- (15) "His Majesty" or "The King" shall include His Majesty the King, His Heirs and Successors.
- (16) "Immoveable Property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth.
- (17) "Imports" and "Exports" shall mean imports into and exports from the Protectorate, and their derivatives shall have the like meanings.
- (18) "Judge" shall mean a Judge of the High Court.
- (19) "Master" used with reference to a ship shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship.
- (20) "Moveable Property" shall mean property of every description, except immoveable property.
- (21) "Oath" "Swear" and "Affidavit" shall include and apply to the affirmation or declaration of any person by law allowed to make an affirmation or declaration in lieu of oath.
- (22) "Ordinance" shall include King's or Queen's Regulations and any Order, Proclamation, Rule or Regulations made under the authority of and having the force and effect of an Ordinance.
- (23) "Person" shall include any Company or Association or body of persons corporate or unincorporate.
- (24) "Pleader" or "Advocate" shall mean a person entitled to practise as such in the High Court or Courts subordinate thereto under the provisions of the law for the time being applicable to Pleaders and Advocates.
- (25) "Prescribed" shall mean prescribed by the Ordinance in which the word occurs or by any rules made thereunder.
- (26) "Principal Judge" shall mean the Chief Justice.
- (27) "Protectorate" shall mean the East Africa Protectorate as defined and delimited from time to time by or under an order of His Majesty the King in Council.
- (28) "Protectorate Waters" shall mean any inland or territorial waters of the Protectorate.
- (29) "Province" shall mean one of the Provinces of the Protectorate into which the Protectorate is divided by the Governor with the approval of the Secretary of State.
- (30) "Public Holiday" shall mean any day notified as such from time to time in the "Gazette."
- (31) "Registered" used with reference to a document shall mean registered under the provisions of the law for the time being applicable to the registration of such document.
- (32) "Rules" shall include Bye-laws.
- (33) "Secretary of State" shall mean one of His Majesty's Principal Secretaries of State.
- (34) "Ship" shall include every description of vessel used in navigation not propelled by oars.
- (35) "Sign" with reference to a person who is unable to write his name shall include "Mark."
- (36) "Statutory Declaration" shall mean a declaration made by virtue of the provisions of the Imperial Act known as "The Statutory Declarations Act, 1835".
- (37) "Subordinate Judge" or "Magistrate" shall mean a Judge or Magistrate of a Subordinate Court or of a Subordinate Native Court, constituted by the Courts Ordinance 1907 or any Ordinance which may hereafter be substituted for that Ordinance.
- (38) "Vessel" shall include any ship or boat or any other description of vessel used in navigation.

- (40) Words importing the masculine gender shall include females.
 (41) Words in the singular shall include the plural and vice versa.
 (42) "Writing" shall include printing, photographing, lithographing and any other modes of representing or reproducing words in visible form.
 (43) "Year" and "Month" shall mean respectively a year or a month reckoned according to the British Calendar.

3. All Ordinances shall be divided into sections, if there be more enactments than one, which sections shall be deemed to be substantive enactments without any introductory words. Ordinances to be divided into sections without any introductory words.

4. The Clerk of the Legislative Council shall inscribe on every Ordinance the day, month and year, when the same shall have received the Governor's assent, and such inscription shall be taken to be a part of such Ordinance, and to be the date of its commencement where no other commencement shall be therein provided. Date of commencement.

5. Where any Ordinance repealing in whole or in part any former Ordinance is itself repealed, such last repeal shall not revive the Ordinance or provisions before repealed unless words be added reviving such Ordinance or provisions. Repealed Ordinances not revived.

6. Wherever any Ordinance shall be made repealing in whole or in part any former Ordinance and substituting some provision or provisions instead of the provision or provisions repealed, such provision or provisions so repealed shall remain in force until the substituted provision or provisions shall come into operation by means of the last made Ordinance. Repealed provisions of an Ordinance to remain in force until the substituted Provisions commence.

7. (1) Where any Ordinance repeals and re-enacts, with or without modification, any provision of a former Ordinance, references in any other Ordinance to the provision so repealed shall, unless the contrary intention appears, be construed as references, to the provision so re-enacted. Effect of repealing Ordinances.

(2) Where any Ordinance repeals any other enactment, then unless the contrary intention appears, the repeal shall not:—

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding, or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Ordinance had not been made.

8. Every Ordinance made after the commencement of this Ordinance shall be deemed and taken to be a Public Ordinance and shall be judicially taken notice of as such unless the contrary be expressly provided and declared by such Ordinance. Ordinances to be deemed public Ordinances.

9. Where an Ordinance confers power on any authority to make Orders or Rules, the following provisions shall, unless the contrary intention appears, have effect with reference to the making and operation of such Orders or Rules:— General provision with respect to power given to any authority to make Orders or Rules.

(a) An Order or Rule may be at any time amended, varied, rescinded or revoked by the same authority and in the same manner by and in which it was made.

(b) There may be annexed to the breach of any Order or Rule such penalty not exceeding 1,000 Rupees or such term of imprison-

- (c) No Order or Rule shall be inconsistent with the provisions of any Ordinance.
- (d) All Orders and Rules shall be published in the Gazette and shall have the force of law upon such publication thereof or from the date named therein, subject to disallowance by His Majesty.
10. (1) Where by or under any Ordinance, the Governor or any Public Officer or Body is empowered to appoint or name a person to have and exercise any powers or perform any duties, the Governor or such Public Officer or Body may either appoint a person by name or direct the person for the time being holding the office designated by the Governor, or by such Public Officer or Body to have and exercise such powers and perform such duties; and thereupon or from the date specified by the Governor or by such Public Officer or Body, the person appointed by name or the person holding the office aforesaid shall have and may exercise such powers and perform such duties accordingly.
- (2) Where by or under any Ordinance a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of the power.
11. Where by or under any Ordinance, any powers are conferred or any duties are imposed upon a Public Officer, the Governor may direct that if during any period owing to absence or inability to act from illness or any other cause such Public Officer shall be unable to exercise the powers or perform the duties of his office in any place under his jurisdiction or control, such powers shall be had and may be exercised and such duties shall be performed in such place by the person named by or by the Public Officer holding the office designated by the Governor; and thereupon such person or Public Officer, during any period as aforesaid, shall have and may exercise the powers and shall perform the duties aforesaid, subject to such conditions, exceptions and qualifications as the Governor may direct.
12. When reference is made in any law to any Public Officer by the term designating his office, such term shall include the officer for the time being executing the duties of such office or any portion of such duties.
13. When by any Ordinance the Governor is empowered to exercise any powers or perform any duties, he may unless by law expressly prohibited from so doing depute any person by name or the person for the time being holding the office designated by him to exercise such powers or perform such duties on his behalf, subject to such conditions, exceptions and qualifications as the Governor may prescribe, and thereupon or from the date specified by the Governor the person so deputed shall have and exercise such powers and perform such duties subject as aforesaid: Provided that nothing herein contained shall authorise the Governor to depute any person to make Rules under the power in that behalf conferred upon him by any Ordinance.
14. When any law confers any power or imposes any 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.
15. When by any Ordinance which is not to come into force immediately on the passing thereof a power is conferred on the Governor or on any other person or Body to make Rules or to issue orders with respect to the application of the Ordinance or with respect to the establishment of any office or the appointment of any Officer thereunder or with respect to the person by whom or the time when or the place where or the manner in which or the fees for which anything is to be done under the Ordinance, the power may be exercised at any time after the passing of the Ordinance, but Rules or orders made or issued shall not take effect until the commencement of the Ordinance.
16. An act shall be deemed to be done under any Ordinance or by virtue of the powers conferred by any Ordinance or in pursuance or execution of the powers of or under the authority of any Ordinance if it is done under or by virtue of or in pursuance of any Rule, Order, Proclamation, Public Notice or

Appointment of Officers by name or office.

Power to appoint to include power to suspend or dismiss.

Power of Governor to provide for execution of duties of Public Officer during temporary absence or inability.

Official designation to include Officer executing duties.

Power of Governor to delegate Authority.

Power to be exercised and duties to be performed from time to time.

Making of Rules in interval between passing and commencement of Ordinance

Acts done under Rules, etc. to be deemed done under Ordinance by which rules

17. Where one law amends another law the amending law shall, so far as it is consistent with the tenor thereof, and unless the contrary intention appears, be construed as one with the amended law. Construction of amending law with amended law.

18. In computing time for the purposes of any law, unless the contrary intention appears:— Computation of time.

- (1) A period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day in which the event happens or the act or thing is done.
- (2) If the last day of the period is Sunday or a public holiday (which days are in this section referred to as excluded days) the period shall include the next following day, not being an excluded day.
- (3) When any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being an excluded day.
- (4) When an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days excluded days shall not be reckoned in the computation of the time.

19. Whenever any expression of time occurs in any law, deed or other legal instrument, the time referred to shall, unless it is otherwise specially stated, be held to signify the standard time adopted for the Protectorate. Time.

20. Where any law authorises or requires any document to be served by post, whether the expression "serve" or the expressions "give" or "send" or any other expression is used, then unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting, by registered post, a letter containing the document, and, unless the contrary be proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post. Meaning of service by post.

21. Whenever by any Order in Council or Ordinance any Act of the Imperial Parliament is extended to the Protectorate such Act shall be read with such formal alterations as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be necessary to make the same applicable to the circumstances. Imperial acts to be read with necessary modification.

22. Where an act or omission constitutes an offence under two or more Ordinances, or both under an Ordinance and under an Applied Imperial Statute or Applied Indian Act, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of these Ordinances, Statutes or Acts, but shall not be liable to be punished twice for the same offence. Provisions as to offences under two or more laws.

23. The provisions of Sections 63 to 70, both inclusive, of the Indian Penal Code shall apply to all fines imposed under the authority of any Ordinance or Recovery of fines.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 14 OF 1912.

*An Ordinance to make provision for the Protection of the
Wattle Bark Industry.*

[June 9th, 1912.]

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

Short Title.

1. This Ordinance may be cited as "The Wattle Bark Industry Ordinance, 1912."

The planting of the "Silver Wattle" prohibited.

2. On and after the coming into operation of this Ordinance no person shall plant any silver wattle tree or shall sow the seed of the silver wattle.

Penalty.

Any person who, in contravention of the provisions of this Section, shall plant any silver wattle tree or the seed of the silver wattle tree shall be guilty of an offence and shall be liable to a fine not exceeding Seven hundred and fifty Rupees.

Authority to destroy trees planted or grown after date of Ordinance

3. Any person in the service of the Agricultural Department of the Government may enter upon any land on which he has reason to believe the silver wattle tree is growing and if he shall find thereon any silver wattle tree which in his opinion has been planted or has grown from seed planted or sown, whether by human agency or not, after the coming into operation of this Ordinance he may cut down or otherwise destroy such tree and no compensation shall be payable to the owner of the tree or the occupier of the land for such destruction.

Power to make Rules regulating the wattle industry.

4. The Governor may make and, when made, may alter or revoke Rules for any of the purposes following:—

- (1) Prohibiting the export of wattle bark except the same has been submitted to the prescribed officer for inspection;
- (2) Providing for the grading and branding of bark by an Officer of the Agricultural Department prior to export;
- (3) Providing for the licensing and inspection of black wattle plantations in which seed is harvested for sale;
- (4) Prohibiting the sale of the seed of the black wattle harvested in the Protectorate on any place other than a plantation licensed as aforesaid;
- (5) Prohibiting or restricting the importation of black wattle seed for use in the Protectorate; and
- (6) Prescribing the fees to be paid for any licences issued, inspection made, acts done, or services rendered under any rule made under this Ordinance.

Power to impose penalties.

5. The Governor may fix such penalties for the breach or non-observance of any Rule as he may think proper, not exceeding a fine of 750 Rupees, and where no penalty is imposed by the Rules the breach or non-observance of any Rule shall be punishable to the extent aforesaid.

Interpretation

6. In this Ordinance:

The term "Silver Wattle" shall mean *Acacia dealbata*.

The term "Black Wattle" shall include *Acacia decurrens*, varieties, *mollis* and *normalis*, and such other trees as the Governor may, by notice in the

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 15 OF 1912.

The King's African Rifles Ordinance, 1912.

[June 12th, 1912.]

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

1. This Ordinance may be cited as "The King's African Rifles Ordinance, Short title. 1912".
2. In this Ordinance—
 - (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. Interpretation of terms.
 - (2) "Native officer" means any officer other than European above the rank of native 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.
 - (4) "Private" includes enlisted gun carrier.
 - (5) "Soldier" includes any non-commissioned officer or private of the regiment, but does not include an officer as above defined or a native officer or a British non-commissioned officer.
 - (6) "Follower" means any person not being of European origin or extraction who is attached to the regiment in any capacity, and includes any such person being of the family of a native officer or soldier, or being an officer's servant, syce, employee in canteen, sutler supplying the regiment or being in the lines.
 - (7) "Superior officer", when used in relation to a native officer, British non-commissioned officer, a soldier or follower, includes all officers, British non-commissioned officers, or non-commissioned officers superior to such native officer, British non-commissioned officer, soldier or follower.
 - (8) "Military decoration" means any medal, clasp, good-conduct badge, or decoration.
 - (9) "Military reward" means any gratuity for long service or good-conduct; it also includes any good-conduct pay or any other military pecuniary reward.
 - (10) "Army Act" means the Imperial Statute 44 and 45 Viet., cap. 58, as amended from time to time, or any Imperial enactment substituted therefor.
 - (11) "Commanding officer" means the officer in command of a battalion, and in relation to any officer, native officer, British non-commissioned officer, non-commissioned officer, or private, means the officer in command of the battalion to which such

(12) "Inspector-General" means the Inspector-General of the King's African Rifles.

Division of
Ordinance.

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.

PART I.

Constitution and Government.

4. There shall be established and maintained in the Protectorate one or more battalion or battalions of troops forming part of a regiment of His Majesty's forces styled the King's African Rifles, hereinafter called the regiment.

5. The regiment shall be charged with the defence of the East Africa, Uganda, Nyasaland and Somaliland Protectorates, with the maintenance of order and with such other duties as may be from time to time defined by the Governor or 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, British non-commissioned officers, non-commissioned officers, and privates, as the Governor, subject to the approval of the Secretary of State, shall from time to time determine.

(2) Officers other than native officers shall be appointed by the Secretary of State.

(3) Officers, native officers, British non-commissioned officers, non-commissioned officers, and privates, shall receive such rates of pay as the Governor, subject to the approval of the Secretary of State, shall determine.

(4) The officers, native officers, British non-commissioned 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 shall stand with each other in order of precedence and command in accordance with any order which may be signified by any of His Majesty's Principal Secretaries of State, and where no such order is signified, then according to their seniority reckoned by the dates of their respective appointments to the rank in the British Army for the time being held by them.

(6) The Governor may from time to time fill up all vacancies that may occur amongst the native ranks from removal, death, absence, incapacity, or other cause, by promotion or fresh appointments, and may at any time enlist fit men as privates of the regiment, and every such enlistment 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, British non-commissioned officers, non-commissioned officers and privates of the regiments, whether within or without the Protectorate, and upon the organization, interior economy, and drill of the battalion 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, British non-commissioned officers, non-commissioned officers, and privates of the regiment

Inspector-general
duties of, &c.

(4) The Protectorate shall make such contribution towards the expenses of the Inspector-General and to the expenses of the Protectorate battalion or battalions serving out of the Protectorate as the Secretary of State may determine.

8. (1) The Governor may at any time and for any purpose, as the Secretary of State may direct, order that a battalion or any part thereof which may be stationed in the Protectorate shall be employed out of and beyond the Protectorate. Employment beyond Protectorate

(2) The Governor may, on the recommendation of the commanding officer, order that any native officer, 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, sepoy, and Indian followers of any company or other part of the regiment which is recruited in India, but the said native officers, non-commissioned officers, sepoy, and Indian followers 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, sepoy and Indian followers, while serving in the Protectorate. Indian battalion: application of Indian Articles of War.

10. The commanding officer, subject to the orders and directions of the Governor, shall have the command, direction, and general superintendence of the battalion, including appointments, promotions, and reductions in the native ranks. 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 native officers, British non-commissioned officers, 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 Governor. 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 Governor 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 the battalion under his command 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 in his charge appertaining to the battalion, and he shall issue the same upon the requisition of his commanding officer, or according to such regulations as the Governor may from time to time prescribe. Duty and responsibility of pay and quartermasters.

15. The Governor 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 a battalion, 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 Governor to make regulations, &c.

PART II.

Enlistment, Discharge, and Service.First term of
engagement.

16. Every private shall be enlisted for the first term of engagement to serve in the regiment for such period as may from time to time be fixed by the Governor, the term to be reckoned from the day on which the recruit shall have been finally approved for service and taken on the strength of the regiment.

Re-engagement
and continuance
in service.

17. (1) Any native officer, 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 from the expiration of his first period or subsequent periods.

(2) Any native officer, non-commissioned officer, or private of good character who has completed at least twelve years' service, may, with the approval of his commanding officer, re-engage for such period as shall complete a total period of eighteen years' service, reckoning from the time of his first enlistment.

(3) And upon completing such period of eighteen years' service, he may if he shall so desire, and with the approval of his commanding officer, and of the Governor, 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.

(4) Any native officer, non-commissioned officer or private who prior to the commencement of this Ordinance shall have re-engaged to complete a total period of twenty one years service shall be treated as if the period which he so re-engaged to complete was eighteen instead of twenty one years.

Conditions of
re-engagement.

18. (1) Any native officer, 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, shall be allowed to proceed on furlough for three months on full-pay or six months on half-pay at the discretion of his commanding officer.

(2) If a native officer is re-appointed, or if a non-commissioned officer or private offers to re-enlist within six months after having received a certificate of discharge, he shall on re-appointment or re-enlistment be entitled to the advantages to which he was entitled with regard to rank, good-conduct badges, pay, and gratuity at the time of his discharge. If, however, a longer period than six months from the date of his discharge has elapsed, then it shall 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-appointment or re-enlistment to reckon towards rank, good-conduct badges, pay, and gratuity.

Declaration on
enlistment, &c.

19. Every man who is enlisted, re-enlisted or re-engaged, or being a native officer is re-appointed in the regiment as aforesaid shall, previous to his being enlisted, re-enlisted, re-engaged, or re-appointed, 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 George V., his heirs and successors, and that I will faithfully serve and defend His Majesty the King, his heirs and successors, for a period of *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.

Declared at
before me.

this

Signature or mark.
day of , 19 ,

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 they are made, and shall be preserved as a part of the enlistment papers of the man by whom they are made.

20. Any native officer, 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 Governor may direct. Prolongation of service terminating during war.

21. Subject to the provisions of section 17 and of the last preceding section, every native officer, 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. Discharge on completion of service.

22. Every native officer, 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. Native officers, non-commissioned officers, and private subject to all regulations until formal discharge.

23. (1) A native officer may be discharged by his commanding officer at any time during the currency of any term of engagement:— Discharge when unfit for service or on being dismissed.
- (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) On reduction of establishment.
- (2) 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 one year from the date of attestation his commanding officer shall consider that he is unlikely to become an efficient soldier.
 - (d) On reduction of establishment.

24. In reckoning the service of any native officer, non-commissioned officer or private for discharge or re-engagement, either in the case of limited engagements, whether for the first, second, third, or fourth term, or for the total period of eighteen 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. When any native officer, 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 upon a certificate of discharge being given to him immediately cease to determine. He shall, before a certificate of discharge is delivered to him, surrender over his arms, ammunition, accoutrements, uniform, and other appointments which are the property of the Protectorate Government, to such person 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 unlikely to make an efficient soldier, shall not take away with him any arms, or articles of uniform or equipment described by any rules or regulations as Consequence of discharge or dismissal.

Good-conduct pay.

26. (1) Every non-commissioned officer under the rank of sergeant, and every private, who shall have served for three years without having been convicted of any offence by a Court Martial or Civil Court and without having incurred a sentence of:—

- (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 seven days' pay;
- (d) Corporal punishment;
- (e) Or in the case of a non-commissioned officer, severe reprimand;

shall be entitled to bear one good-conduct badge, and receive extra pay at the rate of 75 cents 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 an additional 75 cents per month for each badge; provided that no non-commissioned officer or private shall receive more than six good-conduct badges.

(2) Any non-commissioned officer or private, who shall have forfeited a good-conduct badge, shall, after having served for twelve months without having been convicted of any offence by a Court Martial or Civil Court and without having incurred a sentence of:—

- (a) Imprisonment for any term;
- (b) Confinement to barracks for more than seven days;
- (c) Fine in any sum exceeding seven days' pay;
- (d) Corporal punishment;
- (e) Or in the case of a non-commissioned officer, severe reprimand;

be entitled to have his good-conduct badge restored to him and to receive the extra pay in respect thereof as hereinbefore provided, and his service towards a further good-conduct badge shall be reckoned from the date of such restoration.

Gratuities on discharge, &c.

27. (1) On the recommendation of the Commanding Officer and with the sanction of the Governor gratuities at the following rates, in lieu of pension, may be granted on discharge after a continuous good service extending to a period of twelve years viz:—

	Rupees.
To native officer	600
„ native sergeant-majors or colour sergeants	300
„ sergeants	150
„ corporals	120
„ lance-corporals and privates	90

And at the following rates after a total continuous good service extending to eighteen years, viz.:—

	Rupees.
To native officer	900
„ native sergeant-majors or colour sergeants	450
„ sergeants	225
„ corporals	180
„ lance-corporals and privates	135

For the purpose of this sub-section service under the provisions of Section 18 (2) shall be deemed to be continuous with previous continuous service.

(2) No gratuity shall be paid in respect of any period of service in excess of a total service of eighteen years; and no native officer, non-commissioned officer, or private, who has received a gratuity on discharge after twelve years service shall, in the event of his afterwards being re-appointed or re-enlisting, as the case may be, receive in respect of his service after such re-appointment or re-enlistment any higher gratuity than may, together with such first gratuity, be equal to the gratuity which

- (3) Where any native officer, non-commissioned officer or private, whose terms of engagement and re-engagement combined shall amount to a continuous period of not less than twelve years, is discharged as unfit for further service, or as inefficient, or on account of reduction of establishment, he may, at the discretion of the Commanding Officer and subject to the sanction of the Governor, receive the whole or a part of such proportion of the gratuity which he might have earned if he had completed a period of eighteen years' service as the number of years actually served by him bears to eighteen.
- (4) Where any native officer, non-commissioned officer or private, whose terms of engagement and re-engagement combined shall amount to a continuous period exceeding twelve years, and who shall have actually completed a period of not less than twelve years' continuous good service is dismissed for misconduct he may receive such proportion of the gratuity which he would have earned if he had taken his discharge after the completion of the period of service immediately preceding the period of service he is then passing through as his Commanding Officer may in his discretion, subject to the sanction of the Governor, determine.
- (5) In the event of the death of any native officer, non-commissioned officer or private, before the receipt by him of any such gratuity as is mentioned in either of the two preceding sub-sections of this section it shall be lawful for the Governor to direct and cause the amount 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 native officer, 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 Governor shall seem fit.
- (6) Where any native officer, non-commissioned officer or private, whose terms of engagement and re-engagement combined shall amount to a continuous period of twelve years, dies while serving in the regiment before completing such continuous period, it shall be lawful for the Governor to direct and cause such proportion of the gratuity which he would have earned if he had completed the full period of twelve years' service as the number of years actually served by him bears to twelve, 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 native officer, 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 Governor shall seem fit.
- (7) Where any native officer, non-commissioned officer or private, whose terms of engagement and re-engagement combined shall amount to a continuous period exceeding twelve years, dies while serving in the regiment before completing such continuous period, it shall be lawful for the Governor to direct and cause such proportion of the gratuity which he would have earned if he had completed a period of eighteen years' service as the number of years actually served by him bears to eighteen, and if he shall have actually served for eighteen or more years the full gratuity which he would have earned if he had taken his discharge after the completion of a continuous period of eighteen years' service, 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 native officer or 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 Governor shall seem fit.
- (8) Every native officer, non-commissioned officer, or private, subject to such recommendation and sanction as aforesaid, shall after nine years' continuous good service be exempted from paying hut tax for one hut for life, or alternatively from paying poll tax in respect of himself for life.

- (9) Any native officer, non-commissioned officer, or private being in possession of the Victoria Cross or the medal for Distinguished Conduct in the Field, shall, subject to such recommendation and sanction as aforesaid, irrespective of the amount of his service, be exempted from paying hut tax for three huts for life in the case of the Victoria Cross, and for one hut in the case of the medal for Distinguished Conduct in the Field, or alternatively shall be entitled to such equivalent exemption from taxation as may be determined by the Governor.

Gratuities on
decease.

28. Any gratuity that might have been received by any native officer, 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, and subject to the recommendation of the Commanding Officer, and the sanction of the Governor as aforesaid, 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 Governor, subject to the directions of the Secretary of State, when occasion arises, to enrol for a limited period such number of officers, native officers, British non-commissioned 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 Governor; 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 tempo-
rarily 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, British non-commissioned officers, non-commissioned officers, and privates enrolled under the last preceding section; and such officers, native officers, British non-commissioned officers, non-commissioned officers, and privates shall be deemed to be for all purposes part of the regiment as long as they shall be serving therein.

Provided always that when any officers, native officers, British non-commissioned 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, British non-commissioned officers, non-commissioned officers and privates, may be arranged between the Governor and the Officer Administering the Government of the Colony or Protectorate in which the said officers, native officers, British non-commissioned officers, non-commissioned officers, and privates may be previously enrolled, or in the service of which they may be; but subject to this proviso, all officers, native officers, British non-commissioned officers, non-commissioned officers, and privates temporarily enrolled under this Ordinance shall receive the rates of pay respectively drawn by officers, native officers, British non-commissioned 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 George V., 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 _____, 191____, 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 they are made, and shall be preserved as a part of the enlistment papers of the man by whom they are made.

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 officers and British non-commissioned officers appointed to or attached to the regiment.
- (b) To native officers, non-commissioned officers, privates and followers when on active service, within the meaning of the said Act; provided that any native officer, non-commissioned officer, private or follower 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, privates and followers not on active service— Application of sections 33-55.

- (a) When in the Protectorate.
- (b) When employed out of and beyond the Protectorate, in accordance with the 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 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.

Repeated fraudulent enlistment.

Punishment for offences in this section.

Fraud by persons in charge of moneys or goods.

Wilfully permitting escape of prisoner.

Punishment for offences in this section.

Offences in relation to guards, &c.

Offences in relation to inhabitants.

- (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, shall, on conviction, be liable to suffer imprisonment with or without hard labour or such less punishment as is in this Ordinance mentioned.
- (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 evidence of such offences against him, and, if he be convicted thereof, to punish him accordingly.
36. Every person subject to this Ordinance who—
- (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—
- (2) 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
- (3) (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, shall, on conviction, be liable to suffer imprisonment with or without hard labour or such less punishment as is in this Ordinance mentioned,
37. Every person subject to this Ordinance who—
- (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, native officer, British non-commissioned officer, 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, native officer, British non-commissioned officer, or other person; or
- (d) Forces a safeguard; or
- (e) Leaves his superior 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
- (h) Does violence to any person bringing provisions or supplies to the forces: or

- (i) Irregularly detains or appropriates to his own regiment, bat- Irregular detention
talion, or detachment any provisions or supplies proceed- &c., of supplies.
ing to the forces, contrary to any orders issued in that
respect ; or
- (j) Being a soldier acting as sentinel, commits any of the follow- Mistehaviour
ing offences ; that is to say— of sentinel.
(i) Sleeps or is drunk on his post ; or
(ii) Leaves his post before he is regularly relieved ; or who
- (2) Strikes or uses or offers any violence to his superior officer, or Insubordination,
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
- (4) Disobeys any lawful command given by his superior officer ; or who Disobedience.
(5) Neglects to obey any general, or garrison, or other orders ; or Neglect to obey
who garrison or other
orders.
- (6) (a) Deserts or attempts to desert ; or
(b) Persuades or endeavours to persuade, procures, or attempts Desertion.
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
(d) When belonging to any of his Majesty's Imperial or other Fraudulent
forces, without having first obtained a regular discharge enlistment.
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 Enlistment after
Majesty's Imperial or other forces ; or having been dis- discharge with
missed with disgrace from the Navy, has afterwards enlist- ignominy or
ed without declaring the circumstances of his discharge or disgrace.
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 cir-
cumstanced 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 appoint- Absence without
ed by his superior officer, or goes from thence without leave.
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 an officer ; or
(d) Without leave from an 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 Disgraceful
wilfully conceals the fact that he is suffering from any conduct
venereal or other contagious disease ; or
(c) Wilfully maims or injures himself or any other soldier, whether
at the instance of such other soldier or not, with intent there-
by to render himself or such other soldier unfit for service,
or causes himself to be maimed or injured by any person,

- (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) 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
- Drunkenness.** (9) Commits the offence of drunkenness, whether on duty or not on duty; or who
- Permitting escape of prisoner.** (10) (a) When in command of 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
- Failure to report arrest, &c.** (11) (a) Unnecessarily detains a person in arrest or confinement without bringing him to trial, or fails to bring his case before the proper authority for investigation; or
- (b) Having committed a person to the custody of any officer, non-commissioned officer, provost-marshal, or assistant provost-marshal, fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within twentyfour hours thereafter, to the officer, non-commissioned officer, provost-marshal, or assistant provost-marshal, into whose custody the person is committed, an account of the offence with which the person so committed is charged; or
- (c) Being in command of a guard does not, as soon as he is relieved from his guard or duty, or if he is not sooner relieved, within twenty-four hours after a person is committed to his charge, give to the officer to whom he may be ordered to report that person's name and offence so far as known to him, and the name and rank of the officer or other person by whom he was charged, accompanied, if he has received the account above in this section mentioned, by that account; or who
- Corrupt dealings in respect of supplies to forces.** (12) (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
- Deficiency in and injury to equipment.** (13) (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
- Falsifying official documents and false declarations.** (14) (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 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 Neglect to report, and signing in blank.
- (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
- (15) (a) Makes a false accusation against any officer, native officer, British non-commissioned officer, soldier or follower knowing such accusation to be false; or False accusation or false statement.
- (b) In making a complaint, where he thinks himself wronged, knowingly makes any false statements affecting the character of any officer, native officer, British non-commissioned officer, soldier or follower, 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
- (16) (a) Being duly summoned or ordered to attend as a witness before a court martial, makes default in attending; or Offences in relation to courts martial.
- (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 who
- (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 False evidence.
- (17) Uses traitorous or disloyal words regarding the Sovereign; or who Traitorous words.
- (18) Without due authority, either verbally or in writing or by signs 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 Injurious disclosures.
- (19) being a native officer or non-commissioned officer,
- (a) Strikes or otherwise ill-treats any soldier or follower; or Ill-treating soldier or follower.
- (b) Having received the pay of any soldier, unlawfully detains or unlawfully refuses to pay the same when due; or who
- (20) 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 soldier or follower accused of an offence punishable by a civil court; or who Refusal to deliver to civil power soldiers accused of civil offences.
- (21) Is guilty of any act, conduct, disorder, or neglect, to the prejudice of good order and military discipline, Conduct to prejudice of military discipline.

Shall on conviction be liable to suffer imprisonment with or without hard labour not exceeding two years, or such less punishment as is in this Ordinance mentioned. Punishment for offences in this section.

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 rupees fifteen.

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

Scale of punishments by court martial.

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) Penal servitude.
- (c) Imprisonment with or without hard labour, for a term not exceeding five years.
- (d) Discharge with ignominy from His Majesty's service.
- (e) Reduction in the case of a non-commissioned officer to a lower grade, or to the ranks.
- (f) Corporal punishment not exceeding twenty-four lashes.
- (g) Forfeitures, fines, and stoppages.

Provided that—

- (1) An offender 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 Governor shall, by regulation, prescribe the instrument with which corporal punishment under this section shall be inflicted.

Arrest.

Arrest.

39. The following regulations shall be enacted with respect to persons subject to this Ordinance when charged with offences punishable under this Ordinance:—

- (1) Every person subject to this Ordinance when so charged may be taken into military custody:
Provided, that in every case where any offender 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 offender 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 or native officer may order into military custody any native officer, non-commissioned officer, or private of the regiment or any follower, and any British non-commissioned officer or non-commissioned officer may order into military custody any non-commissioned officer, private or follower: 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, native officer, British non-commissioned 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, native officer, British non-commissioned officer, or non-commissioned officer, but it shall be the duty of the officer, native officer, British non-commissioned 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, native officer, British non-commissioned officer, non-commissioned officer, provost-marshal, or assistant provost-marshal into whose custody the person is committed, an account either verbal or in writing,

- (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 person 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 in the case of a soldier or a follower he may deal with the case summarily.

(1) Where he deals with the case summarily, he may.

- (A) Save in the case of absence without leave or drunkenness, if the offender is a soldier—
- (a) Award to the offender imprisonment, with or without hard labour, for any period not exceeding forty-two days.
 - (b) Reprimand, severely reprimand, or reduce any non-commissioned officer to a lower rank or to the rank of a private.
 - (c) Award corporal punishment not exceeding twenty-four lashes. The Governor 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 twenty-one days' pay, to be levied by stoppages from the offenders' 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) Order confinement to barracks for any period not exceeding twenty-eight 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) Order extra guards and piquets, but only for minor offences or irregularities when on or parading for guard or piquet.
- (B) In the case of any offence under this Ordinance, if the offender is a follower—
- (a) Award to the offender any of the punishments described in sub-sections (a) (c) or (d) of Section 40 (1) (A) of this Ordinance.
 - (b) Impose a fine not exceeding rupees ten.

(2) In the case of absence without leave by a soldier, the commanding officer may deal with the case summarily and may award imprisonment, with or without hard labour, up to any period not exceeding forty-two days, provided that the term of imprisonment awarded, if exceeding seven days, shall not exceed the term of absence.

(3) The offence of drunkenness by a soldier may be dealt with and summarily punished by the commanding officer as follows:—

- (a) For the first offence the offender shall be admonished or confined to barracks, but no fine shall be inflicted;
- (b) For the second and every subsequent offence as follows:—
If within three months of the previous offence, by fine to the amount of nine days' pay with or without confinement to barracks;
If over three months and within six months of the previous offence, by fine to the amount of six days' pay with or without confinement to barracks;
If over six months and within nine months of the previous offence, by fine to the amount of three days' pay with or

Power of commanding officer.

Punishments for drunkenness.

If over nine months of the previous offence by admonition or confinement to barracks.

Such fines to be levied by stoppages from the offender's pay.

- (c) Where a soldier is liable to a fine, and four preceding instances of drunkenness have been recorded against him within the previous twelve months, an amount of three days' pay shall be added to the amount of the fine laid down.
- (d) For an act of drunkenness on duty, as defined by section 37, or when an act of drunkenness is accompanied by any other offence, the offender may be sentenced, as provided by section 40 (1), to imprisonment with or without hard labour, or confinement to barracks in addition to the fine.
- (e) Any non-commissioned officer convicted of drunkenness, in addition to any fine as aforesaid, may be reprimanded, severely reprimanded or reduced to a lower rank or to the rank of a private.
- (4) On a boy being placed in the ranks as a trained soldier, it shall be discretionary with the commanding officer either to destroy his defaulter sheet or expunge therefrom such entries as he may think fit.

Powers of Officer Commanding a Detachment.

41. Any officer commanding a detachment, or the District Commissioner 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 soldier or follower, and if his decision is against the accused, he may impose on him any one or more of the following punishment :—

- (1) If a private—
- (a) Imprisonment, with or without hard labour, for any period not exceeding fourteen days ;
- (b) Fine not exceeding ten days' pay, 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) In addition to or without any other punishment, deduction from ordinary pay to make good the amount of any loss or damage he may have caused.
- (e) Extra guards and piquets, but only for minor offences or irregularities when on or parading for guard or piquet.
- (2) If a follower—
- (a) Imprisonment, with or without hard labour, for any period not exceeding fourteen days ;
- (b) Fine not exceeding rupees five.
- (3) If a non-commissioned officer—
- (a) Fine not exceeding ten days' pay to be levied by stoppages from the offender's pay ;
- (b) Reprimand.

- (4) The offence of drunkenness by a soldier may be dealt with and summarily punished, as laid down in section 40 (3) of this Ordinance, by such officer or District Commissioner, except that any sentence of reduction on a non-commissioned officer must be confirmed by the commanding officer.

- (5) 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 40 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

Punishments which officers commanding detachments, &c., may award.

Punishments for drunkenness.

Delegation of powers of commanding officer to officer commanding detachment.

Whenever it shall appear to the officer commanding a detachment or District Commissioner as aforesaid that the offence which any soldier or follower 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 proceeding 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.

Cases of aggravated or repeated offence to be reported to commanding officer.

Powers of Officer Commanding a Company.

42. Any officer commanding a company may examine into the truth of any charge against a soldier; and, if his decision is against the accused, he may impose upon him any one or more of the following punishments:—

- (1) If a private—
 - (a) Fine according to scale, as laid down in section 40 (3) of this Ordinance, in case of drunkenness;
 - (b) Confinement to barracks for any period not exceeding seven days;
 - (c) Extra guards and piquets, but only for minor offences or irregularities when on, or parading for, guard or piquet.
- (2) If a non-commissioned officer—
Reprimand.

Similar powers may, at the discretion of the commanding officer, be given to any other officer temporarily in command of a company.

Any such awards of punishment shall be subject to any remission the commanding officer may order, but cannot be increased.

Courts martial.

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.
- (2) A general court martial shall be convened by the commanding officer, provided that he is in possession of a warrant authorising 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 for him to convene a regimental court martial.
- (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 consists 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

Description, constitution, and powers of courts martial.

Constituent members of 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 or Royal Navy, or officers of any of His Majesty's naval or military services.

(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 service.

Proceedings, how regulated.

(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.

Confirmation and approval of sentences.

44 (1) The following authorities shall have power to confirm the findings and sentences of court martial; that is to say—

(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.

(2) The confirming authority may, when confirming the sentence of any court martial, mitigate or remit the punishment thereby awarded, or commute such punishment for any less punishment or punishments to which the offender might have been sentenced by the said court martial.

(3) Sentence of death shall not be carried into effect, unless in addition to the confirmation otherwise required by this Ordinance, it is approved by the Governor.

(4) When the sentence imposed by a Court Martial exceeds six months' imprisonment, the proceedings of this Court shall be forwarded to the Governor.

(5) When a sentence passed by a court martial has been confirmed, the Governor shall have power to mitigate or remit the punishment thereby awarded, or to commute such punishment for any less punishment or punishments to which the offender might have been sentenced by the said court martial.

Execution of Sentences.

Execution or sentences of imprisonment.

45 (1) Any sentence of penal servitude, imprisonment, or imprisonment with hard labour imposed upon any person subject to this Ordinance, may be carried out in any military or civil prison established within the Protectorate, or where the sentence of imprisonment imposed does not exceed forty-two days with or without hard labour, in any lock-up house or cells which for that purpose the Governor may think fit to attach to any fort or barracks. The Governor may from time to time make regulations for the government of such prisons and 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 any persons 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 prison, lock-up house or cells; provided that no person shall be imprisoned in any such prison, lock-up house, or cells unless and until such regulations as aforesaid shall have been made and provided that any person, notwithstanding that his sentence exceeds forty two days, may, whilst awaiting removal to a prison,

- (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.
- (3) Every gaoler shall receive into his custody and carry out the sentence upon any person, subject to this Ordinance, sentenced to penal servitude, 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 District Commissioner imposing the sentence, which order shall specify the offence and the period of penal servitude, imprisonment, or of imprisonment with hard labour. Gaolers to carry out sentences on or order of commanding officer, &c
- (4) Every person whilst undergoing any such sentence of penal servitude, imprisonment, or imprisonment with hard labour, shall be deemed and dealt with as a criminal prisoner. Persons undergoing sentences deemed criminal prisoners.

46 No pay shall accrue or become due to any native officer, soldier, or follower in respect of any period during which he is undergoing any sentence of imprisonment, or imprisonment with hard labour, or is in custody on a charge for an offence of which he is afterwards convicted by a Civil Court or Court Martial or on a charge of absence without leave for which he is afterwards awarded imprisonment by his commanding officer. Pay not to accrue during imprisonment under sentence.

47 (1) All fines imposed upon native officers or soldiers 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. Fines to be recovered by stoppages.

(2) The amount of stoppage shall be in the discretion of the officers authorized to impose fines, in no case exceeding one-half 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 one-half of his daily pay.. Amount of 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. Accumulated stoppages.

(4) Soldiers admitted to hospital suffering from venereal diseases may be placed under stoppages of half their pay. Stoppages for venereal disease.

48. (1) All fines recovered within the Protectorate from native officers, soldiers, or followers 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." Disposal of fines on native officer or soldiers.

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

(3) The Governor 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 native officers, soldiers, or followers, or native officers, soldiers or followers 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 organised 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 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 regiment, when the cost of such provision cannot otherwise be met out of Protectorate funds;

(f) As a reward to the apprehender or apprehenders of a deserter, and as a reward for recruiting

- (4) Annual statements of receipts and expenditure on account of the Military Fines Fund shall be rendered by the senior commanding officer to the Governor, who will submit them to the Secretary of State.

Restrictions as to punishment of native officer.

Supplemental Provisions as to Discipline.

49. (1) The sentence on a native officer for any offence shall in no case include corporal punishment.
 (2) 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 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.

Restrictions as to corporal punishment.

50. No sentence of corporal punishment shall be carried out until a period of twenty-four hours has elapsed since the award, except on the line of march or on active service, and no such sentence shall in any case be carried out unless under the superintendence of a medical officer, or in case no medical officer is available, a European officer of the Protectorate Government, nor until such medical officer or European officer shall certify the physical fitness of the offender to undergo the same, and, and in relation thereto the said medical officer or European officer may give and shall cause to be 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.

Apprehension of deserters.

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 District Commissioner 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.

Procedure thereupon.

- (2) Upon its appearing to such District Commissioner 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.

Forfeiture of good conduct badges and pay consequential on certain sentences.

52. (1) Forfeiture of one good-conduct badge and 75 cents per month of good-conduct pay shall be involved in and deemed a part of any sentence of:—
 (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 seven days' pay;
 (d) Corporal punishment;
 and every such forfeiture shall be entered on the offender's defaulter sheet and in the guard report.

Upon reduction of rank.

- (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 75 cents per month of good-conduct pay.

In aggravated offences.

- (3) The commanding officer may in any case of aggravated offence recommend to the Governor 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 Governor may determine.

Restoration of forfeited service.

53. Any native officer 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 Governor on the recom-

commendation 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 defaulters' book, for two years in case of a first conviction entailing loss of service, for five years in case of a second conviction of the same nature, and for seven years in case of a third conviction of the same nature, or should circumstances of an aggravated character have attended the offence on account of which his service was forfeited. Such period of probation shall be reckoned from the release of the person convicted from imprisonment or other completion of his punishment and his return to duty.

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 Code of Criminal Procedure 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. Power of summoning witnesses.

(2) In every inquiry in which evidence is taken on oath or affirmation the proceedings and evidence shall be recorded in writing, and the course 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. Form of proceedings.

55. (1) Nothing in this Ordinance shall be construed to exempt any person subject to this Ordinance from being proceeded against by the ordinary course of law when accused of any crime or offence punishable under any other law in force in the Protectorate, and whenever any person subject to this Ordinance 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 officers, native officers, British non-commissioned officers and soldiers 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. Ordinary course of law not to be interfered with.

(2) No person subject to this Ordinance shall be tried by court martial for an offence against the state, within the meaning of Chapter VI of the Penal Code, murder, culpable homicide not amounting to murder, or rape, unless the place at which the offence was committed is approximately more than 100 miles as measured in a straight line from any place in which the offender can be tried for such offence by a competent civil court.

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. Exemption from second trial or punishment for same offence.

(2) If any person subject to this Ordinance 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 in the case of a native officer or non-commissioned officer by reduction to an inferior rank or to the rank of a private, by order of the Governor communicated through the commanding 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 Governor communicated through the commanding officer.

Mode of complaint
by soldier.

57. If any non-commissioned officer or private thinks himself wronged in any matter by any officer other than his company commander 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 Governor; 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 Regiments.

Inducing members
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 native officer non-commissioned officer or private of the regiment to desert, or who aids, abets, or is accessory to the desertion of any native officer, 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 aids 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.

Inciting to
mutiny, &c.

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 native officer non-commissioned officer or private of the regiment, or maliciously endeavours to seduce any native officer, 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.

Unlawful possess-
ion of arms, &c., of
regiment; penalty.

60. Any person who shall knowingly detain, buy, exchange, or receive from any native officer, 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 native officer, non-commissioned officer, or private of the regiment, or who shall be employed by any native officer, 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 food or rations issued to any non-commissioned officer or private, or who shall have in his possession any such arms, ammunition, clothing, accoutrements, medals, appointments, food, or rations, and shall not give a satisfactory account of how he came by the same, shall be liable to a penalty not exceeding 800 Rupees and imprisonment, with or without hard labour, up to two years together with double the value of all or any of the several articles of which such offender shall so become or be possessed.

Personating;
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 two years, or to a fine not exceeding 800 Rupees, or to both.

62. (a) All offences under this Ordinance committed by persons not being subject to Part III of this Ordinance 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.
- (b) Notwithstanding anything in this Ordinance contained, Sections 58 to 62 inclusive shall apply equally to offences in connection with non-commissioned officers, sepoy and Indian followers of any company or other part of the regiment which is recruited in India. Application to offences: Indian contingent.

Enforcement of Civil Contracts.

63. (1) Any native officer, 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 someone on his behalf, to the value of 300 rupees at the least over and above all cost of suit, but not for any original debt not amounting to 300 rupees nor 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 native officer, non-commissioned officer, or private is not liable to be taken out of the said service shall be null and void. Native officer, non-commissioned officer or private of the regiment not to be taken from service except for criminal charge or debt of 300 rupees 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 native officer, 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 native officer 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 native officers, non-commissioned officers or privates of the regiment not arrestable for debt: exception.

Wills and Distribution of Property.

64. (1) Every native officer on appointment and 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 officer's or soldier's battalion. The record shall be verified periodically, and it shall be the duty of the officers or soldiers to report any alteration in the record which he wishes made. Native officer on appointment and Soldier on enlistment to register name of person to whom estate is to be paid in the event of his dying intestate.

- (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 native officer or 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 native officer or soldier in the manner prescribed.

Form of will.

65. (1) Any will made by a native officer 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 attested by his mark and acknowledged by him in the 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.

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 750 rupees, 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, other allowance, or any personal property, or money belonging to such testator not exceeding in the aggregate the value of 750 rupees, 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 750 rupees.

If the value of the said money and personal property exceeds the said sum of 750 rupees, 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 native officer 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 Governor, pay or deliver such money or personal property to any claimant showing herself or himself to the satisfaction of the Governor 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 proportion 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 Company Commander.

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 District Commissioner, 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 or she 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 Governor.

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 Company Commander, and disposed of according to regulations made by the Commanding Officer under the authority of the Governor.

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 Governor.

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 King's African Rifles Ordinance, 1902, the King's African Rifles Amendment Ordinance, 1903, the King's African Rifles Amendment Ordinance, 1905 and the King's African Rifles Amendment Ordinance, 1909, are hereby repealed:

Repeal.

Provided as follows:—

- (1) All officers and soldiers serving with the King's African Rifles at the date of the commencement of this Ordinance shall be deemed to have been appointed, enlisted or enrolled under this Ordinance.
- (2) All rules, regulations, orders and directions made or given under any of the repealed Ordinances shall be deemed to have been made and given under this Ordinance and shall continue in force until other provision shall be made under or by virtue of this Ordinance.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 16 OF 1912.

- Title.** *The East Africa Weights and Measures Ordinance, 1912.*
[June 12th, 1912.]
- Date.** BE it enacted by the Acting Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—
- Short Title.** 1. This Ordinance may be cited as “The East Africa Weights and Measures Ordinance 1912.”
- Application of Ordinance.** 2. This Ordinance shall apply to, and come into force in, such districts and places within the Protectorate and from such date or dates as the Governor shall, from time to time, notify by Proclamation, and in so applying this Ordinance the Governor may apply it wholly or in part to any such district or place, and may exempt any person or class of persons, or any trade between any person or class of persons from the operation of this Ordinance or of any part thereof.
- Interpretation clause.** 3. In this Ordinance:
The term “Imperial Standard Pound” means the Imperial Standard Pound defined in the Act of the Imperial Parliament, 41 and 42 Victoria, Chapter 49, intituled “The Weights and Measures Act, 1878;”
The term “Pound Avoirdupois” means a weight equal to the Imperial Standard Pound;
The term “Gallon” means a measure of capacity equal to the Imperial Standard Gallon as defined in the said Act;
The term “Imperial Standard Yard” means the Imperial Standard Yard as defined in the said Act;
The term “Yard” means a length equal to the Imperial Standard Yard;
The term “Square Yard” means an area equal to the area contained in a square each of whose sides is one yard in length.
The term “Inspector” includes Deputy Inspector, unless the context requires otherwise;
The term “Weighing Instrument” includes scales, with the weights belonging thereto, scalebeams, balances, spring-balances, steelyards, weighing machines, and other instruments for weighing;
The term “Persons” includes a body corporate;
The term “Stamping” includes casting, engraving, etching, branding, or otherwise marking, in such manner as to be so far as practicable indelible, and the expression “stamp” and other expressions relating thereto shall be construed accordingly.

Uniformity of Weights and Measures.

- Uniformity of weights and measures.** 4. The same weights and measures shall be used in all districts or places in the Protectorate to which this Ordinance applies.

Weights and Measures.

- Avoirdupois weights.** 5. A pound avoirdupois shall be the primary weight in the Protectorate.
- Schedule A.** The weights specified in the first column of Schedule A to this Ordinance are hereby declared to be such parts or multiples of a pound avoirdupois as are respectively specified in the second column of the said Schedule A.

Those weights are hereby declared to be avoirdupois weights.

6. The weights specified in the first column of Schedule B to this Ordinance are hereby declared to be such parts or multiples of a pound avoirdupois as are respectively specified in the second column of the said Schedule B. Those weights are hereby declared to be troy weights.

Any weight which is any decimal part or any multiple of an ounce troy may be used as a troy weight.

7. A gallon shall be the primary measure of capacity in the Protectorate. The measures of capacity specified in the first column of Schedule C to this Ordinance are hereby declared to be such parts or multiples of a gallon as are respectively specified in the second column of the said Schedule C. Those measures are in this Ordinance referred to as the Protectorate measures of capacity.

8. A yard shall be the primary measure of length in the Protectorate. The measures of length specified in the first column of Schedule D to this Ordinance are hereby declared to be such parts or multiples of a yard as are respectively specified in the second column of the said Schedule D. Those measures are in this Ordinance referred to as Imperial measures of length.

9. A square yard shall be the primary measure of surface in the Protectorate. The measures of surface specified in the first column of Schedule E to this Ordinance are hereby declared to be such parts or multiples of a square yard as are respectively specified in the second column of the said Schedule E. Those measures are in this Ordinance referred to as Imperial measures of surface.

Metric System.

10. The table made under the Act of the Imperial Parliament known as the Weights and Measures (Metric System) Act, 1897, Section 2 (2), shall be deemed to set forth the equivalents of imperial weights and measures and of the weights and measures therein expressed in terms of the metric system, and such table may be lawfully used for computing and expressing, in weights and measures, weights and measures of the metric system.

Standards of weight and Measure.

11. The Governor shall, as occasion may require, procure avoirdupois weights and the Protectorate measures of capacity and Imperial measures of length and the parts of such weights and measures representing and corresponding to the several weights and measures mentioned in Schedule F to this Ordinance, and every weight and measure so procured shall be verified at the Standards Department of the Board of Trade in England, before being brought into use in the Protectorate. Each such weight and measure shall be made of such materials and in such manner and shall be placed in such a receptacle as to be, so far as practicable, proof against mechanical and atmospheric agencies and all other sources of error. The weights and measures so procured and verified shall be the Protectorate standards of weight and measure and shall, for all purposes, be conclusively deemed to be true and accurate.

12. The Protectorate Standards shall be kept at the Treasury, and the receptacle in which the same are kept shall be secured by two locks at least, which shall not be capable of being opened by the same key.

The key of one lock shall be kept by the Treasurer and the key of another lock shall be kept by such other Officer as the Governor may appoint. Should there be more than two locks to the said receptacle the key of any other lock shall be kept by such Officer as the Governor shall appoint, and the Treasurer and such other Officer or Officers shall be the Wardens of the Protectorate Standards.

13. The Governor shall procure such copies of the Protectorate Standards or any of them as he may think fit, and shall provide for verifying the same, and shall cause such copies to be authenticated as secondary standards in such manner as he may think proper.

Judicial notice shall be taken of every secondary standard so authenticated.

The secondary standards shall, at such times as the Governor may appoint, be compared with the Protectorate Standards in the presence of the Wardens of the Protectorate Standards, and, when necessary, shall be corrected and adjusted.

The Governor may, at any time, cancel any secondary standard and direct that the same be no longer used as such. Every secondary standard shall, until the contrary is proved, be deemed to be true and accurate.

Periodical
verification of
Protectorate
standards.

14. Once at least in every ten years the Governor shall cause the Protectorate Standards for the time being to be verified at the standards department of the Board of Trade, and to be adjusted and renewed if requisite. Before the Protectorate Standards are sent out of the Protectorate for this purpose, the Governor shall cause to be deposited with the Wardens of the Protectorate Standards such secondary standards as he may think fit, and shall provide for the comparison and verification of the same with the Protectorate Standards and the authentication thereof in such manner as he may think proper, and such secondary standards shall be deemed to be the Protectorate Standards during such time as the Protectorate Standards are out of the Protectorate.

Use of Protectorate Weights and Measures.

Trade contracts,
sales, dealings,
&c., to be in
terms of Protec-
torate weights or
measures.

15. Every contract, bargain, sale, or dealing, made or had in the Protectorate for any work, goods, wares or merchandise or other thing which has been or is to be done, sold, delivered, carried, or agreed for by weight or measure, shall be deemed to be made and had according to one of the Protectorate weights or measures ascertained by this Ordinance, or to some multiple or part thereof, and if not so made or had shall be void, provided that a Court may, in exceptional circumstances in the interests of Justice, direct that a person who has received an advantage under such contract, bargain, sale or dealing, so declared to be void shall restore it or make compensation for it to the person from whom he received it; and all tolls and duties charged or collected according to weight or measure shall be charged and collected according to one of the Protectorate weights or measures ascertained by this Ordinance, or to some multiple or part thereof. Such contract, bargain, sale, dealing and collection of tolls and duties as is in this section mentioned is in this Ordinance referred to under the term "trade."

No local or customary measures, nor the use of the heaped measure, shall be lawful.

Any person who sells by any denomination of weight or measure other than one of the Protectorate weights or measures, or some multiple or part thereof, or by heaped measure, shall be liable to a fine not exceeding thirty Rupees for every such sale.

Sale by avoirdupois weight with exceptions.

16. All articles sold by weight shall be sold by avoirdupois weight; except that:—

(1) Gold and silver, and articles made thereof, including gold and silver thread, lace, or fringe, also platinum, diamonds and other precious metals or stones, may be sold by the ounce troy or by any decimal parts of such ounce; and all contracts, bargains, sales, and dealings in relation thereto shall be deemed to be made and had by such weight, and when so made or had, shall be valid; and

(2) Drugs, when sold by retail, may be sold by apothecaries weights or measures lawfully in use for the time being in England.

Every person who acts in contravention of this section shall be liable to a fine not exceeding seventy five Rupees.

Exception for
contract, &c. in
metric weights
and measures.

17. A contract or dealing shall not be invalid or open to objection on the ground that the weights or measures expressed or referred to therein are weights or measures of the metric system, or on the ground that decimal sub-divisions of the Protectorate weights and measures, whether metric or otherwise, are used in such contract or dealing.

Exception for
sale of article
in vessel not
represented as
being of imperial
or local measure.

18. Nothing in this Ordinance shall prevent the sale, or subject a person to a fine under this Ordinance for the sale of an article in any vessel, where such vessel is not represented as containing any amount of Protectorate measure, nor subject a person to a fine under this Ordinance for the possession of a vessel where it is shown that such vessel is not used nor intended for use as a measure.

Penalty on use
possession of

19. Every person who uses or has in his possession for use for trade a weight or measure which is not of the denomination of some weight or

20. In using a Protectorate measure of capacity, the same shall not be heaped, but either shall be stricken with a round stick or roller, straight and of the same diameter from end to end, or if the article sold cannot from its size or shape be conveniently stricken shall be filled in all parts as nearly to the level of the brim up as the size and shape of the article will admit.

Measure of capacity, when used, to be stricken or filled up.

Unjust Weights and Measures.

21. Every person who uses or has in his possession for use for trade any weight, measure or weighing instrument which is false or unjust, shall be liable to a fine not exceeding seventy five Rupees, or in the case of a second offence three hundred Rupees and any contract, bargain, sale or dealing made by the same shall be void, and the weight, measure or weighing instrument shall be liable to be forfeited.

Penalty on use or possession of unjust measures, &c.

22. Where any fraud is wilfully committed in the using of any weight, measure or weighing instrument, the person committing such fraud, and every person party to the fraud, shall be liable to a fine not exceeding seventy five Rupees or, in the case of a second offence, three hundred Rupees, and the weight, measure or weighing instrument shall be liable to be forfeited.

Penalty for fraud in use of weight, measure, or weighing instrument.

23. A person shall not wilfully or knowingly make or sell, or cause to be made or sold, any false or unjust weight, measure or weighing instrument.

Penalty on sale of false weight measure, or weighing instrument.

Every person who acts in contravention of this section shall be liable to a fine not exceeding one hundred and fifty Rupees or in the case of a second offence seven hundred and fifty Rupees.

Penalty on sale of false weight measure, or weighing instrument.

Stamping and Verification of Weights and Measures.

24. Every weight, except where the small size of the weight renders it impracticable, shall have the denomination of such weight stamped on the top or side thereof in legible figures and letters.

Stamping of weights and measures with denomination.

Every measure of length or capacity shall have the denomination thereof stamped on the outside of such measure in legible figures and letters.

A weight or measure not in conformity with this section shall not be stamped with such stamp of verification under this Ordinance as is hereinafter mentioned.

25. Every measure, weight or weighing instrument whatsoever used for trade shall be verified and stamped by an inspector with a stamp of verification under this Ordinance.

Stamping of verification on measures, weights, and weighing instrument.

26. Subject to the provisions of Section 2 of this Ordinance, every person who, after the expiration of 6 months from the commencement of this Ordinance, uses or has in his possession for use for trade any measure, weight or weighing instrument not stamped as required by this Ordinance, or in respect of which a certificate of justness is required by this Ordinance and no certificate is in force, shall be liable to a fine not exceeding seventy five Rupees or in the case of a second offence one hundred and fifty Rupees and shall be liable to forfeit the said measure, weight, or weighing instrument and any contract, bargain, sale or dealing made by such measure, weight, or weighing instrument shall be void.

Possession of unverified weight, measure or weighing instrument.

27. Any inspector may refuse to stamp any iron weight or any weight cased with iron, unless the same shall have a plug of softer metal upon which to impress or affix the stamp.

Iron weights to have plug of softer metal on which to affix stamp.

28. If any person forges or counterfeits any stamp used for the stamping under this Ordinance of any measure, weight, or weighing instrument or wilfully increases or diminishes a measure or weight so stamped, he shall be liable to a fine not exceeding seven hundred and fifty Rupees. Any person who removes a stamp from any weight or measure or weighing instrument and inserts the same into another weight or measure or weighing instrument shall be deemed to forge or counterfeit a stamp within the meaning of this section.

Forgery, &c. of stamps on measures or weights.

Any person who knowingly uses, sells, utters, disposes of, or exposes for sale any measure, weight or weighing instrument with such forged or counterfeit stamp thereon, or a weight so increased or diminished, shall be liable to a fine not exceeding one hundred and fifty Rupees.

Permissible limits of error.

Permissible errors.

29. Any weight or measure which shall be in accordance with the Standard weight or measure which it represents, and any weighing machine, weight or measure which shall not have a greater error than the limits of error prescribed under the provisions of this Ordinance shall be deemed to be just and true for all the purposes of this Ordinance.

Inspectors of Weights and Measures.

The Commissioner of Police to be ex-officio Inspector of Weights and Measures.

30. The Commissioner of Police shall ex-officio be Inspector of Weights and Measures under this Ordinance.

The Governor may appoint Deputy Inspectors.

31. The Governor may, by writing under his hand from time to time, appoint such persons as he may think fit to be Deputy Inspectors of Weights and Measures under this Ordinance, and may assign such portion of the Protectorate as he may think fit to each such Deputy Inspector as an Inspectoral District; and he may, at any time, revoke any such appointment and assignment.

All such appointments, assignments and revocations shall be notified in the Gazette

Every European Police Officer shall have all the powers of a Deputy Inspector of Weights and Measures throughout the Protectorate.

General duties of Inspectors.

32. The Inspector shall have the general supervision of the Deputy Inspectors, and the Deputy Inspectors shall make such returns and furnish such information as the Inspector may require and, generally, shall conform to the directions of the Inspector.

Examination of weights and measures by Inspectors.

33. The Inspector shall cause such secondary standards as he may think requisite to be delivered to the Deputy Inspectors, and every Deputy Inspector shall, at such times and places as the Inspector shall appoint (of which appointments public notice shall be given), attend with his secondary standards and examine all weights and measures and weighing instruments brought to him and at that time used or intended to be used within his Inspectoral District. Provided that when it shall be found that any weight measure or weighing instrument is of such description as not to be capable of being readily and conveniently brought to an Inspector for the purpose of examination, such Inspector may upon the written request of the person in possession of, and responsible for such weight, measure or weighing instrument, and upon payment by the person making the request of the prescribed fee, attend at the premises where such weight measure or weighing instrument is, and there examine the same.

Any Inspector may, at any time, examine any weights or measures or weighing instruments brought or submitted to him as aforesaid and used or intended to be used within his Inspectoral District.

Comparison with standards of same denomination.

34. An Inspector shall examine every weight and measure which is of the same denomination as one of his secondary standards and is brought or submitted to him for the purpose of verification, and shall compare the same with such secondary standard; and shall examine any weighing instrument brought or submitted to him for the purpose of verification; and, if he shall find the same to be just, and not already stamped or marked, he shall stamp or mark the same in such manner as the Governor may prescribe.

Certificates of justness to be given in certain cases.

35. Whenever an Inspector stamps, marks or verifies any weight or measure or any weighing instrument he shall deliver to the person bringing or submitting to him such weight or measure or weighing instrument a certificate

Schedule G.

of justness in respect of the same, in the form set forth in Schedule G to this Ordinance, or to the like effect, and such certificate shall remain in force from the day on which the same was given for such period, not being less than a year, as the Governor may prescribe, and no longer.

Every Inspector who shall neglect or refuse to deliver a certificate of justness as hereby required shall be liable to a fine not exceeding seventy five Rupees for each such offence.

Effect of a certificate of

36. A weight or measure or weighing instrument marked or stamped under this Ordinance by any Inspector may, so long as the certificate of justness

37. Every Inspector may at all reasonable times, enter any shop, store, warehouse, stall, yard or other place, within his Inspectoral District, wherein he has reasonable cause to believe that any goods are bought, sold, exposed or kept for sale, or weighed or measured for conveyance or carriage, and may require the production of, and examine, all weights, measures or weighing instruments that may be there; and if, on such examination, he has reasonable cause to believe that any one of such weights, measures or weighing instruments is made or used contrary to any of the provisions of this Ordinance, he may seize, carry away and detain the same for the purpose of comparison thereof with a secondary standard.

38. Any person who refuses to produce to an Inspector any weight, weighing instrument or measure in his possession or custody, whereof such Inspector requires the production, under this Ordinance, or who obstructs, or hinders any Inspector in any examination, under this Ordinance, of any weight, weighing instrument or measure, shall be guilty of an offence against this Ordinance and be liable to a fine not exceeding seventy five Rupees.

39. (1) An Inspector shall not, during the time he holds office, be a person deriving any profit from or employed in the making, adjusting, or selling of weights, measures, or weighing instruments.
- (2) Provided that in any district where, on the representation of the Commissioner of Police, it appears to be desirable for an Inspectors of weights and measures to be allowed to adjust weights, measures and weighing instruments, the Governor may, if he thinks fit, authorise an Inspector to act as an adjuster of weights, measures and weighing instruments.
- (3) An Inspector so authorised may, for any such adjustment, make such charges as the Governor shall approve, and shall account for any pay and money received by him in respect of such charges in such manner as the Governor shall direct.

40. Any Inspector who knowingly stamps or marks any weight or measure or weighing instrument not at that time used or intended to be used within his Inspectoral District shall be guilty of an offence against this Ordinance and be liable to a fine not exceeding thirty Rupees.

41. If an Inspector stamps a weight or measure or weighing instrument in contravention of any provision of this Ordinance, or without duly verifying the same by comparison with a secondary standard or otherwise, or is guilty of a breach of any duty imposed on him by this Ordinance, or otherwise misconducts himself in the execution of his Office, he shall be liable to a fine not exceeding seventy five Rupees for each offence.

Legal Proceedings.

42. Such portion of any fine under this Ordinance, not exceeding a moiety, as the Court before whom a person is convicted thinks fit to direct, may, if the Court in its discretion so order, be paid to the informer unless the informer is an Inspector of weights and measures or a Police Officer.

43. All weights, measures and weighing instruments forfeited under this Ordinance shall be broken up, and the materials thereof may be sold or otherwise disposed of as the Court shall direct, and the proceeds of such sale shall be applied in like manner as fines under this Ordinance.

44. A person shall not be liable to any increased penalty for a second offence under any section of this Ordinance unless that offence was committed after a conviction within five years previously for an offence under the same section.

45. Where any weight, measure or weighing instrument is found in the possession of any person carrying on trade within the meaning of this Ordinance, or on the premises of any person which, whether a building or in the open air, whether open or enclosed, are used for trade within the meaning of this Ordinance, such person shall be deemed for the purposes of this Ordinance, until the contrary is proved, to have such weight, measure or weighing instrument in his possession for use for trade.

46. Where a person is convicted under any section of this Ordinance of any offence, and the Court by which he is convicted is of opinion that such offence was committed with intent to defraud, he shall be liable, in addition to, or in lieu of, any fine or imprisonment of either description, for a term not

Publication of convictions.

47. Where a person is convicted before any Court of any offence under this Ordinance, the Court may, if it thinks fit, cause the conviction to be published in such manner as it thinks desirable.

Imprisonment in default of payment of fines

48. In default of payment of any fine imposed for a breach of any of the provisions of this Ordinance the Court may order that the person making default shall be imprisoned, with imprisonment of either description, for any term not exceeding the period specified in the following scale:—

Where the fine does not exceed seventy five Rupees, for any term not exceeding one calendar month;

Where the fine does not exceed one hundred and fifty Rupees for any term not exceeding two calendar months;

Where the fine does not exceed three hundred and seventy five Rupees for any term not exceeding three calendar months; and

Where the fine exceeds three hundred and seventy five Rupees for any term not exceeding six calendar months;

And any such imprisonment shall be determined upon payment of such fine.

Provision as to action against person acting in execution of Ordinance.

49. In an action for any act done in pursuance or execution or intended execution of this Ordinance, or in respect of any alleged neglect or default in the execution of this Ordinance, tender of amends before the action is commenced may, in lieu of or in addition to any other plea, be pleaded, if the action was commenced after such tender, or is proceeded with after payment into Court of any money in satisfaction of the plaintiff's claim. If the action is commenced after such tender, or is proceeded with after such payment, and the plaintiff does not recover more than the sum tendered or paid respectively, the plaintiff shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to his costs, to be taxed as between pleader and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action.

Saving for liabilities otherwise than under Ordinance.

50. (1) No proceeding or conviction for any offence punishable under this Ordinance shall affect any civil remedy to which any person aggrieved by the offence may be entitled.
- (2) This Ordinance shall not exempt any person from any other proceeding for an offence which is punishable otherwise than under this Ordinance, so that no person be punished twice for the same offence.
- (3) Where proceedings are taken before any Court against any person in respect of any offence punishable under this Ordinance, and the offence is also punishable otherwise than under this Ordinance, the Court may direct that, instead of those proceedings being continued, proceedings shall be taken against that person otherwise than under this Ordinance. Provided that the provisions of Chapter XIII of the Indian Penal Code shall cease to apply in every case where the provisions of this Ordinance dealing with same offences are in force.

Miscellaneous.

51. The Governor may, from time to time, make rules prescribing :

Power to Governor to make rules.

- (1) A table of fees to be taken by the Inspectors for stamping, marking or verifying weights or measures under this Ordinance;
- (2) Standards of weights and measures of denominations other than those contained in this Ordinance.
- (3) Penalties, not exceeding a fine of one hundred and fifty Rupees for the breach or attempted breach of any rule.
- (4) General rules with respect to
- (a) the verification and stamping of weights and measures and weighing instruments, including the prohibition of stamping in cases where the nature, denomination, material or principle of construction of the weight, measure or instrument appears

- (b) the circumstances and conditions under which and the manner Repeal. in which stamps may be obliterated or defaced ;
- (c) the tests to be applied for the purpose of ascertaining the accuracy and efficiency of weights and measures and weighing instruments.
- (d) the limits of error to be allowed on verification and to be tolerated on inspection either generally or as respects any trade ; and
- (e) generally for the better carrying into effect any of the purposes of this Ordinance.

52. The Measures Regulations, 1899 are hereby repealed.

Schedule A.

(See Section 5.)

AVOIRDUPOIS WEIGHTS.

Denominations.	Parts or multiples of a pound avoirdupois. (Native Equivalent "rotteli or rotli ").
Grain	1 <hr/> 7000
Dram	1 <hr/> 256
Ounce or Wakia	1 <hr/> 16
Stone	14
Quarter Hundred weight	28
Hundred weight	112
Ton	2240

Schedule B.

(See Section 6.)

TROY WEIGHTS.

Denominations.	Parts or multiples of a pound avoirdupois.
Grain	1 <hr/> 7000
Ounce	480 <hr/> 7000

Schedule C.

(See Section 7.)

PROTECTORATE MEASURES OF CAPACITY.

Denominations.	Parts or multiples of a gallon.
Pint	$\frac{1}{8}$
Quart	$\frac{1}{4}$
Kibaba	$\frac{1}{6}$
Pishi	$\frac{4}{6}$
Peck	2
Bushel	8
Quarter	64
Chaldron	288

Schedule D.

(See Section 8.)

IMPERIAL MEASURES OF LENGTH.

Denominations.	Parts or multiples of a yard.
Inch	$\frac{1}{36}$
Foot	$\frac{1}{3}$
Pole or perch	$5\frac{1}{2}$
Chain (100 links)	22
Furlong	220
Mile	1760

Schedule E.

(See Section 9.)

IMPERIAL MEASURES OF SURFACE.

Denominations.	Parts or multiples of a square yard.
Square inch	$\frac{1}{1296}$
Square foot	$\frac{1}{9}$
Square pole or perch	$30\frac{1}{4}$
Rood	1210
Acre	4840

(SEE SECTION 11)

Schedule F.

Measure of Length.

An Imperial Standard Yard, graduated into feet and inches throughout, the end inches being divided into eighths, tenths, and twelfths of an inch respectively.

Measures of Avoirdupois Weight.

Fifty six pounds, or half a hundred weight. Twenty eight pounds, or a quarter. Fourteen pounds, or a stone. Seven pounds. Four pounds. Two pounds. One pound. Half a pound. One fourth of pound. Two ounces. An ounce. Half an ounce. One fourth of an ounce. Two drams. One dram. Half a dram.

Measures of Capacity.

A bushel. Half a bushel. A peck. A gallon. Half a gallon. A Pishi. A Kibaba. Half a Kibaba. One-fourth of a Kibaba. A quart. A pint. Half a pint. One-fourth of a pint. Half a gill. One quarter of a gill.

SEE SECTION 35.

Schedule G.

Form of Certificate of Justness.

I hereby certify that the following weights and measures, (or weighing instruments) namely _____, brought to me by _____, residing at _____, were this day stamped (or marked or verified) by me, the same having been examined and found correct by me.

Dated at _____, this _____ day of _____ 191 _____.

(Signature)
Deputy Inspector of Weights & Measures.

NOTE :—This certificate remains in force for _____ calendar months from the date hereof.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 17 OF 1912.

Title. *An Ordinance to make Provision for the Registration of Trade Marks in the East Africa Protectorate.*

Date. [16th October, 1912.]

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

Short Title and Commencement

1. This Ordinance may be cited as "The Registration of Trade Marks Ordinance, 1912" and shall come into operation, for the purpose of making rules and prescribing forms and fees, on the publication of the Ordinance; and, for all other purposes, on such date as the Governor, by notice in the "Gazette," shall determine.

PART I.

Definitions.

Definitions.

2. In and for the purposes of this Ordinance (unless the context otherwise requires):—

"Marks" shall include a device, brand, heading, label, ticket, name, signature, word, letter, numeral, or any combination thereof:

"Trade Mark" shall mean a mark used or proposed to be used upon or in connection with goods for the purpose of indicating that they are the goods of the proprietor of such trade mark by virtue of manufacture, selection, certification, dealing with, or offering for sale:

"Registrable Trade Mark" shall mean a trade mark which is capable of registration under the provisions of this Ordinance:

"Register" shall mean the register of trade marks kept under the provisions of this Ordinance:

"Registered Trade Mark" shall mean a trade mark which is actually upon the register:

"Prescribed" shall mean, in relation to proceedings before the Court, prescribed by rules of Court; and, in other cases, prescribed by this Ordinance or the Rules thereunder:

"Court" shall mean His Majesty's High Court for East Africa.

"Person" includes a body corporate:

"Goods" shall mean anything which is the subject of trade, manufacture, or merchandise.

Register of Trade Marks.

Register of trade marks.

3. There shall be kept at the Office of the Secretary under the Inventions and Designs Act 1888 (Act V of 1888) for the purposes of this Ordinance a book called the Register of Trade Marks, wherein shall be entered all registered trade marks with the names and addresses of their proprietors, the dates on which applications were made for their registration, as hereinafter provided, notifications of assignments and transmissions, disclaimers, conditions, limitations, and such other matters relating to such trade marks as may from time to time be prescribed. The register shall be kept under the control and management of the aforesaid Secretary, who is in this Ordinance referred to as the Registrar.

Trust not to be entered in register.

4. There shall not be entered in the register any notice of any trust expressed, implied, or constructive, nor shall any such notice be receivable by the Registrar.

5. The register kept under this Ordinance shall at all convenient times be open to the inspection of the public, subject to the provisions of this Ordinance or to such regulations as may be prescribed; and certified copies of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee. Inspection of and
extract from
register.

Registrable Trade Mark.

6. A Trade Mark must be registered in respect of particular goods or classes of goods. Particularity.

The applicant shall, in his application, state goods included in one class only. If the applicant desires to register the same mark for goods falling in more than one class, he shall make a separate application in respect of each class and each of such applications shall be treated for all purposes as a separate and distinct application and the entries on the register in pursuance of such applications shall for all purposes, be deemed to relate to separate and distinct trade marks.

7. A registrable trade mark must contain or consist of at least one of the following essential particulars:— Essentials.

- (1) The name of a company, individual, or firm represented in a special or particular manner;
- (2) The signature of the applicant for registration or some predecessor in his business;
- (3) An invented word or invented words;
- (4) A word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname;
- (5) Any other distinctive mark, but a name, signature or word or words, other than such as fall within the descriptions in the above paragraphs (1), (2), (3), and (4), shall not, except by order of the Court, be deemed a distinctive mark:

For the purposes of this Section "distinctive" shall mean adapted to distinguish the goods of the proprietor of the trade mark from those of other persons.

In determining whether a trade mark is so adapted the Court may, in the case of a trade mark in actual use, take into consideration the extent to which such user has rendered such trade mark in fact distinctive for the goods with respect to which it is registered or proposed to be registered.

Provided always that any mark which has been registered as a distinctive mark in the United Kingdom under the Trade Marks Act 1905, shall be deemed to be a distinctive mark for the purpose of this Ordinance.

8. A trade mark may be limited in whole or in part to one or more specified colours, and in such case the fact that it is so limited shall be taken into consideration by any Tribunal having to decide on the distinctive character of such trade mark. If and so far as a trade mark is registered without limitation of colour it shall be deemed to be registered for all colours. Coloured trade
marks.

9. (1) It shall not be lawful to register as a trade mark or part of a trade mark any matter, the use of which would by reason of its being calculated to deceive or otherwise be disentitled to protection in a Court of Justice, or would be contrary to law or morality, or any scandalous design. Restriction on
registration.
- (2) No trade mark shall be registered for any goods set forth and included in classes 23, 24, and 25 of the third part of the Schedule hereto unless such trade mark has been and is registered in the United Kingdom in respect of such goods.

Registration of Trade Marks.

10. (1) Any person claiming to be the proprietor of a trade mark may by himself or his agent apply to the Registrar for the registration thereof. Application to
register
- (2) The application must be made in the prescribed form, and must be accompanied by not less than three representations of the trade mark and by a stereotype block of such representation.
- (3) The applicant must state the particular goods or classes of goods in connection with which he desires his trade mark to be registered.
- (4) The application must be left with or sent by post to the Registrar.
- (5) The date of the delivery or receipt of the application shall be endorsed thereon and recorded in the Registrar's Office.

- Action in regard to application.
11. (1) Subject to the provisions of this Ordinance the Registrar may refuse such application as aforesaid, or may accept it absolutely or subject to conditions, amendments or modifications.
- (2) In case of any such refusal or conditional acceptance the Registrar shall, if required by the applicant, state in writing the grounds of his decision and the materials used by him in arriving at the same, and such decision shall be subject to appeal to the Court.
- (3) An appeal under this section shall be made in the prescribed manner, and on such appeal the Court shall, if required, hear the applicant and the Registrar, and shall make an order determining whether, and subject to what conditions, amendments, or modifications, if any, the application is to be accepted.
- Advertisement of application.
12. When an application for registration of a trade mark has been accepted, whether absolutely or subject to conditions, the Registrar shall, as soon as may be after such acceptance, cause the application as accepted to be advertised in the "Official Gazette." Such advertisement shall set forth all conditions subject to which the application has been accepted.
- Opposition of registration.
13. (1) Any person may, within three months, or such further time, not exceeding nine months in all as the Registrar shall allow from the date of the advertisement of an application for the registration of a trade mark, give notice to the Registrar of opposition to such registration.
- (2) Such notice shall be given in writing in the prescribed manner, and shall include a statement of the grounds of opposition.
- (3) The Registrar shall send a copy of such notice to the applicant, and within one month after the receipt of such notice, or such further time, not exceeding three months in all, as the Registrar may allow, the applicant shall send to the Registrar, in the prescribed manner, a counter-statement of the grounds on which he relies for his application, and, if he does not do so, he shall be deemed to have abandoned his application.
- (4) If the applicant send such counter-statement, the Registrar shall furnish a copy thereof to any person giving notice of opposition, and shall require him to give security in such manner and to such amount as the Registrar may require for such costs as may be awarded in respect of such opposition, and if such security is not given within fourteen days after such requirement was made or such further time as the Registrar may allow, the opposition shall be deemed to be withdrawn.
- (5) If the person who gave notice of opposition duly gives such security as aforesaid, the Registrar shall inform the applicant thereof in writing, and thereafter the case shall be deemed to stand for the determination of the Court.
- (6) Where the opponent is out of the Protectorate he shall, with notice of opposition to registration, give the Registrar an address for service in the Protectorate.
- Notice.
- Counter-statement.
- Copy of counter-statement to party opposing.
- Cases how brought before the Court.
14. (1) When a case stands for the determination of the Court under the provisions of the last preceding Section, the Registrar shall require the applicant to make a written application to the Court for an order that, notwithstanding the opposition of which notice has been given, the registration of the trade mark be proceeded with by the Registrar, or to take such other proceedings as may be proper and necessary for the determination of the case by the Court.
- (2) The applicant shall thereupon make his application or take such other proceedings as aforesaid, within the period of one month or such further time as the Registrar may allow, and shall also within the like period give notice thereof to the Registrar.
- (3) If the applicant shall fail to make such application or to take such other proceedings of which failure the non-receipt by the Registrar of the said notice shall be sufficient proof, the applicant shall be deemed to have abandoned his application.
- Powers of the Court.
15. (1) The Court shall have power in proceedings under the last two

- (2) The Court shall, if required, hear the parties and the Registrar, and shall make an order determining whether, and subject to what conditions, if any, registration is to be permitted.
- (3) The Court may permit the trade mark proposed to be registered to be modified in any manner not substantially effecting the identity of such trade mark, but in such case the trade mark as so modified shall be advertised in the "Official Gazette" before being registered.

16. If a trade mark contains parts not separately registered by the proprietor as trade marks, or if it contains matter common to the trade or otherwise of a non-distinctive character, the Registrar or the Court, in deciding whether such trade mark shall be entered or shall remain upon the register, may require, as a condition of its being upon the register, that the proprietor shall disclaim any right to the exclusive use of any part or parts of such trade mark, or of all or any portion of such matter, to the exclusive use of which they hold him not to be entitled, or that he shall make such other disclaimer as they may consider needful for the purpose of defining his rights under such registration: Provided always that no disclaimer upon the register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made. Disclaimers.

17. When an application for registration of a trade mark has been accepted and has not been opposed, and the time for notice of opposition has expired, or having been opposed, the opposition has been decided in favour of the applicant, the Registrar shall, unless the Court otherwise direct, register the said trade mark, and the trade mark, when registered, shall be registered as of the date of the application for registration, and such date shall be deemed for the purposes of this ordinance to be the date of registration. Date of registration.

18. The Registrar shall have a seal and on the registration of a trade mark he shall issue to the applicant a certificate in the prescribed form of the registration of such trade mark under the hand and seal of the Registrar. Certificate of registration.

19. Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar may, after giving notice in writing of the non-completion to the applicant or to his agent (if any), treat the application as abandoned unless it is completed within the time specified in that behalf in such notice. Non-completion of registration.

Identical Trade Marks.

20. Except by order of the Court or in the case of trade marks in use before the coming into operation of this Ordinance, no trade mark shall be registered in respect of any goods or description of goods which is identical with one belonging to a different proprietor which is already on the register with respect to such goods or description of goods, or so nearly resembling such a trade mark as to be calculated to deceive. Identical marks.

21. Where each of several persons claims to be proprietor of the same trade mark or of nearly identical trade marks, in respect of the same goods or description of goods, and to be registered as such proprietor, the Registrar may refuse to register any of them until their rights have been determined by the Court, or have been settled by agreement in a manner approved by him. Rival claims to identical marks.

22. In case of honest concurrent user or of other special circumstances which, in the opinion of the Court, make it proper to do so, the Court may permit the registration of the same trade mark, or of nearly identical trade marks, for the same goods or description of goods by more than one proprietor subject to such conditions and limitations, if any, as to mode or place of user or otherwise as it may think it right to impose. Concurrent user.

Assignment.

23. A trade mark when registered shall be assigned and transmitted only in connection with the goodwill of the business concerned in the goods for which it has been registered and shall be determinable with that goodwill. Assignment and transmission of trade marks.

24. In any case where from any cause, whether by reason of dissolution of partnership or otherwise, a person ceases to carry on business, and the goodwill of such person does not pass to one successor but is divided, the Registrar may (subject to the provisions of this Ordinance as to associated trade marks,) on the application of the parties interested, permit an apportionment of the registered trade marks of the person among the persons in fact continuing the business, subject to such conditions and modifications, if any, as he may think

Associated Trade Mark.

Associated trade marks.

25. If application be made for the registration of a trade mark so closely resembling a trade mark of the applicant already on the register for the same goods or description of goods as to be calculated to deceive or cause confusion if used by a person other than the applicant, the tribunal hearing the application may require as a condition of registration that such trade marks shall be entered on the register as associated trade marks.

Combined trade marks

26. If the proprietor of a trade mark claims to be entitled to the exclusive use of any portion of such trade mark separately he may apply to register the same as separate trade marks. Each such separate trade mark must satisfy all the conditions and shall have all the incidents of an independent trade mark, except that when registered it and the trade mark of which it forms a part shall be deemed to be associated trade marks and shall be entered on the register as such, but the user of the whole trade mark shall for the purposes of this Ordinance be deemed to be also a user of such registered trade marks belonging to the same proprietor as it contains.

Series of trade marks.

27. When a person claiming to be the proprietor of several trade marks for the same description of goods which, while resembling each other in the material particulars thereof, yet differ in respect of:—

- (a) Statements of the goods for which they are respectively used or proposed to be used; or
- (b) Statements of number, price quality, or names of places; or
- (c) Other matter of a non-distinctive character which does not substantially affect the identity of the trade mark; or
- (d) Colour;

seeks to register such trade marks, they may be registered as a series in one registration. All the trade marks in a series of trade marks so registered shall be deemed to be, and shall be registered as, associated trade marks

Assignment and user of associated trade marks.

28. Associated trade marks shall be assignable or transmissible only as a whole and not separately, but they shall for all other purposes be deemed to have been registered as separate trade marks. Provided that where under the provisions of this Ordinance user of a registered trade mark is required to be proved for any purpose, the tribunal may, if and so far as it shall think right, accept user of an associated registered trade mark, or of the trade mark with additions or alterations not substantially affecting its identity as an equivalent for such user.

Duration and Renewal of Registration.

Duration of registration.

29. The registration of a trade mark shall be for a period of fourteen years, but may be renewed from time to time in accordance with the provisions of this Ordinance.

Renewal of registration.

30. The Registrar shall, on application made by the registered proprietor of a trade mark in the prescribed manner and within the prescribed period, renew the registration of such trade mark for a period of fourteen years from the expiration of the original registration or of the last renewal of registration, as the case may be, which date is herein termed, "the expiration of the last registration.

Procedure on expiry of period of registration.

31. At the prescribed time before the expiration of the last registration of a trade mark, the Registrar shall send notice in the prescribed manner to the registered proprietor at his registered address of the date at which the existing registration will expire and the conditions as to payment of fees and otherwise upon which a renewal of such registration may be obtained, and if at the expiration of the time prescribed in that behalf such conditions have not been duly complied with, the Registrar may remove such trade mark from the register, subject to such conditions (if any) as to its restoration to the register as may be prescribed.

Status of unrenewed trade mark.

32. Where a Trade Mark has been removed from the register for non-payment of the fee for renewal, such trade mark shall, nevertheless, for the purpose of any application for registration during one year next after the date of such removal, be deemed to be a trade mark which is already registered, unless it is shown to the satisfaction of the Registrar that there had been no *bonâ fide* trade user of such trade mark during the two years immediately

Correction and Rectification of application or of the Register.

33. The Registrar may, on request in writing accompanied by the prescribed fee, Registrar may correct formal errors in application.

- (a) correct any clerical error in or in connection with an application for the registration of a trade mark, or
- (b) permit an applicant for registration of a trade mark to amend his application upon such terms as he may think fit.

34. The Registrar may, on request made in the prescribed manner by the registered proprietor or by some person entitled by law to act in his name:— Correction of register.

- (1) Correct any error in the name or address of the registered proprietor of a trade mark; or
- (2) Enter any change in the name or address of the person who is registered as proprietor of a trade mark; or
- (3) Cancel the entry of a trade mark on the register; or
- (4) Strike out any goods or descriptions of goods from those for which a trade mark is registered; or
- (5) Enter a disclaimer or memorandum relating to a trade mark which does not in any way extend the rights given by the existing registration of such trade mark.

Any decision of the Registrar under this Section shall be subject to appeal to the Court.

35. Subject to the provisions of this Ordinance where a person becomes entitled to a registered trade mark by assignment, transmission, or other operation of law, the registrar shall, on request made in the prescribed manner, and on proof of title to his satisfaction, cause the name and address of such person to be entered on the register as proprietor of the trade mark. Any decision of the Registrar under this Section shall be subject to appeal to the Court. Registration of assignments, &c.

36. (1) The registered proprietor of any trade mark may apply in the prescribed manner to the Registrar for leave to add to or alter such trade mark in any manner not substantially affecting the identity of the same, and the Registrar may refuse such leave or may grant the same on such terms as he may think fit; but any such refusal or conditional permission shall be subject to appeal to the Court. Alteration of registered trade mark.

(2) If leave be granted, the trade mark as altered shall be advertised in the prescribed manner; and the Registrar shall on payment of the prescribed fee, cause the register to be altered in conformity with the order of leave.

37. (1) The Court may, on the application of any person aggrieved by the omission without sufficient cause of the name of any person or of any other particulars from the register kept under this Ordinance or by any entry made without sufficient cause in the register, or by any entry wrongfully remaining on the register, or by any error or defect in any entry in the register make such order for making, expunging, or varying the entry as the Court thinks fit, or the Court may refuse the application, and in either case may make such order with respect to the costs of the proceedings as the Court thinks fit. Rectification of register by the Court.

(2) The Court may in any proceedings under this section decide any question that it may be necessary or expedient to decide for the rectification of a register, and may direct an issue to be tried for the decision of any question of fact, and may award damages to the party aggrieved

(3) Notice of any intended application to the Court under this section shall be given to the Registrar by the applicant, and the Registrar shall be entitled to be heard on the application.

(4) In case of fraud in the registration or transmission of a registered trade mark, the Registrar may himself apply to the Court under the provisions of this section.

(5) If any order of the Court rectifying the register is made the Registrar shall on proof thereof and on payment of the prescribed fee cause the register to be altered in conformity with such order.

Non-user of trade mark.

38. A registered trade mark may, on the application to the Court of any person aggrieved, be taken off the register in respect of any of the goods for which it is registered, on the ground that it was registered by the proprietor or a predecessor in title without any *bonâ fide* intention to use the same in connection with such goods, and there has in fact been no *bonâ fide* user of the same in connection therewith, or on the ground that there has been no *bonâ fide* user of such trade mark in connection with such goods during the five years immediately preceding the application, unless in either case such non-user is shown to be due to special circumstances in the trade, and not to any intention not to use or to abandon such trade mark in respect of such goods.

Effect of Registration.

39. Subject to the provisions of this Ordinance.

Powers of registered proprietor.

(1) The person for the time being entered in the register as proprietor of the trade mark shall, subject to any rights appearing from such register to be vested in any other person, have power to assign the same, and to give effectual receipts for any consideration for such assignment:

(2) Any equities in respect of a trade mark may be enforced in like manner as in respect of any other personal property.

Rights of proprietor of trade mark.

40. Subject to the provisions of section 42 of this Ordinance and to any limitations and conditions entered upon the register, the registration of a person as proprietor of a trade mark shall, if valid, give to such person the exclusive right to the use of such trade mark upon or in connection with the goods in respect of which it is registered:

Provided always that where two or more persons are registered proprietors of the same (or substantially the same) trade mark in respect of the same goods no rights of exclusive user of such trade mark shall (except so far as their respective rights shall have been defined by the Court) be acquired by any one of such persons as against any other by the registration thereof, but each of such persons shall otherwise have the same rights as if he were the sole registered proprietor thereof.

More than one proprietor.

Registration *prima facie* evidence of validity.

41. In all legal proceedings relating to a registered trade mark (including applications under section 37 of this Ordinance) the fact that a person is registered as proprietor of such trade mark shall be *prima facie* evidence of the validity of the original registration of such trade mark and of all subsequent assignments and transmissions of the same.

Registration conclusive after 7 years.

42. In all legal proceedings relating to a registered trade mark (including applications under section 37 of this Ordinance) the original registration of such trade mark shall after the expiration of seven years from the date of such original registration (or seven years from the passing of this Ordinance, whichever shall last happen) be taken to be valid in all respects unless such original registration was obtained by fraud, or unless the trade mark offends against the provisions of section 9 of this Ordinance.

Provided that nothing in this Ordinance shall entitle the proprietor of a registered trade mark to interfere with or restrain the user by any person of a similar trade mark upon or in connection with goods upon or in connection with which such person has, by himself or his predecessors in business, continuously used such trade mark from a date anterior to the user of the first mentioned trade mark by the proprietor thereof or his predecessors in business, or to object (on such user being proved) to such person being put upon the register for such similar trade mark in respect of such goods under the provisions of section 22 of this Ordinance.

Unregistered trade mark.

No person shall be entitled to institute any proceeding to prevent or to recover damages for the infringement of an unregistered trade mark unless such trade mark was in use before the coming into operation of this Ordinance, and has been refused registration under this Ordinance. The Registrar may, on request, grant a certificate that such registration has been refused.

Infringement.

44. In an action for the infringement of a trade mark the Court trying the question of infringement shall admit evidence of the usages of the trade, in respect to the get-up of the goods for which the trade mark is registered, and of any trade marks or get-up legitimately used in connection with such goods by other persons.

45. No registration under this Ordinance shall interfere with any *bona fide* use by a person of his own name or place of business or that of any of his predecessors in business, or the use by any person of any *bona fide* description of the character or quality of his goods. User of name, address or description of goods.

46. Nothing in this Ordinance contained shall be deemed to affect rights of action against any person for passing off goods as those of another person or the remedies in respect thereof. "Passing off" action.

Legal Proceedings.

47. In any legal proceeding in which the validity of the registration of a registered trade mark comes into question and is decided in favour of the proprietor of such trade mark, the Court may certify the same, and if it so certifies then in any subsequent legal proceeding in which such validity comes into question the proprietor of the said trade mark on obtaining a final order or judgement in his favour shall have his full costs, charges, and expenses as between solicitor and client, unless in such subsequent proceeding the Court certifies that he ought not to have the same. Certificate of validity.

48. Every application made to the Court under Section 36 or 37 and all proceedings thereunder shall be conducted in such manner as the Court may direct. Procedure before the Court.

Costs.

49. In all proceedings before the Court under this Ordinance the costs of the Registrar shall be in the discretion of the Court, but the Registrar shall not be ordered to pay the costs of any other of the parties. Costs.

Evidence.

50. Printed or written copies or extracts purporting to be certified by the Registrar, of or from any document, register, and other books filed or kept under this Ordinance, in his office shall be admitted in evidence in all Courts in the Protectorate, and in all proceedings, without further proof or production of the originals. Certified copies to be evidence.

51. A certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing which he is authorised by this Ordinance, or any rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or not done. Certificate of Registrar to be evidence.

52. (1) An application, notice or other document authorised or required to be left with made or given to the Registrar or to any other person under this Ordinance, may be sent by a registered letter through the post, and if so sent shall be deemed to have been so left, made, or given respectively at the time when the letter containing the same would be delivered in the ordinary course of post. Application may be sent by post.

(2) In proving such service or sending it shall be sufficient to prove that the letter was properly addressed and registered at the Post Office.

Duties of Registrar of Trade Marks.

53. Where any discretionary or other power is given to the Registrar by this Ordinance or rules made thereunder he shall not exercise that power adversely to the applicant for registration or the registered proprietor of the Trade Mark in question without (if duly required so to do within the prescribed time) giving such applicant or registered proprietor an opportunity of being heard. Exercise of discretionary powers of Registrar.

PART II.

Power to make Rules as to Fees, &c.

54. (1) The Governor in Council may from time to time make, alter, or revoke rules, prescribe such forms, and generally to do such things as he thinks expedient subject to the provisions of this Ordinance:— Power to make rules.

- (c) for prescribing the fees payable in respect of applications and registrations and other matters under the Ordinance, and the mode of payment of the same ;
 - (d) generally for regulating all the things by the said Ordinance placed under the direction or control of the Registrar ;
 - (e) for altering or revoking the provisions contained in the Schedules hereto.
- (2) Any rules made in pursuance of this section shall be published in the "Gazette" and shall come into operation on the publication thereof, subject to disallowance by His Majesty.
 - (3) Unless and until they be altered or revoked under this section the provisions contained in the schedule hereto shall be and remain in force.

Special Trade Mark.

Standardization, &c
of trade mark.

55. Where any association or person undertakes the examination of any goods in respect of origin, material, mode of manufacture, quality, accuracy, or other characteristic, and certifies the result of such examination by mark used upon or in connection with such goods, the Governor may, if he judge it to be to the public advantage, direct the Registrar to permit such association or person to register such mark as a trade mark in respect of such goods, whether or not such association or person be a trading association or trader or possessed of a goodwill in connection with such examination and certifying. When so registered such trade mark shall be deemed in all respects to be a registered trade mark, and such association or person to be proprietor thereof, save that such trade mark shall be transmissible or assignable only by permission of the Governor.

Trade Marks Registered in Great Britain.

Registration of
British Trade Marks.

56. (1) Any person who has registered a trade mark in the United Kingdom shall be entitled to registration of his trade mark under this Ordinance in priority to other applicants, and such registration shall have the same date as the application for registration in the United Kingdom; provided that his application is made within four months from his applying for protection in the United Kingdom.

Provided that nothing in this section contained shall entitle the proprietor of the trade mark to recover damages for infringements happening prior to the date of actual registration of his trade mark in the Protectorate.

- (2) The use in the Protectorate during the period aforesaid of the trade mark shall not invalidate the registration of his trade mark.
- (3) The application for the registration of a trade mark under this Section must be made in the same manner as an ordinary application under this Ordinance. Provided that any trade mark the registration of which has been only obtained in the United Kingdom may be registered under this Ordinance.

Offences.

Offences.

57. (1) If any person makes or causes to be made a false entry in the register kept under this Ordinance, or a writing falsely purporting to be a copy of an entry in such register, or produces, or tenders, or causes to be produced or tendered in evidence any such writing knowing the entry or writing to be false, he shall be guilty of an offence and on conviction shall be liable to imprisonment of either description for a term not exceeding five years.
- (2) Any person who represents any trade mark as registered, which is not so, shall be guilty of an offence, and liable on conviction to a fine not exceeding seventy five Rupees.

A person shall be deemed for the purposes of this section, to represent that a trade mark is registered if he uses in connection with the trade mark the word "registered" or any word or words expressing or implying that registration has been

- (3) If any person, without the authority of His Majesty, uses in connection with any trade, business, calling, or profession, the Royal Arms (or arms so closely resembling the same as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised so to use the Royal Arms, or if any person without the authority of His Majesty or of a Member of the Royal Family uses in connection with any trade, business, calling, or profession any device, emblem or title in such manner as to be calculated to lead to the belief that he is employed by or supplies goods to His Majesty or such Member of the Royal Family, he shall be guilty of an offence and liable on conviction to a fine not exceeding three hundred rupees; Provided that nothing in this Sub-section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing any such arms, device, emblem, or title to continue to use such trade mark.

International and Intercolonial Arrangements.

58. (1) If His Majesty is pleased by Order-in-Council to apply the provisions of section 91 of the Imperial Act entitled "The Patents and Designs Act, 1907" to the Protectorate, then any person who has applied for the protection for any trade mark in any foreign State with the Government of which His Majesty has made an arrangement under the said Section for mutual protection to trade marks, shall be entitled to registration of his trade mark under this Ordinance in priority to other applicants, and such registration shall take effect from the same date as the date of the application in such Foreign State. International arrangements
Priority registration.
- (2) Every application for the registration of a trade mark under this Section shall be made within four months from the date of the application for protection in such Foreign State.
- (3) Nothing in this Section contained shall entitle the proprietor of the trade mark to recover damages for infringements happening prior to the date of the actual registration of his trade mark in the Protectorate.
- (4) The use in the Protectorate during the period aforesaid of the trade mark shall not invalidate the registration thereof.
- (5) The application for the registration of a trade mark under this section shall be made in the same manner as an ordinary application under this Ordinance. Provided that any trade mark the registration of which has been duly applied for in the country of origin may be registered under this Ordinance.
- (6) The provisions of this Section shall apply only in the case of those Foreign States with respect to which His Majesty shall from time to time by Order-in-Council declare the provision of the aforesaid Section 91 of the Patents and Designs Act, 1907, to be applicable, and so long only in the case of each State as such Order continues in force with respect to that State.
59. (1) Whenever it appears to the Governor in Council that the Legislature of any British Possession or Protectorate has made satisfactory provision for the protection in such Possession or Protectorate of trade marks registered in the Protectorate, the Governor may by Order apply all or any of the provisions of the last preceding Section of this Ordinance with such variations or additions as may seem fit to trade marks registered in such British Possession or Protectorate. Intercolonial arrangements.
- (2) An Order-in-Council under this Section shall, from a date to be mentioned in the Order, take effect as if its provisions had been contained in this Ordinance, but the Governor in Council may revoke such Order.

General.

60. Whenever the last day fixed by this Ordinance, or by any rule for the time being in force, for leaving any document with, or paying any fee to the Provisions as to public holidays.

Infants, lunatics, &c.

61. If any person is, by reason of infancy, lunacy or other disability, incapable of making any affidavit or doing anything required or permitted by this Ordinance or by any rules made under the authority of this Ordinance, then the guardian of such incapable person, or if there be none, any person appointed by any Court possessing jurisdiction in respect of the property of incapable persons upon the petition of any person on behalf of such incapable person, or any other person interested in the making of such affidavit or doing such thing, may make such affidavit, or an affidavit as nearly corresponding thereto as circumstances may permit, and do such thing in the name and on behalf of such incapable person, and all acts done by such substitute shall, for the purposes of this Ordinance, be as effectual as if done by the person for which he is substituted.

Powers of Customs authorities to detain goods in certain cases.

62. Any person who has duly registered his trade mark in respect of any goods in Great Britain may by himself, his agent or representative in the Protectorate on giving notice in writing to the Chief of Customs that goods bearing a mark so nearly resembling his trade mark as to be well calculated to deceive are being imported into the Protectorate, cause the said goods to be detained by the Chief of Customs until the rights of the matter have been determined according to law. Provided that any such informant shall reimburse to the Chief of Customs all expenses and damages incurred in respect of such detention made on his information, and of any proceedings consequent on such detention. And provided further that the Chief of Customs may refuse to detain any such goods as aforesaid unless and until the informant shall give a guarantee with sureties to be approved by the Chief of Customs for the due payment of such expenses and damages.

The Schedule.

PART I.

Rules.

Interpretation.

1. In the construction of these rules any words used herein defined by the Ordinance shall have the meaning thereby assigned to them respectively.

Method of paying fees.

2. The fees to be paid in pursuance of this Ordinance shall be the fees specified in Part 2 of this Schedule and such fees shall be paid in stamps.

Classification of goods.

3. For the purposes of trade mark registration and of these rules, goods are classified in the manner appearing in the Part 3 of this Schedule.

Doubt to be settled by Registrar.

4. If any doubt arises as to what class any particular description of goods belongs to, the doubt shall be determined by the Registrar.

Size of paper.

5. Subject to any directions which may be given by the Registrar, all applications, notices, counter statements, representations of marks, papers having representations affixed, or other documents required to be left with or sent to the Registrar shall be upon foolscap paper of a size of approximately 13 inches by 8 inches, and shall have on the left hand part thereof a margin of approximately 2 inches.

Application by firm and by body corporate.

6. An application for registration of a trade mark, if made by any firm or partnership, may be signed by some one or more members of such firm or partnership, as the case may be. If the application be made by a body corporate it may be signed by the Secretary or other principal Officer of such body corporate.

Agency.

7. An application for registration, and all other communications between the applicant and the Registrar, may be made by or through an agent duly authorised to the satisfaction of the Registrar.

Advertisement of application.

8. Every application shall be advertised by the Registrar in the "Gazette" during such times and in such manner as the Registrar may direct unless he refuse to entertain the application. The Registrar shall in such advertisement name a place where a specimen or representation of the trade mark is exhibited.

Application to contain representation of mark.

9. Every application for registration of a trade mark shall contain a representation of the trade mark affixed to it in the space which the prescribed form contains for that purpose. The form is set forth in Part 4 of this Schedule.

Where the representation exceeds such space in size, the representation shall be mounted on linen tracing cloth or other material that the Registrar may consider suitable. Part of the mounting shall be affixed in the space aforesaid, and the rest may be folded over.

11. Where a trade mark contains a word or words in other than Roman characters there shall be endorsed on the application, and on each representation other than the representation affixed to the application, a translation of such word or words signed by the applicant or his agent. Translation.

Where a trade mark contains a word or words in a language other than English, the Registrar may ask for an exact translation thereof, and if he so requires such translation shall be endorsed and signed as aforesaid.

12. A notice of opposition to the registration of a trade mark shall state the ground or grounds upon which the opponent intends to oppose the registration. Notice of opposition.

13. In case of the death of any applicant for a trade mark after the date of his application and before the trade mark applied for has been entered on the register, the Registrar may, on being satisfied of the applicant's death, enter on the register, in place of the name of such deceased applicant, the name, address, and description of the person owning the goodwill of the business if such ownership be proved to the satisfaction of the Registrar. Where applicant dies before registration the trade mark may be registered for successor to goodwill of business.

14. If the registered proprietor of a trade mark sends the Registrar notice of an alteration in his address, the Registrar shall alter the register accordingly. Alteration of address in register.

15. Where a person becomes entitled to a trade mark, or to any share or interest therein by assignment or by transmission or other operation of law, a request for the entry of his name on the register as such complete or partial proprietor of the trade mark, or of such share or interest therein shall be addressed to the Registrar and left at the Trade Marks Office. Request for registration of subsequent proprietorship.

Every such request shall state the name, address and description of the person claiming to be entitled to the trade mark, or a share or interest therein, and the particulars of assignment, transmission, or other operation of law by virtue of which he requires to be entered on the register as complete or partial proprietor, so as to show the manner in which, and the person to whom the trade mark has been assigned or transmitted, and so as to show further that it has been so assigned or transmitted, in connection with the goodwill of the business concerned in the particular class or classes of goods for which the trade mark has been registered. Particulars to be stated.

16. Such request shall, in the case of an individual, be made and signed by the person requiring to be registered as proprietor, or by his agent duly authorised to the satisfaction of the Registrar, and in case of a body corporate by their agent authorised in like manner. Signature of request.

17. The claimant shall furnish to the Registrar such other proof of title and of the existence and ownership of such goodwill as aforesaid as he may require for his satisfaction. Further proof of title if required.

18. A body corporate may be registered as proprietor by its corporate name. Body corporate.

19. Four clear days' notice of every application to the Court under Section 37 of the Ordinance for rectification of the register shall be given to the Registrar. Notice to Registrar of application to rectify register.

20. Whenever an Order is made by the Court for making, expunging, or varying an entry from or in the register, the Registrar shall, if he thinks fit that such rectification or variation should be made public, and at the expense of the person applying for the same publish, by advertisement or otherwise and in such manner as he thinks just, the circumstances attending the rectification or variation in the register. Publication of rectification, &c.

21. Before exercising any discretionary power given to the Registrar by the Ordinance adversely to any person the Registrar shall give ten days' notice, or such longer notice as he may think fit, to such person of the time when he may be heard personally or by his agent. Exercise of discretionary power by Registrar.

22. Within five days from the date when such notice would be received in the ordinary course of post, or such longer time, as the Registrar may appoint in such notice, the person to whom notice has been given shall notify in writing to the Registrar whether or not he intends to be heard upon the matter. Notice by applicant.

23. The decision of the Registrar in the exercise of any such discretionary power as aforesaid shall be notified to the person affected. Notification of decision.

24. The register and all documents in connection with registration of trade marks shall be open for the inspection of the public, and copies of, or extracts from such registers or documents obtained on every business day during the hours that the Trade Marks Office opens for business. Time for inspection of register, &c.

25. A certificate of registration of a trade mark to be used in legal proceedings or for any other specified purpose will be issued upon application, but such certificate shall have specified on the face thereof the purpose for which it is issued. Certificate for purposes of legal proceedings.

PART II.

Fees.

	Rs.
1. On application to register a trade mark for one or more articles included in one class	8
2. For registration of a trade mark for one or more articles included in one class	15
3. For registering a series of trade marks, for every additional mark after the first in each class	4
4. On notice of opposition, for each application opposed by opponent ..	15
5. On application to register a subsequent proprietor in cases of assignment or transmission, the first mark	15
6. For every additional mark assigned or transmitted at the same time ..	4
7. For continuance of mark at the expiration of 14 years	15
8. Additional fee where fee is paid within three months after expiration of 14 years	8
9. Additional fee for re-registration of trade mark where removed for non-payment of fee	15
10. For altering address on the register, for every mark	4
11. For every entry in the register of a rectification thereof, of an alteration therein, not otherwise charged	8
12. For cancelling the entry or part of the entry of a trade mark upon the register, on the application of the owner of such trade mark ..	4
13. On request to Registrar to correct a clerical error or permit amendment of application under Section 33.	4
14. For certificate of refusal to register a trade mark	15
15. For certificate of refusal at the same time for more than one trade mark, for each additional trade mark, after the first	8
16. For certificate of registration to be used in legal proceedings ..	15
17. For certificate of Registrar under Rule 25 other than certificate of registration to be used in legal proceedings	4
18. For inspecting register, for every quarter of an hour	2
19. For inspecting documents lodged in connection with the registration of a trade mark	2
20. For copies of extracts, for every hundred words or part thereof ..	2
21. For certifying copies or extracts	4

PART III.

Classification of Goods.

1. Chemical substances used in manufactures, photography, or philosophical research, and anti-corrosives.
2. Chemical substances used for agricultural, horticultural, veterinary, and sanitary purposes.
3. Chemical substances prepared for use in medicine and pharmacy.
4. Raw, or partly prepared vegetable, animal, and mineral substances used in manufactures not included in other classes.
5. Unwrought and partly-wrought metals used in manufacture.
6. Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines included in class 7.
7. Agricultural and horticultural machinery, and parts of such machinery.
8. Philosophical instruments, scientific instruments and apparatus for useful purposes. Instruments and apparatus for teaching.
9. Musical instruments.
10. Horological instruments.
11. Instruments, apparatus, and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals.
12. Cutlery and edged tools.
13. Metal goods, not included in other classes.
14. Goods of precious metal (including aluminium, nickel, Britannia metal, &c.), and jewellery, and imitations of such goods and jewellery.
15. Glass.
16. Porcelain and earthenware.
17. Manufactures from mineral and other substances for building or decoration.
18. Engineering, architectural, and building contrivances.
19. Arms, ammunition, and stores not included in Class 20.
20. Explosive substances.
21. Explosive substances.

23. (a) Cotton yarn (b) Sewing cotton
24. Cotton piece goods of all kinds.
25. Cotton goods not included in Classes 23, 24 or 38.
26. Linen and hemp yarn and thread.
27. Linen and hemp piece goods.
28. Linen and hemp goods not included in Classes 26, 27 and 50.
29. Jute yarns and tissues and other articles made of jute not included in Class 50.
30. Silk spun, thrown, or sewing.
31. Silk piece goods.
32. Other silk goods, not included in Classes 30 and 31.
33. Yarn of wool, worsted, or hair.
34. Cloths and stuffs of wool, worsted, or hair.
35. Woollen, worsted, and hair goods, not included in Classes 33 and 34.
36. Carpets, floor-cloth, and oil-cloth.
37. Leather, skins, unwrought and wrought, and articles made of leather, not included in other classes.
38. Articles of clothing.
39. Paper (except paper hangings), stationery, and book-binding.
40. Goods manufactured from indiarubber and guttapercha, not included in other Classes.
41. Furniture and upholstery.
42. Substances used as food or as ingredients in food.
43. Fermented liquors and spirits.
44. Mineral and aerated waters, natural and artificial, including ginger beer.
45. Tobacco, whether manufactured or unmanufactured.
46. Seeds for agricultural and horticultural purposes.
47. Candles, common soap, detergents, illuminating, heating or lubricating oils, matches, starch, blue, and other preparations for laundry purposes.
48. Perfumery (including toilet articles, preparations for the teeth and hair, and perfumed soap).
49. Games of all kinds and sporting articles not included in other Classes.
50. Miscellaneous :—
 - (1) Goods manufactured from ivory, bone or wood, not included in other Classes.
 - (2) Goods manufactured from straw or grass, not included in other Classes.
 - (3) Goods manufactured from animal and vegetable substances, not included in other Classes.
 - (4) Tobacco pipes.
 - (5) Umbrellas, walking sticks, brushes and combs.
 - (6) Furniture cream, plate powder.
 - (7) Tarpaulins, tents, rick-cloths, rope and twine.
 - (8) Buttons of all kinds other than of precious metal or imitation thereof.
 - (9) Packing and hose of all kinds.

PART IV.

Form of Application for Registration of Trade Mark.

(One representation to be fixed within this space, and two others on separate sheets of foolscap of same size.)

Representation of a larger size may be folded but must be mounted upon linen and affixed hereto.

You are hereby requested to register the accompanying trade mark in classin respect of
 (a).....in the name of
 (b).....who claims to
 be the proprietor thereof.

Application fees herewith,

(Signed)

To the Registrar,

NOTE:—State whether the trade mark has or has not been in use before the coming into operation of this Ordinance.

(a) Only goods contained in one and the same class should be set out here.

(b) Here insert legibly the name, address, and business of the individual or firm.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 18 OF 1912.

An Ordinance to make Provision for the Licensing of Theatres, Stage Plays and Cinematograph Exhibitions.

[16th October, 1912.]

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

1. This Ordinance may be cited as “The Stage Plays and Cinematograph Short Title. Exhibitions Ordinance, 1912,” and shall come into operation on such date as the Governor by notice in the “Gazette” shall determine.

2. In this Ordinance:—

Definition.

“Stage play” includes any tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, dialogue, prologue, epilogue, or other dramatic entertainment, or any part thereof.

“Cinematograph exhibition” means any exhibition of pictures or other optical effects presented by means of a cinematograph or other similar apparatus.

“Theatre” means any building, tent or other erection, open to the public, gratuitously or otherwise, where a stage play or cinematograph exhibition is performed or presented.

“Licensing officer” means such person as the Governor shall by notice appoint for the purposes of this Ordinance.

3. (1) No person shall direct or take part or assist in any performance of any stage play or any cinematograph exhibition to which the public shall be admitted, gratuitously or otherwise, unless the licence of the licensing officer in respect to such stage play or cinematograph exhibition shall previously have been obtained as hereinafter provided.

(2) No person shall direct or take part or assist in any performance of any stage play in respect to which a licence shall have been granted as aforesaid, if any new part shall have been added to such play, unless such new part shall have been licensed as hereinafter provided.

4. One copy of every stage play, and of every new part added to any stage play for which a licence has already been granted, intended to be performed shall be sent to the licensing officer with an account of the theatre where and the time when the same is intended to be performed. If any stage play or any new part thereof sent to the licensing officer for licence shall be in a language which the licensing officer does not understand, a true translation in English, certified to the satisfaction of the licensing officer, shall on demand be transmitted with the copy of the said stage play or new part thereof in the original language in which it is written. Provided always that the licensing authority may, with the approval of the Governor, dispense with such translation, and may submit any play or new part thereof for the examination and report of such person or persons as he may, with the approval of the Governor, appoint for such purpose.

5. A descriptive title of every picture or series of pictures intended to be presented at any Cinematograph exhibition shall be sent to the licensing officer with an account of the theatre where and the time when the exhibition is

Play to be submitted.
Description of cinematograph scene to be submitted.

Power to inspect. The Licensing officer may inspect or cause to be inspected any picture or pictures before issuing a licence in respect thereof.

Licence. 6. The licensing officer may refuse to grant a licence in respect to any stage play or new part thereof or any cinematograph exhibition or may grant it subject to any rules made under this Ordinance or subject to such special conditions and restrictions, to be specified in such licence, as to him may seem fit. Any such licence may be revoked by the Governor at any time.

Safety of theatre 7. No theatre shall be used for the performance of stage plays or the presentation of cinematograph exhibitions without the licence in writing of the District Commissioner being previously obtained. If the District Commissioner shall consider that the safety of persons attending such performances or presentations at such theatre is adequately provided for, he may grant such licence either generally or in respect of any single performance or presentation or for such period not exceeding 12 months as he may think fit. The District Commissioner may refuse to grant such licence or may grant it subject to such terms and conditions as he may think desirable for the purpose of ensuring the safety of the persons attending such performances or presentations at such theatre. Any such licence may be revoked by the District Commissioner if he shall consider that the safety of persons attending such performances or presentations is or may be endangered.

Appeal to Governor. 8. An appeal shall lie to the Governor in respect to any act or decision of the licensing officer or District Commissioner done or made or omitted to be done or made under the provisions of this Ordinance, and the Governor may confirm, disallow or vary such act or decision of the licensing officer or District Commissioner or direct him to act in such manner as to the Governor shall seem fit, subject to the provisions of this Ordinance.

Supervision to ensure safety from fire. 9. Where the District Commissioner grants any licence as aforesaid upon condition that the stage play or cinematograph exhibition be conducted under the superintendence of some officer or person designated in the licence, then it shall be lawful, at any time, for the officer or person so designated to order such stage play or cinematograph exhibition to cease or to give any other direction which he may think necessary for ensuring the safety of the premises at which the stage play or cinematograph exhibition takes place and of the persons attending the stage play or cinematograph exhibition.

Duty of occupier, &c., of theatre. 10. The occupier or other person who manages or receives the rent of any theatre at which it may be proposed to perform or present any stage play or cinematograph exhibition shall ascertain whether the prescribed licences have been obtained, and, if so, the terms of such licences. Such occupier or person shall give notice to the Commissioner of Police, or to the Officer in charge of the nearest Police Station, if and so soon as he has reason to believe that there is an intention to proceed with any stage play or cinematograph exhibition either without the prescribed licences or without everything having been done which may be required under such licences or under any rules made under this Ordinance to be done previous to such stage play or cinematograph exhibition taking place

Power of entry. 11. A Police-Officer, or any Officer appointed for the purpose by the Governor, may at all reasonable times enter any premises in which he has reason to believe that any stage play or cinematograph exhibition is being or is about to be performed or presented with a view to seeing whether the provisions of this Ordinance or any Rules made thereunder and the conditions of any licences granted under this Ordinance have been complied with. Any person preventing or obstructing the entry of a Police-Officer or any Officer appointed as aforesaid, shall be guilty of an offence under this Ordinance.

Penalty. 12. Any person who commits any breach or non-observance or attempts to commit any breach of this Ordinance or of any rule made thereunder or of any of the terms and conditions specified in any licence made in pursuance thereof, shall be liable to a fine not exceeding three hundred rupees or to imprisonment of either description for a term not exceeding three months or to both.

Application of Ordinance. 13. This Ordinance shall not apply to a performance of a stage play or cinematograph exhibition to which the public are not admitted either

14. The Governor may by notice in the Gazette direct that the powers and duties of the District Commissioner under this Ordinance shall, in any District, area, Township or place specified in such notice, be exercised and performed by such other Officer, person or persons as the Governor may appoint in that behalf. From the date of the publication of such notice the powers and duties of the District Commissioner under this Ordinance shall, within such District, area, Township or place, devolve upon such Officer, person or persons appointed as aforesaid.

Power to appoint
Officer to perform
the duties of
District
Commissioner.

15. (1) The Governor may make rules :—

Rules.

- (a) Prescribing fees for any licence under this Ordinance.
- (b) Prescribing conditions to be observed in reference to the erection, alteration, and equipment of any theatre.
- (c) Prescribing conditions to be observed in reference to the safety from fire or otherwise of any theatre or for the safety and control of persons attending such theatre.
- (d) Generally for the better carrying into effect of the provisions of this Ordinance.

(2) All rules proposed to be issued under the powers conferred by this Section shall be published in the "Official Gazette" not less than 14 days before the same are enacted by the Governor.

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

AN ORDINANCE

No. 19 OF 1912.

An Ordinance to make Provision for the Payment of a Poll Tax by non-natives.

[16th October, 1912.]

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

1. This Ordinance may be cited as "The Non-Native Poll Tax Ordinance 1912." Short Title.

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

Definitions.

"The Tax" means the Non-Native Poll Tax prescribed by this Ordinance.

"District Commissioner" includes an Assistant District Commissioner.

"Non-Native" means a male person other than a Native within the meaning of "The Native Hut and Poll Tax Ordinance, 1910."

"Magistrate" means a Magistrate holding a Subordinate Court of the first, second or third class, and the powers conferred upon a Magistrate by this Ordinance may be exercised by any such Magistrate notwithstanding any law limiting the jurisdiction of such Magistrate over Europeans or other Non-Natives.

3. From and after the first day of January, 1913, there shall be paid in every year by every Non-Native a tax of fifteen rupees, to be called the Non-Native Poll Tax. Date to Commence-
ment of Tax and
amount of Tax.

4. The tax payable in any year shall be paid between the first and thirty-first day of January in each year. Provided, however, that in the case of any Non-Native who is not residing in the Protectorate on the first day of January or who although residing in the Protectorate on such date leaves the Protectorate during the month of January without having paid the tax payable in that year, such Non-Native shall pay the tax within one month of his coming or returning to the Protectorate, as the case may be. And Provided further that any Non-Native who shall come to the Protectorate after the 30th day of June, in any year and who shall not have previously resided in the Protectorate in the same year, shall pay a tax of seven rupees and fifty cents in lieu of the tax before prescribed. Tax when payable.

5. The tax shall be paid by the person liable to pay the same to a District Commissioner at the office of the Officer to whom payment is made. Where and to whom
tax to be paid.

6. A District Commissioner shall give to the person paying the tax a District Commissioner

Person paying tax to provide information required in preparing the receipt, and if required shall attend at the Office for such purpose.

7. Every person paying the tax shall furnish the Officer to whom payment is made with such information as may be required by him in preparing a receipt in the prescribed form, and shall, if required by such Officer, attend personally at the office of such Officer for such purpose.

Penalty for furnishing false particulars or refusing to attend or give information when required.

8. Any person, who shall wilfully furnish a District Commissioner with false particulars as to any of the information required by such Officer in preparing a receipt, or who, on being required to attend at the Office of a District Commissioner, shall neglect or refuse to attend, or attending shall neglect or refuse to furnish any information required as aforesaid, shall, on conviction, be liable to a fine not exceeding one hundred and fifty rupees or to imprisonment for a term not exceeding two months.

Magistrate may call on defaulter to appear and show cause why he should not pay the tax.

9. Whenever any person shall make default in the payment of the tax due and payable by him any Magistrate having jurisdiction in the district or place in which the person in default is for the time being staying or residing, may issue a summons directing the defaulter to attend before him, at a time to be named in the summons, to show cause why he should not be ordered to pay the amount due as a judgment debt.

Magistrate may order person in default to pay amount of tax and costs into Court.

10. If a summons for enabling a defaulter to show cause as mentioned in the last preceding Section is issued, it shall be lawful for the Magistrate on the date named in the summons or at any other date to which the hearing may be adjourned, to order him to pay into Court the amount of the unpaid tax, and such costs and expenses as are for this purpose from time to time fixed by the Governor, or to order him to pay into Court any part of such amount which the Magistrate may deem the defaulter able to pay or arrange for paying, within seven days of the order or within such extended time as may be determined by the Magistrate, and either in a lump sum or by instalments.

Imprisonment for failure to obey order.

11. (1) If the person summoned as aforesaid fails to comply with the summons without lawful excuse or if he makes default in payment into Court in the manner aforesaid, it shall be lawful for the Magistrate to commit such person to prison, without hard labour, for a term not exceeding six weeks or until payment of the sum ordered to be paid (if paid before the expiration of such term): Provided that no such committal shall be ordered for default in payment as aforesaid unless it be proved to the satisfaction of the Magistrate that the person making default either has, or has had since the date of the order, the means to pay the sum in respect of which he has made default, and has refused or neglected, or refuses and neglects, to pay the same.

Proviso.

Proof as to means of defaulter.

(2) Proof of the means of the person making default may be given in such manner as the Magistrate thinks just, and, for the purpose of such proof, the debtor and any witnesses may be summoned and their attendance enforced by the same processes as in cases in which the Magistrate has jurisdiction in civil matters, and such debtor and witnesses may be examined on oath.

Order of committal.

(3) Every order of committal under this Section shall be issued, obeyed, and executed in manner similar to commitments by a Court in the exercise of jurisdiction in civil cases.

Imprisonment not to extinguish liability.

(4) Imprisonment under this Section shall not operate as a satisfaction or extinguishment of the judgment debt.

Tax etc., unpaid leviable by attachments and sale of moveable property.

(5) The amount of any tax due and unpaid, and the sum (if any) ordered to be paid for costs and expenses under Section 10, may, at any time, be levied by the attachment and sale, under the orders of a Magistrate, of the moveable property of the defaulter in like manner as if the same were payable under a decree of a Civil Court, and a Magistrate is hereby empowered to issue such order either on his own motion or on the application of any District Commissioner.

Debtor paying whole of amount ordered to be paid.

12. In the event of the defaulter paying the whole amount ordered to be paid as aforesaid and the cost and expenses of or in connection with any attachment ordered, the Magistrate, if a District Commissioner, shall grant to the person paying a receipt in the prescribed form for the amount of the tax paid, or, if not a District Commissioner, shall remit to a District Commissioner the amount so paid after deducting therefrom such part thereof as may represent the Court costs, and the District Commissioner on the receipt of such sum shall grant to

13. (1) A District Commissioner may, at any time, require any Non-Native to produce the receipt granted to such Non-Native for the payment of the tax last payable and a District Commissioner may retain any receipt produced for such time as he may consider necessary for the purpose of identifying the person named therein with the person producing the same. District Commissioner may require production of receipt for tax.
- (2) A District Commissioner may require any Non-Native who refuses or neglects to produce his receipt when requested to furnish him with information as to the office at which he has paid his tax last payable, and with such further information as the District Commissioner may require for the purpose of ascertaining whether such Non-Native has paid such tax. If receipt not produced information required to be furnished to District Commissioner.
- (3) Any Non-Native, who without lawful excuse, shall neglect or refuse to produce his receipt when required as aforesaid, or who, having failed or refused to produce his receipt, shall fail to furnish the information which may be required of him under the preceding Sub-section, shall, on conviction, be liable to a fine not exceeding seventy-five rupees or to imprisonment for a term not exceeding one month. Penalty for refusing to produce receipt or give information.
- (4) Evidence of the non-production of a receipt for the payment of a tax upon requisition being made as aforesaid shall, in and for the purposes of any proceedings for the recovery of such tax, be *prima facie* evidence that the tax has not been paid. Non-production of receipt to be *prima facie* evidence of non-payment of a tax.
- (5) Any Non-Native who, being required by a District Commissioner to produce his receipt, shall produce a receipt granted to some other person, or, who, having failed or refused to produce his receipt, shall furnish a District Commissioner with any false particulars as to any of the information which may be required of him under Sub-section (2) of this Section, shall, on conviction, be liable to a fine not exceeding four hundred and fifty rupees or to imprisonment of either description for a term not exceeding six months. Penalty for producing a receipt granted to some other person or for giving false information.

14. The Governor may remit, wholly or in part, the tax on the ground of poverty of the person liable to pay the same, or on the ground that the tax is oppressive, or for other good cause, and may also for like reason refund the tax or any part of the tax. General power of Governor to remit or refund the tax.

15. There shall be exempted from the payment of the tax under this Ordinance the persons following:— Persons exempt.

- (a) Every person under the age of eighteen.
- (b) Any person who, by virtue of any treaty to which the British Government or the Sultan of Zanzibar is a party, is exempted from the payment of the tax throughout the Protectorate or in that part of the Protectorate in which he is residing when payment of the tax is demanded of him.
- (c) A person on a temporary visit to the Protectorate, provided that he is not the owner or lessee of land in the Protectorate, and is not engaged in any employment or business in the Protectorate, and has not any pecuniary interest in any business or enterprise conducted or carried on in the Protectorate.

16. The burden of proof of exemption from the tax shall lie on the party claiming the exemption, and no person shall be entitled to exemption from the tax under paragraph (b) of the last preceding section unless he shall produce a certificate of exemption granted by or under the authority of the Governor. Burden of proof of exemption.

17. The Governor may, from time to time, make rules prescribing the form of the receipt to be granted under this Ordinance, and generally for the better carrying out of the purposes of this Ordinance, and may attach penalties not exceeding a fine of seventy five rupees, for the breach of any such rule. Power to make rules.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 20 OF 1912.

The Official Secrets Ordinance, 1912.

[16th October, 1912.]

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

Short Title.

1. This Ordinance may be cited as “The Official Secrets Ordinance, 1912.”

Interpretation.

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

“Document” includes part of a document.

“Model” includes design, pattern, and specimen.

“Sketch” includes any photograph or other mode of representing any place or thing.

“Superintendent of Police” includes an Assistant Superintendent of Police and any police officer of a like or superior rank.

“Office under His Majesty” includes any office or employment in or under any department of the Government.

“Offence under this Ordinance” includes any act, omission, or other thing which is punishable under this Ordinance.

“Prohibited place” means :—

- (a) any work of defence, arsenal, factory, dockyard, camp, ship, telegraph or signal station, or office belonging to His Majesty, and any other place belonging to His Majesty used for the purpose of building, repairing, making, or storing any ship, arms, or other materials or instruments of use in time of war, or any plans or documents relating thereto ; and
- (b) any place not belonging to His Majesty where any ship, arms, or other materials or instruments of use in time of war, or any plans or documents relating thereto, are being made, repaired, or stored under contract with, or with any person on behalf of, His Majesty, or otherwise on behalf of His Majesty ; and
- (c) any place belonging to His Majesty which is for the time being declared by notice by the Governor to be a prohibited place for the purposes of this section on the ground that information with respect thereto, or damage thereto, would be useful to an enemy ; and
- (d) any railway, road, way, or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith), or any place used for gas, water, or electricity works or other works for purposes of a public character, or any place where any ship, arms, or other materials or instruments of use in time of war, or any plans or documents relating thereto, are being made, repaired, or stored otherwise than on behalf of His Majesty, which is for the time being declared by notice by the Governor to be a prohibited place for the purposes of this section, on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an

Expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document, or information itself or the substance, effect, or description thereof only be communicated or received; expressions referring to obtaining or retaining any sketch, plan, model, article, note, or document, include the copying or causing to be copied the whole or any part of any sketch, plan, model, article, note, or document; and expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document.

3. (1) If any person for any purpose prejudicial to the safety or interests of the Government :— Penalties for spying.

- (a) approaches or is in the neighbourhood of, or enters any prohibited place within the meaning of this Ordinance; or
- (b) makes any sketch, plan, model, or note which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy; or
- (c) obtains or communicates to any other person any sketch, plan, model, article, or note, or other document or information which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy;

he shall be liable on conviction to imprisonment—of either description for a term not exceeding seven years.

(2) On a prosecution under this section, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the Government, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, or his conduct, or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the Government; and if any sketch, plan, model, article, note, document, or information relating to or used in any prohibited place within the meaning of this Ordinance, or anything in such a place, is made, obtained, or communicated by any person other than a person acting under lawful authority, it shall be deemed to have been made, obtained, or communicated for a purpose prejudicial to the safety or interests of the Government unless the contrary is proved.

4. (1) If any person having in his possession or control any sketch, plan, model, article, note, document, or information which relates to or is used in a prohibited place or anything in such a place, or which has been made or obtained in contravention of this Ordinance, or which has been entrusted in confidence to him by any person holding office under His Majesty or which he has obtained owing to his position as a person who holds or has held office under His Majesty, or as a person who holds or has held a contract made on behalf of His Majesty, or as a person who is or has been employed under a person who holds or has held such an office or contract :— Wrongful communication, &c. of information.

- (a) communicates the sketch, plan, model, article, note, document, or information to any person, other than a person to whom he is authorised to communicate it, or a person to whom it is in the interest of the Government his duty to communicate it, or
- (b) retains the sketch, plan, model, article, note, or document in his possession or control when he has no right to retain it or when it is contrary to his duty to retain it;

that person shall be guilty of an offence.

- (2) If any person receives any sketch, plan, model, article, note, document, or information, knowing, or having reasonable ground to believe, at the time when he receives it, that the sketch, plan, model, article, note, document, or information is communicated to him in contravention of this Ordinance, he shall be guilty of an offence, unless he proves that the communication to him of the sketch, plan, model, article, note, document, or information was contrary to his desire.
- (3) A person guilty of an offence under this section shall be liable on conviction to imprisonment of either description for a term not exceeding two years, or to a fine, or to both.

Attempt to commit offence, or incitement to commit offence, under Ordinance.

5. Any person who attempts to commit any offence under this Ordinance, or incites, or counsels, or attempts to procure another person to commit an offence under this Ordinance, shall on conviction be liable to the same punishment, and to be proceeded against in the same manner, as if he had committed the offence.

Power to arrest.

6. Any person who is found committing an offence under this Ordinance, or who is reasonably suspected of having committed, or having attempted to commit, or being about to commit, such an offence, may be apprehended and detained in the same manner as a person who is found committing an offence which under the Code of Criminal Procedure is a non-bailable and cognisable offence.

Penalty for harbouring spies.

7. If any person knowingly harbours any person whom he knows, or has reasonable grounds for supposing, to be a person who is about to commit or who has committed an offence under this Ordinance, or knowingly permits to meet or assemble in any premises in his occupation or under his control any such persons, or if any person having harboured any such person, or permitted to meet or assemble in any premises in his occupation or under his control any such persons, wilfully refuses to disclose to a Superintendent of Police any information which it is in his power to give in relation to any such person he shall be liable on conviction to imprisonment of either description for a term not exceeding one year, or to a fine, or to both.

Restriction on prosecution.

8. A prosecution for an offence under this Ordinance shall not be instituted except by or with the consent of the Attorney General.

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney General to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

Search warrants.

9. (1) If a Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Ordinance has been or is about to be committed, he may grant a search warrant authorising any police officer named therein to enter at any time any premises or place named in the warrant, if necessary, by force, and to search the premises or place and every person found therein, and to seize any sketch, plan, model, article, note, or document, or anything of a like nature or anything which is evidence of an offence under this Ordinance having been or being about to be committed, which he may find on the premises or place or on any such person, and with regard to or in connection with which he has reasonable ground for suspecting that an offence under this Ordinance has been or is about to be committed.

(2) Where it appears to a Superintendent of Police that the case is one of great emergency and that in the interest of the Government immediate action is necessary, he may by a written order under

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 21 OF 1912.

An Ordinance to make Provision for Public Holidays.

[16th October, 1912.]

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

1. This Ordinance may be cited for all purposes as “The Public Holidays Ordinance, 1912.” Short Title.
2. The several days and each and every one of them in the first Schedule mentioned, shall be kept as Public Holidays by the several Public Offices and in all Banks in the Protectorate. Days to be kept as Public Holidays.
3. It shall be lawful for the Governor, from time to time, as may seem fit, by Proclamation, to appoint a special day or special days to be observed as a Public Holiday or Public Holidays, and any days so appointed shall be kept as Public Holidays as aforesaid. Appointment of special days to be observed as Public Holidays.
4. If any day appointed to be a Public Holiday shall fall on a Sunday, the day next following not being itself a Public Holiday shall be kept as a Public Holiday in lieu thereof. When Public Holiday falls on a Sunday.
5. Anything in this Ordinance to the contrary notwithstanding, it shall be lawful for the Head of any Government Department to open the Offices and works thereof and to call upon all or any persons employed in such department to perform such of their duties on any Public Holiday as to such Head of Department may seem fit. Right to open public offices and require attendance of public servants and Government employees.
6. (1) Whenever in any Ordinance, whether enacted before or after the commencement of this Ordinance, the expression “Public Holiday” is used, such expression shall, unless a contrary intention appears, be interpreted as meaning a Public Holiday appointed by or under this Ordinance. Interpretation of the term “Public Holiday” in other Ordinances.
- (2) In the application of any imperial statute to the Protectorate the expression “Bank Holiday” shall be interpreted as meaning a Public Holiday appointed by or under this Ordinance. Interpretation of the term “Bank Holiday” in Imperial Statutes.
7. The Ordinance mentioned in the first column of the Second Schedule is repealed to the extent mentioned in the second column thereof. Repeal

First Schedule.

New Year's Day
 Good Friday
 Easter Monday
 Empire day
 The Anniversary of the Birthday of His Majesty
 The first Monday in August
 Christmas Day
 Boxing Day.

Second Schedule.

Ordinance.	Extent of Repeal.
The Interpretation and General Clauses Ordinance, 1912.	The Interpretation of the term “Public Holiday” in Section 2 of the Ordinance.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 22 OF 1912.

An Ordinance to make further and better provision in regard to the powers and duties of Native Chiefs, Councils and Headmen recognised or appointed by the Governor and to provide for the enforcement of Native Authority.

[16th October, 1912.]

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

Short title.

1. This Ordinance may be cited as "The Native Authority Ordinance, 1912."

Appointment of Headmen

2. (1) It shall be lawful for the Governor to appoint any Chief or other Native he may think suitable or any Council of Elders to be the Official Headman or Collective Headmen (hereinafter referred to in the singular only as Headman) of any area which shall be specified in such appointment, and to make the Headmen of any area subordinate to the Headman of any other area; and it shall be lawful for the Governor at any time to suspend or cancel any such appointment. Every appointment under this Section and every suspension or cancellation of such appointment shall be notified in the "Gazette".

All persons appointed as Headmen under the Village Headmen Ordinance, 1902, shall be deemed for the purposes of this Ordinance to have been appointed under this Ordinance.

(2) Whenever a Council of Elders is appointed the Collective Headmen of any area, the Provincial Commissioner in whose Province such area is situate shall from time to time appoint or shall cause the members of the Council to appoint, from among the Members of the Council, a President and a Deputy President of the Council, and any order of the Council issued under this Ordinance shall be issued through the President or in his absence through the Deputy President.

Duty of Headmen to maintain order.

3. It shall be the duty of every Headman to maintain order in the area in respect of which he shall have been appointed, and for such purpose he shall have and exercise the jurisdiction and powers by this Ordinance conferred over the Natives residing or being within such area.

Headman may employ persons to assist him in carrying out his duties.

4. A Headman may employ any person or persons subject to his jurisdiction to assist him in carrying out the duties imposed upon him by this Ordinance or otherwise by law, and any person so employed may carry out and give effect to any lawful order given by a Headman.

Power of Headman in the prevention of crime and the arrest of offenders.

5. (1) A Headman may interpose for the purpose of preventing, and shall, to the best of his ability, prevent the commission of any offence by any Native within the local limits of his jurisdiction.

(2) A Headman knowing of a design to commit an offence by a Native within the local limits of his jurisdiction may arrest or direct the arrest of the Native so designing, if it appears to such Headman that the commission of the offence cannot be otherwise prevented. Any person arrested under the powers conferred by

Power to direct
cancellation of any
order.

(2) Whenever a Provincial Commissioner or District Commissioner shall consider that any order issued by a Headman should not have been issued or should not be enforced he may direct the Headman to cancel the order or to refrain from enforcing the order, and if any person shall have been convicted before a Native Tribunal of failing to comply with such order may quash the conviction and order the repayment of any fine which may have been recovered.

Penalty on Natives
for disobeying
orders.

9. Any Native who shall without lawful excuse, disobey or shall fail to comply with any lawful order issued or given by a Headman under this Ordinance or by a Provincial Commissioner or District Commissioner under the powers conferred by the preceding Section, shall be guilty of an offence and shall, on conviction before a Magistrate or before a Native Tribunal having jurisdiction over such Native, be liable to a fine not exceeding Seventy five Rupees and in default of payment to imprisonment of either description for a term not exceeding two months.

Administrative
Officers may order
Natives occupying
Crown land outside
a Reserve to remove
into the Reserve.

10. Whenever a Provincial Commissioner or District Commissioner shall find that any Native being the member of a tribe or community, for the occupation of the members of which land has been reserved, is cultivating or occupying unalienated Crown land outside the lands so reserved he may order such Native to remove from such land on to land reserved for the tribe or Community to which such Native belongs.

Penalty.

Any Native who shall, without lawful excuse, neglect to obey an order issued under this Section, shall be guilty of an offence and on conviction before a Magistrate shall be liable to a fine not exceeding Seventy five Rupees and in default of payment to imprisonment of either description for a term not exceeding two months, and any hut or crops belonging to such Native on the land from which he has been ordered to remove shall be forfeited to the Government, and may be destroyed or otherwise dealt with as the Magistrate in his discretion may direct.

Administrative
Officers may issue
process to compel
attendance of
Natives before
Native Tribunals.

11. Whenever a Headman shall satisfy a Provincial Commissioner or a District Commissioner that the attendance of any Native before a Native Tribunal having jurisdiction over such Native is required and that the Native is residing outside the local limits of the jurisdiction of such Tribunal, he may, in his discretion, issue process for the purpose of compelling the appearance of such Native before the Native Tribunal.

Offences by
Headmen.

12. (1) Any Headman may be fined any sum not exceeding three hundred Rupees and in default of payment may be sentenced to imprisonment of either description for a term not exceeding six months, in case he shall be convicted before a Magistrate of any of the following acts or neglects, that is to say:—

- (a) If when summoned by a Provincial Commissioner, District Commissioner, or a Superior Headman, or by the President or Deputy President of a Native Council to attend any Native Council or to meet a Provincial Commissioner or District Commissioner, he shall, without good and sufficient excuse, neglect to obey such summons.
- (b) If he shall wilfully neglect to exercise the powers by this Ordinance conferred upon him for or in respect of the prevention of offences and the bringing of offenders to justice, and the seizure of property stolen or believed to have been stolen.
- (c) If when directed by Provincial Commissioner or a District Commissioner to issue orders for any of the purposes specified in Section 7 of this Ordinance, he shall wilfully neglect to issue the orders directed.
- (d) If he shall wilfully neglect to enforce any orders issued by him under the directions of a Provincial Commissioner or District Commissioner or issued by a Provincial Commissioner or District Commissioner under the powers conferred by Section 8 Sub-section (1) of this Ordinance.
- (e) If he shall neglect to cancel an order when directed by a Provincial Commissioner or District Commissioner under the powers conferred by Section 8 Sub-section (2) of this

- (f) If he shall wilfully neglect to enforce any lawful orders issued by a Headman to whom he is subordinate.
- (2) All or any of the members of a Native Council appointed to be the Collective Headman of any area may be proceeded against either jointly or separately for any act or default punishable under this Section, and on proof of the facts constituting an offence by the Council, each such member shall individually be liable to the penalties prescribed unless he shall satisfy the Magistrate that he was in no way responsible for or a party to such act or neglect.
- (3) Any member of a Native Council appointed as aforesaid shall on conviction before a Magistrate be liable to the penalties in Sub-section (1) of this Section prescribed, if he shall, without good and sufficient excuse, neglect to obey a summons by a Provincial Commissioner, District Commissioner, or a Superior Headman, or a President or Deputy President of a Native Council to attend any Native Council, or to meet a Provincial Commissioner or District Commissioner.

13. The Governor may make and, when made, alter or revoke Rules to provide for the remuneration of any Headman by a rate to be levied on the Natives subject to, and residing within the local limits of the jurisdiction of such Headman. Remuneration of Headmen.

14. In this Ordinance :—

The term "District Commissioner" shall include an Assistant District Commissioner; Interpretation.

The term "Native" shall mean any Native of Africa not being of European race or origin, and includes any Swahili or Somali; and

The term "Native Tribunal" shall mean a Native Tribunal recognised or appointed by the Governor under Section 10 of the Courts Ordinance, 1907, or under any Ordinance which may hereafter be substituted for such Ordinance.

15. Wherever in any Indian Act applied to the Protectorate or in any Ordinance, Regulation, Rule, or other law, reference is made to a Village Headman, such Act, Ordinance, Regulation, Rule, or other law shall be construed and read as if a Headman appointed under this Ordinance were therein substituted for a Village Headman. Laws applying to Village Headmen to apply to Headmen appointed under this Ordinance.

16. The Village Headmen Ordinance, 1902, is hereby repealed. Repeal.

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

AN ORDINANCE

No. 23 OF 1912.

An Ordinance to supply a further Sum of Money for the Service of the year ended the 31st of March, 1912.

Title.

[16th October, 1912.]

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

1. The Public Revenue for the year 1911-12, and other funds of the East Africa Protectorate are hereby charged towards the service of the year ended 31st day of March, 1912, with a further sum of forty five thousand two hundred and ninety four pounds, six shillings and nine pence, in addition to the sums provided by the Appropriation Ordinance, 1911. Public Revenue charged.

2. The money granted by this Ordinance shall be applied to the purposes and services expressed in the schedule annexed hereto. Application of money granted.

3. The Treasurer of the Protectorate is hereby authorised and required, from time to time, upon warrant or order of the Governor, to pay out of the Revenue and other funds of the Protectorate, for the several services specified in the schedule, the said sum of £45,294-6-9, which have come in course of payment during the year ended on the 31st day of March, 1912. Treasurer's authority for payment.

4. This Ordinance may be cited as "The Supplementary Appropriation Short title.

Schedule

HEAD OF EXPENDITURE.							AMOUNT.			
							£	s.	d.	
2.	Pensions	...	...	...	...	...	219	2	3
3.	His Excellency the Governor	...	...	...	...	...	946	5	1
6a.	Provincial Administration, Special Expenditure	...	...	...	...	...	396	4	3
9a.	Port and Marine Departments, Special Expenditure	...	...	...	...	...	2,734	2	1
10.	Audit Department	...	...	...	...	...	374	17	11
13.	Prisons	...	...	...	...	...	2,679	19	4
14.	Medical Departments	...	...	...	...	...	23	12	11
17.	Transport	...	...	...	...	...	154	5	6
18a.	Military, Special Expenditure	...	...	...	...	...	561	11	10
19.	Miscellaneous Services	...	...	...	...	...	1,300	7	11
21.	Post Office and Telegraphs	...	...	...	...	...	456	9	10
21a.	do do Special Expenditure	...	...	...	...	...	287	7	2
22.	Railway Department	...	...	...	...	...	6,227	0	4
23.	Agricultural Department	...	...	...	...	...	432	4	11
23a.	do do Special Expenditure	...	...	...	...	...	299	13	11
24.	Forest and Scientific Departments, Special Expenditure	...	...	...	...	...	272	1	0
	Special Expenditure for Magadi	...	...	...	...	£	17,365	6	3
						...	27,929	0	6	
						Total	£	45,294	6	9

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 24 OF 1912.

The Law Officers Ordinance, 1912.

[16th October, 1912.]

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

1. This Ordinance may be cited as "The Law Officers Ordinance, 1912."

2. From the date of the Commencement of this Ordinance the duties at present devolving upon the Crown Advocate shall devolve upon the Attorney General, and every Ordinance, Appointment, Regulation, Notice and Contract in which the term Crown Advocate occurs shall be read as if the designation Attorney General occurred therein instead.

Short Title.

Attorney General to perform duties of Crown Advocate.

Assistant Attorney

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 25 OF 1912.

An Ordinance to Regulate Sales by Auction.

[16th October, 1912.]

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

1. This Ordinance may be cited as “The Sales by Auction Ordinance 1912,” and shall come into operation on the 1st day of January, 1913. Short Title.

2. In this Ordinance the term “Auctioneer” includes every person selling by Auction. Definition.

3. Every person who sells or offers for sale any moveable or immovable property or any interest therein at any sale or roup where any person becomes or may become the purchaser of the same by competition and being the highest bidder, either by being the sole bidder, or increasing upon the biddings made by others, or decreasing on sums named by the Auctioneer or person acting as Auctioneer or other person at such sale, or by any other mode of sale by competition shall be deemed to carry on the business of an Auctioneer. Business of Auctioneer.

Licensing of Auctioneers.

4. (1) Whoever carries on the business of an Auctioneer without having a licence in force authorising him to do so as by this Ordinance directed, shall be liable for each offence to a fine not exceeding 750 rupees. Auctioneer to take licences.

(2) Whoever being the holder of a licence in the Form B shall sell by Auction, at any one sale, any property exceeding 300 rupees in value, shall be liable for each offence to a fine not exceeding 750 rupees and his licence may be suspended or revoked.

5. All applications for licences shall be made in writing to the Provincial Commissioner of the Province in which the applicant resides or has or intends to establish his principal place of business, and every person applying for a licence shall, at the same time pay to the Provincial Commissioner the amount by this Ordinance fixed to be paid in respect of such licence, which amount, in case such application shall be refused, such Provincial Commissioner shall forthwith, on demand, repay to the person who paid the same without any deductions whatsoever. Applications for licences.

6. The several sums specified in the First Schedule to this Ordinance shall be the duties payable for every licence to sell by Auction for the periods set forth in the said Schedule. Duties upon licences.

7. (1) Every licence shall be in one of the forms set forth in the Second Schedule to this Ordinance and shall be granted by a Provincial Commissioner. Form and granting of licences.

Before granting any licence, the Provincial Commissioner shall make such enquiries as he considers requisite for ascertaining that the party proposed to be licensed is a fit and proper person to be so licensed, and may refuse any licence without assigning any reason to the applicant; Provided that any person to whom a licence has been refused, may represent his case to the Governor, who may direct a licence to be granted to him if satisfied that he is a fit and proper person, or may withhold the

Licences may be refused.

Proviso.

- Licences in Form B.** (2) A licence in the Form B shall not be granted to any person other than an Arab or native.
- Security to be given by Auctioneer.** 8. Before the licence is granted the applicant shall, if so required by any Rule made under this Ordinance, give security, in such form and in such amount as may be prescribed, to answer for the faithful discharge of his office.
- Register of licences.** 9. It shall be the duty of each Provincial Commissioner to keep a register of the names of all persons to whom any licence under this Ordinance shall have been granted by him, in such form and with such particulars as to the nature and duration of the licence granted as the Governor directs.
- Duration of licences.** 10. Every licence under this Ordinance shall have effect from the date of the granting thereof till the 30th day of June or the 31st day of December, in the case of half yearly or yearly licences respectively, of the year in which any such licence may have been granted.
- Suspension or revocation of licence.** Whenever an order suspending a licence is made, the licence shall cease to be of any effect during the term of suspension; and whenever the licence is revoked the licence shall cease to have any effect whatsoever.

Respecting Sales.

- Auctioneers to accept the sale of all property offered by owners.** 11. Every licensed auctioneer shall, on the requisition of the owner thereof, accept the sale of all property which he is not prohibited by law from selling, which may be offered to him for sale at the town or place in which he carries on his ordinary business as an auctioneer, and shall sell the same within such time as the owner may require, or as soon thereafter as is possible, having regard to the sale of other property with which he has been entrusted: provided that he shall not be bound to sell such property sooner than seven days after he shall have accepted the sale thereof.
- Proviso.** Nothing herein shall be held to restrict any auctioneer from selling at the same sale the property of more than one owner, so as the goods are lotted consecutively and in such manner that no owner's goods may become mixed with the goods of any other owner.
- Auctioneer's licence not to authorise sale of spirits.** 12. (1) Save as in the Liquor Ordinance 1909 or any Ordinance amending or substituted for the same otherwise provided, no auctioneer's licence shall authorise any person to deal in or sell (either on account of or for the benefit of himself or of any other person) any intoxicating liquor for the sale of which a licence is required by law. Provided, however, any person having a licence in force in the Form A may, acting on the instructions of the legal personal representative of a deceased person, sell by auction, liquor forming part of the estate of such deceased person, anything in any Ordinance as aforesaid to the contrary notwithstanding.
- Proviso.**
- (2) Save as may be otherwise provided by law no auctioneer's licence shall authorise any person to deal in or sell (either on account of or for the benefit of himself or of any other person) anything, the dealing in, or sale of, which is prohibited to persons other than those duly licensed registered or otherwise authorised on that behalf.
- Or sale of other things the sale of which are restricted to licensed persons**
- Auctioneer's name and address to be published at sale.** 13. Every licensed auctioneer other than a person holding a licence in the Form B of the Second Schedule before beginning any auction, shall display and during the whole time of such auction keep displayed in some conspicuous part of the room or place where the auction is held, a ticket or board containing his true and full name and residence, painted, printed or written in large letters, publicly visible and legible:
- Penalty.** If any auctioneer fails to comply with this enactment, he shall be guilty of an offence and shall be liable for every such offence to a fine not exceeding 75 rupees.
- Sales without reserve, reserve price, etc.** 14. (a) It shall be stated in the Particulars or Conditions of Sale by Auction of any moveable or immovable property whether such sale be without reserve or subject to a reserve price, or whether a right to bid is reserved;
- Where without reserve.** (b) If it is stated that the sale be without reserve or to that effect, then it shall not be lawful for the seller or any person on his behalf or employed by him to bid at such sale, or for the auctioneer to take knowingly any such bidding;

- (c) If it is stated that the sale will be subject to a reserve price as regards any one or more lots, it shall be lawful for the seller or any person employed by him to give one bid for each such lot and no more ; Where subject to reserve price.
- (d) If it is stated that the sale will be subject to a right for the seller to bid, it shall be lawful for the seller, or for any one person on his behalf, but not more than one, to bid at such Auction in such manner as he shall think proper ; Where right to bid reserved to seller.
- (e) If the seller or any person employed by him or on his behalf shall bid at any sale contrary to any of the preceding provisions of this Section, any purchaser may refuse to fulfil his purchase, but the highest *bona fide* bidder shall be entitled, if he shall so elect, to have the immoveable or moveable property at the price offered by him ; Consequences of seller bidding in the preceding cases.
- (f) No Auctioneer shall make a bid either on behalf of himself or as agent for any other person unless on making such bid he shall announce that it is his bid ; Auctioneer to notify that any bid made by him is his bid.
- (g) Any Auctioneer who shall knowingly receive or make any bid contrary to any of the provisions of this Section shall be guilty of an offence and shall be liable to a fine not exceeding seven hundred and fifty rupees, and to have his licence suspended or revoked. Penalty on Auctioneer receiving or making unlawful bid.

15. The Auctioneer making any sale by Auction shall, (unless it be agreed otherwise between him and the seller), be entitled to sue for, recover, and discharge all sums due in respect of such sale ; Auctioneer may recover purchase money.

The Auctioneer shall (unless it be agreed otherwise between him and the seller), be liable for the due payment to the seller of the net proceeds of all sales of property within ten days from the time of sale of such property. Payment.

16. The Court imposing any fine under this Ordinance upon any Auctioneer or convicting any Auctioneer of any offence in relation to any property intrusted to him for sale or in relation to the proceeds of the sale of such property, may, if it shall appear that the offence is of such nature as to require the licence of such auctioneer to be suspended or revoked, make an order to that effect, and the licence shall be suspended or revoked accordingly ; Order of suspension or revocation of licence.

The Court making any order of suspension or revocation of a licence shall forthwith intimate the same to the Provincial Commissioner who shall have granted such licence. Report of order.

17. It shall not be necessary for any person selling any moveable or immoveable property by Auction in any of the cases hereafter mentioned to take out a licence by this Ordinance required :— Auctioneer's licence not necessary for sale by auction in certain cases,

- (1) Any Officer of a Court selling any property under an order or process of a Court.
 - (2) Any pound-master or pound-keeper selling any animal which has been impounded.
 - (3) Any Officer in the service of the Government selling unclaimed property in the custody of any department of the Government ; provided that the property sold at any one sale does not exceed 150 rupees in value.
 - (4) Any person selling his own property or any officer of the Government selling the property of the Government.
18. (1) The Governor may, from time to time, make and, when made alter and revoke Rules for any of the purposes following :— Power to make rules.
- (i) Requiring that an applicant for a licence under this Ordinance shall give security for the faithful discharge of his office, and prescribing the amount of the security to be required and the form in which security may be accepted.
 - (ii) Prescribing the maximum rate of commission which an auctioneer shall be entitled to demand, recover, or retain as remuneration for his services and providing that any agreement to pay or allow any higher rate than is prescribed shall not be binding.
 - (iii) Generally for the better carrying into effect the purposes of

and may annex a penalty which may extend to 375 rupees in respect of the breach of any such rule, and may provide that in the case of a breach of any rule by a person licensed under this Ordinance his licence may be suspended or revoked.

- (2) Every such rule shall come into operation upon the publication thereof in the "Official Gazette", or at such time thereafter as shall be in such rule provided; Provided, however, no rule made for any of the purposes set forth in paragraphs (i) or (ii) shall come into operation except the rule has been previously published and has been submitted to the Legislative Council and approved by the majority of the members present. A recital in any such rule that the same has been previously published, submitted, and approved as aforesaid shall be sufficient evidence that the requirements of this Sub-Section have been complied with unless the contrary be proved.

A licence under the Brokers' Regulations not to authorise the holder to carry on the business of an Auctioneer.

19. On and after the Commencement of this Ordinance "The Brokers' Regulations 1901" shall not apply to the business of an Auctioneer nor shall a licence under the said Regulations authorise the holder to carry on the business of an Auctioneer.

Saving as to existing licences.

Provided, however, any person who, at the commencement of this Ordinance, shall be carrying on the business of an Auctioneer under a licence issued under the said Regulations may, subject to the provisions of the said Regulations, lawfully carry on such business until the expiration of his licence.

The First Schedule.

Duties Payable for Licences.

	Rs.	cts.
Every licence of the Form A.		
For one year	75	00
For half a year	45	00
Every licence of the Form B.		
For one year	10	00
For half a year	6	00

The Second Schedule.

Forms of Licences.

A.—Auctioneers Licence.

Licence is hereby granted to (name and residence of person licensed) to carry on the business of an auctioneer in the East Africa Protectorate until the.....day of191 , subject to the Sales by Auction Ordinance, 1912.

Dated this.....day of.....191 .

Duty paid,.....Rupees.

.....
Signature of Provincial Commissioner.

NOTE.—This licence expires on the.....day of.....191 .

B.—Auctioneers (Limited) Licence.

(To be granted to Arabs and Natives only)

Licence is hereby granted to (name and residence of person licensed) to carry on the business of an auctioneer in the East Africa Protectorate until the.....day of191 , subject to the Sales by Auction Ordinance, 1912.

This licence does not authorise the holder to sell by Auction at any one sale property exceeding 300 rupees in value.

Dated this.....day of.....191 .

Duty paid,.....Rupees.

.....
Signature of Provincial Commissioner.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 26 OF 1912.

An Ordinance to Amend the Fugitive Criminals Surrender Ordinance, 1908.

[16th October, 1912.]

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

1. This Ordinance may be cited as "The Fugitive Criminals Surrender Short Title. Amendment Ordinance, 1912.

2. The Fugitive Criminals Surrender Ordinance, 1908, shall be and is hereby amended as follows :—

Amendment of
The Fugitive
Criminals Sur-
render Ordinance,
1908.

By the deletion of Section 12 of the said Ordinance and by the substitution therefor of the section following :—

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

Depositions to be
evidence.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 27 OF 1912.

An Ordinance to Prevent the Introduction of Diseases into the East Africa Protectorate.

[11th December, 1912.]

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

1. This Ordinance may be cited as "The Quarantine Ordinance, 1912. Short Title.

2. (1) The Governor may, from time to time, make and, when made, may vary or revoke Regulations for the purpose of preventing the introduction of disease into the Protectorate or any part thereof. Power to make Regulations.

(2) All Regulations made under this Section shall apply to the whole of the Protectorate or to such part thereof as shall be mentioned in such Regulations.

3. The Governor may, from time to time, appoint such fit and proper persons to be Officers as may be necessary to enforce and carry out the provisions of this Ordinance.

4. The Governor may, from time to time, provide such sanitary buildings, and equipment; and by any Regulations appoint such sanitary anchorages as he may think necessary for the purposes of this Ordinance. Authority to provide Sanitary stations and to appoint sanitary

Provided that until other provisions be made the Sanitary Station at Zanzibar

Regulations to be published in the Gazette.

5. All Regulations and orders made under this Ordinance and all alterations and revocations thereof shall be published in the Gazette, and have full force and effect upon the publication thereof or from the date named therein, subject to disallowance by His Majesty.

Penalty for contravention of Regulations.

6. Any person who shall contravene any Regulations made under this Ordinance shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding 1,500 Rupees or to imprisonment of either description for a term not exceeding six months or to both.

Repeal. Proviso.

7. The East Africa Plague and Cholera Ordinance, 1907, is hereby repealed. Provided, however, that until other provision is made on that behalf the said Ordinance shall be deemed to be and shall have the effect of regulations made under this Ordinance.

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

AN ORDINANCE

No. 28 OF 1912.

An Ordinance to enable the Governor to issue Commissions of inquiry with special powers.

[11th December, 1912.]

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

Short Title.

1. This Ordinance may be cited as "The Commissions of Inquiry Ordinance, 1912."

Power to issue commissions of inquiry into matters of public nature, &c.

2. It shall be lawful for the Governor, whenever he shall deem it advisable, to issue a Commission appointing one or more Commissioners and authorising such Commissioners, or any quorum of them therein mentioned, to inquire into the conduct of any officer in the public service of the Protectorate, the conduct of any native chief or headman, the conduct or management of any department of the public service or of any public or local institution, or into any matter in which an inquiry would, in the opinion of the Governor, be for the public welfare. Each such Commission shall specify the subject of inquiry, and may, in the discretion of the Governor, if there is more than one Commissioner, direct which Commissioner shall be chairman, and direct where and when such inquiry shall be made, and the report thereof rendered, and prescribe how such Commission shall be executed, and may direct whether the inquiry shall or shall not be held in public. In the absence of a direction to the contrary, the inquiry shall be held in public, but the Commissioners shall nevertheless be entitled to exclude any particular person or persons for the preservation of order, for the due conduct of the inquiry, or for any other reason.

Particulars of commissions.

Mode of holding inquiry and as to preservation of order.

Power to appoint fresh Commissioners and to alter and revoke commissions.

3. In case any Commissioner shall be or become unable or unwilling to act or shall die, the Governor may appoint another Commissioner in his place: and any Commission issued under this Ordinance may be altered as the Governor may deem fit by any subsequent Commission issued by the Governor, or may be revoked altogether by a notification to that effect published in the Gazette.

Commissions not affected by change of Governor.

4. No Commission issued under this Ordinance shall lapse by reason of, or be otherwise affected by the death, absence, or removal of the Governor issuing the same.

As to oath of office by Commissioners.

5. It shall be the duty of each Commissioner appointed under this Ordinance to make and subscribe an oath in the form in the Schedule hereto, which oath may be taken before the Governor or before any other person

6. The Governor may appoint a secretary to attend the sittings of the Commission, to record their proceedings, to keep their papers, summons and minute the testimony of witnesses, and generally to perform such duties connected with such inquiry as the Commissioners shall prescribe.

Power to appoint secretary—his duties.

7. It shall be the duty of the Commissioners, after taking such oath to make a full, faithful, and impartial inquiry into the matter specified in such Commission, and to conduct such inquiry in accordance with the direction (if any) in the Commission; and, in due course, to report to the Governor, in writing, the result of such inquiry; and also, when required, to furnish to the Governor a full statement of the proceedings of such Commission, and of the reasons leading to the conclusions arrived at or reported.

Duties of Commissioners defined.

8. If the Commissioners shall, in any case, be equally divided on any question that arises during the proceedings of the Commission, the chairman of the Commission shall have a second or casting vote.

Division of opinion of Commissioners.

9. The Commissioners acting under this Ordinance may make such rules for their own guidance, and the conduct and management of proceedings before them, and the hours and times and places for their sittings, not inconsistent with their Commission, as they may from time to time think fit, and may from time to time adjourn for such time and to such place as they may think fit, subject only to the terms of their Commission.

Commissioners' power for regulating proceedings.

10. Commissioners acting under this Ordinance shall have the powers of the High Court to summon witnesses, and to call for the production of books, plans, documents, and to examine witnesses and parties concerned on oath, and no Commissioner shall be liable to any action or suit for any matter or thing done by him as such Commissioner. All summonses for the attendance of witnesses, or other persons, or the production of documents, may be in the form given in the Schedule to this Ordinance, and shall be signed by one of the Commissioners, and oaths may be administered by one of the Commissioners or by their Secretary.

Power to summon and examine witnesses and privilege of Commissioner from suit.

11. An inquiry under this Ordinance shall be deemed to be a judicial proceeding for the purposes of Section 193 of the Indian Penal Code.

Giving or fabricating false evidence.

12. All persons summoned to attend and give evidence, or to produce books, plans, or documents at any sitting of any such Commission, shall be bound to obey the summons served upon them as fully in all respects as witnesses are bound to obey a summons issued from the High Court, and shall be entitled to like expenses as if they had been summoned to attend at such Court on a criminal trial, if the same shall be allowed by the Commissioners, but the Commissioners may disallow the whole or any part of such expenses in any case if they think fit. Orders for the payment of such witnesses shall be made as nearly as may be as orders are made for the payment of witnesses in the High Court, and shall be paid in such manner as the Governor may direct.

Duty of witnesses summoned.

Expenses of witnesses.

Every person refusing or omitting, without sufficient cause, to attend at the time and place mentioned in the summons served on him, and every person attending, but leaving the Commission without the permission of the Commissioners, or refusing without sufficient cause to answer, or to answer fully and satisfactorily, to the best of his knowledge and belief all questions put to him by or with the concurrence of the Commissioners, or refusing or omitting without sufficient cause to produce any books, plans or documents in his possession or under his control, and mentioned or referred to in the summons served on him, and every person who shall at any sitting of the Commission wilfully insult any Commissioner, or the Secretary, or wilfully interrupt the proceedings of the Commission, shall be liable to a fine not exceeding 750 rupees.

Penalty for contumacy, insult or interruption of proceedings.

Provided always, that no person giving evidence before the Commission shall be compellable to criminate himself, and every such person shall, in respect of any evidence given by him before the Commission, be entitled to all the privileges to which a witness giving evidence before the High Court is entitled in respect of evidence given by him before such Court.

Indemnity to witnesses.

13. Any person whose conduct is the subject of inquiry under this Ordinance, or who is in any way implicated or concerned in the matter under inquiry, shall be entitled to be represented by an Advocate at the whole of the inquiry, and any other person who may consider it desirable that he should be so represented may, by leave of the Commission, be represented in manner aforesaid.

Appearance of Advocate.

Police Officers detailed to attend Commissioners—their duties.

14. The Governor may direct the Commissioner of Police to detail police officers to attend upon any such Commissioners, to preserve order during the proceedings of the Commission, and to serve summonses on witnesses, and to perform such ministerial duties as such Commissioners shall direct.

Remuneration to Commissioners, &c.

15. Commissioners appointed under this Ordinance shall not be entitled to any remuneration, unless such remuneration shall be specially voted by the Legislative Council, beyond the actual expenses incurred in holding the inquiry, but the Governor may direct what remuneration, if any, shall be paid to the Secretary, and to any other persons employed in or about any such Commission, and may direct payment of any other expenses attendant upon the carrying out of any such Commission, or upon any proceedings for any penalty under this Ordinance. Such sums, so directed to be paid, shall be paid out of the general revenues of the Protectorate, as the case requires, on the warrant of the Governor.

Commissions, &c., to be published in Gazette.

16. All Commissions under this Ordinance, and all revocations of any such Commission, shall be published in the Gazette, and shall take effect from the date of such publication.

As to proceedings for penalties.

17. No proceedings shall be commenced for any penalty under this Ordinance except by the direction of the Attorney-General.

Schedule.

Form of Oath to be Taken by a Commissioner.

I, _____, having been appointed under a Commission dated the _____ day of _____ 191____ issued by the Governor to be a Commissioner to enquire into the matters specified in the said Commission, do swear that I will faithfully, fully, impartially, and to the best of my ability discharge the trust, and perform the duties devolving upon me by virtue of the said Commission.

So HELP ME GOD.

.....
Commissioner.

Summons to Witness.

To A. B. (name of person summoned, and his calling and residence, if known.)

You are hereby summoned to appear before the Commissioners, appointed by the Governor to inquire (state briefly the subject of inquiry) at (place) upon the _____ day of _____ 191____, at _____ o'clock, and to give evidence respecting such inquiry. (If the person summoned is to produce any documents add) and you are required to bring with you (specify the books, plans and documents required). Therefore fail not at your peril.

Given under the hand of _____ Commissioner, this _____ day of _____ 191____.

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

AN ORDINANCE

No. 29 OF 1912.

An Ordinance to Confer Powers on the Government to Lay Sewers, Drains and Water Pipes in Private Lands.

[11th December, 1912.]

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

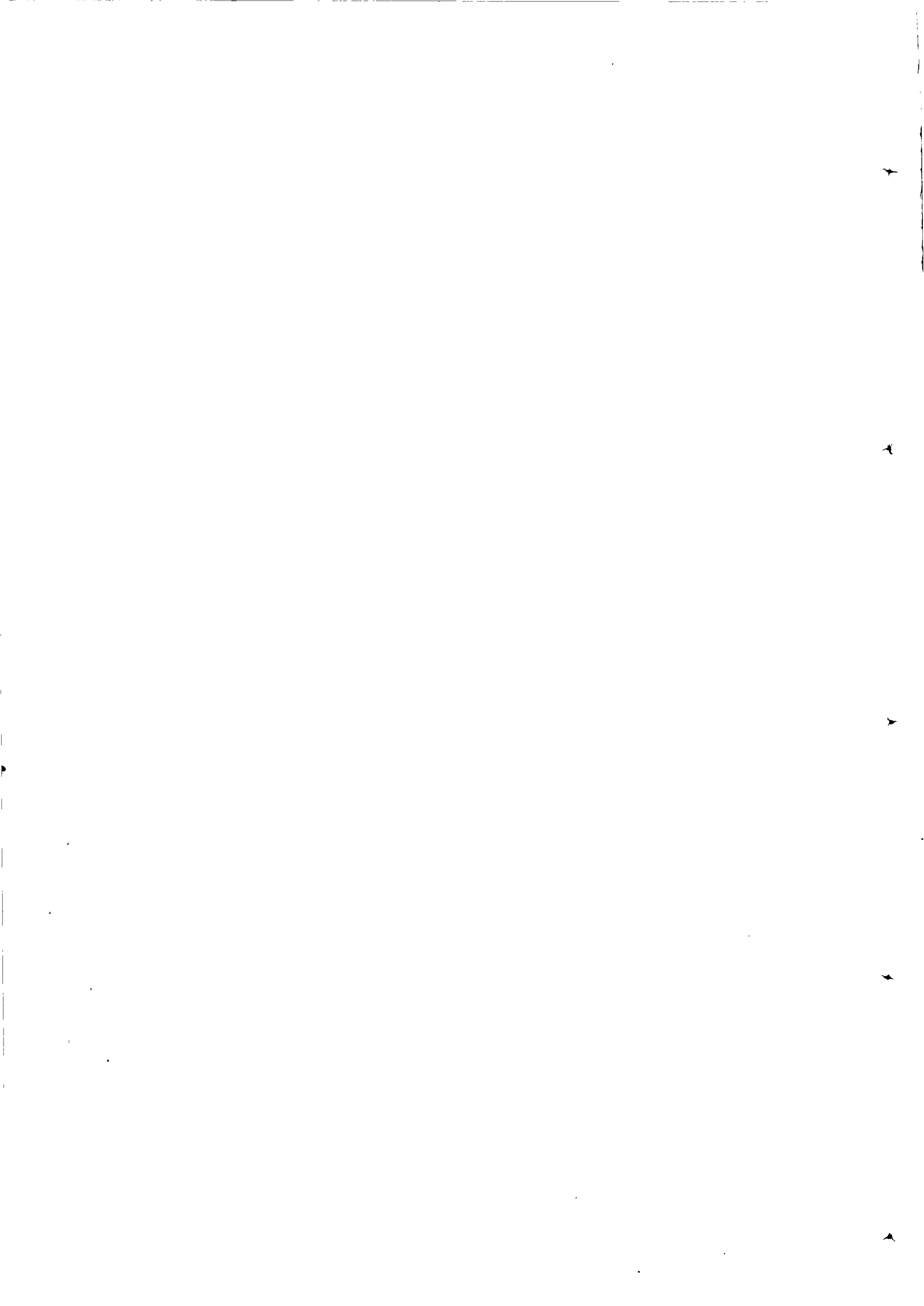
2. (1) The Government may carry any sewer, drain or water pipe into, through, over or under any lands whatsoever. Provided, however, the Government shall not be entitled under this Section to interfere with any existing building. Power to carry sewers, drains or water pipes through any land.
- (2) The Government shall, one month at least before carrying any sewer, drain or water pipe into, through over or under any private land without the consent of the owner of such land, give notice of the intended work either by notice in the "Gazette," or in such other manner as the Governor may in any case direct. Such notice shall describe the nature of the intended work and shall name a place where the plan of the intended work is open for inspection at all reasonable hours; and a copy of such notice shall either be served on every person resident in the Protectorate, whose place of residence is known, and who is known or believed to be the owner of any private land through, over or under which it is intended that any sewer, drain or water pipe shall be carried, or shall be posted in a conspicuous position on such land. Notice to be given before exercising powers over land without the consent of the owner.
- (3) If any owner, lessee, or occupier of any private land through, over or under which it is intended that any sewer, drain or water pipe shall be carried, objects to the intended work and serves notice in writing of such objection at the office of the District Commissioner of the District in which such land is situate at any time within the said month, the intended work, in so far as it affects the land of the person serving such notice of objection, shall not be commenced without the sanction of the Governor. Owners may lodge objection to intended works.
- (4) The Governor may appoint such person or persons as he may think fit to make enquiry on the spot into the propriety of the intended work, and into the objections thereto, and to report to the Governor on the matters with respect to which such enquiry was directed; and on receiving the report of such person or persons may make an order disallowing or allowing, with such modifications (if any) as he may deem necessary, the intended work. Governor may direct enquiry.

3. The Government shall make good all damage done and shall pay compensation to the owner of any tree or crops destroyed or damaged in the execution of any power by this Ordinance conferred. In the event of disagreement as to the amount of the compensation to be paid or as to the person entitled to receive compensation, any person interested may apply to the District Commissioner who shall award to the person entitled to receive compensation such compensation as he thinks reasonable. Such award, subject to appeal to the Provincial Commissioner, shall be final. Compensation etc.

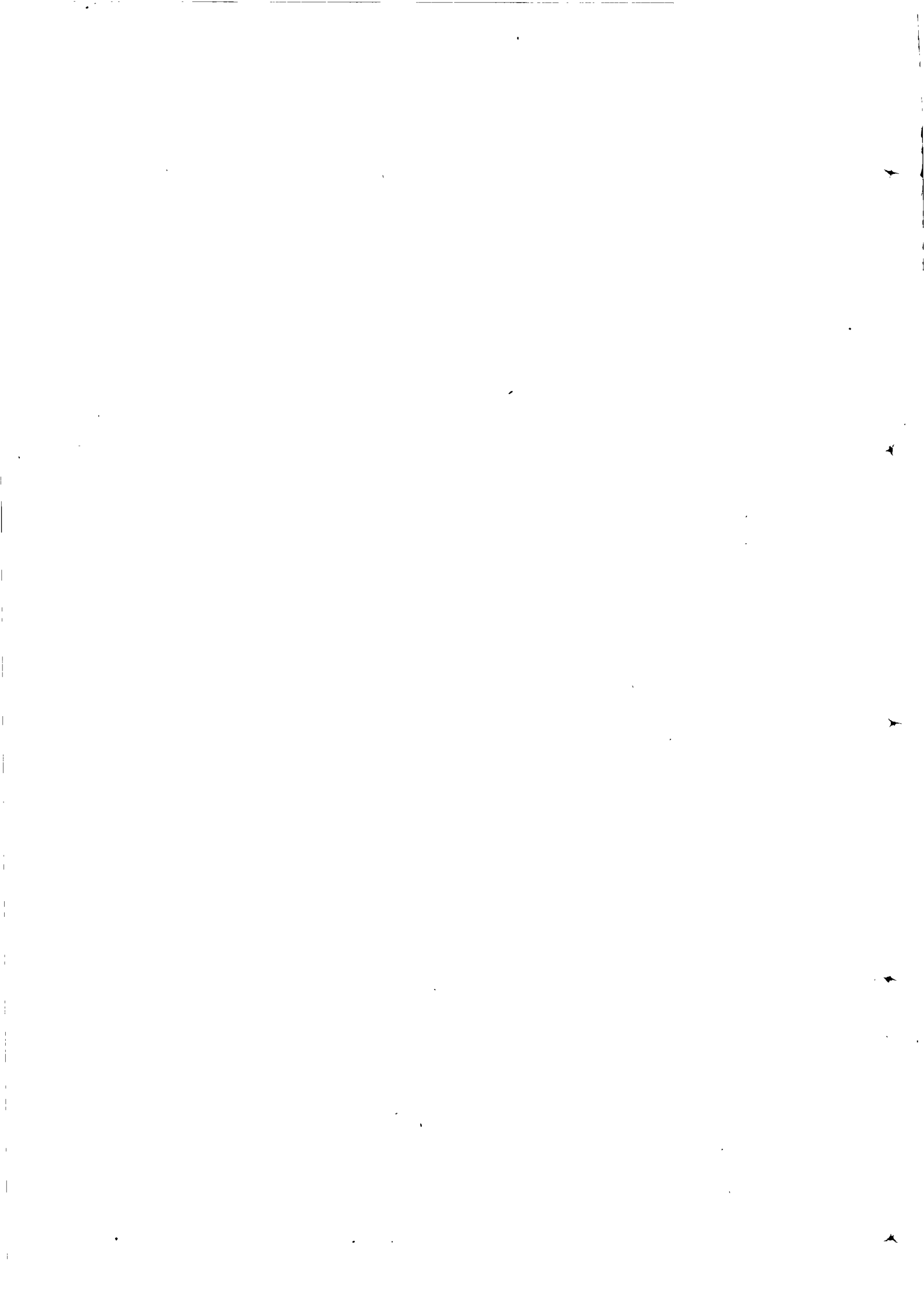
4. Any person in the service of the Government and any contractor executing any work for the Government, together with his agents and servants may at any time enter upon any land for the purpose of surveying, setting out and marking the line of any intended sewer, drain, or water pipe or for the purpose of inspecting, repairing, removing, relaying or cleansing any sewer, drain or water pipe, the property of the Government, or for any other purpose under this Ordinance. Power to enter lands at any time for the purposes of the Ordinance.

5. Any person, who, without the consent of the Director of Public Works (which consent shall not be unreasonably withheld), shall cause any building to be newly erected over any sewer, drain or water pipe, the property of the Government, shall be liable to a fine of seventy-five rupees and a further fine of thirty rupees for every day during which the offence is continued, after written notice on that behalf from the Director of Public Works; the Director of Public Works may cause any building erected in contravention of this Section to be altered, demolished or otherwise dealt with as he may think fit, and may recover any expense incurred by the Government in so doing from the offender. Penalty for unauthorised building over sewers, drain or water pipes.

6. In this Ordinance the term "private land" shall not include any land sold or leased under the Crown Lands Ordinance, 1902, or under any Ordinance which may hereafter be substituted therefor. Interpretation.



APPENDIX.



EAST AFRICA PROTECTORATE.

PROCLAMATION.

The East Africa Game Ordinance, 1909.

In exercise of the powers conferred upon me by Section 6 (ii) of the Game Ordinance, 1909, I, Sir Edouard Percy Cranwill Girouard, K.C.M.G., D.S.O., Governor of the East Africa Protectorate, do hereby alter the number of Rhinoceros allowed to be hunted, killed or captured under a licence from two as at present to one and I hereby proclaim that the 3rd Schedule attached to the said Ordinance is amended accordingly.

Nairobi,

Dated this 15th day of December, 1911.

E. P. C. GIROUARD,

Governor.

PROCLAMATION.

Under the East Outlying Districts Ordinance, 1902.

In exercise of the powers conferred upon me under the East Africa Outlying Districts Ordinance, 1902, I, Sir Edouard Percy Cranwill Girouard, K.C.M.G., Governor of the East Africa Protectorate, do hereby declare that the roads mentioned in the Schedule hereto are excluded from Native Reserves or closed districts.

Nairobi,

December 27th, 1911.

E. P. C. GIROUARD,

Governor.

Schedule.

Nyanza Province.

1. Kisii-Suna Road, from Kisii Station to the Suna Trading Site.
2. Road leading from Suna Trading Station passing through Kadem to Karungu Port.
3. Road from Mirogi River Trading Station passing through Kaniada to Homa Port.
4. Road from Ovugi's Trading Station passing through part of Mumbo, Kagan and Gem to Rungwe Trading Station.

RULES.

Under the East Africa Townships Ordinance, 1903.

Rules issued by the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 15th day of December, 1911.

E. P. C. GIROUARD.

Governor.

The owner of every two-wheeled cart used within the Municipal Area for cartage shall on every occasion when such cart is so used except for the cartage of articles too large to be contained wholly inside such cart provide such cart with a tailboard sufficient for the purpose of preventing the spilling of any part of the contents of such cart in transit, and shall cause such tailboard to be properly fixed and kept in position, and the owner and person or persons in charge of any cart so used and not provided with a tailboard as aforesaid fixed as aforesaid shall be guilty of an offence and shall each severally be liable on conviction to a fine not exceeding Rs. 30/- or in default to imprisonment of either kind for a period not exceeding 7 days.

2. The foregoing Rule shall be cognisable by the Police and shall be applicable to the Township of Nairobi.

RULES.

Under the East Africa Townships Ordinance, 1903.

Rules issued by the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

E. P. C. GIROUARD,

Dated this 15th day of December, 1911.

Governor.

1. Every person causing any house, building or work to be erected, altered or demolished shall before such operations are begun, if so required by the Medical Officer of Health, erect in an approved position and thereafter maintain for such time as workmen are engaged thereon good and sufficient temporary latrine accommodation for such workmen, to the satisfaction of the Medical Officer of Health who shall at his discretion have power to order pail closets and pails with a proper supply of earth, sand, ashes or disinfectants to be provided by such person notwithstanding that conservancy fees may be exigible in respect thereof; and every person who shall cause any such erection, alteration or demolition to be begun without having erected latrine accommodation as aforesaid shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding Rs. 200/- and an additional penalty of Rs. 15/- for each day's default after conviction.

2. The foregoing Rules shall apply to the Township of Nairobi.

RULES.

The East Africa Townships Ordinance, 1903.

Rules issued by the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

E. P. C. GIROUARD,

Dated this 15th day of December, 1911.

Governor.

1. Any person intending to construct a footbridge or to alter or reconstruct an existing footbridge over any open drain in any public road within the Township of Nairobi, shall make application for permission to the Town Clerk and shall lodge with him a plan in duplicate on which shall be specified fully the intended position, dimensions and material of the said footbridge.

2. The words "building" and "work" where they occur in the Township Rules, 1906, shall from the date hereof be held to include the construction of footbridges and alteration and re-construction of existing footbridges over open drains in public roads within the Township of Nairobi.

3. Permission shall not be granted for any footbridge (a) to exceed 10 feet in width (b) to be erected within 20 feet of any existing footbridge, (c) to be erected as together with any existing footbridge or footbridges to cover more than one-fifth of the frontage of any building situated on the same side of the road as such footbridges.

4. A moveable wooden footbridge not exceeding 10 feet in width and not attached to the soil is not a footbridge within the meaning of the foregoing rules.

5. Any person who shall be guilty of contravening or not complying with any of the conditions of these Rules shall, upon conviction, be liable to a fine not exceeding Rs. 75 or in default to imprisonment of either description not exceeding one month.

6. These Rules shall apply to Nairobi.

RULES.

The East Africa Townships Ordinance, 1903.

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

Nairobi,

E. P. C. GIROUARD,

Dated this 27th day of December, 1911.

Governor.

1. No vessel (other than a vessel belonging to Government) shall approach the shore or land any passengers or cargo until such vessel has been boarded by the Medical Officer or his representative and pratique granted.

RULE.

The Native Passes Regulations, 1900.

Rule made by the Governor of the East Africa Protectorate under the Native Passes Regulations, 1900.

Nairobi,

E. P. C. GIROUARD,

Dated this 15th day of December, 1911

Governor.

1. Rule 2 of the Rules dated 30th November, 1903, under the Native Passes Regulations, 1900, is deleted as well as the Schedule attached thereto only in so far as it effects Natives of North and South Kavirondo and Kisumu Districts of the Nyanza Province, and the following substituted therefor.

"2. Such pass shall be obtained at the office of the Provincial Commissioner or District Commissioner and shall be in the form prescribed in the Schedule attached to these Rules."

Schedule.

EAST AFRICA PROTECTORATE.

NATIVE IDENTIFICATION TICKET
(issued under the Native Pass Regulations, 1900.)

No.
District of Issue.....
Province.....

Name ..
Father's Name.....
Clan.....
Location.....
Headman's Name ..
Chief's Name.....

Height.....
Build (slight or heavy).....
Apparent age.years
Prominent marks or scars

Date of Issue of Ticket
.....191 .

.....
District Commissioner
or Registering Officer.

(NOTE.—This ticket is the personal property
of the native named and described hereon.)

Remarks by Examining Medical Officer.

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Endorsement by a Magistrate where necessary.
(Each endorsement to be signed and dated.)

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RULES.

The Native Passes Regulations, 1900.

Rules issued by the Governor of the East Africa Protectorate under the Native Passes Regulations, 1900.

Nairobi,

Dated this 15th day of December, 1911.

E. P. C. GIROUARD,

Governor.

Rules to control the Movement of Masai.

1. Rule 1 of the Rules published in the "Official Gazette" and dated 25th August, 1908, is amended by deleting the words "or go to Machakos."
2. Rule 2 of the Rules published in the "Official Gazette" and dated 25th August, 1908, is amended by deleting "either of these places" and substituting therefor "Nairobi."

RULES.

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

Rules of Court No. 7 of 1911.

1. These Rules may be cited as Rules of Court (Appeals by Natives Amendment) No. 7 of 1911.
2. Rule 3 (b) of Rules of Court No. 3 of 1907 is hereby amended by the substitution of the words No. 6 of 1911 for No. 2 of 1904.

R. W. HAMILTON,

J. W. BARTH,

Judges of the High Court.

Approved,

E. P. C. GIROUARD,

Governor.

NOTIFICATION.

The East Africa Plague and Cholera Ordinance, 1907.

In exercise of the powers conferred upon me by the above Ordinance I, Sir Edouard Percy Granwill Girouard, K.C.M.G., D.S.O., Governor of the East Africa Protectorate, do hereby declare that the place at Zanzibar appointed and prescribed by the Zanzibar Government as and for a Sanitary Station for Plague and Cholera purposes, to be as formerly the appointed and prescribed Sanitary Station under the above Ordinance for the East Africa Protectorate.

Nairobi,

Dated this 15th day of December, 1911.

E. P. C. GIROUARD,

NOTICE.

In exercise of the provisions of the East Africa Marriage Ordinance, 1902, Section 6, I hereby give notice that I have licensed the Neukerchener Mission Station at Hola, Tanaland Province, to be a place for the celebration of Marriages.

Nairobi,
December 15th, 1911.

E. P. C. GIROUARD,
Governor.

NOTICES.

The Land Acquisition Act, 1894.

Whereas the Land hereinafter specified is required for public purpose :—

It is hereby declared that the Government do require for the public purpose aforesaid all that piece of land in the Island of Mombasa being of approximate area of .0279 acres bounded on the North by the land of Rozatuni binti Meer Mahomed, on the East by the land of Makaboki binti Dagar, on the South by the Native Hospital, and on the West by the land of Peer Mahomed bin Gul Mahomed and Hadija, which land is more particularly delineated and described on a plan which may be seen at the Office of the District Commissioner, Mombasa.

Nairobi,
Dated this 27th day of December, 1911.

E. P. C. GIROUARD,
Governor.

The Land Acquisition Act, 1894.

The District Commissioner, Mombasa, is hereby appointed to perform the functions of a Collector under the Land Acquisition Act, 1894, in relation to the acquisition of certain land in the Island of Mombasa, the subject of a notice under the said Act published in the "Official Gazette" of January 1st, 1912.

Nairobi,
Dated this 27th day of December, 1911.

E. P. C. GIROUARD,
Governor.

NOTICE.

Alteration to part of Nyanza—Naivasha Provincial Boundary.

1. The part of the above boundary described on page 9 of the "Official Gazette" of 1st January, 1911, between the words "commencing" and "farm No. 1121 to its north-east corner" is hereby amended as follows :—

Commencing at the point where the 35° E. Meridian cuts the Nzoya River, the boundary follows the westerly boundaries of the Uasin Gishu farms to the summit of Doinyo Lessos; thence along the northern and eastern boundaries of farm No. 1485 A, and the eastern boundary of farm No. 1485 to its south-east corner; thence along the eastern boundaries of farms Nos. 1483, 1482, 1480 and 1479, to the south-east corner of the latter; thence along the north-eastern boundary of farm No. 1459, and the northerly boundaries of farms Nos. 1453A, 1458 and 1183 to the eastern corner of the latter; thence along the south-easterly boundaries of farms Nos. 1183, 1456 and 1455 to the southern corner of the latter; thence along the northerly boundaries of farms Nos. 1453, 1449, 1448, 1443, 1440, 1439 and 1121 to the north-easterly corner of the latter.

2. The description of the boundaries of the Nyanza Province appearing on page 10 of the "Official Gazette" of 1st January, 1911, are hereby amended by altering the words

RULES.

The East Africa Townships Ordinance, 1903.

Rules issued by the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

E. P. C. GIROUARD,

Dated this 15th day of January, 1912.

Governor.

1. In these Rules the term "cycle" shall be held to include bicycles, tricycles and motor-cycles of every description.

2. Every owner or person in possession of a cycle who resides or shall reside or has or shall have his place of business within the Township area shall on or before the 15th day of February, 1912, or within 15 days of the date when he shall begin to reside or have his place of business within the said area, or within 15 days of the date when he shall come into possession of such cycle, and thereafter on or before the 31st day of December in each year cause such cycle to be presented at the Municipal Offices for registration: provided that this Rule shall not apply to an unused cycle kept for the purpose of sale by a cycle dealer unless and until such cycle shall be sold or hired out or otherwise used.

3. The Town Clerk shall keep a Register in which he shall enter full particulars of every cycle presented for registration, including the names of the owner and person in possession and the makers of the cycle and its trade number and shall issue to the party presenting such cycle a form of licence on which the said particulars shall be endorsed, which licence shall be personal to the grantee thereof and shall lapse and become of no effect upon his ceasing to be the owner or person in possession of such cycle and shall not be valid after the 31st day of December in the year for which it is issued: provided that the Town Clerk may delay or refuse to issue the licence in respect of any cycle on the ground that it is not fitted with efficient brakes or for any other cause that may seem to him good and sufficient.

4. Every owner or person in possession of a cycle which has been registered under these Rules shall cause a metal ticket painted black on one side and bearing thereon the registration number of the cycle in white figures at least two inches in height and on the obverse side the trade number of the cycle and the registration number both stamped into the metal, to be attached to the back of the saddle of the cycle or to some other place to be approved by the Town Clerk, and kept so attached in such a manner as to be wholly visible.

Such ticket may be obtained from the Town Clerk on payment of the prescribed fee.

5. Any person who shall, within the Township, ride a cycle required to be registered under these Rules to which a ticket as before prescribed is not attached in the manner required by or under these Rules shall be guilty of an offence, unless it be proved by such person that the person causing the cycle to be registered had at the time of applying for such registration requested to the Town Clerk to supply such ticket on payment of the prescribed fee, and that the Town Clerk has failed to supply the same at the date of the commission of the offence.

6. The following fees shall be chargeable by the Municipality under these Rules:—

For each ticket issued	...	...	50 Cents.
Registration Fee	...	...	25 „

Any person who shall fail to comply with the requirements of these Rules or shall be guilty of an offence against these Rules shall be liable to a fine not exceeding Rs. 50 and in default of payment thereof to imprisonment of a term not exceeding 14 days.

8. These Rules shall be applicable to the Township of Nairobi and shall be cognisable by the Police.

RULES.

Crown Lands Ordinance, 1902.

Rules made by His Excellency the Governor in pursuance of the powers conferred by Section 33 of the Crown Lands Ordinance, 1902.

Nairobi,

E. P. C. GIROUARD,

Dated this 10th day of January, 1912.

Governor.

1. Every applicant for a conveyance, or lease, or a licence for the occupation of a Township plot shall, subject to the provisions of these Rules, at the time of making his application deposit with the Land Officer the sum of Rupees 75, and such deposit and any other sum deposited in pursuance of these rules shall be dealt with in the manner following.—

(a) If the application is refused, the sum deposited shall be refunded to the

- (b) If the conveyance, lease or licence applied for at the time of making the deposit is granted, the sum shall be placed to the credit of the applicant on account of survey or other fees payable by the applicant in respect of the conveyance, lease or licence.
- (c) If the applicant shall withdraw his application or shall refuse or neglect to execute the conveyance, or lease or accept the licence when called upon to do so, the sum specified in the schedule hereto, according to the circumstances of the case, shall be forfeited to the Crown and applied to the revenues of the Protectorate, and the balance, if any, of the above-mentioned deposit of Rupees 75 shall be refunded to the applicant.

2. The rules dated the 12th day of May, 1910, published on page 262 of the "Official Gazette" of the 15th May, 1910, shall remain in full force and operation, and shall apply to all applications for a conveyance, lease or licence of Crown Land other than a Township plot, and Rule 2 thereof shall be read and construed together with these rules as through the same had been herein repeated.

3. These rules shall take effect as from 1st December, 1911.

The Schedule abovementioned.

	Amount to be forfeited.	Amount to be forfeited if special survey has been made.
	Rs.	Rs.
1. If deed plans and deeds have been prepared ...	45	75
2. If deed plans only have been prepared ...	30	50
3. If no expenses have been incurred in preparation of above ...	15	50

NOTICE.

Under the East Africa Marriage Ordinance, 1902.

In exercise of the provisions of the East Africa Marriage Ordinance 1902, Section 6, I hereby give notice that I have licensed the Africa Inland Mission Chapel at Ngenda to be a place for the celebration of Marriages under the aforesaid Ordinance.

Nairobi,

Dated this 9th day of January, 1912.

E. P. C. GIROUARD,

Governor.

NOTICE.

I hereby appoint the Town Magistrate for the time being of Nairobi to hold a Subordinate Court of the first class in the Southern Masai District of the Naivasha Province.

Nairobi,

Dated this 16th day of January, 1912.

C. C. BOWRING,

Deputy Governor.

NOTICE.

Under the Diseases of Animals Ordinance, 1906.

DESCRIPTION OF THE BOUNDARIES OF QUARANTINE RESERVE NEAR FORT TERNAN STATION.

Commencing at the junction of the Muricho and Barragut rivers, thence bounded on the North by the Barragut river upstream to the Uganda Railway, thence on the East and South

RULES.

Issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance 1903.

Nairobi,

Dated this 13th day of February, 1912.

E. P. C. GIROUARD,

Governor.

WHEREAS the control of quarries on unalienated Crown Land within the Township of Nairobi has been transferred to the Municipal Committee, AND WHEREAS it is intended that royalties on stone and murrum quarried (otherwise than by or on behalf of a Government Department) shall be payable to the Municipal Committee, that moneys so received may be devoted to Municipal purposes: It is hereby provided as follows viz:—

1. The Municipal Committee of Nairobi may fix the royalties chargeable by them in respect of stone and murrum and may from time to time cancel or vary the same.

2. No royalties shall become exigible by the Municipal Committee of Nairobi in respect of stone quarried from Municipal Quarries unless and until such stone shall have been used for building provided that nothing herein contained shall affect their claims in respect of stone quarried prior to the date hereof.

3. The builder and owner of every house building or erection constructed either wholly or partially of stone or concrete shall, unless and except in so far as such stone or the stone contained in such concrete shall have been quarried before the date hereof or quarried from lands outside the Township not held by the Municipality, or quarried from the block or plot of land, (being land held in leasehold of the Crown or in freehold by such owner himself) on which such building or erection shall have been erected, be liable to the Municipality of Nairobi as principal debtor and guarantor respectively for payment or royalty for such stone or concrete.

4. All royalties payable under these Rules shall be notified in the "Gazette".

5. The Words "Town Clerk" shall be substituted for the word "Collector" in Rule 88 of the Township Rules 1904, as applied to the Township of Nairobi.

6. These Rules are subject to the Notice by the Land Officer dated 22nd November, 1910, and published in the "Official Gazette" of 1st December, 1910.

NOTICE.

Fees and Royalties Ordinance, 1903.

From the publication of this notice the royalty on stone quarried payable to the Government under or by virtue of the provisions of the Fees and Royalties Ordinance, 1903 or any notice thereunder shall not be levied or paid in respect of stone quarried in a quarry under the control of the Nairobi Municipal Committee.

By order of His Excellency the Governor.

Nairobi,

Dated this 13th day of February, 1912.

C. C. BOWRING,

Chief Secretary to the Government.

NOTICE.

In exercise of the powers conferred upon them by the above Rules the Municipal Committee of Nairobi hereby give notice that the following royalties will until further notice be charged for stone and murrum and for concrete containing stone:—

Stone and concrete	...	Rs. 9/-	per 1,000 cubic feet.
Murrum	...	50 cents	per 100 cubic feet.

The term "stone" includes both building stone and chips

REGULATION.

Under the Diseases of Plants prevention Ordinance, 1910.

Regulations issued by His Excellency the Governor of the East Africa Protectorate under the powers conferred by Section 2 of the Diseases of Plants Preventions Ordinance, 1910.

Nairobi,

Dated this 3rd day of February, 1912.

E. P. C. GIROUARD,

Governor.

1. The Director of Agriculture may, from time to time by notice in the "Official Gazette," appoint such person or persons in the service of the Agricultural Department as he may think fit to perform the duties of an Inspector under these Rules.

2. Any Inspector may, at any time between the hours of 6 a.m., and 6 p.m., enter upon any land on which he has reason to believe that any coffee bush is growing, for the purpose of inspecting the same.

3. Whenever an Inspector shall consider that any coffee bush is infected with disease, or that the condition of any coffee bush or of any land on which a coffee bush is growing is such as may give rise to any coffee plant disease, he may,

(1) If the land on which the coffee bush is growing is occupied, require, in writing, the occupier of the land to take such action with regard to the land or any coffee bush or bushes thereon as he may consider necessary or advisable to prevent disease or the spread of disease, or

(2) If the land on which the coffee bush is growing is unoccupied, or appears to the Inspector to be unoccupied, destroy any or all coffee bushes thereon, as to the Inspector may seem necessary or advisable.

4. Whenever under the powers conferred by the last preceding Rule an Inspector shall require an occupier to take action with regard to any land or any coffee bush thereon he shall specify the time, as to the Inspector may seem reasonable, within which such action shall be completed.

If the occupier to whom such requisition is directed shall fail to complete the action required within the time specified, he shall be guilty of an offence, and liable, on conviction, to a fine not exceeding 300 Rupees and in default of payment of the same imprisonment for a term not exceeding one month, and, whether proceedings have been taken or not, an Inspector may by himself or his employees destroy all or any coffee bush on the land, as to the Inspector may seem necessary and advisable.

5. Service of a requisition delivered to or sent by post to the occupier or to the Manager or person appearing to the Inspector to be the Manager of any plantation or land shall be deemed to be good service upon the occupier.

NOTICE.

Justice's of the Peace Ordinance, No. 3 of 1910.

His Excellency the Governor has been pleased to make the following appointment under Section 2 of the Justices of the Peace Ordinance, No. 3 of 1910.

To be a Justice of the Peace—Reverend Father Arnold Witlox, for the District of North Kavirondo in the Nyanza Province.

Nairobi,

February 12th, 1912.

C. C. BOWRING,

Chief Secretary to the Government.

NOTICE.

The following order made by the High Court for the distribution of business between Subordinate Courts in the Southern Masai District will have effect till further notice.

Criminal Matters.

All offences committed on or about the line of the Magadi Railway by or against persons working on or in connection with the construction of the said Railway or against Government Regulations shall so far as may be convenient and so far as such offences may be within the jurisdiction of a second class magistrate be dealt with in the Court of the Labour Inspection

Such of the said offences as are beyond the jurisdiction of a second class magistrate shall be dealt with in the Court of the Town Magistrate Nairobi.

The Officer in charge of the Southern Masai District or any Magistrate other than the Town Magistrate Nairobi, having jurisdiction in the areas through which the Magadi Railway runs shall not deal with any of the said offences except in the absence of the Labour Inspection Officer Magadi Railway or with his consent.

Civil Matters.

Civil claims by or against persons working on or in connection with the construction of the said Railway shall, if triable under the general law of the Protectorate in a Subordinate Court of the second class in the Southern Masai District, be tried in the Court of the Labour Inspection Officer, Magadi Railway, and if triable in a Subordinate Court of the first class in the Province of Naivasha then in the Court of the Town Magistrate Nairobi.

Mombasa,
February 6th, 1912.

R. W. HAMILTON,
Principal Judge.

RULE.

The East Africa Townships Ordinance, 1903.

Rules issued by the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,
Dated this 16th day of February, 1912.

E. P. C. GIROUARD,
Governor.

1. The Rules issued under the East Africa Townships Ordinance, 1903 and dated the 28th day of April 1909 regulating the use of Jimrickshas in the Township of Nairobi shall be and are hereby amended as follows:—

- (i) By deletion of the word "person" in Rule 4 (d) and substitution therefor of the words "right arm and in such a position that the number can be easily seen".
- (ii) By addition of the following words at the end of Rule 4 (a) "and no person shall be engaged in hauling or pushing any public ricksha unless he shall be so registered and licensed or unless he shall be able to prove that he is so engaged for some urgent or necessary reason".

RULES.

Issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,
Dated this 19th day of February, 1912.

E. P. C. GIROUARD,
Governor.

1. The term "Cemetery" in these Rules means the Cemetery in Nairobi at present used for interment of Europeans and Goans and shall include any future extension thereof, and the term "Town Clerk" means the Town Clerk of Nairobi and includes any person duly authorised by him or by the Municipal Committee of Nairobi to act on his behalf.

2. The Cemetery shall be under the sole control of the Municipal Committee of Nairobi and shall be open to the public only at such hours as may be from time to time prescribed by them.

3. No person shall cause any interment to take place in the Cemetery without a permit in writing first obtained from the Town Clerk or otherwise than in strict conformity with the terms of such permit which shall prescribe the exact position of the grave to be used for

4. No person shall cause to be erected or deposited in the Cemetery any tombstone or other structure of whatever description without a permit in writing first obtained from the Town Clerk or otherwise than under the supervision of the Town Clerk and in strict conformity with the terms of such permit, which shall prescribe the exact position for any structure so to be permitted: and over and above any penalty that may be inflicted for contravention of this Rule, the Town Clerk shall have power to replace in accordance with the terms of the permit, and that without notice or warning, any tombstone or structure so erected or deposited or any part thereof and to recover from the person in default the expense of such replacement: or alternatively after 10 days clear notice in writing given to the person in default, to remove such tombstone or other structure or any part thereof from the Cemetery and to return it to the person in default, and to recover from him all expenses incurred in connection therewith, and the Municipality of Nairobi and the Town Clerk shall not be legally liable for any damage that may be caused to such tombstone or structure by such replacement or removal.

5. No person shall plant any flowers or shrubs in the Cemetery or remove or in any way interfere with any existing flowers or shrubs except under authority of the Town Clerk.

6. The Town Clerk shall have power at his discretion to remove any shrubs or natural or artificial flowers or receptacles for containing flowers or other articles that may be planted or deposited upon any grave: provided that natural flowers shall not be so removed within 10 days of the date when deposited.

7. The Municipality of Nairobi shall not be held to incur any legal liability whatever in connection with the care or custody of any tombstone or other structure in the Cemetery unless by special arrangement.

8. Any person found guilty of a breach of these Rules will be liable on conviction to a fine not exceeding Rs. 30/- or in default thereof to a period of imprisonment not exceeding 14 days.

9. (1) Rule 47 of the Nairobi Township Rules No. 3 of 1905 is hereby repealed.

(2) The fees payable to the Municipality of Nairobi for interment in the Cemetery shall be as follows:—

	Rs.	Cts.
For opening ground, per grave for a child under 2 years of age ...	7	50
For opening ground, per grave in every other case ...	15	00
For a reserved plot 10 feet by 10... ..	100	00
For a reserved plot 10 feet by 4	50	00

PROCLAMATION.

The Diseases of Animals Ordinance, 1906.

In pursuance of the powers conferred upon me by the Diseases of Animals Ordinance, 1906, I hereby declare that the term "ANIMAL" shall for the purposes of the said Ordinance include "OSTRICH."

Nairobi,

Dated this 11th day of March, 1912.

C. C. BOWRING,

Acting Governor.

PROCLAMATION.

The Diseases of Animals Ordinance, 1906.

In pursuance of the powers conferred upon me by Section 6 of the Diseases of Animals Ordinance, 1906, I hereby prohibit the importation of cattle, camels and water Buffalo from India or Mauritius

The Proclamations under the aforesaid Ordinance dated June 15th, 1909, and July 28th, 1909, are hereby repealed.

Nairobi,

Dated this 11th day of March, 1912.

C. C. BOWRING,

Acting Governor.

PROCLAMATION.

The Diseases of Animals Ordinance, 1906.

In pursuance of the powers conferred upon me by the Diseases of Animals Ordinance, 1906, I hereby declare that all previous proclamations declaring any area or areas to be infected are hereby cancelled.

Nairobi,

Dated this 11th day of March, 1912.

C. C. BOWRING,

Acting Governor.

PROCLAMATION.

The Diseases of Animals Ordinance, 1906.

IMPORTATION OF RABBITS.

In pursuance of the powers conferred upon me by Section 6 of the Diseases of Animals Ordinance, 1906, I hereby prohibit the importation of any live rabbits from any country, port or territory whatsoever, except such rabbits as may be imported for scientific purposes with the sanction in writing of the Chief Veterinary Officer and subject to such conditions as he may in any case impose. And I hereby direct that this Proclamation shall be read as if every country, port and territory were particularly specified in this Proclamation. The Proclamation under the aforesaid Ordinance dated the 31st day of January, 1907, is hereby cancelled.

Nairobi,

Dated this 11th day of March, 1912.

C. C. BOWRING,

Acting Governor.

PROCLAMATION.

Under the East Africa Outlying Districts Ordinance, 1902.

In exercise of the powers conferred upon me under the East Africa Outlying Districts Ordinance 1902, I, Charles Calvert Bowring, C.M.G., Acting Governor of the East Africa Protectorate do hereby declare that the Trading Centres mentioned in the schedule hereto are excluded from Native Reserves or closed districts.

Nairobi,

C. C. BOWRING

Schedule.

UKAMBA PROVINCE.

List of Trade Centres in the Machakos District.

Locality.	Situation.	Extent.
Mukaa	Approximate $\frac{3}{4}$ mile of S. W. of Keutaa Hill	Approximate 6 acres as per boundaries defined by beacons erected by District Commissioner.
Miu	On Machakos—Kitui road, where it crosses Miu River, East bank; in the Kisau division	Approximate 10 acres as per boundaries defined by beacons erected by District Commissioner.
Atithini	Matungulu division, sub-division Matheni; about one mile from boundary of Native Reserve	Approximate 10 acres as per boundaries defined by beacons erected by District Commissioner.
Moutani	Kalama division, Nzueni sub-division on main road Machakos to Nzawi about 600 yards N. E. of chief's village	Approximate 10 acres as per boundaries defined by beacons erected by District Commissioner.
Nziu	Nzawi, Nziu sub-division, on the Machakos—Nzawi road on the site of the old Government Fort	Approximate 10 acres as per boundaries defined by beacons erected by District Commissioner.

List of Trade Centres in the Kitui District.

Mumoni	About half a mile north of old mission house Mansoba River	Approximate 10 acres as per boundaries defined by beacons erected by District Commissioner.
Katzi	Where the main road from Mutias to Tharaka joins the road from Massosia	Approximate 10 acres as per boundaries defined by beacons erected by District Commissioner.
Mirwani	Between Nzaoni Hill and source of Ikoo River	Approximate 10 acres as per boundaries defined by beacons erected by District Commissioner.
N U	North—East of Ngieni Hill at junction of roads from Kitui and from Endau	Approximate 10 acres as per boundaries defined by beacons erected by District Commissioner.
Tiva	Where Machakos main road crosses the Tiva River	Approximate 10 acres as per boundaries defined by beacons erected by District Commissioner.
Buboni	On Thoo River	Approximate 10 acres as per boundaries defined by beacons erected by District Commissioner.
Ikanga	On the main cart road to Kibwezi	Approximate 10 acres as per boundaries defined by beacons erected by District Commissioner.
Ikutha	On the main cart road to Kibwezi	Approximate 10 acres as per boundaries defined by beacons erected by District Commissioner.
Kanziko	South of Kamata Hill where road from Ikutha joins road from Mutha	Approximate 10 acres as per boundaries defined by beacons erected by District Commissioner.
Mvoo	Junction of Thowa and Nganga	Approximate 10 acres as per boundaries defined by beacons erected

PROCLAMATION.

Under the East Africa Outlying District Ordinance, 1902.

In exercise of the powers conferred on me by the East Africa Outlying Districts Ordinance, 1902, I, Charles Calvert Bowring, C.M.G., Acting Governor of East Africa Protectorate, do hereby proclaim that the road and location as defined in the undernoted schedule are excluded from the Closed District before proclaimed.

Nairobi,

Dated this 1st day of march, 1912.

C. C. BOWRING,

Acting Governor.

NYANZA PROVINCE.

Lumbwa District.**Trade Road.**

District.	Lumbwa.
Name of Road	Kericho-Muhoroni Road.
Situation	From Kericho to Muhoroni.
Name of villages, &c. through which the road passes of with which it communicates ...	Locations of Arap Metet and Arap Soieti, Kapsamonget Trade Centre, Location of Arap Tereto.
Extent	About 22 miles.

Trade Centre.

Name of Trade Centre.	Kapsamonget.
Situation	In Arap Soieti's location No. 4 on the Kericho-Muhoroni Road.
Rough Extent	About 200 yards by 100 yards.

RULE.

Issued by His Excellency the Acting Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 5th day of March, 1912.

C. C. BOWRING,

Acting Governor.

1. The Rules issued under the East Africa Townships Ordinance, 1903, dated the 13th, day of February, 1912, shall be and are hereby amended as follows:—

- (a) By deletion of the words "for building" in Rule 2 and substitution therefor of the words "in a building or work".
- (b) By insertion of the words "or work" after the word "erection" twice occur-

RULE.

The East Africa Townships Ordinance, 1903.

Rule issued by His Excellency the Acting Governor of the East Africa Protectorate under the powers conferred upon him by the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 11th day of March, 1912.

C. C. BOWRING,

Acting Governor.

1. The Rules dated 25th June, 1910, and published in the "Official Gazette" of 1st July, 1910, are, in so far as they apply to the Township of Nairobi, amended as follows:—

(a) By deleting Rule 6 and substituting therefor the following:—

6. Licences under these Rules shall be issued by the Town Clerk and every licence issued shall expire at the end of the month in which the same shall have been issued. Provided, however, no premises shall be licensed for the manufacture of aerated water or ice except such premises shall have been first approved by the Medical Officer and such approval shall have been notified in writing by the Medical Officer.

(b) By deleting Rule 7 and substituting therefor the following:—

7. For every licence issued under these Rules there shall be levied and paid a fee of Rs. 10 per mensem payable on the issue of the licence.

RULE.

The East Africa Townships Ordinance, 1903.

Rule issued by the Acting Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 11th day of March, 1912.

C. C. BOWRING,

Acting Governor.

Rule 1 of the Rules issued under the East Africa Townships Ordinance, 1903, dated the 15th day of December, 1911, and relating to the erection of latrine accommodation for workmen engaged on buildings and works shall be and is hereby amended as follows:—

- i. by the deletion in line 2 of the words "before such operations are begun," and
- ii. by the insertion after the words "Medical Officer of Health," in line 3 of the word "forthwith."

RULES.

Made by His Excellency The Acting Governor for the East Africa Protectorate under the provisions of the Forest Ordinance, 1911.

Nairobi,

Dated this 7th day of March, 1912.

C. C. BOWRING,

Acting Governor.

1. Rule (3) of the Rules made under the Forestry Regulations 1902, and published in the "Official Gazette" 1st day of December, 1908, at page 662 is hereby repealed and the following substituted therefor:—

(3) FIREWOOD.—For the removal of firewood licences will be granted either per quantity or per time according to circumstances.

QUANTITY LICENCE.—Three cents (Rs. 0-03) per stacked cubic foot,

TIME LICENCE.—Entering forests to remove dead wood without axes,

RULES.

Under the Diseases of Animals Ordinance, 1906.

Rules issued by His Excellency the Governor of the East Africa Protectorate under the powers conferred by the Diseases of Animals Ordinance, 1906.

Nairobi,

Dated this 11th day of March, 1912.

C. C. BOWRING,

Acting Governor.

- Short Title and Commencement. 1. These Rules may be cited as "The Diseases of Animals Rules 1911" and shall come into operation on the First day of April 1912.
- Definitions. 2. In these Rules, unless inconsistent with the context:—
the term "the Ordinance" means the Diseases of Animals Ordinance 1906;
the terms "Animals," "stock," "cattle" and "Disease" shall have the like meanings as in the Ordinance;
the term "Veterinary Surgeon" means a member of the Royal College of Veterinary Surgeons of Great Britain, or any person possessing a veterinary qualification recognised by that institute as equal to their own;
The term "Inspecting Officer" shall include a Veterinary Officer, an Inspector appointed under the Ordinance and any person authorised by the Chief Veterinary Officer to perform the duties of an Inspecting Officer under these Rules; and
the term "District Commissioner" includes an Assistant District Commissioner.

Importation of Animals.

- No animal to be imported except through one of the ports or places of entry specified. 3. No animal shall be imported into the Protectorate except through one of the ports or places of entry following:—Kilindini, Mombasa, Taveta, Karungu, Mumias, Baringo, Kismayu, Malindi, Vanga, Kisumu, Lamu, Marsabit, Moyale, or such other port or places as may be approved by the Chief Veterinary Officer and notified in the Official Gazette.

Any person importing any animal through any port or place other than those name in this Rule or approved and notified as aforesaid shall be guilty of a breach of these Rules and any animal so imported together with its produce may be seized by a Customs or Police Officer or any person in the service of the Veterinary Department of the Government, whether it be in the custody of the original importer or not, and may be slaughtered or otherwise dealt with as the Governor may determine, and no compensation shall be paid by the Government in respect of such animal or its produce.

- All animals imported to be inspected and not to be moved without sanction of the inspecting Officer. 4. All animals shall be subjected to examining by an Inspecting Officer on or before entering the Protectorate, and shall not be moved from the Customs premises or other place appointed by the Inspecting Officer for such examination, except with the sanction in writing of the Inspecting Officer.

- Animals affected or suspected of being affected with disease to be placed in quarantine. 5. If in the opinion of the Inspecting Officer any animal is affected with disease, or if the Inspecting Officer suspects that any animal may be affected with a disease, or if the Importer of any animal does not satisfy the Inspecting Officer that such animal had not, during the journey or voyage of such animal to the Protectorate, been in contact with a diseased animal or had not otherwise been exposed to infection, the Inspecting Officer shall order the animal to be kept in quarantine in such place and for such period as he may determine at the owner's risk and expense. Provided, however, nothing in this Rule shall be deemed to preclude a Provincial Commissioner or a Veterinary Officer from causing any animal affected or suspected of being affected with any disease or which has been in contact with a diseased animal or has been otherwise exposed to infection or contagion of disease, to be slaughtered.

- Certificate required on importation by sea of cattle sheep and goats. 6. (1) All cattle, sheep, and goats imported by sea shall be accompanied by a certificate from a qualified Veterinary Surgeon that such animals were drawn from an area free from disease, were examined by him and were free from disease at the date of examination, such certificate to bear date not earlier than ten days before the date of embarkation for East Africa. In the

- (2) All cattle, sheep, and goats imported otherwise than by sea from German or Italian Territory in East Africa shall be accompanied by a certificate from a German or Italian Veterinary Officer, as the case may be, certifying that such animals are healthy and are drawn from a district free from disease and have not passed through an infected area on the way to this Protectorate. Certificate required on importation otherwise than by sea from German or Italian Territory.
- (3) No cattle, sheep, or goats shall be imported from the Uganda Protectorate except in accordance with such conditions as the Chief Veterinary Officer may, from time to time, prescribe and notify by publication in the "Official Gazette". Conditions on importation of cattle sheep and goats from Uganda.

7. Every head of cattle imported shall be accompanied by a certificate from a qualified Veterinary Surgeon that such animal has successfully passed the tuberculin test. Any cattle imported without such certificate may be subjected to such test by an Inspecting Officer and in the event of the animal reacting to the test such animal shall be slaughtered, or dealt with as the Chief Veterinary Officer may direct. Cattle imported to be accompanied by a certificate that the animal has passed the tuberculin test.

8. The Inspecting Officer may cause any animal imported into the Protectorate to be disinfected before permitting the same to be removed from the place of examination or retention. Power to cause animals imported to be disinfected.

9. All sheep and goats imported shall unless the Chief Veterinary Officer otherwise directs, be dipped, such dipping shall be conducted at the port of importation or such other convenient place as the Chief Veterinary Officer shall specify. Sheep and goats to be dipped.

10. Every horse, mule or donkey imported into the East Africa Protectorate shall be accompanied by a certificate from a Veterinary Surgeon certifying that such horse, mule or donkey has successfully passed the mallein test. Any horse, mule or donkey imported without such certificate may be subjected to such test by the Inspecting Officer and in the event of the animal reacting to the test it shall be slaughtered. Horses, mules and donkeys to be accompanied by a certificate of having passed the mallein test.

11. All swine imported shall be accompanied by a certificate of health from a Veterinary Surgeon and if unaccompanied by such certificate may be required to undergo quarantine at the port or place of importation for such period as the Chief Veterinary Officer may direct. Certificate of health required in the case of swine.

12. All dogs imported from South Africa (Cape Colony, Orange Free State, Transvaal and Natal) shall be accompanied by a certificate of health from a Veterinary Surgeon. All dogs imported without the certificate required by this rule, or from any country (except Great Britain and Australasia) other than those above-mentioned shall be subjected on arrival to three months' quarantine at the risk and expense of the importer. Certificate of health in the case of dogs.

Movement of Animals within the Protectorate.

13. The Chief Veterinary Officer may appoint such persons as he may think fit to be Issuers of Permits for the purposes of these Rules and may direct the area within which such person may issue permits, and may at any time vary or cancel any such appointment. Every such appointment and every variation or cancellation of such appointment shall be notified in the Official Gazette. Issuers of Permits for the movement of animals within the Protectorate to be appointed by the Chief Veterinary Officer.

In addition to persons appointed as aforesaid every Veterinary Officer and Inspector and every Provincial Commissioner, and District Commissioner shall be an Issuer of Permits for the purposes of these Rules. Certain persons to be ex-officio Issuers of Permits.

All persons who, at the date of the commencement of these Rules, are appointed to be Issuers of Permits under any Rule cancelled by these Rules shall for the purposes of these Rules, be deemed to be persons duly appointed by the Chief Veterinary Officer, unless and until such appointment is cancelled by the Chief Veterinary Officer. As to persons appointed at the date of the commencement of these Rules.

14. No cattle or swine shall be moved from or on to any farm or from or into any Native Reserve or on to or over any public road or on to or over unalienated Crown land not being within a native Reserve, without a permit authorising such movement granted and signed by an Issuer of Permits. Provided that whenever a public road passes through any farm it shall be lawful for the occupier of such farm unless prohibited by the order of a Veterinary Officer to move any healthy cattle or swine across such road from one part to Restriction as to the movement of cattle and swine.

Chief Veterinary Officer to prescribe the form of permits.

Particulars to be stated in the permits.

Permit to be made out in quadruplicate.

Permits may at any time be cancelled. Cases in which permit may be issued only by Veterinary Officer.

Issuers of Permits to be guided by instructions from Chief Veterinary Officer.

Limit of powers of Issuers of permits appointed by Chief Veterinary Officer.

As to "to and fro" permits.

Permit to be handed to person in charge of the animals moved.

To be produced on demand.

Issuers of Permits may detain any animal on reasonable suspicion that it is being moved without a permit.

Owners and Occupiers of land may, in certain cases, detain animals.

Penalty for unlawfully

15. (1) Every permit for the movement of cattle or swine shall be in the form prescribed by the Chief Veterinary Officer.
- (2) The Issuer of a permit shall state in writing on the permit the number and description of the animals to be moved, the route by which the animals are to travel, the period for which the permit holds good, and the place to which the animals may be moved, and such other particulars as the Chief Veterinary Officer may from time to time direct.
No more time than is actually necessary to complete the journey should be allowed.
- (3) Every permit shall be made out in quadruplicate; the original to be given to the applicant; the second sent at once to the Issuer of permits nearest to the place to which the animal is to be moved, the third sent by first opportunity to the Chief Veterinary Officer, Nairobi and the fourth retained for reference.
16. A permit may, at any time, be cancelled by any Issuer of permits. In the case of any outbreak of disease Issuers of permits shall cancel or alter permits accordingly.
17. A permit for the movement of any animal affected with disease or which has been in contact with an animal affected with disease shall not be granted except by or with the sanction of a Veterinary Officer.
18. (1) All Issuers of Permits shall, in the matter of issuing permits under these Rules, be guided by instructions issued by the Chief Veterinary Officer.
- (2) Issuers of Permits appointed by the Chief Veterinary Officer shall not issue permits for the movement of cattle or swine into or within any area other than the area for which they are appointed Issuers of Permits.
19. Except with the sanction of a Veterinary Officer first obtained, a "to and fro" permit shall not be issued for any cattle other than Transport Oxen. No "to and fro" permit shall be issued for a longer period than one month.
20. (1) The person to whom a permit for the movement of any animal shall have been granted, shall be responsible for any breach of these Rules, either by himself or his servant or agent, and, if he places any other person in charge of the animal during the movement authorised, shall give the permit to such person.
- (2) The person in charge of any animal which is being moved under a permit granted under these Rules shall, on demand made by any Issuer of Permits or Police Officer or by the owner or occupier of any land over which the animal is being moved, produce the permit to the Issuer of Permits, Police Officer or owner or occupier as aforesaid making demand.
21. Whenever an Issuer of Permits shall have reason to believe that any animal is being moved without a permit in breach of these Rules he may detain such animal, but if he is not a Veterinary Officer, Inspector or Police Officer he shall forthwith report such detention to an Inspector or Police Officer.

22. Whenever an owner or occupier of land shall find any animal, the movement of which is prohibited under these Rules except under a permit, being moved over the land owned or occupied by him and the person in charge of such animal does not on demand produce a permit authorising such movement, he may detain such animal, but shall forthwith report such detention to an Inspector or Police Officer:

23. Any person other than a Veterinary Officer, Inspector or Police Officer who

animal has been detained shall be guilty of a breach of these Rules and shall be liable to the penalties prescribed by law for such breach.

24. Whenever disease shall appear among any animals travelling under a permit the person in charge of the animals shall immediately report the fact of such appearance to the nearest issuer of permits and shall not proceed with the movement of the animals pending the receipt of the orders of a Veterinary Officer.

Person in charge of animals moved to report any disease amongst the animals, and to stop movement pending the orders of a Veterinary Officer.

25. The person in charge of any animal moved under a permit shall report to the issuer of permits nearest to the place to which the animals are authorised to be moved any deaths amongst the animals moved and any animals disposed of on the journey.

The persons in charge to report deaths and disposal of animals during journey.

26. The person to whom a permit for the movement of any animal has been granted shall, on the expiration of the period for which such permit has been granted, forthwith cause the permit to be delivered to an Issuer of permits.

Expired permits to be delivered to an Issuer of permits.

27. It shall be the duty of the owner of cattle or swine to prevent any such animal from straying.

The owner of cattle and swine to prevent same from straying.

Any cattle or swine found straying or strayed shall be deemed to have been moved by or with the authority of the owner and may be dealt with accordingly, and the owner shall be liable to the penalties prescribed by law for a breach of these Rules.

Penalty in the case of failure of duty.

Quarantine and other treatment of animals affected by Disease or which are suspected of being affected.

28. A Veterinary Officer or Inspector investigating a reported or suspected outbreak of disease shall, if he is of opinion that any animal or animals are infected with any disease or has reason to believe that any animal or animals have been exposed to infection, forthwith cause the said animal or animals to be isolated (if such has not already been done) or dealt with in such other manner as he may deem expedient in order to prevent the spread of such disease, provided that an Inspector shall not cause any animal to be slaughtered except on the instructions of a Veterinary Officer: and may direct that no other animal shall be brought or allowed to remain on any part of the farm, land, or area which has become infected.

Duties of Veterinary Officer and Inspector when disease is discovered or suspected.

Any person failing to carry out the directions given by such Veterinary Officer or Inspector under this Rule shall be guilty of a breach of these Rules.

Penalty for failing to carry out the orders of a Veterinary Officer or Inspector.

29. (1) Any Veterinary Officer or Inspector may, at any time, require any animal to be sprayed, dipped, washed or otherwise disinfected inoculated or to undergo a period of quarantine if he should consider the same to be necessary in order to prevent the spread of disease.

A Veterinary Officer or Inspector may require any animal to be disinfected, etc.

(2) Any Veterinary Officer may, for the purpose of detecting or diagnosing disease, take or cause to be taken from any animal blood smears or apply such other tests as he may consider necessary.

May take blood smears or apply other tests for the purpose of detecting or diagnosing disease.

30. When stray animals are found to be suffering from disease :—

As to stray animals if suffering from disease.

(1) They shall, if found on private land, be confined and isolated by the owner and occupier of the land as near as possible to the place where they have been found or if found on any unalienated Crown land or on any road, be confined and isolated at such place near to that at which they have been found as any Veterinary Officer, Inspector, Police Officer, or Administrative Officer may direct.

infection shall be quarantined and the owner of the stray animals shall pay to the owner of the animals quarantined all expenses incurred by reason of such quarantine.

- (3) The person detaining any such stray animals shall forthwith cause the nearest Inspector or Police Officer to be notified of such detention.

The owner of travelling or stray animals quarantined on private land to pay the occupier for the use of the land.

31. Whenever any travelling or stray animals shall be detained in quarantine on any occupied land by reason of the appearance of disease amongst such animals the owner of the animals shall be liable to pay to the occupier of the land for the use of the land such sum not exceeding one rupee per diem in respect of each animal, during the period it is so held up in quarantine, as the Director of Agriculture shall determine.

As to the destruction of the carcases of stray stock.

32. (1) The occupier of land finding the carcase of any stray stock on his land shall either cause such carcase to be buried or burned or give notice of the presence of such carcase to the Police, and in such last case shall take all reasonable precautions to prevent such carcase being disposed of otherwise than by being burned or buried pending the arrival of the Police.

(2) The Police, on receiving notice of the presence of the carcase of any stray stock upon any Crown or private land or upon any public road shall take immediate steps to have such carcase buried or burned.

(3) Any expense incurred by the Police or the occupier of land in, or in connection with, the disposing of a carcase as required by this Rule may be recovered from the owner thereof as for work done on his behalf and at his request.

No person to remove any buried carcase or carcase the burial or burning of which has been ordered.

33. No person other than a Veterinary Officer or Inspector or a person acting on the instructions of a Veterinary Officer or Inspector shall remove or attempt to remove any animal which has been buried or, except for the purpose of burial or burning any carcase has been ordered to be buried or burned in pursuance of the Ordinance or of any Rule, Proclamation, Order or directions thereunder.

Grass and herbage not to be removed from infected land except with consent of Veterinary Officer in charge.

34. No person shall remove from any infected area or from any place on which animals are detained in quarantine any grass or other herbage except with the sanction of the Veterinary Officer in charge of such area or place.

Miscellaneous.

Chief Veterinary Officer may with sanction of Governor prohibit exhibition and public sale of stock.

35. The Chief Veterinary Officer with the sanction of the Governor first obtained may, for the purpose of preventing the spread of any disease, prohibit in any District or portion thereof the holdings of any exhibition of stock, or the sale of stock in open markets or in private sale yards.

Railway tracks used for the carriage of stock to be disinfected.

36. The Railway Administration shall cause all Railway trucks, with the exception of fitted horse boxes, which have been used for the transport of stock to be disinfected by being swept and washed thoroughly with lime wash before being again used for the conveyance of stock.

Fitted horse boxes shall be swept and effectually disinfected.

Loading pens etc. to be disinfected.

All loading and unloading pens and enclosures and everything connected therewith shall be cleansed and effectually disinfected before being again occupied by, or used for stock.

Stock sale yards to be cleansed and disinfected after use.

37. All public markets for stock and private sale yards and all structures and enclosures connected therewith in which stock have been confined shall if considered advisable by a Veterinary Officer be cleansed and disinfected at the close of each day. This cleansing shall be carried out to the satisfaction of any Officer of the Veterinary Department inspecting the same.

Testing with mallein etc., to be carried out under the immediate directions of a Veterinary Officer.

38. Testing with mallein and tuberculin, inoculation for rinderpest or pleuro-pneumonia, ovination (vaccination against sheep pox) and such other technical operation as the Chief Veterinary Officer shall from time to time notify shall only be carried out under the immediate directions of a Veterinary Officer or in such other manner as the Chief Veterinary Officer may direct.

of a Veterinary Officer shall treat any animal or animals which is or are affected with a contagious or infectious disease. shall be treated by Officers of the Veterinary Dept. alone.

40. A Veterinary Officer may cause any animal or animals within an infected area or which have been placed in quarantine to be branded with a registered Departmental brand. Animals in quarantine etc., may be branded.

41. The Chief Veterinary Officer or any person or persons authorised by him may, for the purpose of restricting the movement of animals or for the purpose of quarantine, enter upon any land, whether privately owned or not, and may erect and maintain thereon any fences, notice boards, or beacons, and may remove any fence, notice board or beacon so erected. Chief Veterinary Officer may enter on land and erect fences for quarantine purposes.

42. No person shall, in any infected area or on any land on which animals are kept in quarantine, open and leave open any gate in any fence erected to restrict the movement of cattle or for the purposes of quarantine. Penalty for leaving gates open

43. Whenever the Chief Veterinary Officer shall be temporarily absent from the Head Office of the Veterinary Department, the Officer for the time being in charge at such office may subject to any general or special instructions from the Chief Veterinary Officer, exercise or perform any of the powers or duties conferred or imposed on the Chief Veterinary Officer by these Rules or any other Rule for the time being in force under the Ordinance. During temporary absence of Chief Veterinary Officer his powers may be exercised by the Officer in charge of the head office.

44. (1) The fees prescribed in the Schedule hereto for the services therein specified shall be paid to the Chief Veterinary Officer on behalf of the Government by the owner of the animals in respect of which the services have been rendered, and whether the services are rendered at the request of the owner or not. Fees to be paid for services rendered by the Veterinary Department.

(2) It shall be lawful for any Veterinary Officer to detain or direct the detention of any animal in respect of which services have been rendered by the Veterinary Department until the fees payable in respect of such services together with any expenses incurred by the Government by reason of such detention have been paid. Animals may be detained pending payment of fees.

(3) The Chief Veterinary Officer or any Veterinary Officer authorised by the Chief Veterinary Officer in this behalf may sue on behalf of the Veterinary Department for any fees or monies due to the Government for or in respect of anything done under or by virtue of the Ordinance or any Rules under the Ordinance. Chief Veterinary Officer or a Veterinary Officer acting with authority of Chief Veterinary Officer may sue for fees and monies due.

(4) Whenever the owner of any animal in respect of which services have been rendered by the Veterinary Department is unknown or cannot be found, and whenever the owner of any animal in respect of which such services have been rendered has, after demand made, neglected to pay for the services rendered and to remove the animal, the Chief Veterinary Officer may cause such animal to be sold by public auction, and shall, after deducting any monies due for services rendered and the expenses of and in connection with the sale, pay the balance of the proceeds of the sale to the owner in default, or, if the owner of the animal sold is not known or cannot be found, the balance (if any) as aforesaid shall be paid into the Protectorate Treasury. Provided that if such last case any person shall, within two years of the sale, prove that he was the owner at the date of the sale of such animal sold he shall be entitled to receive from the Government the amount of the balance so paid into the Treasury.

45. All Rules issued under the Diseases of Animals Ordinance 1906 and in force at the date of these Rules, other than the Rules dated the 21st day of October 1910, are hereby cancelled. Repeal of Rules.

Provided as follows :—

(1) Where any legal proceedings have been begun under any Rule cancelled by these Rules the same shall be continued as if these Rules had not been made. Savings.

(2) Any person who has, before the commencement of these Rules, committed an offence against, or breach of, any Rule cancelled by these Rules shall be proceeded against and punished as if these Rules had not been made.

Schedule.**Scale of Fees.**

Testing with Mallein	...	...	...	Rs. 5	per head
" Tuberculine	...	...	...	" 5	"
Inoculation against Rinderpest	Trading stock	...	...	" 2	"

Quarantine fees.

Horses mules and donkeys, without food not exceeding	..	..	..	1	per diem.
" " " " with food	..	..	..	1-50	"
Cattle without food not exceeding	...	...	...	0-75	"
" with	..	..	..	1-00	"
Sheep and Goats	..	..	..	0-25	"
Pigs not exceeding	...	...	...	0-37	"
Dogs	..	..	..	0-37	"
Bitches with litter of pups not exceeding	...	...	...	0-50	"

Dipping and Disinfecting Charges.

Sheep and Goats	...	...	...	0-04	per head
Cattle	...	...	...	0-25	"

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

INSTRUCTIONS TO ISSUERS OF PERMITS, PUBLISHED FOR GENERAL INFORMATION.

NO CATTLE MAY BE MOVED WITHOUT A PERMIT.

CATTLE MOVEMENT WITH REGARD TO EAST COAST FEVER:—Issuers of Permits shall not issue permits for the movement of cattle into or within any area other than the area for which they are appointed Issuers of Permits.

WITHIN THE BOUNDARIES OF CLEAN AREAS:—Movement under permit granted by any issuer of permits.

FROM A CLEAN AREA TO A CLEAN AREA THROUGH AN INFECTED AREA:—Movement by rail under permit granted by the Chief Veterinary Officer.

FROM A CLEAN AREA TO AN INFECTED AREA:—Movement under permit granted by Veterinary Officers, Stock Inspectors, and District Commissioners. Cattle entering Nyanza Province or Meru District to be branded with a special brand before leaving the clean area.

WITHIN THE BOUNDARIES OF INFECTED AREAS:—Movement under permit granted by Veterinary Officers, Stock Inspectors and Issuers of Permits, provided no permit shall be issued to allow cattle from the Southern Masai Reserved to enter the Nyanza Province, except by the Chief Veterinary Officer.

FROM AN INFECTED AREA TO AN INFECTED AREA THROUGH A CLEAN AREA:—Movement under permit granted by Chief Veterinary Officer, provided all cattle are taken direct by rail.

INTO CLEAN AREAS:—

- (a) Movement of adult cattle from the endemic areas of Nyanza Province and Meru under permit granted by Veterinary Officers, Stock Inspectors, District Commissioners of Meru and the Nyanza Province. In the case of cattle from Meru, these cattle must be obtained in the Meru district and be branded by the District Commissioner before leaving.

All cattle from endemic areas entering clean areas shall be branded with a distinctive brand.

- (b) Movement of healthy cattle from infected areas under permit granted by the Chief Veterinary Officer provided an officer can be spared and land is available to put them through a temperature boma in the clean area. The owner to pay all expenses.

IMMUNE OXEN:—Cattle which have passed the immunising test and which are accompanied by certificates to that effect may move throughout the Protectorate on permit by Veterinary Officers, Stock Inspectors and District Commissioners. The permit form used for these cattle must be a special one issued for the purpose, having the word "IMMUNE" printed in large letters diagonally across the face of the permit.

Within the boundaries of the infected areas of Fort Hall, Nyeri, Kyambu, Nairobi and Machakos, and between clean and infected areas, all cattle used for to and fro transport along a road shall have passed the immunising test.

On leaving the testing bomas immune cattle will have a distinguishing mark placed on them and the owner will be furnished with a certificate. This certificate shall accompany the animal referred to when travelling.

Defined Boundaries.

MOVEMENT OF CATTLE INTO CLEAN AREAS FROM THE EAST:—No cattle except cattle from Limoru (which may be taken by rail) or cattle which have passed through the immunising test, or cattle which have been bought in the Meru district and have been branded by the District Commissioner, Meru, may cross a line bounded on the North and West by the boundary between Jubaland and Tanaland commencing at Ras Kiamboni (Dick's Head) thence in a North Westerly direction to the Lorian Swamp.

From the Lorian Swamp up the Uaso Nyiro to the junction with the Engare Ndare, thence up the Engare Ndare to its source, thence across Mount Kenia to the source of the Nairobi River, thence down the Nairobi River to the North East Corner of farm No. 1246, thence along the North East boundary of farm No. 1246 to the Engare Rongai River, thence down that River to its junction with the Amboni River, thence up the Amboni River to its source on the Aberdare Mountains, thence across the Aberdare Mountains to the East Corner of Farm No. 1286, thence along the Eastern boundary of the Kinangop farms to a point where the South East boundary of Farm No. 1312, intersects the crest of the Kikuyu Escarpment, thence along the crest of the Kikuyu Escarpment to the North Eastern corner of farm No. 388, thence to the East corner of farm No. 388, thence along the South East boundary of Farm No. 388 to mile 365.8, thence to the North East corner of Farm No. 384, thence along the Eastern boundaries of Farms Nos. 384, 382, 381, 378, 374, 373, 371, 370 and 369 to the most Southerly corner of Farm No. 369.

MOVEMENT OF CATTLE INTO CLEAN AREAS FROM THE SOUTH:—No cattle except cattle which have passed through the immunising test may across a line bounded on the North by a line running from the most Southerly corner of Farm No. 369, thence in a straight line to the summit of Mount Suswa, thence in a straight line to the most Southerly corner of Farm No. 1316, thence along the general South Western boundary of Farm No. 1316, to the most Westerly corner, thence in a straight line to the most Southerly point of Farm No. 548, thence along the Southern and Western boundaries of Farms Nos. 548, 547, 549, 546, 550, 551, and 553 to the South Western corner of Farm No. 553, thence due West to a point on the Nyanza-Naivasha Provincial boundary (*i.e.* in a straight line between the Eastern corner of Farm No. 587, and the most Easterly point on the Buret Reserve boundary line.)

MOVEMENT OF CATTLE INTO CLEAN AREAS FROM THE WEST:—No cattle except cattle which have passed through the immunising test, or adult cattle from Nyanza Province which shall be branded with a distinctive brand, may cross a line bounded on the East by the Naivasha-Nyanza Provincial boundary commencing at a point where a straight line running due west from the South West corner of Farm No. 553 joins to boundary between the two Provinces, thence Northwards along the Nyanza-Naivasha Provincial boundary to Mount Elgon, *i.e.* "in a North Easterly direction along the Provincial Boundary to the Eastern corner of Farm No. 587, thence along the Eastern boundary of Farm No. 587 to the North East corner of same, thence down the Nyando stream to the Eastern boundary of Farm No. 593, thence to the North East corner of Farm No. 593, thence along the Eastern boundary of Farm No. 1121 to the North Eastern corner of same, thence along the Northern boundaries of Farms Nos. 1121, 1439, 1440, 1443, 1448, 1449, and 1453 to the Southern corner of Farm No. 1455, thence along the South Eastern boundaries of Farms Nos. 1455, 1456, and 1183 to the Eastern corner of the latter thence along the Northern boundaries of Farms Nos. 1183, 1458 and 1458a, and along the North Eastern boundary of farm No. 1459 to the South East corner of Farm No. 1479, thence along the Eastern boundaries of Farms Nos. 1479, 1480, 1482, 1483, 1485 and 1485a, thence along the Northern boundary of Farm No. 1485a to the summit of Doiyo Lessos, thence in a North Westerly direction along the boundary of the Nandi Reserve to its most Northerly point where it joins the North Eastern boundary between North Kavirondo district and the Trans-Nzoia group of farms, thence along this boundary to Mount Elgon."

MOVEMENT OF CATTLE INTO LIMORU AREA:—No cattle except cattle which have passed through the immunising test or adult cattle from Meru or the Nyanza Province or cattle from clean areas (which may be brought by rail) may enter that area of Limoru bounded on the North by the Kamiti River, from the North East corner of Farm No. 39a (L126) along the Kamiti River towards its source as far as Farm No. 81a (L240) then in a Northerly direction along the Eastern boundaries of Farms Nos. 81a (L240) and 80a (L241) thence along the Northern boundary of Farm No. 80a (L241) thence along the Western boundaries of Farms Nos. 80a (L241) and 81a (L240) to the Uganda Railway at Mile 353. On the West by the Uganda Railway line from mile 353 to near mile 346. On the South and East by the Southern boundary of the block of Limoru farms from the Southern corner of

MOVEMENT OF CATTLE WESTWARDS FROM THE SOUTHERN MASAI RESERVE:—No cattle except cattle which have passed through the immunising test may proceed westwards from the Southern Masai Reserve except on a permit issued by the Chief Veterinary Officer.

FROM AN INFECTED AREA TO AN INFECTED AREA THROUGH A CLEAN AREA:—Movement of cattle by permit granted by Chief Veterinary Officer provided all cattle are taken direct by rail.

Movement of stock Generally.

CATTLE FROM UGANDA:—Cattle shall be accompanied by a certificate from a Veterinary Officer Uganda to the effect that they are drawn from an endemic East Coast Fever area and that they have been inoculated against rinderpest immediately before leaving Uganda. By order of the Veterinary Officer, Uganda, cattle will be inoculated at Kampala.

Those travelling by road shall proceed with all reasonable speed to Kisumu by such road as the District Commissioner, Mumias, may consider most suitable. On the arrival of the cattle at Kisumu they shall be under the same conditions as Kisumu cattle. Provided cattle travel by steamer from Entebbe or Kampala to Kisumu and thence without delay by rail to a station East of Lumbwa, they must be inoculated once either in Uganda or at Kisumu.

CATTLE FROM NYANZA PROVINCE:—Shall leave via Fort Ternan or the Amala country. Adult cattle travelling by road Eastwards beyond Lumbwa shall be inoculated against rinderpest at a charge Rs. 2/- per head for two inoculations. The first inoculation shall take place at Kisumu, Kibigori, Kericho or Fort Ternan. The second inoculation shall take place ten days later at Fort Ternan, after which all cattle showing the first two permanent incisor teeth shall, after being branded with a distinctive brand, be allowed to move to any part of the Protectorate provided they are moved within 14 days after inoculation.

Cattle of Nyanza Province proceeding East of Lumbwa by rail shall not be entrained within ten days of a single inoculation.

Cattle of any age, provided they are inoculated against rinderpest at Kericho, Kibigori, Kisumu or Fort Ternan, can be moved direct into the Southern Masai Reserve through the Trans-Amala country, provided they are moved within 14 days after inoculation.

MUMIAS DISTRICT:—No licences will be issued for cattle trading in the Mumias district.

NANDI DISTRICT:—No licences will be issued for cattle trading in the Nandi District. Cattle purchased at Kapsabit and Kapiet must proceed via Kibigori under the same conditions as other cattle from the Nyanza Province. Transport oxen which are immune to East Coast Fever may move from the Uasin Gishu to Kapsabit.

CATTLE FROM THE NORTHERN FRONTIER AND JUBALAND:—Shall cross the Uaso Nyiro into Kenia Province at the junction of the Engare Ndare and the Uaso Nyiro Rivers, thence direct to near the junction of the Uaso Nyiro and the Uaso Narok Rivers, where they will be inspected and if considered necessary by the Veterinary Officer they will be inoculated against rinderpest at a charge of Rs. 2/- per head for two inoculations.

(Before arrival at the Uaso Nyiro, post notice must be given to the District Commissioners, Nyeri and Rumuruti, giving the probable date of arrival at the junction of the Uaso Nyiro and the Uaso Narok Rivers.)

They shall then proceed up the Uaso Narok to the observation camp near Rumuruti. If necessary they shall be inoculated against rinderpest before leaving the observation camp or at Rumuruti. When released they will be under the same conditions as cattle in the East Coast Fever clean areas.

Movement under permit will be allowed in and between the Southern Masai Reserve and the districts of Kyambu, Nairobi, Fort Hall, Embu, Meru, Kitui, Machakos and part of Nyeri district and the Provinces of Seyidie and Tanaland.

SHEEP AND GOATS FROM THE NORTHERN FRONTIER DISTRICT AND JUBALAND:—Shall enter Naivasha Province via Rumuruti where they shall be dipped.

SHEEP AND GOATS:—Moving from West to East of Nakuru shall be dipped at Nakuru.

SHEEP AND GOATS:—Moving Westwards through Naivasha shall be dipped at Naivasha.

TRANSPORT CAMELS FROM JUBALAND AND THE NORTHERN FRONTIER DISTRICT:—Such as do not show evidence of surra may proceed via Rumuruti as far as Gilgil. They shall not remain at Gilgil longer than 7 days.

HORSES FROM THE NORTHERN FRONTIER DISTRICT AND JUBALAND:—Shall enter via Rumuruti

PROCLAMATION.

I, Charles Calvert Bowring, Acting Governor of the East Africa Protectorate, do hereby order under the powers conferred upon me by Section 12 of the Native Hut and Poll Tax Ordinance, 1910, that the people of the new sub-division of Warrio, District of Gosha, shall pay Rs. 2 per hut during the year ending 31st March, 1912.

Given under my hand, this 21st day of March, 1912.

Nairobi,

C. C. BOWRING,
Acting Governor.

RULES.

Issued by His Excellency the Acting Governor under the East Africa Townships Ordinance, 1903.

Nairobi,

March 27th, 1912.

C. C. BOWRING,
Acting Governor.

1. The following rules shall be applied to those Townships in the Nyanza Province to which they have not already been applied :—

- (1) Of the Rules as published under date of 19th May, 1904, under the East Africa Townships Ordinance 1903 and referred to as the Township Rules 1904, the following :—

SANITARY Nos. 64, 65, 66, 67, 71 and 72.

FIRE ARMS OR OTHER ARMS Nos. 188 and 189.

NOTICE.

Under Section 30 of the Indian Post Office Act of 1898 as applied to the East Africa Protectorate.

It is hereby notified that on and from the 1st of April, 1912 the fees for the insurance of letters and parcels will be as follows :—

- (a) For letters or parcels forwarded from any East Africa Post Office included in the Insurance arrangements to any other such Post Office in the East Africa and Uganda Protectorates :—

<i>Limit of Compensation.</i>	<i>Fee payable.</i>
Rs. 100	25 cents.
" 200	50 " "
" 300	75 " "
" 400	Re. 1 00 " "
" 500	" 1 25 " "
" 600	" 1 50 " "
" 700	" 1 75 " "
" 800	Rs. 2 00 " "
" 900	" 2 25 " "
" 1,000	" 2 50 " "
" 1,100	" 2 75 " "
" 1,200	" 3 00 " "
" 1,300	" 3 25 " "
" 1,400	" 3 50 " "
" 1,500	" 3 75 " "
" 1,600	" 4 00 " "
" 1,700	" 4 25 " "
" 1,800	" 4 50 " "

- (b) For letters or parcels forwarded from any of the East Africa Post Offices included in the Insurance arrangements to any other such Post Office abroad :—

Limit of Compensation.

Rs.	180
"	360
"	540
"	720
"	900
"	1,080
"	1,260
"	1,440
"	1,620
"	1,800

Fee payable.

		45 cents.
		90 "
Re.	1	35 "
"	1	80 "
Rs.	2	25 "
"	2	70 "
"	3	15 "
"	3	60 "
"	4	05 "
"	4	50 "

The East Africa Post Offices to be included in the Insurance arrangements shall be Lamu, Mombasa, Nairobi, Nakuru and Kisumu.

Nairobi,

Dated this 27th day of March, 1912.

C. C. BOWRING,

Acting Governor.

NOTICE.**Under the Native Christian Marriage Ordinance, 1904.**

In exercise of the provisions of the Native Christian Marriage Ordinance, 1904, Section 7, I hereby appoint the following Minister of the Church of Scotland Mission, Kikuyu, to be Registrar of Marriages for the purpose of the aforesaid Ordinance:—

J. Youngson.

Nairobi,

Dated this 15th day of March, 1912.

C. C. BOWRING,

Acting Governor.

RULE.**The Registration of Documents Ordinance, 1902.**

Rule issued by His Excellency the Acting Governor under Section 1 of "The Registration of Documents Ordinance, 1902."

Nairobi,

Dated this 9th day of April, 1912.

C. C. BOWRING,

Acting Governor.

Leases and Transfer of Leases of small Holdings to Native Cultivators.

The following fees shall be levied under the East Africa Registration Regulations 1901:—

On the registration of every lease of land from the Crown to an African cultivator when such lease is exempt from stamp duty ...	...	Re. 1
On the registration of every transfer of the above ...	...	Re. 1

NOTICE.

In pursuance of Section 320 (L) of the Code of Criminal Procedure 1898 (Indian Act No. V of 1898) as applied to the East Africa Protectorate I hereby declare exempt from service either as Jurors or Assessors the persons employed on the Uganda Railway in the following capacities, *viz*:—

The Marine Superintendent
 District Engineers
 Assistant Engineers
 Assistant Loco. Superintendents
 Assistant Traffic Managers
 The Assistant Chief Accountant
 Commanders of Railway Steamers.

Nairobi,

Dated this 2nd day of April, 1912.

C. C. BOWRING,

Acting Governor.

NOTICE.

Under the East Africa Marriage Ordinance, 1902.

In exercise of the provisions of the East Africa Marriage Ordinance 1902, Section 6, I hereby give notice that I have licensed the Church of St. Paul, situated at Kyambu, to be a place for the celebration of marriages under the aforesaid Ordinance from and after April 4th, 1912.

Nairobi,

C. C. BOWRING,

Dated this 4th day of April, 1912.

Acting Governor.

NOTICE.

The Infectious Diseases Ordinance, 1903.

WHEREAS cases of plague have occurred in the Indian Bazaar in the Township of Kisumu NOW THEREFORE in exercise of the powers conferred upon me by the Infectious Diseases Ordinance, 1903, I hereby apply the Infectious Diseases Rules No. 1 of 1905 and the Rule dated 12th October, 1909 published under the aforesaid Ordinance to the Indian Bazaar in the Township of Kisumu and I hereby notify that that area confined within the aforesaid Township is an infected area for the purposes of the aforesaid Ordinance and Rules.

Nairobi,

C. C. BOWRING,

Dated this 15th day of April, 1912.

Acting Governor.

NOTICE.

The Diseases of Animals Ordinance, 1906.

Notice is hereby given that owing to the presence of East Coast Fever, no permit will be issued for animals to enter or leave the following area:—

Commencing at the Southern corner of Farm No. 502, the boundary follows the Westerly boundary of Farms Nos. 502 and 496 to the Enarosura River, thence down this River to its junction with the Eldama River, thence due East to the Molo River, thence up this River to the North Eastern corner of Farm No. 662, thence along the Northerly, Westerly and South-Westerly boundaries of this farm to the Molo River, thence up this River to its junction with the Elburgon River, thence in a straight line to the point of commencement.

NOTICE.

The Diseases of animals Ordinance, 1906

Notice is hereby given that permits will be granted for cattle, whether they have passed the immunity (to East Coast Fever) test or not, to be used for to and fro transport within the following Districts:—

1. The Machakos District.
2. The Fort Hall District.
3. That part of Nyeri District which is included in the defined infected area as published in the Official Gazette of the 15th March, 1912.
4. The Nairobi Municipal area.

NOTICE.

Gobwen is added to the list of ports of entry published in Section 3 of the Rules under the Diseases of Animals Ordinance, 1906, dated the 11th March, 1912.

LAND REGISTRATION COURT.

Under the Land Titles Ordinance, 1908.

Rules made by His Excellency the Acting Governor of the East Africa Protectorate under the powers conferred upon him by Section 52 (c) of the Land Titles Ordinance, 1908.

Nairobi,

C. C. BOWRING,

Dated this 1st day of May, 1912.

Acting Governor.

1. These Rules may be cited as Rules of Court Fees under the Land Titles Ordinance, 1908
 2. The fees specified in the Schedule hereto annexed shall henceforth be leviable by the Land Registration Court in respect of several matters and proceedings mentioned therein.

- | | | | | |
|-----|---|---|-----|----------|
| (1) | On reference to the Archives | ... | ... | Rs. 2 00 |
| | For certified copy of any document in the Archives :— | | | |
| (a) | For first folio of 100 words | ... | ... | „ 2 00 |
| (b) | For each subsequent folio | ... | ... | „ 1 00 |
| (2) | For uncertified copy of any document in the Archives :— | | | |
| (a) | For first four folios or part thereof | ... | ... | „ 1 00 |
| (b) | For each subsequent folio | ... | ... | „ 0 25 |
| (3) | For an official certified translation of any document :— | | | |
| (a) | For first folio | ... | ... | „ 8 00 |
| (b) | For each subsequent folio | ... | ... | „ 4 00 |
| (c) | For certifying translations tendered by a party | | | |
| | For first Folio | ... | ... | „ 4 00 |
| | For each subsequent folio or part thereof | ... | ... | „ 2 00 |
| (4) | Reference to Archives :— | | | |
| | Inspection of files of pending cases may at the discretion of the Recorder of Titles be granted free to parties directly interested subject to this exception | | | „ 2 00 |
| (5) | For copies of plans :— | | | |
| (a) | CERTIFIED | 12 Rupees or such sum as the Recorder of Titles may direct. | | |
| (b) | UNCERTIFIED | 6 Rupees or such sum as the Recorder of Titles may direct. | | |

RULES.

His Majesty's High Court of East Africa.

Rules issued by the High Court with the approval of the Acting Governor under the East Africa Order-in-Council 1902 Article 22 and the East Africa Order-in-Council 1906 Article 2.

Rules of Court No. 1 of 1912.**Licences Wakils Costs in Subordinate Native Courts.**

- (1) These Rules may be cited as Rules of Court (Licensed Wakils Costs) No. 1 of 1912.
- (2) The following rules shall be observed in the taxation of the costs of a licensed wakil in a Subordinate Native Court.
- (3) If the Plaintiff in any action has not given the Defendant notice of his intention to sue and the Defendant pays the amount claimed at or before the first hearing no costs whatever shall be allowed.
- (4) If the Defendant admits the claim at or before the first hearing, Court costs only shall be allowed. Provided that the Court may for special reasons to be recorded allow subject to Rule 5 a licensed Wakils Costs or a part thereof.
- (5) No licensed wakils costs shall be allowed to either party when the amount recovered does not exceed Rs. 75 or, in the event of the action being dismissed when the amount claimed does not exceed that sum.

- (6) When an order has been made in general terms for the payment of the costs of an action by either party in suits where more than Rs. 75 has been recovered or, if the action has been dismissed when the amount claimed exceeds Rs. 75 and a licensed wakil has been employed by the successful party costs calculated on the following scale may be allowed in addition to the Court costs:—

Exceeding Rs.	75 and not exceeding Rs.	150	Rs.	7	50
"	"	150	"	15	00
"	"	300	"	20	00
"	"	400	"	25	00
"	"	500	"	30	00
"	"	600	"	32	50
"	"	700	"	35	00
"	"	800	"	37	50
"	"	900	"	40	00
"	"	1000	"	4%	00

- (7) In suits in which the subject matter is incapable of being assessed at a money value the successful party employing a licensed wakil may be awarded in addition to Court costs such sum as the Court may think fit not exceeding Rs. 45.

Approved,
C. C. BOWRING,
Acting Governor,
April 23rd, 1912.

R. W. HAMILTON,
J. W. BARTH.

NOTICE.

Order under the Native Hut and Poll Tax Ordinance, 1910.

In pursuance of the powers conferred upon the Governor by Section 12 of The Native Hut and Poll Tax Ordinance, 1910, I hereby order that any Native who shall satisfy a collector that he has paid a fee or rate, not being less in amount than the total tax payable by him under the said Ordinance, levied under a rule for the time being in force under the Townships Ordinance, 1903, in respect of a hut owned or occupied by him in a township, shall be exempt from payments of the hut and poll tax leviable under The Native Hut and Poll Tax Ordinance, 1910.

Nairobi,
Dated this 23rd day of April, 1912.

C. C. BOWRING,
Acting Governor.

NOTICE.

Under the East Africa Marriage Ordinance, 1902.

In accordance with the provisions of the East Africa Marriage Ordinance, 1902, Section 6, I hereby give notice that I have licensed the Roman Catholic Chapel at Nyabururu in the South Kavirondo district to be a place for the celebration of Marriages under the aforesaid Ordinance from and after to-day's date.

Nairobi,
April 15th, 1912.

C. C. BOWRING,
Acting Governor.

NOTICE.

Under the Native Christian Marriage Ordinance, 1904.

In exercise of the provisions of the Native Christian Marriage Ordinance 1904, Section 7, I hereby appoint the priest for the time being in charge of the Roman Catholic Church, Nyabururu, South Kavirondo district to be a Registrar of Marriages for the purpose of the aforesaid Ordinance.

Nairobi,

C. C. BOWRING,

NOTICE.

Under the East Africa Marriage Ordinance, 1902.

In accordance with the provisions of the East Africa Marriage Ordinance, 1902, Section 6, I hereby give notice that I have licensed the Seventh Day Adventist Church at Kendu in the South Kavirondo District to be a place for the celebration of Marriages under the aforesaid Ordinance from and after this date.

Nairobi,
April 24th, 1912.

C. C. BOWRING,
Acting Governor.

NOTICE.

Under the Native Christian Marriage Ordinance, 1904.

In exercise of the provisions of the Native Christian Marriage Ordinance, 1904, Section 7, I hereby appoint the Missionary for the time being in charge of "The Seventh Day Adventist Church" at Kendu, South Kavirondo District, to be a registrar of Marriages for the purpose of the aforesaid Ordinance.

Nairobi,
April 24th, 1912.

C. C. BOWRING,
Acting Governor.

PROVINCE OF NYANZA.

NOTICES.

Under the Infectious Disease Ordinance, 1903.

Under the authority conferred upon me under Section 3 of "The Infectious Disease Ordinance, 1903," I hereby give notice that in consequence of an outbreak of Bubonic Plague in Railway Landi at mile 551 (near Muhoroni), The Infectious Disease Rules No. 1 of 1905 (excepting paragraphs 3 and 7 which have been cancelled), are hereby put in force from this date and shall apply to the said landi until further notice.

Kisumu,
April 13th, 1912.

JOHN AINSWORTH,
Provincial Commissioner

Under authority conferred upon me under Section 3 of "The Infectious Disease Ordinance, 1903," I hereby give notice that in consequence of Plague having been found in rats in the Indian Bazaar in the Port Florence area, the Infectious Disease Rules No. 1 of 1905 (excepting paragraphs 3 and 7 which have been cancelled), are hereby put in force from this date, and shall apply to the said Indian Bazaar until further notice.

Kisumu,
April 15th, 1912.

JOHN AINSWORTH,
Provincial Commissioner.

Under the authority conferred upon me under Section 3 of the above named Ordinance and the Rules No. 1 thereunder dated 16th January, 1905, I hereby give notice that it will be necessary for any inhabitant of the Indian Bazaar area, who wishes to proceed from Kisumu by rail or steamer, to obtain a pass from the Medical Officer, Kisumu, which pass must be applied for 24 hours before the intended departure; and only such persons as are provided with such passes will be allowed to proceed.

All applications should be made at the Civil Hospital between the hours of 9 a.m. and 11 a.m.

Kisumu,

JOHN AINSWORTH,

PROVINCE OF NYANZA.

NOTICE.

Under the authority conferred upon me under Section 3 of The Infectious Diseases Ordinance, 1903, and the Rules thereunder dated 12th October, 1909, I hereby give notice that in addition to the notice dated April 15th, 1912, the following orders are hereby published for general information.

Any goods or produce being removed from the Kisumu Bazaar to the Railway Station for consignment by the Railway or Steamer, Dhow or Boat, to any part whatever, must in the first instance be subjected to disinfection at the Railway Goods-shed by the Medical Authorities. All such goods, etc., when disinfected will be provided with a Medical Certificate under which they can proceed.

Goods, etc., from the Bazaar intended for transport by cart or other conveyance will be required to undergo the same treatment as above.

All applications should be made at the Civil Hospital between the hours of 2 p.m. and 4 p.m. on week days.

Kisumu,

April 16th, 1912.

JOHN AINSWORTH,

Provincial Commissioner.

NOTICE.

Under the Land Titles Ordinance, 1908.

His Excellency The Acting Governor has authorized the Recorder of Titles to entertain claims for certificates of title to land in respect of which no person has proved a title of ownership on Mombasa Island, provided the claims are submitted before June 30th, 1912, if he is satisfied that failure to submit claims within the prescribed time was due to ignorance of the requirements of law.

A. C. HOLLIS,

Acting Chief Secretary.

NOTICES.

Under the Infectious Disease Ordinance, 1903.

Under the authority conferred upon me under Section 3 of "The Infectious Disease Ordinance, 1903," I hereby give notice that, in consequence of an outbreak of Bubonic Plague in the area known as "A" area of the Kisumu Township, the Infectious Disease Rules No. 1 of 1905 (excepting paras 3 and 7 which have been cancelled), also the additional Rules as published on 16th January, 1905, the Rules dated 12th October, 1909, and Rules dated 8th August, 1911, shall apply to that part of the Township dealt with under this notice.

The Notices issued on the 16th April, 1912, hereby remain in force.

Kisumu,

27th April, 1912.

JOHN AINSWORTH,

Provincial Commissioner.

Under the Infectious Disease Ordinance, 1903 and in accordance with Section 3 of the aforesaid Ordinance.

In addition to the notice published on the 27th April, 1912, under the above quoted Ordinance, notice is hereby given that no Asiatic or African other than personal servants of Europeans, will be allowed to proceed by train from Kibos and Kibigori Railway Stations either up or down the line, except in the case of Kibigori Station such prohibited person shall produce a pass signed by the District Commissioner of Nandi, which pass shall certify that the person concerned has resided for the last 14 days preceding the date of the certificate in the Nandi District, and provided that the date of the certificate is not more than two days previous to its presentation at the Railway Station. And further provided that the District Commissioner, Kisumu, may authorise in writing natives of Kibigori or other non-infected areas to proceed to down country Stations for purposes of work. And notice is hereby further given that the Rule dated the 1st January, 1910, published under the Infectious Diseases Ordinance, 1903, is hereby applied.

Kisumu.

JOHN AINSWORTH

NOTICES.

An Ordinance to amend the Forest Ordinance, No. II of 1912.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

An Ordinance to amend the Ostrich Ordinance, No. III of 1912.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

An Ordinance to amend the Native Hut and Poll Tax Ordinance, No. V of 1912.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

An Ordinance relating to Mining No. VI of 1912.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency.

A. C. HOLLIS,
Acting Chief Secretary.

PROCLAMATION.

Under the East Africa Outlying Districts Ordinance, 1902.

In exercise of the powers conferred upon me under the East Africa Outlying Districts Ordinance, 1902. I, Charles Calvert Bowring, C.M.G., Acting Governor of the East Africa Protectorate, do hereby declare that the following area is excluded from the Native Reserves or Closed Districts.

Nairobi,
7th May, 1912.

C. C. BOWRING,
Acting Governor.

Schedule.**Yala River Trading Centre.**

Commencing on the North bank of the Yala River at a point where the river is crossed by the "Jackson" bridge, and from there proceeding along the Westerly side of the main road (Kisumu-Mumias Road) to its juncture with the road leading to Odera Sante's, thence along this road to the Government Camping Ground, then the boundaries of the camp to include the camp, and thence by the main road leading in a Northerly direction from the camp to a point where it joins the Kisumu-Mumias road, thence along the road to a point where the road crosses a stream, thence down the stream to the Yala river, thence along the right bank of the Yala river to the Jackson Bridge, the point of commencement.

That part of the Schedule to the Proclamation under aforesaid Ordinance published in the Official Gazette of July 1st, 1909, describing the boundaries of the Yala river Bazaar is hereby cancelled.

PROCLAMATION.

Under the East Africa Township Ordinance, 1903.

In exercise of the powers conferred upon me by the East Africa Township Ordinance, 1903, I hereby declare the Yala River Trading Centre as defined in the Proclamation under the East African Outlying District Ordinance dated the 7th day of May, 1912, to be a Township for the purposes of the aforesaid Ordinance.

Yala River Trading Centre.

Nairobi,

C. C. BOWRING,

RULES.

Issued by His Excellency the Acting Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,
May 7th, 1912.

C. C. BOWRING,
Acting Governor

1. The following rules shall be applied to the Township of Yala River Township :—
The Rules as applied to the Townships of Mumias, Kaptumo, Kapsabit and Kisii and notified in the Official Gazette of November 1st, 1909, (Page 465), also the Rules as applied to Townships in the Nyanza Province by notice in the Official Gazette of April 1st, 1912. (Page 202).

PROCLAMATION.

The East Africa Outlying Districts Ordinance, 1902.

In exercise of the powers conferred upon me under the East Africa Outlying Districts Ordinance, 1902, I, CHARLES CALVERT BOWRING, C.M.G., Acting Governor of the East Africa Protectorate, do hereby declare that the area mentioned in the Schedule hereto attached, and which is located in the South Kavirondo District of the Nyanza Province is excluded from the provisions of the above noted Ordinance.

Nairobi,
Dated this 7th, day of May, 1912.

C. C. BOWRING,
Acting Governor.

Schedule.

Trade Centre.

NAME OF TRADE CENTRE :

Riana River.

SITUATION :

On the Homa Bay-Kisii Road about 10 miles from Kisii Station.

ROUGH EXTENT :

420 yards by 180 yards by 360 yards by 150 yards.

PROCLAMATION.

Poll Tax.

In pursuance of the powers conferred upon me by Section 4 of The Native Hut and Poll Tax Ordinance, 1910, I, Charles Calvert Bowring, C.M.G. Acting Governor of the East Africa Protectorate, do order that on and after the date of publication of this Proclamation, Poll Tax shall be levied in the Nyanza Province in all Townships, Trading Centres, and other areas excluded from Closed Districts or Native Reserves.

Nairobi,
Dated this 9th day of May, 1912.

C. C. BOWRING,
Acting Governor,

PROCLAMATION.

Under the East Africa Outlying Districts Ordinance, 1902.

In exercise of the powers conferred upon me by the East Africa Outlying Districts Ordinance 1902 I, Charles Calvert Bowring, C.M.G., Acting Governor of the East Africa Protectorate, do hereby proclaim that the area as defined in the Schedule hereto is excluded from the Closed District before proclaimed.

Nairobi,
Dated this 13th day of May, 1912.

C. C. BOWRING,
Acting Governor.

Schedule.

RULE.

Under the Master and Servants Ordinance, 1910.

Rule issued by His Excellency the Acting Governor under the Master and Servants Ordinance, 1910.

Nairobi,

Dated this 9th day of May, 1912.

C. C. BOWRING,
Acting Governor.

Notification by Employers of the Deaths during Service of Servants.

Every notice given by an employer under Section 30 of the Master and Servants Ordinance, 1910, of the death of a servant during service shall be given in the form in the Schedule hereto, and the said forms shall be filled in and sent in duplicate by the employer to the nearest Magistrate.

Schedule.

Form of Death Report.

Name, Father's name, Chief's name..... Residence of deceased.....	
Nationality or Tribe	
Sex and (approximate) Age	
Religion	
Occupation (If skilled labourer state exact work)	
Date, cause, and place of death, duration of illness	
Name and Residence of nearest Relation.....	
*Persons present at death (or who last saw deceased alive giving hour and date)	
Statement of wages due and property found ... (Attach list if necessary).....	
Number, place and date of Contract... ..	
If recruited, by whom.....	
Signature of Employer, date.....	
Remarks of	
Magistrate	
(<i>re</i> disposal of property, etc.)	

*Erase either according to circumstances.

Forwarded to Administrator General or Ex-Officio Agent.

Place... ..

Date... ..

RULES.

The Forest Ordinance, 1911.

Rules issued by His Excellency The Acting Governor under the Powers conferred by The Forest Ordinance, 1911.

Nairobi,

Dated this 12th day of May, 1912.

C. C. BOWRING,

Acting Governor.

General Rules.

PROHIBITIONS AND OFFENCES.

1. No person shall, in any forest area, do any of the acts or things following:— Acts Prohibited in forest areas.
- (i) fell, cut, take, work, burn, injure, or remove any tree or forest produce;
 - (ii) squat or reside or build any hut or cattle enclosure;
 - (iii) fire any grass or under-growth;
 - (iv) graze or depasture cattle;
 - (v) clear, cultivate, or break up land for cultivation or any other purpose; or
 - (vi) enter any part of a forest area which, by order of the Governor, may be closed to trespassers.
2. No person shall fell, cut, take, work, burn, injure or remove any of the trees or other forest produce set forth in the 1st Schedule to these Rules if such trees or forest produce be on Crown Lands, as defined in Section 2 of the Ordinance. Acts Prohibited in relation to certain trees and forest produce on Crown Land. Schedule I.
3. No person shall fell, cut, injure or remove any tree growing upon any Crown Land which has not been sold, or leased, or is not occupied under a licence or with the sanction of the Governor, or included in a Native Reserve. Acts prohibited in relation to trees on unalienated crown Lands.

Exceptions.

4. Nothing in the three preceding Rules shall be deemed to prevent:— Exceptions.
- (i) The commission of any act prohibited thereunder, if such act be authorised in writing by a competent authority;
 - (ii) The exercise of any right or privilege recognised by the Governor, by the persons entitled to exercise such right or privilege, subject however to any Rules for the time being in force regulating the exercise of such right or privilege; and
 - (iii) The utilisation by travellers on public roads of such dry timber as may be required for fuel.
- Provided, however, the burden of proving any fact which would be a defence to a charge of contravening any of the provisions of these Rules shall lie on the person charged.

Penalties.

5. Any person who shall be guilty of a breach or non-observance of Rules 1, 2 or 3 of these Rules shall be liable to the penalties prescribed by the Ordinance. Penalties. Provided, however, that the Conservator of Forests may, in any case he deems proper, 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 five times the value of the estimated damage done, or, where the value cannot be estimated to Rs. 100 for each offence.

Licences to Remove a Specified Quantity of a Forest Produce or Authorising Temporary Residence, etc., in a Forest Area.

6. (1) The Conservator of Forests may, subject to the provisions of Minor licences.

- (a) A licence authorising the person named therein to fell or take a specified quantity of timber. Every such licence may be in the Form "A" in the 2nd Schedule hereto.
- (b) A licence authorising the person named therein to collect and remove a specified quantity of a forest produce (other than timber). Every such licence may be in the Form "B" in the 2nd Schedule hereto.
- (c) A licence authorising the collection and removal of firewood.
- (d) A licence authorising the person named therein to reside, build huts, and clear, cultivate or break up land in a Forest Area. Every such licence may be in the Form "C" in the Schedule hereto.
- (e) A licence authorising the person named therein to reside and graze cattle on open lands in a Forest area. Every such licence shall be in the Form "D" in the 2nd Schedule hereto.
- (2) The Conservator of Forests may make such alterations in the Form of any licence set forth in the 2nd Schedule hereto as the circumstances may require or he may deem advisable, and where no form of licence is prescribed may issue a licence in such form as he may deem advisable.
- (3) The Conservator of Forests may authorise any Forest Officer to issue on his behalf any licence authorised by this Rule.
7. There shall be paid by the holder of a licence issued under the last preceding Rule the fees and Royalties set forth in the 3rd Schedule hereto.
8. In these Rules the term "the Ordinance" means "The Forest Ordinance, 1911."
9. The following Rules are hereby repealed:—
- (1) Rules under the East Africa Forestry Regulations dated August 1st 1902.
 - (2) Rules under the East Africa Forestry Regulations published in Official Gazette of December 1st 1908 at page 662.
 - (3) Rules made under the Forest Ordinance, 1911, dated 7th day of March 1912.

Fees and Royalties payable.

Definition.

Repeal.

Ist Schedule.

Protected trees and Forest Produce on Crown Lands not within a forest area.

Protected Trees.

Botanical Name.	Common Name.	Vernacular Name.
<i>Azalia cuanzensis</i>	M'Bemba kofe (Swa)
<i>Allophyllum abyssinicum</i>	Mshame (Kik)
<i>Albizia fastigiata</i>	Mkuruwe (Kik)
<i>Balsamodendron</i> sp.	Mnunga (Kik)
<i>Brachylaena hutchinsti</i>	Mhugu (Kik) Mhuhu (Swa)
<i>Brugueira gymnorhiza</i>	Mchumsi (Swa)
<i>Calodendron capense</i>	Mlalachi or Muroroa (Kik)
<i>Canthium schimperianum</i> ...	Cape Chestnut	Ruazi (Kik)
<i>Catha edulis</i>	Mairungi (Kik)
<i>Ceriops candolliana</i>	Mkaudaa (Swa)
<i>Chlorophora excelsa</i>	Mvuli (Swa)
<i>Chrysophyllum</i> sp.	Muna (Kik)
<i>Dalbergia melanoxylon</i> ...	Ebony	Mpingu (Swa)
<i>Heritiera littoralis</i>	Mgongonge (Swa)
<i>Juniperus procera</i> ...	Cedar	Mtarakwa (Kik)
<i>Maba abyssinica</i>	Mairothi (Kik) Lusoi (Kik)
<i>Landolphia</i> sp.	Mpingu (Swa)

Protected trees and Forest Produce.—*Contd.*

Botanical Name.	Common Name.	Vernacular Name.
Mascarenhasia elastica...	Mgoa Rubber	Mgoa (Swa)
Mimusops sp. ...	.....	Ngambo (Swa)
do. ...	.....	Mugambwa (Kik)
Ocotea usambarensis ...	.....	Muzaiti or Muziti (Kik)
Olea hochstetteri ...	Black Ironwood	Msharage (Kik)
Piptzdenia buchanani ...	.....	Mkui (Kik)
Podocarpus milanjanus ...	Yellowwood	Musangera (Kik)
„ gracilior ...	.....	.....
Pygeum africanum ..	Red Stinkwood	Mweae or Mueri (Kik)
Rhizophora mucronata ...	Bark Mangrove	Mkoko (Swa)
Tamarindus indicus ...	Tamarind	Mkwaju (Swa)
Terminalia sp. ...	.....	Mpera Mwitu Swa)
Trachylobium hornimannianum Copal	Copal	Mtandarusi (Swa)
Warburgia sp. ...	.....	Mkarambiki (Swa)
Warburgia Ugandensis ...	.....	Musiga (Kik)
Weihea africana ...	.....	Musaizi (Kik)
Zanthoxylum sp. ...	.....	Shughoma (Kav)

Forest Produce.

Rubber
Gum

2nd Schedule.

LICENCE FORMS.

FORM A.

Licence to collect major Forest produce (Timber).

Permission is granted to (name of person) of (his residence) to fell and take (number of) cubic feet of timber procured from trees of the following kinds (enter number of each kind to be felled) situated within the limits of block or compartment (number or name of block or compartment) of the (name of) Forest Area during the period (date of issue of licence) to date of expiration of licence) on the following conditions:—

- (a) That only such trees are felled as have been marked by Government for that purpose.
- (b) That the following fees are paid at the rates indicated below for the different species and cubic contents on issue of this licence.

Fees

Rates

- (c) That the felling of the trees is carried out with due care to prevent unnecessary damage to the young growth.
- (d) That the timber is transported along such lines of export within the limits of the Forest Area as the Forest Officer may direct hereon.
(Lines of export to be utilized)

Date

Signature.

Conservator of Forests.

FORM B.

Licence to collect minor forest produce, such as flowers, fruit, leaves, branches, bark, roots, fibres, dyes, gums, resins, rubber, ashes and such other produce as may be entered herein.

Permission is granted to _____ of _____ to collect and take (name of produce) from (species of plant) situated in compartment or block of the Forest Area to the amount of (enter number of plants utilized or quantity of produce to

- (a) That the following fee of _____ is paid for (number of plants or lbs. weight or bundles) of the above produce at the rate of _____ per (plant, bundle, lbs. or load, etc.), on the issue of this licence.
- (b) That only such plants are utilized for the collection of the produce as may be marked or otherwise set apart by the Forest Officer for that purpose.
- (c) That the produce is collected in accordance with instructions entered on the back hereof and is transported along such lines of export within the limits of the Forest Area as the Forest Officer may direct.

Date

Signature.

Conservator of Forests.

FORM C.

Licence to reside, build huts, clear, cultivate or break up land for cultivation or other purpose as may be entered hereon.

Permission is granted to _____ of _____ to reside and cultivate (number of) acres situated in compartment or block _____ of the Forest Area during the period _____ to _____ on the following conditions:—

- (a) That the area to be cultivated shall be marked out by the licensee to the satisfaction of the Forest Officer.
- (b) That all young trees planted on the area shall be properly tended and cared for.
- (c) That the area shall be maintained in a proper state of cultivation and clear of all grass and weeds, in accordance with instructions entered on the back hereof.
- (d) That this licence may be cancelled by the Conservator of Forests if the licensee fails to comply with the foregoing conditions to the satisfaction of the Conservator of Forests.

Date

Signature.

Conservator of Forests.

FORM D.

Licence to graze cattle.

Permission is granted to _____ of _____ to reside and graze (number of) head of cattle on the open grass land known as _____ situated in Forest Area during the period _____ to _____ on the following conditions:—

- (a) That the following fee of Rs. _____ is paid for (number of) acres at the rate of _____ per acre on the issue of this licence.
- (b) Huts and cattle bomas shall only be erected in such numbers and in such places as the Forest Officer may direct.
- (c) No grass or scrub shall be set fire to by the lessee or his employees without the written authority of the Forest Officer.
- (d) The licensee shall be responsible for all damage done by himself or his employees or his cattle within the area over which the licence extends.
- (e) Within 10 days of the receipt of the licence the licensee shall at his own expense clearly define to the satisfaction of the Forest Officer the boundaries of the area in respect of _____

The licensee shall maintain the boundaries so defined at his own expense to the satisfaction of the Forest Officer.

(f) In the event of the licensee failing to observe any of the conditions under which the licence is issued the Conservator of Forests may determine the licence and all fees paid in respect thereof shall be forfeited.

(g) No camels, goats, sheep or pigs shall be permitted to graze in the area.

Date

Signature.

Conservator of Forests.

3rd Schedule.

Fees and Royalties Payable.

(1) *Timber.*

Trees within a 10 mile radius of Nairobi or within 5 miles of the Uganda Railway or any branch thereof or within 5 miles of any recognised Port on the Coast.

Cedar— <i>Juniperus procera</i> ...	...	30	cents per cubic foot.
Muhugu— <i>Brachylaena hutchinsii</i> ...	...	30	" " " "
Muzaiti— <i>Ocotea usambarensis</i> ...	...	30	" " " "
Ebony— <i>Dalbergia melanoxydon</i> ...	...	30	" " " "
Mueri— <i>Pygeum africanum</i> ...	...	25	" " " "
Yellowwood— <i>Podocarpus milanjanus</i> ...	...	25	" " " "
" " " <i>gracilior</i> ...	...	25	" " " "
Mbomba Kofe— <i>Azalia cuanzensis</i> ...	...	25	" " " "
Gum Copal— <i>Trachylobium hornemanianum</i> ...	...	25	" " " "
All other reserved trees ...	...	20	" " " "
Unreserved trees ...	...	6	" " " "

The above rates shall be subject to a general reduction of 1% per mile outside the Nairobi 10 mile radius and beyond 5 miles of the Uganda Railway or its branches and beyond 5 miles from any recognised Port on the Coast and shall extend to a minimum of 50% of the above rates, after which no further reduction shall be made.

Only mature timber will be sold from Government forest.

The measurement will be per cubic foot of sound bole; allowance being made for unsound timber as far as this can be judged before the tree is sold.

Timber too unsound to measure in the bole, will be sold by "stacked measurement" viz. per cubic foot of the stack of such sound timber as can be got out of the unsound bole.

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

Windfall, dead and refuse timber, will be sold at one half, of the above rates.

(2) *Post.*

Split posts at the above rates according to their cubic content, stacked measurement.

(3) *Poles.*

Round poles, when available, at the following rates:—

(a) Up to 10 feet in length ...	...	25	cents per pole.
(b) From 10 to 15 feet length ...	...	45	" " "
(c) From 15 to 20 feet length ...	...	80	" " "
(d) Poles of Mutundu and Mukao ...	...	5	" " "
(e) Saplings from plantations ...	...	3	" " "

(4) *Bamboos.*

Bamboos under 3 inches diameter at base Re. 1 per 100 or pro rata.

Bamboos over 3 inches diameter at base Rs. 10 per 100 or pro rata.

(5) *Withies.*

Withies, when available, will be sold at the rate of 6 cents per head load.

(6) *Firewood.*

For the removal of firewood, licences will be granted either per quantity or per time according to circumstances.

Quantity Licence.

Three cents (Rs. 0.03) per stacked cubic foot.

Time Licence.

Entering forests without axes to remove dead wood per 1 head load, per diem, per month

50 cents: entering forests with axes to remove dead wood per 1 head load, per

RULES.

The Forest Ordinance, 1911.

Rules issued by His Excellency the Acting Governor of the East Africa Protectorate under the Forest Ordinance, 1911.

Nairobi,

C. C. BOWRING,

Dated this 12th day of May, 1912.

Acting Governor.

Rules Relating to Timber.

APPLICATIONS FOR AND GRANT OF SPECIAL LICENCES.

1. These Rules may be cited as "The Forest Ordinance Timber Rules 1912."
2. In these Rules :—
 - "Licence" and "Timber Licence" mean a licence granted under these Rules to take timber in a Forest Area.
 - "Holder of a licence" includes the grantee and the assignee of a licence.
 - "Conservator" means the Conservator of Forests
 Other expressions shall have the same meanings as are given in the Forest Ordinance, 1911.
3. No licence shall be granted except with the consent of the Governor.
4. Applicants for the consent of the Governor to a licence shall forward to the Conservator a statement in writing, giving so far as they are able, the full names, addresses and occupations of the proposed grantees and their financial position, the species of timber to be cut, and the estimated area, positions and boundaries of the lands to be included in the licence.
5. (1) The Conservator, as soon as he has received an application, shall forward such application, with his recommendations respecting the same, to the Provincial Commissioner of the Province in which the forest area is situate. If applications have been received from other applicants for licences relating to the same area or any portion thereof, he shall call attention to the fact, and shall state his reasons for recommending that the licence be granted to the one applicant in preference to the others.
- (2) The Provincial Commissioner as soon as possible shall return the application to the Conservator, and shall state the political reasons, if any, why the licence should not be granted; and the Conservator shall forward it to the Chief Secretary for submission to the Governor.
6. (1) A licence shall, subject to these Rules and to any Native rights, confer the sole right to fell and carry away the trees named therein, but shall not confer any exclusive right to the occupation of the forest area included in the licence or to the use of roads, water ways or river frontages, or into or over any other matter or thing.
- (2) The grant of a licence shall not preclude the grant to any other person of a licence to fell, collect and remove any tree or forest produce other than the tree or trees in respect of which the licence shall have been granted.
- (3) The grant of a licence shall not preclude the Governor from authorising any Department of the Government or any Contractor carrying out any public work to fell and remove any tree the subject of the licence which it may be deemed necessary to fell or remove in the construction of any public work within a forest area, or from authorising any Department of the Government to cut, fell and utilise any trees which may be required for timber to be used in the construction or maintenance of any public work in or near the forest area and the licensee shall not in any such case be entitled to any compensation beyond the refund of the royalty (if any) which has been paid by him in respect of any tree which shall have been felled and utilized under such authority.
- (4) The grant of a licence shall not preclude the granting of a mining lease under the law for the time being in force relating to mining to persons other than the holders of the licence. Provided, however, that in any mining lease granted in any forest area the subject of a licence there shall be inserted a covenant by the lessee to pay to the Government for and on behalf of the licensee the fair value as standing timber of any tree, the subject of the licence cut by the lessee within such forest area less the amount which would have been due and payable to the Government as Royalty on such timber. In the event of the licensee and the lessee failing to agree as to the value of any tree cut,

7. Subject to the provisions of this Rule, licences shall be granted for five years with a right to renew for further periods of two years. Such renewal may be granted on a certificate from the Conservator that the holders of the licence have substantially complied with the conditions subject to which the licence is granted.

The refusal of the Conservator to grant a certificate shall be subject to appeal to the Governor.

Applications for renewal shall be made to the Conservator in writing nine months before the date on which the licence would elapse but for such renewal. The order for the renewal shall be endorsed upon the copy of the licence filed in the Conservator's Office, and a copy of such endorsement shall be sent by the Conservator to the holders of the licence.

If the applicants or the holders of a licence desire that their licence shall be granted for a longer period than above-mentioned in order that they may construct tramways, or other works for working the timber to be included or included in their licence, they may apply at any time to have such period fixed by the Governor.

8. If the Governor grants his provisional consent to an application for a licence, the fact shall be forthwith notified to the Conservator for information of the applicant. Unless otherwise stated the Governor's provisional consent shall mean that the licence shall be drawn in accordance with these rules. The Governor may, however, decide not to give his consent unless the licence contains special clauses in modification of or supplemental to these rules.

9. All expenses connected with the delimitation of the lands included in a licence, the marking off of the boundaries, the preparation of the plan of the area of the lands aforesaid and the preparation of and registration of the licence shall be borne by the applicants. The Conservator may require the applicant to deposit with him such sum as he may deem proper to cover or towards the payment of such expenses, and if the applicant shall fail to deposit such sum within such time as the Conservator shall think reasonable his application shall be deemed to be withdrawn.

10. The limits of the lands included in the licence shall, when not, in the opinion of the Conservator, adequately shown by natural boundaries or by recognised roads, be marked out in the joint presence of the Conservator or other person appointed by him for the purpose and of the applicant or his agent.

Such limits shall be marked out by placing on trees at the limits of the lands the mark to be shown on the licence.

11. As soon as practicable after the Governor has given his provisional consent to the licence, the Conservator shall settle with the applicant what mark is to be shown in the licence.

12. In addition to the mark referred to in the preceding Rule the Conservator shall also settle with the applicant what hammer marks are to be made on all timber coming from forests included in the licence.

A register of all such hammer marks shall be kept by the Conservator.

Distinctive hammer marks shall be settled in respect of each licence. In settling such hammer marks the Conservator shall take care that no mark shall resemble the marks of any other holder of a licence.

13. A plan of the lands included in the licence shall be attached to the licence.

14. The licence shall be settled by the Conservator. If the Governor has not decided that the licence shall contain special clauses supplementing or modifying the effect of the rules, the licence may be made out in duplicate (each copy having a plan endorsed thereon or attached thereto) in the office of the Conservator. When the licence has been made out as aforesaid the Conservator shall forward both copies to the grantee to his last known address in the Protectorate for execution and shall at the same time demand payment of the expenses mentioned in, and not covered by any deposit made by him under, Rule 9 and of the fee payable for the licence and shall require the grantee to give the security required by these Rules. If the grantee fails to execute the licence and pay the expenses and fee aforesaid and to provide the security within such time the Conservator shall consider reasonable, the application shall be deemed to be withdrawn, but without prejudice to the right of the Conservator to sue for the recovery of any expenses payable by the applicant under Rule 9.

Subject as aforesaid the Conservator shall, after the execution of the licence by the grantee, execute the same for and on behalf of the Governor.

If the licence has to contain special clauses, a draft licence only shall be settled as aforesaid, and this draft shall be sent to the Chief Secretary for approval of such clauses. After such approval has been obtained the Chief Secretary shall return the draft, and further action shall be taken by all concerned as in the case of an ordinary licence.

15. Every licence shall specify the species of trees which the holders of the licence are authorised to fell. Such description shall include the vernacular name of each species in the local dialect.

16. The grantees and the subsequent holders of every licence shall be required to give security for the payment of the royalties and the performance of the conditions contained in these Rules and in the licence either (1) by a Bond with two sureties to be approved by the Conservator or (2) by deposit of a sum of money in the Treasury. The amount for which the bond shall be given or the sum which shall be deposited in the Treasury shall be Rs. 1,500 if the area is estimated by the Conservator at two thousand acres or under and Rs. 7,500 if the area is estimated by him at more than two thousand acres and not more than fifteen thousand acres and Rs. 15,000 if the area is estimated by him to exceed fifteen thousand acres.

17. Applicants for licences shall pay the following fees:—

- | | | |
|-----------------------------------|--------|----------|
| (1) Upon application | ... .. | Rs. 75. |
| (2) Upon execution of the licence | ... .. | Rs. 750. |

Provided that if the application is refused the fee paid on application shall be refunded and provided further that if the application be granted the amount paid as application fee shall be deducted from the amount payable by the grantee for the expenses in connection with the preparation of the licence.

In event of an application being withdrawn or in the event of a licensee refusing or neglecting to accept the licence the fees paid shall be forfeited.

The fee paid on the execution of the licence shall be deducted from any royalties payable under the licence during the first year of the licence.

Ordinary conditions subject to which Licences are granted.

18. The holders of a licence shall commence work within six months from the date of the execution of the licence by the Conservator, and during the continuance of such licence shall not discontinue work for any period of more than twenty-four weeks in the whole of any year, or for any consecutive period of more than sixteen weeks provided that the licence shall not be liable to forfeiture, nor shall the holders thereof be liable to any penalty under these rules or to proceedings on the bond, if such cessation from work has been, in the opinion of the Conservator, due to causes beyond the control of the holders of the licence, or if such cessation shall in his opinion have been desirable on any other grounds.

19. (1) The Forest Officer appointed for the District shall from time to time mark all trees which may be felled, such trees shall be marked on the stump and stem, and such Officer shall from time to time prepare a list of such trees describing:—

- (a) The number of the tree.
- (b) The vernacular name.
- (c) The girth of the tree at a point 5 feet 3 inches from the ground.
- (d) The height of the tree from ground level to the commencement of the crown.
- (e) The cubic contents of the timber in the tree.
- (f) The amount of the Royalty to be paid in respect of the tree.

Such list shall be sent to the holders of the licence or their agents who shall then pay the Royalties on the trees marked to the Forest Officer.

On receipt of the amount payable as Royalty the Forest Officer shall endorse a copy of the list with a statement that permission is granted to fell the trees described in the list, and after signing his name and adding the date on which the statement is signed shall return such copy to the holders of the licence or their agent. Upon receipt of the copy of the list endorsed, with the statement aforesaid the holders of the licence may forthwith fell the trees described in such list.

- (2) The Conservator shall from time to time inspect, or cause to be inspected, the trees mentioned in the list, or the stumps of the said trees which have been felled in accordance with any permission granted as aforesaid.
- (3) The holders of a licence shall retain all lists aforesaid, and shall produce the same when required in order to show their authority for felling the trees.
- (4) No unmarked tree or tree in respect of which Royalty has not been paid shall be felled.

In the event of any such unmarked tree or tree in respect of which the Royalty has not been paid being felled the holders of the licence shall be liable to pay five times the value, the measurement being based on the stump.

- (5) All trees shall be felled to cause the least possible waste, stumps shall not be cut higher than 18 inches from the ground.
- (6) All tops shall be lopped (that is, the branches shall be cut off so as to allow the top to lie flat on the ground) and all brush shall be piled at a safe distance from living trees to avoid danger from fire.
- (7) All merchantable timber down to a diameter of four inches shall be utilized.

(9) The District Forest Officer shall keep proper records of all trees on which he has granted a certificate of rebate under Rule 26.

20. The holders of a licence shall not allow any timber or other matter to fall or be thrown from the lands included in their licence into any road or waterway which passes through or along the boundaries of such lands so as to obstruct the traffic or navigation of such road or waterway.

21. The holders of a licence may, with the sanction of the Conservator first obtained, on the land included in their licence, extend, dig and set up pits, stages and erections, and make such roads and ways as are necessary for dressing and carrying away timber, and may erect such houses, offices, sheds and other buildings as are necessary for the residence and use of their agents, workmen and servants. The holders of a licence shall not damage or allow damage to be done to any trees, undergrowth or crops other than such damage as is incidental to and unavoidable in the exercise of the rights conferred by their licence, and shall not cultivate land or graze cattle in the forest area unless authorised by a licence granted by the Conservator.

22. (1) The stump of every tree felled and the logs from every such tree shall be marked as soon as possible after the felling thereof with the hammer mark of the holders of the licence and with numbers. The stumps shall be marked consecutively and the logs from each tree shall bear (1) the stump number of such tree, and (2) log numbers running consecutively from one upwards.

(2) The holders of a licence wishing to remove the stump of a tree shall apply for permission to the nearest European Forest Officer and such Officer may with or without an inspection of the stump by himself or some other Forest Officer grant the necessary permission.

23. The rights conferred by a licence shall not be transferred by the holders wholly or in part or for all or any part of the period for which they are granted or renewed except with the consent of the Governor in writing.

24. If at any time the Governor is satisfied that the holders of a licence are not working the timber on the lands included in their licence with sufficient diligence, he may cause the latter to be warned that they must work the timber in a more satisfactory manner, and if at expiration of three months from the date of such warning no sufficient improvement is in the opinion of the Governor shown in the manner in which such timber is being worked the Governor may cancel the licence, and no compensation shall in such case be payable to the holders of the licence or to any one claiming directly or indirectly through them.

In causing such warning to be given regard will be paid to the market prices, to the seasons, and to the manner in which timber on lands similar to those in the licence is being worked at the time of the warning.

Such warning shall be in writing, and shall specify the various reasons which cause the Governor to be dissatisfied with the manner in which the timber is being worked.

25. Upon breach of Rules 18, 19, 20, 21, 22, 23 or of any special condition or clause in any licence by the holders thereof or in default of payment by such holders of the Royalties within six weeks from the date fixed for the payment thereof, or if the holders of the licence shall become bankrupt or shall compound or arrange with their creditors, or suffer their effects to be taken in execution, the Governor may by notice in writing determine their licence, and upon service of such notice by post or otherwise on the licensee or any manager or person appearing to be manager for the licensee the rights and privileges conferred by the licence shall forthwith determine. Provided that notwithstanding such determination the Governor may direct that such further action as to him may seem necessary may and shall be taken on the bond against the holders of the licence or against any or all of the sureties to such bond.

26. Holders of a licence shall pay the following Royalties:—

For trees within a 10 mile radius of Nairobi or within 5 miles of the Uganda Railway or any branch thereof or within 5 miles of any recognised Port on the coast.

Cedar (<i>Juniperus procera</i>)	...	...	30	cents per cubic foot
Muhugu (<i>Brachylaena hutchinsii</i>)	...	...	30	" " " "
Muzaiti (<i>Ocetea usambarensis</i>)	...	...	30	" " " "
Ebony (<i>Dalbergia melanoxylon</i>)	...	...	30	" " " "
Mueri (<i>Pygeum africanum</i>)	...	...	25	" " " "
Yellowwood (<i>Podocarpus thunbergii</i> & <i>gracillior</i>)	...	...	25	" " " "
Gun Copal (<i>Trachylobium hornemannianum</i>)	...	...	25	" " " "
Mbembakofe (<i>Azelia cuanzensis</i>)	...	...	25	" " " "
All other reserved trees	...	...	20	" " " "
Unreserved trees	...	...	6	" " " "

Provided that these rates shall be subject to a general reduction of 1% per mile outside the Nairobi 10 mile radius and outside the Railway 5 mile radius and beyond five miles of every recognised port on the Coast, and shall extend to a minimum of 50% of the above rates

And Provided that in approving the grant of any licence the Governor may direct that for the purpose of such licence such other royalty shall be substituted as he may determine.

And provided that in the event of a tree felled proving to be unsound the licensee shall forthwith notify the fact to the Forest Officer for the District who shall examine the tree or cause it to be examined, and if after such examination the tree proves to be unsound, the sound timber in it shall be measured and the latter shall grant a certificate to that effect, upon production of which the Conservator or the Forest Officer for the District shall grant to the licensee a rebate of the excess paid by him at the next time of paying the Royalty as provided in Rule 19 Provided that no rebate shall be granted in respect of any tree which has been removed from the place where it fell.

27. Licences may be in the form given in the Appendix to these Rules and all conditions and clauses in any licence (whether in such form or not) shall be regarded for all purposes as being prescribed by these Rules.

28. In any proceedings which are taken on a bond required to be given in accordance with these Rules the amount due and recoverable in such proceedings shall be the amount (not exceeding that named in the bond) which the conservator may fix as and for liquidated damages.

29. These Rules shall apply to all Forest Areas.

Appendix.

Timber Licence.

This indenture made the _____ day of _____ 191
 BETWEEN _____ (hereinafter called the Governor) of the
 one part and _____ (hereinafter called the licensees, which expression
 shall include the licensees, and their successors in title) of the other part.

WHEREAS the licensees have given security by (deposit or) Bond for the performance of the conditions subject to which this licence is granted in the sum of _____
 NOW THIS INDENTURE WITNESSETH:—

1. The Governor hereby grants to the licensees the sole and exclusive right to take on the lands situated at _____ bounded by a line drawn through the centres of the trees marked _____ at the limits of the said lands, which lands are delineated and surrounded with a red border line on the plan attached hereto, from the _____ day of 191 _____, for a term of five years, provided that after the expiration of the said term of five years the licensees shall be entitled to renew the licence hereby granted for periods of two years in accordance with and upon and subject to the conditions set forth in the Rules printed on the back hereof and upon and subject to such special conditions if any as the Governor may prescribe.

2. The licensees shall pay the royalty, and exercise the right hereinbefore granted upon and subject to the conditions set forth in the Rules aforesaid.

(Here insert special clauses and conditions, if any)

IN WITNESS WHEREOF the said parties have hereunto set their hands and seals the day and year first above written.

RULE.

The Forest Ordinance, 1911.

Rules made by His Excellency the Acting Governor under the Forest Ordinance, 1911.

Nairobi,

Dated this 12th day of May, 1912.

C. C. BOWRING,

Acting Governor.

Forest Ordinance, Rubber Rules.

1. These Rules may be cited as "The Forest Ordinance Rubber Rules, 1912"

2. In these Rules, unless the context otherwise requires:—

(1) "Licence" means a licence granted under these Rules to collect rubber.

(2) "The Ordinance" means "The Forest Ordinance, 1911" and any Ordinance

- (3) "Protected trees" means rubber producing trees or vines on Crown Lands for the time being protected under Rules made under the powers conferred by Section 13 of the Ordinance.
- (4) "Tapping" means either the process of extracting the rubber-producing latex, or the single act of cutting trees for the purpose of such extraction, according as the context requires.
- (5) Other expressions shall have the same meanings as are given in the Ordinance.

3. Applications for licences to collect rubber in any forest area, or from protected trees shall be made to, and licences may be granted and issued by the Conservator of Forests.

4. Subject to the provisions of these Rules a licensee shall be entitled to collect rubber within the area specified in his licence.

5. The Conservator of Forests may refuse any application for a licence under these Rules, provided, however, that the applicant may appeal to the Governor in the event of such refusal.

6. Licences shall be granted for the period of one year.

7. Any applicant for a licence may be required to satisfy the Conservator of Forests that he has a competent knowledge of the proper method of tapping trees.

8. No licence shall be issued until the fee prescribed by these Rules has been paid.

9. (a) Licences shall be printed in triplicate, and may be in Form A appended hereto. Rules 12, 13, 14, 15, 17, and 18 shall be endorsed thereon.

(b) Licence Forms shall be bound into books. Every book shall contain 50 licences in triplicate, or such other number as the Conservator of Forests may direct. The books and licences in every book shall be numbered consecutively from 1 upwards. The duplicate and triplicate of every licence shall bear the same number as the original.

10. The conservator of Forests shall, upon issuing a licence, send the duplicate thereof to the Forest Officer in charge of the Register referred to in Rule 16, such Officer shall retain the duplicate of such licence. Every duplicate received or retained by the Officer in charge of the Register shall be filed by him in his Office.

11. A licence cannot be transferred except the consent in writing of the Conservator of Forests be first obtained.

12. Every licence shall be produced by the licensee at the request of any Magistrate, Justice of the Peace, or Police or Forest Officer.

13. Rubber trees and vines shall be tapped only in such manner as shall be authorised by the Conservator of Forests and set forth on the back of the licence; Provided, however, that in collecting rubber from vines the vines may be cut down, the stem being severed by a clean cut flush with the ground; Provided that no vines less than six inches in girth at two feet from the ground shall be cut.

14. The following fee shall be paid, namely:—

On issue of every licence Rs. 100-00.

The following Royalties shall be payable namely—

25 cents per pound of rubber collected.

15. All rubber collected shall be shown to the Forest Officer of the District or the District Commissioner and shall remain Government property until a royalty of 25 cents per pound has been paid in cash to the Forest Officer or District Commissioner for and on behalf of the Government.

Provided that the sum of Rs. 100-00 paid for a licence may be deducted by a licensee from any sum payable as royalty and provided that in no case shall a less sum than Rs. 100-00 be paid by a licensee

16. The Forest Officer deputed in every district by the Conservator of Forests for the purpose shall keep a Register of all licences issued in the district. The Register, which shall be known as a Rubber Licence Register, may be in the Form B appended hereto, and may contain the particulars, indicated in the said form.

17. If a licensee shall employ any person to assist him in collecting rubber under his licence, it shall be the duty of the licensee to supervise and direct such person so that no breach of these Rules or of any Rules for the time being in force under the Ordinance be committed by such employee. In the event of any employee of the licensee being convicted of an offence against the Ordinance or any Rule thereunder, the Conservator of Forests may cancel the licence.

18. Any person who shall commit a breach of Rules 12, 13, and 15 shall be liable on conviction to the penalties prescribed by the Ordinance for a breach or non-observance of a Rule made thereunder.

Form A.

Rubber Licence.

ate.

Book No.....

Licence No.....

FOREST ORDINANCE RUBBER RULES."

Licence

District.....

ence is hereby granted to (insert name and address of licensee) to collect rubber in the (insert description of area) for one year from the (insert date).

Dated (insert date of grant)

Fee paid.....

.....

Signature of Conservator of Forests.

Duplicate.

Book No.....

Licence No.....

"THE FOREST ORDINANCE RUBBER RULES."

Licence.....

District.....

Licence is hereby granted to (insert name and address of licensee) to collect rubber in the (insert name or description of area) for one year from the (insert date).

Dated (insert date of grant).....

Fee paid.....

.....

Signature of Conservator of Forests.

Original,

Book No.....

Licence No.....

"THE FOREST ORDINANCE RUBBER RULES."

Licence.....

District.....

Licence is hereby granted to (insert name and address of licensee) to collect rubber in the (insert name or description of area) for one year from the (insert date).

Dated (insert date of grant)

Fee paid.....

.....

Signature of Conservator of Forests.

Rules 12, 13, 14, 15, 17, and 18 to be printed on back.

RULE.

Under the East Africa Townships Ordinance, 1903.

Rule issued by His Excellency the Acting Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

C. C. BOWRING.

Dated this 3rd day of May, 1912.

Acting Governor.

Township of Mombasa.

The Mombasa Township Rules No. 2 of 1904 dated May 24th, 1905, shall be and are hereby amended by the deletion from Rule 2 thereof of the words following.

“The fee payable on registration shall be two Rupees.”

RULES.

Mombasa Township.

Rules issued by His Excellency the Acting Governor under the provisions of the East Africa Townships Ordinance, 1903.

Nairobi,

C. C. BOWRING,

Dated this 13th day of May, 1912.

Acting Governor.

Boat Regulations.

All boats to be licensed by Port Officer.

1. No boat shall ply for hire in the harbours of Mombasa and Kilindini as defined from time to time in the Port Regulations and the inland waters and creeks thereof unless licensed and registered in accordance with these Rules by the Port Officer. Fees shall be paid for such licensing, numbering and registration as set forth in Schedule I of these Rules.

Licence may be refused.

2. The Port Officer may refuse to issue a licence in the case of an unsuitable boat or to an applicant who has had a previous licence endorsed for misconduct; He shall use his discretion as to the number and description of boats in respect of which licences be issued.

Renewal of licence.

3. All licences issued under these Rules shall expire on the 30th September, succeeding their date of issue.

Boats to show register and licence numbers.

4. (1) The number of passengers for which a boat is licensed shall be endorsed on the licence and the tariff plate and shall be cut and painted on the backboard.

(2) The registered number of the boat shall be legibly painted in figures of not less than four inches in length on both bows of the boat.

Boats not to carry above licensed load.

5. No boat shall carry more than its licenced number of passengers or loads or both and no person shall enter a boat already containing its full licensed freight. The decision as to the maximum number of passengers for which any boat shall be licensed shall rest with the Port Officer whose decision shall be final.

Fares.

6. Fares shall be charged in accordance with the tariff in the Second Schedule hereto, and shall be set forth on an enamelled plate affixed to the back-board.

Boats not to approach ship till at anchor.

7. No boat shall approach a ship arriving in port until such ship is at anchor, and permission to do so shall have been given by the Port Officer or other officer deputed by him.

Boats to be kept in good order.

8. All boats shall be kept clean and in good repair and shall be fitted with:—

- 1 oar for each rower.
- 1 spare oar,
- 1 boat-hook,
- 1 lamp,
- 1 blue jumper with the number of the boat sewn thereon in red letters of not less than four inches in length for each rower.
- 1 enamelled plate affixed to the back-board to indicate the tariff of fares.

9. No boat holding a passenger licence only shall carry cargo other than passengers' personal luggage. Passenger licence does not cover cargo.

10. No Nahoda of a boat that is plying for hire and disengaged shall refuse to accept an engagement, or attempt to extort fares in excess of the prescribed tariff. Boats not at liberty to refuse engagement.

11. All boat boys working in the licensed boat shall be registered by the Port Officer and shall wear the blue jumper of the boat for which he is working also a numbered badge in a conspicuous place, such badge to be supplied by the Port Officer on payment of 50 cents. Any boat boy may be struck off the Register by the Port Officer for misconduct, and in such case or on his ceasing for any other reason to be employed as a boat boy he shall return his badge to the Port Officer. Boat boys shall not be transferred from one boat to another except on 1st October, 1st January, 1st April and 1st July in each year. Boat boys to be registered.

12. Boats leaving the side of a ship arrived from a foreign port must proceed direct to a Customs landing and not land passengers or goods elsewhere. Passengers and goods to land at Customs.

13. Every licensed boat shall when so ordered by the Port Officer take either day or night duty in either Mombasa or Kilindini Harbour as the said officer shall direct. Night duty.

14. Every licensed boat shall carry a light when plying for hire between the hours of 6-30 in the evening and 5-30 o'clock in the morning. Boats to carry lights.

15. (1) A boat shall not be allowed to make fast to, or hold on to, any rope, gangway, projection or portion of any vessel or landing pier except while putting off or taking on board passengers, or luggage. It shall lie off on its oars until called up by the police or an intending passenger. Boat along gangway of ships.

(2) When a passenger engages a boat the boat must immediately push off and take the passenger to his destination. The boat must not be kept waiting on the chance of getting more passengers. Nahodas and boat crews shall not solicit passengers to use their boats. The Police will call up boats as required by passengers and any reasonable orders so issued shall be obeyed.

16. (1) It shall be lawful for the Port Officer by a notice to be posted up at the recognised landing-places, disseminated in such other manner as he may think fit, or by notice published in the "Gazette," to appoint from time to time, a day and time when, and a place where, any or all boats licensed under these rules shall be inspected by him together with the oars, row-locks and all other gear appertaining thereto and the licences, tariff plates, and such other articles as may have been issued under or required by these rules. Inspection of boats.

(2) Failure to comply with such notice as aforesaid shall render the owner or Nahoda of a boat so failing to comply guilty of an offence under these rules.

17. The Nahoda of a boat shall be held responsible for all unclaimed property left in his boat which he shall take or cause to be taken forthwith to the Police Station. Unclaimed property left in a boat.

18. On the expiration or other determination of any licence the owner of the boat in question shall return to the Port Officer the tariff plate, tariff book, and licence. Return of tariff book, &c., to Port Officer.

19. The owner or person in charge of any boat in respect of which a breach of these rules has been committed, and any person committing a breach of these rules shall, in addition to any other penalty to which he may have rendered himself liable, be punishable with a fine not exceeding Rs. 200 or two months' imprisonment of either description. Penalty.

20. The Port Officer may suspend or revoke the licence of any boat whose owner or any member of whose crew has been guilty of misconduct or of a breach or neglect of any of these rules or of any lawful order of the Port Officer or a Police Officer or is of bad character and such suspension or revocation shall be endorsed upon the licence (which licence the owner is hereby directed to produce to the Port Officer for that purpose). Suspension of licence.

21. These Rules shall be cognisable to the Police. owers of Police.

22. The rules dated April 29th, 1904 and July 8th, 1909, respectively under the East Africa Townships Ordinance, 1903, are hereby cancelled except as to the offences committed against or the proceedings commenced or pending Repeal.

his boat or obtain a licence under these Rules during the currency of the licence issued under the said cancelled rules. Save as aforesaid these rules shall apply to every such boat and to the licence granted in respect thereof as if the same had been registered and licensed under these rules.

Application and commencement of rules.

23. These rules shall apply to the Township of Mombasa and shall come into force on the 1st day of June 1912.

1st Schedule.

(a)	The charge for licence and registration shall be, For a boat licensed to carry not more than 3 passengers	...	Rs. 10
(b)	For every additional passenger beyond 3 (in addition)	...	" 1
(c)	For a licence to carry cargo (in addition)	...	" 4
(d)	For a duplicate licence	...	" 2
(e)	For a registration of transfer	...	" 1

A Tariff Plate and a Tariff Book shall be issued to the ^{Nahoda}Owner of each boat free in the first instance but should these be damaged or lost, new ones shall be supplied for which a charge of Rs. 2 for the Tariff Plate and Re. 1 for the Tariff Book will be made.

In the case of any boat licensed after the 31st March, in any year, half the above fees for licence and registration shall be charged.

2nd Schedule.

Boats may be hired by time or Distance.

From 5 a.m. to 8 p.m. Single Journey from Passenger Jetty Mombasa Harbour to:—

By Distance.

		Rs.	Cts.	
(a)	Dhows in harbour	...	0 3	per passenger.
(b)	English Point	...	0 6	per one passenger, when more than one, each cents 3.
(c)	Vessels in harbour	...	0 12	per passenger.
(d)	Frere Town	...	0 40	per passenger.
(e)	Outer Anchorage...	...	0 75	per one passenger, when more than one, each cents 50.
(f)	Vessels in Kilindini Harbour...	1	0	per one passenger, when more than one, each cents 50.

From Kilindini Pier to:—

		Rs.	Cts.	
(a)	Vessels in Harbour	...	0 20	per passenger.
(b)	Vessels in Mombasa Harbour	1	0	per passenger, when more than one, each cts. 50

All Return Journeys Double Fare, to include 15 minutes detention; thereafter Cents 25 additional for every 15 minutes detention or part thereof.

All Journeys between 8 p.m. and 5 a.m. double the above fares.

Children in Arms free.

By Time.

From 6 am. to 6 p.m. Round Mombasa Island and in harbour waters.

For boat licensed to carry three persons	...		Whole day Rs. 4.
For boat licensed to carry more than three persons...	...		Whole day Rs. 4 plus an additional cents 50 for each passenger.
For three persons	...	...	One hour, Re. 1. Each succeeding hour or part cents 50.
Each additional person	...	...	One hour, cents 50. Each succeeding hour or part, cents 25.

To Rabai Single or Return Journey same day.

For boat licensed to carry three persons	...		Rs. 4.
For boat licensed to carry more than three persons ..	..		Rs. 4 plus an additional cents 50 for each passenger.

Packages of about 60 lbs. Cents 12 each.

RULES.

Issued by His Excellency the Acting Governor under the East Africa Township Ordinance, 1903.

Nairobi,

Dated this 12th day of May, 1912.

C. C. BOWRING,

Acting Governor.

1. The following rules shall be applied to the Township of Nyeri.

(1) Of the Township rules dated 19th May, 1904, made under the provisions of the East Africa Townships Ordinance, 1903, and published in the "Official Gazette" of 1st June, 1904, the following:—

PERMITS AND LICENCES:—Rules 3, 4, 5.

BUILDINGS:—Rules 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 38, 39, 49, 50, 51, 52.

STREETS AND ROADS:—Rules 53, 54, 55, 56, 57, 58.

SANITARY:—Rules 64, 65, 66, 67, 71.

DANGEROUS OR OFFENSIVE TRADES:—Rule 73.

STABLES, CATTLE SHEDS, etc.:—Rules 74, 75, 76, 77, 78.

REMOVAL OF CARCASSES:—Rules 79, 80, 81.

FILTHY PREMISES:—Rules 82, 83.

LAUNDRIES:—Rules 84, 85, 86.

Holes AND EXCAVATIONS:—Rules 88, 89.

SLAUGHTER HOUSES:—Rules 90, 91, 92, 93, 94, 95, 96.

BAKERIES:—Rules 97, 98, 99, 100, 101, 102.

DAIRIES:—Rule 103.

BUTCHERS:—Rules 107, 108, 109, 110, 111, 112.

PUBLIC MARKETS:—Rules 126, 127, 128, 129, 130, 131, 132, 133, 135, 141, 143, 144, 145, 146
147, 148, 149.

WASHING OF CLOTHES:—Rules 157, 158.

CEMETERIES:—Rules 159, 160, 163.

CAMPS:—Rules 165, 166, 171.

STREET NOISES:—Rule 177.

STRAY ANIMALS:—Rule 186.

(2) The Township rules dated 27th November, 1906.

(3) The Township rules dated 28th November, 1906.

(4) The Township rules dated the 25th day of June, 1910.

2. The following fees shall be levied in the Township of Nyeri:—

Slaughter House Fees.

	Rs. Cts.
For each head of cattle slaughtered	1—00
For each sheep or goat slaughtered	0—25

Trades Registration Fees.

For registration of Laundry man	1—00
For registration of Butcher or meat seller	1—00
For registration of areated water manufacturer	1—00

Market Fees.

For each load of produce brought into the market for sale, per diem... .. .	0—03
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Pound Fees.

For each Horse, mule, ox, cow, camel or donkey, for the first day	1—00
For each succeeding day	0—50
For sheep, goats, pigs, and other animals not herein before mentioned, for each such animal per day	0—12

Camping Ground Fees.

For each tent—/25 cents per diem, but not to exceed Re. 1/-per week.	
For porters tent—/10 cents per diem, but not to exceed —/50 cents per week.	

NOTICE.

Under the East Africa Townships Ordinance, 1903.

In exercise of the powers conferred upon me by the East Africa Townships Ordinance 1903. I hereby give notice that the Rules under the above Ordinance applied to the Township of Nairobi dated 20th October 1911 and published in the "Official Gazette" of November 1st, 1911 are hereby applied to the Township of Mumias.

NOTICE.

The Mahomedan Marriage and Divorce Registration Ordinance 1906.

In exercise of the powers conferred upon me by Section 4 of "The Mohamedan Marriage and Divorce Registration Ordinance, 1906" I hereby appoint Abdul Malik bin Abubaker as a Registrar for the Kisumu District, Nyanza Province, in place of Sheikh Mahomed Barawa.

Nairobi,
May 7th, 1912.

C. C. BOWRING,
Acting Governor.

NOTICE.

The following notices issued under the East Africa Mining Regulations, 1902, are hereby cancelled.

The Official Gazette	June 3rd,	1909,	page	280
"	"	"	11th	" "
"	"	"	12th	" "
"	"	"	24th	" "
"	"	July	1st	" "
"	"	"	5th	" "
"	"	"	30th	" "
"	"	"	30th	" "
"	"	Sept.	30th	" "
"	"	Oct.	5th	" "
"	"	"	11th	" "

A. C. HOLLIS,
Acting Chief Secretary

NOTICE.

His Excellency the Acting Governor has directed that the Director of Public Works shall be substituted for the Commissioner of Public Works in and for the purposes of the following Notices and Rules:—

1. Notice dated May 20th, 1908, regarding the Classification of Public Roads.
2. Notice dated May 5th, 1909, regarding Width of Public Roads.
3. The Irrigation Rules dated May 17th, 1909.

NOTICE.

Nairobi Electric Lighting Concession.

Notice is hereby given that His Excellency the Acting Governor has delegated to the Director of Public Works all the powers and discretions vested in the Commissioner under or by virtue of the Contract of July 26th, 1906, for the above Concession.

NOTICE.

An Ordinance to amend the Master and Servants Ordinance, No. IV of 1912.

The Secretary of State for the Colonies has been pleased to notify that His Majesty power of disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency.

W. J. MONSON,
Secretary

RULES.

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

Nairobi,

Dated this 14th day of May, 1912.

C. C. BOWRING,

Acting Governor.

Rules to regulate the use of Trolleys, Jinrickshas and other vehicles.

1. These Rules shall apply to the Township of Mombasa.
2. For the purpose of these Rules the following words and expressions shall have the several meanings hereby assigned to them unless there shall be something in the subject or context repugnant to such construction, that is to say:—
 - (a) The word "vehicle" shall include any motor car, motor cycle, trolley, carriage, cart, lorry, buggy, or jinricksha.
 - (b) The word "public vehicle" shall mean any vehicle plying for hire.
 - (c) The word "driver, trolley boy or ricksha boy" shall apply to each person in charge of or engaged in hauling, pushing or working any vehicle.
 - (d) The word "Inspector of Vehicles" shall mean the Officer of the Government or Conservancy Department or any person acting in that behalf duly authorised to inspect vehicles.
3. Public vehicles shall be licensed and shall bear in a conspicuous place a number plate corresponding to the number of the licence. There shall also be exhibited within each vehicle a tariff of authorised fares for the hire of the same.
4. (a) No driver, trolley or ricksha boy shall be engaged for work on or allowed to haul or push any vehicle unless such person has been registered and licensed in accordance with these Rules by the Superintendent of Conservancy, and no owner of any vehicle shall employ any person unless he shall be so registered and licensed.
 - (b) No person shall be registered as a trolley or ricksha boy unless and until he shall have been certified as fit for such employment by a Medical Officer.
 - (c) Every registered person in charge of a public vehicle shall wear a numbered badge in a conspicuous place on his right arm or in such a position that it can be easily seen. Such badge to be supplied by the Superintendent of Conservancy upon a deposit of a sum not exceeding 50 cents.
 - (d) Upon the termination of the period of his licence such person shall upon returning his badge to the Superintendent of Conservancy be entitled to a refund of his deposit. Should such badge be lost or damaged a duplicate shall be issued on payment of a further deposit of a sum not exceeding 50 cents.
 - (e) Any registered person may be struck off the register and have his licence cancelled by the Superintendent of Conservancy for misconduct or breach of these Rules and in such case he shall return his badge if in possession of one and receive back his deposit.
5. No fewer than 2 boys shall be engaged in hauling or pushing any trolley or ricksha and no person shall engage or continue to engage any trolley or ricksha which is not attended by more than one boy.
6. The owner of every public vehicle shall maintain the same in a clean condition and good working order to the satisfaction of the Inspector of vehicles.
7. No public vehicle shall be allowed to stand or remain in the road way (except while actually employed) at any place other than a public stand or siding set apart in terms of these rules.
8. Every public vehicle standing or being on any public stand or siding or in the public street, shall be deemed to be plying for hire and the person in charge thereof shall not refuse to accept any offer of immediate engagement from any person not excluded by these Rules unless actually hired for the whole or portion of the time, for which such person seeks to engage him or being at the time en route to his quarters after work.
9. No driver, trolley or ricksha boy in charge of a public vehicle shall falsely represent himself to be hired or on being thereto required, shall neglect or refuse to carry any lawful number of passengers for any person desiring to engage his vehicle from and to any point within the Township area.
10. Any driver, trolley or ricksha boy in charge of any public vehicle who on being required by the hirer thereof to wait at any place to which the hirer shall have proceeded in such vehicle, shall neglect or refuse so to wait, shall be guilty of a breach of these Rules.
11. No driver, trolley or ricksha boy shall allow any greater number of passengers to be

12. No driver, trolley or ricksha boy in charge of any public vehicle shall by using force or threats or in a clandestine manner prevent or seek to prevent any person from engaging any public vehicle.

13. Any person calling or sending for any public vehicle and failing to employ the same shall pay the fare from the stand or place where such vehicle may have been engaged to the place to which such vehicle shall have proceeded as a result of such calling or sending.

14. No ticket clerk, driver, or any registered person in charge of a public vehicle shall be allowed to charge more than the fare fixed from time to time by tariff published in the "Official Gazette" and all such persons shall be held to be acquainted with the above fares and to be liable under this Rule for any over-charges demanded by them for passengers. Native boys in charge of public vehicles are not allowed to receive hire for same.

15. No ticket clerk, driver or any registered person in charge of a public vehicle shall be entitled to demand payment over and above the authorised fare or to any sum or fee by way of return fare for taking back his vehicle from the place at which he shall be discharged.

16. All trolley and ricksha boys shall be cleanly and decently clothed and shall conduct themselves in a proper, civil and decorous manner. They shall not sit on the seats of their vehicles when not in use. Failure to comply with the terms of this Rule shall be deemed an offence and shall render the offender liable to the penalties prescribed for breach of these Rules.

17. No driver, trolley or ricksha boy when unemployed shall tout or solicit for passengers or for any other engagement.

18. Any public vehicle may be hired either by time or distance but the hirer of the same shall inform the person in charge thereof at the time of hiring whether he intends to hire the vehicle by time or by distance. Failing to do so, he shall be charged by distance.

19. Any person hiring a public vehicle who shall wilfully or negligently injure the same or refuse to pay the legal fare when demanded, shall be deemed to have committed a breach of these Rules.

20. No person suffering from a contagious or infectious disease shall drive, be in charge of or ride in any public vehicle.

21. No owner of any ricksha whether public or private shall use or allow the same to be used unless the following conditions be complied with:—

(a) The ends of the shafts shall be protected by a bar across the front securing them on each end and the shafts shall not project beyond such bar.

(b) A proper stay shall be placed at the back of each ricksha to prevent accidents.

22. Drivers, trolley and ricksha boys in charge of public or private vehicles shall carry a lamp after 6-10 p.m. as required by the Township Rules which in the case of a ricksha shall be affixed to the end of the right shaft, unless such ricksha shall be provided with carriage lamps.

23. The owner of every ricksha, public or private shall provide the same with a bell or some kind of instrument of warning to be approved by the Inspector of vehicles and the ricksha boy in charge shall sound such bell or instrument to give notice of his approach when overtaking any vehicle, horse or other animal or foot passengers proceeding in the same direction, and shall also do so before turning.

24. No driver, trolley or ricksha boy shall disobey any reasonable order that may be given him by any member of the Police Force on duty, the Inspector of vehicles or duly authorised servant of the Conservancy Department.

25. Private trollies shall not be allowed to be let out for hire. Engaging for pay or letting out for hire a private trolley shall be deemed offences under these Rules.

26. All accidents occurring on or about the trolley line and caused by the working thereof and resulting in damage to person or property shall be reported by those concerned to the superintendent of Conservancy or other servants of the Department as soon as possible after the accident.

27. No vehicle going down hill shall exceed a speed of 5 miles an hour.

28. No trolley shall approach within 15 feet of any other trolley using the line except for the purpose of shunting.

29. The points on all main trolley lines shall be invariably left open and those in charge of trollies entering side lines must re-open points after passing. Trolley boys will be held liable for a breach of this Rule.

30. Where a double line exists trollies shall proceed along the left hand line only.

31. Any person guilty of a breach of any of these Rules (except where otherwise specified) shall upon conviction by any competent Court be liable to a penalty not exceeding Rs. 75 with or without imprisonment of either kind which may extend to one month.

32. Offences under these Rules shall be cognisable by the Police.

NOTICE.

Under the provisions of the East Africa Township Ordinance, 1903, I hereby order that the fares to be charged for the use of Public Rickshas within the Township of Mombasa shall be those authorised by tariff for the Public Trolley Service and published in the "Official Gazette," from time to time.

Nairobi,

May 14th, 1912.

C. C. BOWRING,

Acting Governor.

RULES.

Mombasa Public Trolley Service.

1. Passengers must obtain tickets from the ticket clerks at the Mombasa and Kilindini termini between the hours of 7 a. m. and 9 p. m. They can also be bought from the Managers of the principal Hotels.

2. Passengers are not allowed to travel on trolleys without tickets and must produce them when required to do so by any ticket collector, and surrender them at the end of the journey. Boys in charge of public vehicles are not allowed to receive hire for same.

3. Hand baggage only may be carried on a trolley by the owner and must not be of a size which will inconvenience other passengers.

4. Public trolleys may be hired at double rates exclusively for personal use provided that the supply at the time is adequate.

5. Double rates are charged for public trolleys after 6-30 p. m.

N. B.—Passengers are requested to test the brake of the trolley which they are hiring and to note that a speed of 5 miles an hour must not be exceeded going down hill.

The notice of December 1st, 1911, *re* Public Trolley Service at Mombasa and the Schedule of fares contained therein is cancelled.

MOMBASA—KILINDINI TRAMWAYS.

Public Trolley Fares.

Kilindini Pier or Uganda Railway Bridge.	} and {	Standard Bank (for G. P. O.) passing Cathedral, Grand Hotel, Club (for * Messrs. Smith Mackenzie & Co. and † Hansing & Co.) and Messageries Maritimes Offices.	} 75 cents either way.
Ditto	and {	Metropole Hotel (for the * B. E. Africa Corporation Offices), or Sports' Club.	} 50 cents either way.
Metropole Hotel	and {	Standard Bank and all inter- mediate points and Mombasa Railway Station.	} 25 cents either way.
Ditto	and	Golf Links	50 cents either way.
Ditto	and	Sports' Club	25 cents either way.
Grand Hotel, Club and Standard Bank	} and	Golf Links	25 cents either way.
Ditto	and	Sports' Club	50 cents either way.
Kilindini Pier or Uganda Railway Bridge	} and	Golf Links	One rupee either way.

No fare less than 25 cents

"By Time"

"Rs. 1/50 for each person for the first hour, and 50 cents for every hour or part of an hour afterwards."

RULE.

Rule issued by His Excellency the Acting Governor under the Indian Tramways Act, (Act XI of 1886).

Nairobi,

Dated this 24th day of May, 1912.

C. C. BOWRING,
Acting, Governor.

1. The Rules made under the provisions of the Indian Tramways Act, dated April 15th, 1903, are hereby repealed.

RULE.

Under the East Africa Townships Ordinance, 1903.

Rule issued by His Excellency the Acting Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 30th day of May, 1912.

C. C. BOWRING,
Acting Governor.

Townships of Fort Hall and Nyeri.

The Rules under the above Ordinance dated the 12th day of May, 1910, and the 12th day of May, 1912, respectively are hereby amended as follows:—

By deleting in Rule 2 the words and figures :

“For each load of produce brought into the market for sale, per diem ... 0-03”

and substituting the words and figures :

“For every 25 cents worth of produce brought into the market for sale ... 0-01”

NOTICE.

Under the East Africa Townships Ordinance, 1903.

I hereby authorise the Superintendent or Acting Superintendent of Inland Revenue and Conservancy, Mombasa, for the time being, to inspect vehicles under Section 2 (*d*) of the Rules regulating the use of Trolleys, Jinrickshas and other vehicles, issued under the provisions of the East Africa Townships Ordinance, 1903, and published in the “Official Gazette” of 1st June, 1912.

Nairobi,

Dated this 24th day of May, 1912.

C. C. BOWRING,
Acting Governor.

NOTICE.

The Infectious Diseases Ordinance, 1903.

WHEREAS cases of plague have occurred in the Township of Machakos, NOW THEREFORE in exercise of the powers conferred upon me by the Infectious Diseases Ordinance, 1903, I hereby apply the Infectious Diseases Rules No. 1 of 1905, and the Rule dated October 12th, 1909, published under the aforesaid Ordinance to the Township of Machakos and I hereby notify that the area confined within the aforesaid Township is an infected area for the purposes of the aforesaid Ordinance and Rules.

Nairobi,

Dated this 24th day of May, 1912.

C. C. BOWRING,
Acting Governor.

NOTICE.

The Customs Ordinance, 1910.

In pursuance of the powers conferred upon me by Section 18 (2) of the above Ordinance I hereby give notice that the following charges shall be made in respect of goods lying on Customs Premises other than a King's Warehouse in addition to the list of charges published in the "Official Gazette" of October 1st, 1910.

PER WEEK OR PART THEREOF.

Bales of Cotton, Fibre or Wool No. 1	Rs. 0-25 cts.
" " " " No. 2	" 0-12 "
Bundles of Hides ...	" 0-25 "
Bundles of Goat and Sheep Skins ...	" 0-25 "
Mkandas of Produce ...	" 0-06 "

Nairobi,

Dated this 27th day of May, 1912.

C. C. BOWRING,

Acting Governor.

NOTICE.

Under the Fugitive Criminals Surrender Ordinance, 1908.

It is hereby notified for general information that under and by virtue of the powers conferred upon him by Section 2 of "The Fugitive Criminals Surrender Ordinance, 1908," His Excellency the Acting Governor has been pleased to direct that the said Ordinance shall forthwith apply in the case of the undermentioned Foreign State and its Protectorates during the continuance of the arrangements made between His Majesty the King and the Ruler of such State under which the East Africa Protectorate is to surrender Fugitive Criminals to such State or its Protectorates.

State referred to above
GREECE.

NOTICE.

The East Africa Volunteer Reserve Amendment Ordinance, No. VII of 1911.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's Power of Disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

W. J. MONSON,

Secretary.

PROCLAMATION.

Under the Game Ordinance, 1909.

In pursuance of the powers conferred upon me by Section 6 Sub-section (ii) of the Game Ordinance, 1909, I, Charles Calvert Bowring, C.M.G., Acting Governor, do hereby direct that a Sportsman's or Resident's licence shall, on and after the date of this Proclamation, authorise the capture or killing of Thomas' Kob Antelope to the number of two only and not four as prescribed in the Third Schedule to the said Ordinance.

Nairobi,

Dated this 5th day of June, 1912.

C. C. BOWRING,

Acting Governor.

PROCLAMATION.

Under the East Africa Outlying Districts Ordinance, 1902.

In exercise of the powers conferred upon me, under the East Africa Outlying Districts Ordinance, 1902, I, Charles Calvert Bowring, C.M.G., Acting Governor of the East Africa Protectorate, do hereby cancel all Proclamations under the said Ordinance in so far as such Proclamations declare any area, District or place in the Nyanza Province to be a Closed District within the meaning of the aforesaid Ordinance.

Nairobi,

Dated this 6th day of June, 1912.

C. C. BOWRING,
Acting Governor.

RULES.

The East Africa Townships Ordinance, 1903.

Rules issued by His Excellency the Acting Governor of the East Africa Protectorate under the Provisions of the East Africa Townships Ordinance, 1903.

Nairobi,

June 5th, 1912.

C. C. BOWRING,
Acting Governor.

The following Rules are hereby applied to the Township of Yala River :—

1. The Rules dated the 15th July, 1910, published in the "Official Gazette" July 15th, 1910, dealing with the licensing of vehicles.
2. The Rules dated August 24th, 1911, and published in the "Official Gazette" of September 1st, 1911, dealing with the fitting of carts with brakes.

RULE.

Under the East Africa Townships Ordinance, 1903.

Rule issued by His Excellency the Acting Governor under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 11th day of June, 1912.

C. C. BOWRING,
Acting Governor.

On and after the publication of this Rule the fee prescribed by the Rules under the East Africa Townships Ordinance, 1903, applied to the Townships in the Nyanza Province and leviable in respect of Native Huts shall cease to be levied in the said Townships and the said Rules in so far as they apply to the said Townships or may hereafter be applied to any Township in the said Province shall be and are hereby amended accordingly.

RULE.

Mombasa Township.

Issued by the Acting Governor for the East Africa Protectorate under the provisions of the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 15th day of June, 1912.

C. C. BOWRING,
Acting Governor.

The following fee shall be charged for the licensing of the following public vehicles within the Township of Mombasa :—

Trolleys and Rickshaws Rs. 5/- per annum

RULES.

Under Section 565 of the Indian Criminal Procedure Code.

Rules issued by His Excellency the Acting Governor under Section 535 of the Indian Criminal Procedure Code relating to the Notification of Residence by Released convicts.

Nairobi,

Dated this, 12th day of June, 1912.

C. C. BOWRING,

Acting Governor.

1. When, at the time of passing sentence of transportation or imprisonment, on any person the Court or Magistrate also orders that his residence and any change of residence after release be notified for the term specified in such order, a copy of the order in the annexed form shall be sent to the officer in charge of the Gaol with the warrant of commitment, and the person in respect of whom such order is made shall comply with and be subject to the Rules next following. In these Rules a person released subject to an order of the nature hereinbefore described is called a "released convict." Released convicts to observe Rules.
2. Every convict in regard to whom an order has been made under Section 565 of the Criminal Procedure Code shall, not less than fourteen days before the date on which he is entitled to be released, notify the officer in charge of the Gaol or other place in which he may for the time being be confined, of the place at which he intends to reside after his release, and shall, as soon as he is released, proceed to such place without undue delay and there so reside accordingly. Released convict to notify, at the time of release, intended place of residence to releasing officer.
3. It shall be the duty of the officer in charge of the Gaol or other place in which the convict in regard to whom an order has been made under Section 565 of the Criminal Procedure Code is confined, to notify the officer in charge of the Police of the District of the place at which he intends to reside after his release, and on such release to send a copy of the order passed under Section 565 of the Criminal Procedure Code to that officer who will notify the District Commissioner. Officer in charge of Gaol to notify, at the time of release intended place of residence of released convict..
4. Whenever any released convict intends to change his place of residence from the place which he specified at the time of his release as the place at which he intended to reside, to any other place, he shall notify the fact of such intention and the place at which he thereafter intends to reside, not less than twenty-four hours before he so changes his residence, to the officer in charge of the Police of the District in which he resides at the time when he notifies his intention to change his residence, and shall proceed to such place without undue delay and there so reside accordingly. The Police Officer will notify the District Commissioner of the District, also the District Commissioner and the Police Officer of the District to which the released convict intends to proceed, and shall send to such last mentioned officer a copy of the order passed under Section 565 of the Criminal Procedure Code. Released convict to notify intension to change first residence at local Police Station.
5. Whenever any released convict intends to change his place of residence from any place at which he may, at any time, be residing, under the provisions of Rule 4 he shall notify any intended change of residence as provided in that rule and shall proceed without undue delay to the place notified by him and there so reside accordingly, action being taken as provided in the aforesaid rule. Released convict similarly to notify all subsequent intentions to change residence.
6. Every released convict shall, within twenty-four hours of his arrival at the place of residence notified under Rule 2 or Rule 4 or Rule 5, notify the fact of such arrival to the officer in charge of the Police of the District within the limits of which such place of residence is situate, and shall give such additional information as such officer may require as to the situation of the intended place of residence, and the Police Officer will inform the District Commissioner. Released convict to notify the fact of his having actually taken up his residence at the place specified under preceding Rules.
7. In notifying place or residence under these Rules, released convicts shall :— Particulars of place of residence to be supplied.
 - (a) if the place of residence is in a Native Reserve, specify the name of the chief and headman of the area within the limits of which such place is situate.
 - (b) if the place of residence is outside a Native Reserve, specify the town or place, with a sufficient description of the situation of the place of residence within such town or place to satisfy the requirements of the officer to whom such notification is

Manner of notifying
changes of residence.

8. Every notification to be made by a released convict under Rules 4, 5 and 6 respectively, shall be made by such convict personally at the proper Police Station. Provided that:—

- (a) The Magistrate may, by order in writing, exempt any released convict from the operation of this Rule and may permit such convict to make such notifications in writing or in such other manner as the Magistrate may, in such order, prescribe in that behalf;
- (b) If, from illness or other unavoidable cause, any released convict is prevented from making any notification required by these Rules personally at the proper Police Station, he may do so by written communication addressed to the officer in charge of the proper Police Station. Such communication shall state the cause of his inability to attend in person at the Police Station.

Copy of the order for notifying address of previously convicted offenders.

(TO BE SENT TO THE GAOL WITH THE PRISONERS.)

Offence, Date of
Conviction.

Whereas (name, description, and address) has been convicted on the day of 19 , of the offence of under Section of Act , having been previously convicted of the offences noted on the margin, and has been sentenced to it has been ordered that the said shall notify his residence and any change of residence after release for a term of years from the date of the expiration of the said sentence, in accordance with the rules made by the Local Government.

Magistrate.

NOTE :—Date of release, date of expiration of order, also place of residence first notified, and change of residence notified, to be endorsed on the order.

RULES.

Under the East Africa Townships Ordinance, 1903.

Rules issued by His Excellency the Acting Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 13th day of June, 1912.

C. C. BOWRING,

Acting Governor.

1. These Rules shall apply to the Township of Mombasa only.
2. Rule 35 of "The Township Rules 1904" is hereby cancelled and the following Rule is substituted therefor and shall be read as if the same were included in the aforesaid Township Rules:—

" 35. Every building intended to be used as a dwelling shall be so constructed that the whole of at least one side of every room thereof shall either be an external wall or abut on an interior open space. Such external wall, except where it faces a street of not less than 15 feet in width, shall have between it and the boundary line of the owner's premises an open space extending throughout the entire length of such wall at least 2 feet wide in the case of makuti huts, three feet wide in the case of iron or masonry houses intended for the occupation of a single family, or, in the case of chawls or buildings intended to form a range of separate rooms for lodgers, at least six feet wide. Such interior open space shall have an area equal to not less than one-tenth of the aggregate floor area of all the rooms abutting thereon, and shall not be in any direction less than six feet across in the case of makuti huts or ten feet across in the case of iron or masonry houses intended for occupation of a family."

and buildings intended to form a range of separate rooms for lodgers. And every open space, whether exterior or interior, required by this Rule shall be kept free from any erection thereon and completely open to the sky, and shall be kept and remain open to access from each end thereof."

3. The following fees shall be levied under the Township Rules 1904 :—

Public Slaughter House Fees :—

Camels Rs. 2 each.

Cattle Re. 1 "

Sheep and Goats -/50 cts. each.

Private Slaughter House Registration Fee Rs. 750 per annum.

(To be paid annually or quarterly in advance.)

MACHAKOS TOWNSHIP.

Rules issued by His Excellency the Acting Governor of the East Africa Protectorate under the provisions of "The East Africa Township Ordinance, 1903," "(No. 20 of 1903)" are hereby declared to be urgent.

Nairobi,

Dated this 13th day of June, 1912.

C. C. BOWRING,

Acting Governor.

1. Any suspicious case of sickness occurring in the Township shall be reported immediately to the Police Office.

2. Any death occurring in the Township shall be reported immediately to the Police Office.

3. The police receiving any report shall communicate the same at once to the Medical Officer of Health.

4. The person to make any report of sickness or death is the owner or occupier (or their representative) of the house, shop, hotel, boarding house, store, hut, or other building, in which the case occurs, and in case of the owner or occupier being ill the duty shall devolve upon a relative, agent or servant of the owner or occupier. In case of any such sickness or death occurring in a camp the report shall be made by the headman or other person in charge of the camp for the time being.

5. No sick person shall be removed, and no corpse be disposed of until a certificate to that effect shall have been issued by the Medical Officer of Health, or person appointed to do so.

6. Any person found guilty of a breach of any of the above rules will be liable to a penalty of two hundred rupees fine, or imprisonment not exceeding two months, or to both. Any penalty imposed for a breach of these rules shall be in addition to, and not in substitution for, any other penalty to which an offender shall have rendered himself liable. Provided that no person shall be punished twice for the same offence.

7. These rules shall apply to the Township of Machakos.

ORDER.

Order made by His Excellency the Acting Governor under the powers conferred by the Fees and Royalties Ordinance, 1903.

Nairobi,

Dated this 13th day of June, 1912.

C. C. BOWRING,

Acting Governor.

1. On and after the 15th day of June, 1912, the slaughter house fees prescribed under The Fees and Royalties Regulations 1902, shall not be levied in the Township of Mombasa.

2. On and after the 1st day of July, 1904, there shall be levied under The Fees and Royalties Ordinance, 1903, the royalty following :—

Royalty on stone quarried at the Government

quarries, English Point, Mombasa Rs. 2 per 100 stones.

NOTICE.

His Excellency the Acting Governor in Council has approved of the following amendment of the conditions to be attached to a contract for the consignment of goods for carriage by the Uganda Railway.

Notice to Consigners.

1. The words "or Lake Kioga" are to be added wherever the words "Waters of Lake Victoria" appear in the said conditions.

NOTICE.

Under the Fugitive Criminals Surrender Ordinance, 1908.

It is hereby notified for general information that under and by virtue of the powers conferred upon him by Section 2 of "The Fugitive Criminals Surrender Ordinance 1908" His Excellency the Acting Governor has been pleased to direct that the said Ordinance shall forthwith apply in the case of the undermentioned Foreign State during the continuance of the arrangements made between His Majesty the King and the Ruler of such State under which the East Africa Protectorate is to surrender fugitive criminals to such State.

**State referred to above
Siam.**

NOTICE.

Notice declaring certain areas of Land in the Takaungu Sub-District and in the Malindi District to be Crown Lands.

I, Adrian John Maclean, Recorder of Titles in pursuance of Rules 5 and 6 under Section 52 (e) of the Land Titles Ordinance, 1908, and in accordance with a Judgment of the Land Registration Court Cause No. 31 D. of 1912, given by the said Court with the consent of the applicants on the 21st March, 1912, at Takaungu from which said Judgment no appeal has been entered within the time allowed by law, do hereby give notice that the lands comprised within the boundaries herein described excepting only the land specified in the schedule hereunder written are Crown Lands.

THE BOUNDARIES OF THE LANDS HEREBY DECLARED TO BE CROWN LANDS EXCEPTING CERTAIN AREAS THEREOF HEREINAFTER SPECIFIED ARE:—

NORTH the line recently surveyed and cleared running in a Westerly direction from a beacons point on the coast to a certain beacon about *South South-East* of *Msabaa* thence North to a certain beacon about *South-East* of *Msabaa* thence in a Westerly direction to a beacon *West* of *Msabaa* and *East* of *Mjemboni* thence by an un-surveyed line drawn due West from the last mentioned beacon to the boundary of the Nyika Reserve.

SOUTH by the existing boundary between the Malindi and Mombasa Districts.

EAST by the Indian Ocean.

WEST by the Nyika Reserve.

SCHEDULE OF EXCEPTIONS to the land within the above described boundaries which said exceptions are either not *Crown Lands* or are lands the title to which is undecided.

1. The four Mazrui Reserves.
2. The lands in respect of which claims to Certificates of Ownership have been upheld.
3. Areas of land called the Tezo Commonage surveyed and shewn in the Tezo Locality plan.
4. The two villages of Mtanganiko and Konjora.
5. An area of land in dispute the extent of which is undecided upon and which is un-surveyed but which lies between Makonde, Kurwitu, Mkomani and Mtoni.

Mombasa,

Dated this 31st day of May, 1912.

A. J. MACLEAN,

Recorder of Titles

PROCLAMATION.

Under the Mohamedan Marriage and Divorce Registration Ordinance, 1906.

In exercise of the powers conferred upon me by Section 26 of "The Mohamedan Marriage and Divorce Registration Ordinance, 1906". I do hereby direct that the said Ordinance shall apply to all native Mohamedans in the North Kavirondo (Mumias) district in the Nyanza Province and shall commence and have effect in the said District as from the 1st day of May, 1912.

Nairobi,

Dated this 21st day of June, 1912.

C. C. BOWRING,

Acting Governor.

PROCLAMATION.

OF

The Copyright Act, 1911 (1 and 2 Geo. 5 Chap. 46).

WHEREAS Section 28 of the Copyright Act 1911, being the Imperial Statute 1 and 2 Geo. 5, Chap. 46, provides that "His Majesty may, by Order in Council, extend this Act to any territories under his protection and to Cyprus, and, on the making of any such Order, this Act shall, subject to the provisions of the Order, have effect as if the territories to which it applies or Cyprus were part of His Majesty's dominions to which this Act applies," AND WHEREAS His Majesty has been pleased, by Order-in-Council, to extend the said Act to the British East Africa Protectorate, AND WHEREAS by virtue of the said Order-in-Council and of the provisions of the said Act, the said Act will come into operation in the said Protectorate on the proclamation thereof within the Protectorate by the Governor, NOW THEREFORE I, Charles Calvert Bowring, C.M.G., Acting Governor of the East Africa Protectorate do hereby, on this first day of July 1912, proclaim the aforesaid Act within the said Protectorate and direct that this my Proclamation be published together with a copy of the said Act in the Gazette of the Protectorate.

GOD SAVE THE KING.

Given under my hand and the public seal of the Protectorate, this first day of July One thousand nine hundred and twelve.

C. C. BOWRING,

Acting Governor.

COPYRIGHT ACT, 1911.

[1 & 2 GEO. 5. CH. 46.]

ARRANGEMENTS OF SECTIONS.

A. D. 1911

PART I.

IMPERIAL COPYRIGHT.

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Section.

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2. Infringement of copyright.
3. Term of copyright.
4. Compulsory licences.
5. Ownership of copyright, &c.

Civil Remedies.

6. Civil remedies for infringement of copyright.
7. Rights of owner against persons possessing or dealing with infringing copies, &c.
8. Exemption of innocent infringer from liability to pay damages, &c.
9. Restriction on remedies in the case of architecture.
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11. Penalties for dealing with infringing copies, &c.

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14. Importation of copies.

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15. Delivery of copies to British Museum and other libraries.

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16. Works of joint authors.
 17. Posthumous works.
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 19. Provisions as to mechanical instruments.
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 21. Provisions as to photographs.
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 23. Works of foreign authors first published in parts of His Majesty's dominions to which Act extends.
 24. Existing works.

Application to British Possessions.

25. Application of Act to British Dominions.
 26. Legislative powers of self-governing Dominions.
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PART II.

INTERNATIONAL COPYRIGHT.

29. Power to extend Act to foreign works.
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PART III.

SUPPLEMENTAL PROVISIONS.

31. Abrogation of common law rights.
 32. Provisions as to Orders in Council.
 33. Saving of university copyright.
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 35. Interpretation.
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SCHEDULES.

CHAPTER 46.

An Act to amend and consolidate the Law relating to Copyright.

[16th December, 1911.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

IMPERIAL COPYRIGHT.

Rights.

- 1.—(1) Subject to the provisions of this Act, Copyright shall subsist throughout the parts of His Majesty's dominions to which this Act extends for the term herein-after mentioned in every original literary dramatic musical and artistic work, if—
- (a) in the case of a published work, the work was first published within such parts of His Majesty's dominions as aforesaid; and
- (b) in the case of an unpublished work, the author was at the date of the making of the work a British subject or resident within such parts of His Majesty's dominions as aforesaid:—
- but in no other works, except so far as the protection conferred by this Act is extended by Orders in Council thereunder relating

(2) For the purposes of this Act, "copyright" means the sole right to produce or reproduce the work of any substantial part thereof in any material form whatsoever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public; if the work is unpublished, to publish the work or any substantial part thereof; and shall include the sole right,—

- (a) to produce, reproduce, perform, or publish any translation of the work;
 - (b) in the case of a dramatic work, to convert it into a novel or other non-dramatic work;
 - (c) in the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work, by way of performance in public or otherwise;
 - (d) in the case of a literary, dramatic, or musical work, to make any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered,
- and to authorise any such acts as aforesaid.

(3) For the purposes of this Act, publication, in relation to any work, means the issue of copies of the work to the public, and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an architectural work of art, but, for the purposes of this provision, the issue of photographs and engravings of works of sculpture and architectural works of art shall not be deemed to be publication of such works.

2.—(1) Copyright in a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by this Act conferred on the owner of the copyright: Provided that the following acts shall not constitute an infringement of copyright:—

- (i) Any fair dealing with any work of the purposes of private study, research, criticism, review, or newspaper summary;
- (ii) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast sketch, plan, model, or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work.
- (iii) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture or artistic craftsmanship, if permanently situate in a public place or building, or the making or publishing of paintings, drawings, engravings, or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art;
- (iv) The publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for the use of schools, and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists: Provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged;
- (v) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given, and except whilst the building is being used for public worship, in a position near the lecturer: but nothing in this paragraph shall affect the provisions in paragraphs (i) as to newspaper summaries:

(vi) The reading or recitation in public by one person of any

- (2) Copyright in a work shall also be deemed to be infringed by any person who—
- (a) sells or lets for hire, or by way of trade exposes or offers for sale or hire; or
 - (b) distributes either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
 - (c) by way of trade exhibits in public; or
 - (d) imports for sale or hire into any part of His Majesty's dominions to which this Act extends, any work which to his knowledge infringes copyright or would infringe copyright if it had been made within the part of His Majesty's dominions in or into which the sale or hiring, exposure, offering for sale or hire, distribution, exhibition, or importation took place.
- (3) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theatre or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright unless he was not aware, and had no reasonable ground for suspecting, that the performance would be an infringement of copyright.

Term of copyright.

3. The term for which copyright shall subsist shall, except as otherwise expressly provided by this Act, be the life of the author and a period of fifty years after his death:

Provided that any time after the expiration of twenty-five years, or in the case of a work in which copyright subsists at the passing of this Act thirty years, from the date of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work, and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright royalties in respect of all copies of the work sold by him calculated at the rate of ten per cent. on the price at which he publishes the work: and, for the purposes of this proviso, the Board of Trade may make regulations prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if they think fit) regulations requiring payment in advance or otherwise securing the payment of royalties.

Compulsory licences.

4. If at anytime after the death of the author of a literary, dramatic, or musical work which has been published or performed in public a complaint is made to the Judicial Committee of the Privy Council that the owner of the copyright in the work has refused to republish or to allow the republication of the works or has refused to allow the performance in public of the work and that by reason of such refusal the work is withheld from the public, the owner of the copyright may be ordered to grant a licence to reproduce the work or perform the work in public, as the case may be, on such terms and subject to such conditions as the Judicial Committee may think fit.

Ownership of copyright, &c.

5. (1) Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein:

Provided that—

- (a) where, in the case of an engraving, photograph, or portrait, the plate or other original was ordered by some other person and was made for valuable consideration in pursuance of that order, then, in the absence of any agreement to the contrary, the person by whom such plate or other original was ordered shall be the first owner of the copyright; and
- (b) where the author was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employment by that person, the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner of the copyright, but where the work is an article or other contribution to a newspaper, magazine, or similar periodical, there shall, in the absence of any agreement to the contrary,

- (2) The owner of the copyright in any work may assign the right, either wholly or partially, and either generally or subject to limitations to the United Kingdom or any self-governing dominion or other part of His Majesty's dominions to which this Act extends, and either for the whole term of the copyright or for any part thereof, and may grant any interest in the right by licence, but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by his duly authorised agent:

Provided that, where the author of a work is the first owner of the copyright therein, no assignment of the copyright, and no grant of any interest therein, made by him (otherwise than by will) after the passing of this Act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-five years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void, but nothing in this proviso shall be construed as applying to the assignment to the copyright in a collective work or a licence to publish a work or part of a work as part of a collective work.

- (3) Where, under any partial assignment of copyright, the assignee becomes entitled to any right comprised in copyright, the assignee as respects the right so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of the copyright, and the provisions of this Act shall have effect accordingly.

Civil Remedies.

- 6.—(1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, Civil remedies for infringement of copyright. be entitled to all such remedies by way of injunction or interdict, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right.
- (2) The costs of all parties in any proceedings in respect of the infringement of a copyright shall be in the absolute discretion of the Court.
- (3) In any action for infringement of copyright in any work, the work shall be presumed to be a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the copyright, unless the defendant puts in issue the existence of the copyright, or, as the case may be, the title of the plaintiff, and where any such question is in issue, then—
- (a) if a name purporting to be that of the author of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall unless the contrary is proved, be presumed to be the author of the work;
- (b) if no name is so printed or indicated, or if the name so printed or indicated is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of the infringement of copyright therein.

7. All infringing copies of any work in which copyright subsists, or of any substantial part thereof, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof. Rights of owner against persons possessing or dealing with infringing copies, &c.

8. Where proceedings are taken in respect of the infringement of the copyright in any work and the defendant in his defence alleges that he was not Exemption of innocent infringer from

entitled to any remedy other than an injunction or interdict in respect of the infringement if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for suspecting that copyright subsisted in the work.

Restriction on remedies in the case of architecture.

9.—(1) Where the construction of a building or other structure which infringes or which, if completed would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction or interdict to restrain the construction of such building or structure or to order its demolition.

(2) Such of the other provisions of this Act as provide that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose summary penalties, shall not apply in any case to which this section applies.

Limitation of actions.

10. An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement

Summary Remedies.

Penalties for dealing with infringing copies, &c.

11.—(1) If any person knowingly—

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists; or
- (b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work; or
- (c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (d) by way of trade exhibits in public any infringing copy of any such work; or
- (e) imports for sale or hire into the United Kingdom any infringing copy of any such work:

he shall be guilty of an offence under this Act and be liable on summary conviction to a fine not exceeding forty shillings for every copy dealt with in contravention of this section, but not exceeding fifty pounds in respect of the same transaction; or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

(2) If any person knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be guilty of an offence under this Act, and be liable on summary conviction to a fine not exceeding fifty pounds, or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

(3) The court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the court may think fit.

(4) Nothing in this section shall, as respects musical works, affect the provisions of the Musical (Summary Proceedings) Copyright Act, 1902, or the Musical Copyright Act, 1906.

2 Edw. 7. c. 15.
6 Edw. 7. c. 36.

Appeals to quarter sessions.

12. Any person aggrieved by a summary conviction of an offence under the foregoing provisions of this Act may in England and Ireland appeal to a court of quarter sessions and in Scotland under and in terms of the Summary Jurisdiction (Scotland) Acts.

Extent of provisions as to summary remedies.

13. The provisions of this Act with respect to summary remedies shall extend only to the United Kingdom.

Importation of Copies.

Importation of

14.—(1) Copies made out of the United Kingdom for sale or hire

infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or his agent to the Commissioners of Customs and Excise, that he is desirous that such copies should not be imported into the United Kingdom, shall not be so imported, and shall, subject to the provisions of this section, be deemed to be included in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876, and that section shall apply accordingly. 39 & 40 Vict. c. 36.

- (2) Before detaining any such copies or taking any further proceedings with a view to the forfeiture thereof under the law relating to the Customs, the Commissioners of Customs and Excise may require the regulations under this section, whether as to information, conditions or other matters, to be complied with, and may satisfy themselves in accordance with those regulations that the copies are such as are prohibited by this section to be imported.
- (3) The Commissioners of Customs and Excise may make regulations, either general or special, respecting the detention and forfeiture of copies the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may, by such regulations, determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.
- (4) The regulations may apply to copies of all works the importation of copies of which is prohibited by this section, or different regulations may be made respecting different classes of such works.
- (5) The regulations may provide for the informant reimbursing the Commissioners of Customs and Excise all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention; and may provide for notices under any enactment repealed by this Act, being treated as notices given under this section.
- (6) The foregoing provisions of this section shall have effect as if they were part of the Customs Consolidation Act, 1876: Provided that, notwithstanding anything in that Act, the Isle of Man shall not be treated as part of the United Kingdom for the purposes of this section.
- (7) This section shall with the necessary modifications, apply to the importation into a British possession to which this Act extends of copies of works made out of that possession.

Delivery of Books to Libraries.

- 15.—(1) The publisher of every book published in the United Kingdom shall, within one month after the publication, deliver at his own expense, a copy of the book to the trustees of the British Museum, who shall give a written receipt for it. Delivery of copies to British Museum and other Libraries.
- (2) He shall also, if written demand is made before the expiration of twelve months after publication, deliver within one month after receipt of that written demand or, if the demand was made before publication, within one month after publication, to some depot in London named in the demand a copy of the book for, or in accordance with the directions of, the authority having the control of each of the following libraries, namely: the Bodleian Library, Oxford, the University Library Cambridge, the Library of the Faculty of Advocates at Edinburgh, and the Library of Trinity College, Dublin, and subject to the provisions of this section the National Library of Wales. In the case of an encyclopædia, newspaper, review, magazine, or work published in a series of numbers or parts, the written demand may include all numbers or parts of the work which may be subsequently published.
 - (3) The copy delivered to the trustees of the British Museum shall be a copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as

- (4) The copy delivered for the other authorities mentioned in this section shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the book prepared for sale.
- (5) The books of which copies are to be delivered to the National Library of Wales shall not include books of such classes as may be specified in regulations to be made by the Board of Trade.
- (6) If a publisher fails to comply with this section, he shall be liable on summary conviction to a fine not exceeding five pounds and the value of the book, and the fine shall be paid to the trustees or authority to whom the book ought to have been delivered.
- (7) For the purposes of this section, the expression "book" includes every part or division of a book, pamphlet, sheet of letter-press sheet of music, map, plan, chart or table separately published, but shall not include any second or subsequent edition of a book unless such edition contains additions or alterations either in the letterpress or in the maps, prints, or other engravings belonging thereto.

Special Provisions as to certain Works.

Works of joint authors.

- 16.—(1) In the case of a work of joint authorship, copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer, and references in this Act to the period after the expiration of any specified number of years from the death of the author shall be construed as references to the period after the expiration of the like number of years from the death of the author who dies first or after the death of the author who dies last, whichever period may be the shorter, and in the provisions of this Act with respect to the grant of compulsory licences a reference to the date of the death of the author who dies last shall be substituted for the reference to the date of the death of the author.
- (2) Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Act, the work shall be treated for the purposes of this Act as if the other author or authors had been the sole author or authors thereof :

Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions as aforesaid.

- (3) For the purposes of this Act, "a work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors.
- (4) Where a married woman and her husband are joint authors of a work the interest of such married woman therein shall be her separate property.

Posthumous works.

- 17.—(1) In the case of a literary dramatic or musical work, or an engraving, in which copyright subsists at the date of the death of the author or, in the case of a work of joint authorship, at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public, nor, in the case of a lecture, been delivered in public, before that date, copyright shall subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of fifty years thereafter, and the proviso to section three of this Act shall, in the case of such a work, apply as if the author had died at the date of such publication or performance or delivery in public as aforesaid.
- (2) The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be prima facie proof of the copyright

18. Without prejudice to any rights or privileges of the Crown, where any work has, whether before or after the commencement of this Act, been prepared or published by or under the direction or control of His Majesty or any Government department, the copyright in the work shall, subject to any agreement with the author, belong to His Majesty, and in such case shall continue for a period of fifty years from the date of the first publication of the work.

Provisions as to Government publications.

19.—(1) Copyright shall subsist in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical works, but the term of copyright shall be fifty years from the making of the original plate from which the contrivance was directly or indirectly derived, and the person who was the owner of such original plate at the time when such plate was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts.

Provisions as to mechanical instruments.

- (2) It shall not be deemed to be an infringement of copyright in any musical work for any person to make within the parts of His Majesty's dominions to which this Act extends records, perforated rolls, or other contrivances by means of which the work may be mechanically performed, if such person proves—
- (a) that such contrivances have previously been made by, or with the consent or acquiescence of, the owner of the copyright in the work; and
- (b) that he has given the prescribed notice of his intention to make the contrivances, and has paid in the prescribed manner to, or for the benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him, calculated at the rate herein-after mentioned:

Provided that—

- (i) nothing in this provision shall authorise any alterations in or omissions from, the work reproduced, unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner of the copyright, or unless such alterations or omission are reasonably necessary for the adaptation of the work to the contrivances in question; and
- (ii) for the purposes of this provision, a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work, but shall not be deemed to include a contrivance by means of which sounds may be mechanically reproduced.
- (3) The rate at which such royalties as aforesaid are to be calculated shall—
- (a) in the case of contrivances sold within two years after the commencement of this Act by the person making the same, be two and one-half per cent.; and
- (b) in the case of contrivances sold as aforesaid after the expiration of that period, five per cent.
- on the ordinary retail selling price of the contrivance calculated in the prescribed manner, so however that the royalty payable in respect of a contrivance shall, in no case, be less than a halfpenny for each separate musical work in which copyright subsists reproduced thereon, and where the royalty calculated as aforesaid includes a fraction of a farthing, such fraction shall be reckoned as a farthing.

Provided that, if, at any time after the expiration of seven years from the commencement of this Act, it appears to the Board of Trade that such rate as aforesaid is no longer equitable, the Board of Trade may, after holding a public inquiry, make an order either decreasing or increasing that rate to such extent as under the circumstances may seem just, but any order so made shall be provisional only and shall not have any effect unless and until confirmed by

- (4) If any such contrivance is made reproducing two or more different works in which copyright subsists and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be appointed amongst the several owners of the copyright in such proportions as failing agreement, may be determined by arbitration.
- (5) When any such contrivances by means of which a musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work shall, in relation to any person who makes the prescribed inquiries, be deemed to have given his consent to the making of such contrivances if he fails to reply to such inquiries within the prescribed time.
- (6) For the purposes of this section, the Board of Trade may make regulations prescribing anything which under this section is to be prescribed, and prescribing the mode in which notices are to be given and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, and any such regulations may, if the Board think fit, include regulations requiring payment in advance or otherwise securing the payment of royalties.
- (7) In the case of musical works published before the commencement of this Act, the forgoing provision shall have effect, subject to the following modifications and additions :—
- (a) The conditions as to previous making by, or with the consent or acquiescence of, the owner of copyright in the work, and the restrictions as to alterations in or omissions from the work, shall not apply :
 - (b) The rate of two and one half per cent. shall be substituted for the rate of five per cent. as the rate at which royalties are to be calculated, but no royalties shall be payable in respect of contrivances sold before the first day of July, nineteen hundred and thirteen, if contrivances reproducing the same work has been lawfully made, or placed on sale, within the parts of His Majesty's dominions to which this Act extends before the first day of July, nineteen hundred and ten :
 - (c) Notwithstanding any assignment made before the passing of this Act of the copyright in a musical work, any rights conferred by this Act in respect of the making, or authorising the making, of contrivances by means of which the work may be mechanically performed shall belong to the author or his legal personal representatives and not to the assignee, and the royalties aforesaid shall be payable to, and for the benefit of, the author of the work or his legal personal representatives :
 - (d) The saving contained in this Act of the rights and interests arising from, or in connexion with, action taken before the commencement of this Act shall not be construed as authorising any person who has made contrivances by means of which the work may be mechanically performed to sell any such contrivances, whether made before or after the passing of this Act, except on the terms and subject to the conditions laid down in this section :
 - (e) Where the work is a work on which copyright is conferred by an Order in Council relating to a foreign country, the copyright so conferred shall not, except to such extent as may be provided by the Order, include any rights with respect to the making of records, perforated rolls, or other contrivances by means of which the work may be mechanically performed.
- (8) Notwithstanding anything in this Act, where a record, perforated roll, or other contrivance by means of which sounds may be mechanically reproduced has been made before the commencement of this Act, copyright shall, as from the commencement of this Act, subsist therein in like manner and for the like term as if this Act had been in force at the date of the making of the original plate from which the record, roll, or other contrivance was made.

Provided that—

- (i) the person who, at the commencement of this Act, is the owner of such original plate shall be the first owner of such copyright; and
- (ii) nothing in this provision shall be construed as conferring copyright in any such contrivance if the making thereof would have infringed copyright in some other such contrivance, if this provision had been in force at the time of the making of the first-mentioned contrivance.

20. Notwithstanding anything in this Act, it shall not be an infringement of copyright in an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper. Provision as to political speeches.

21. The term for which copyright shall subsist in photographs shall be fifty years from the making of the original negative from which the photograph was directly or indirectly derived, and the person who was owner of such negative at the time when such negative was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of his Majesty's dominions to which this Act extends if it has established a place of business within such parts. Provisions as to photographs.

22.—(1) This Act shall not apply to designs capable of being registered under the Patents and Designs Act, 1907, except designs which, though capable of being so registered, are not used or intended to be used as models or patterns to be multiplied by any industrial process. Provisions as to designs registrable under 7 Edw. 7. c. 29.

- (2) General rules under section eighty-six of the Patents and Designs Act, 1907, may be made for determining the conditions under which a design shall be deemed to be used for such purposes as aforesaid.

23. If it appears to His Majesty that a foreign country does not give, or has not undertaken to give, adequate protection to the works of British authors, it shall be lawful for His Majesty by Order in Council to direct that such of the provisions of this Act as confer copyright on works first published within the parts of His Majesty's dominions to which this Act extends, shall not apply to works published after the date specified in the Order, the authors whereof are subjects or citizens of such foreign country, and are not resident in His Majesty's dominions, and thereupon those provisions shall not apply to such works. Works of foreign authors first published in parts of His Majesty's dominions to which Act extends.

24. (1) Where any person is immediately before the commencement of this Act entitled to any such right in any work as is specified in the first column of the first Schedule to this Act, or to any interest in such a right, he shall, as from that date, be entitled to the substituted right set forth in the second column of that schedule, or to the same interest in such a substituted right, and to no other right or interest, and such substituted right shall subsist for the term for which it would have subsisted if this Act had been in force at the date when the work was made and the work had been one entitled to copyright thereunder: Existing works.

Provided that—

- (a) if the author of any work in which any such right as is specified in the first column of the First Schedule to this Act subsists at the commencement of this Act has, before that date, assigned the right or granted any interest therein for the whole term of the right, then at the date when, but for the passing of this Act, the right would have expired the substituted right conferred by this section shall, in the absence of express agreement, pass to the author of the work, and any interest therein created before the commencement of this Act and then subsisting shall determine; but the person who immediately before the date at which the right would so

- (i) on giving such notice as hereinafter mentioned, to an assignment of the right or the grant of a similar interest therein for the remainder of the term of the right for such consideration as, failing agreement, may be determined by arbitration; or
- (ii) without any such assignment or grant, to continue to reproduce or perform the work in like manner as theretofore subject to the payment, if demanded by the author within three years after the date at which the right would have so expired, of such royalties to the author as, failing agreement, may be determined by arbitration, or, where the work is incorporated in a collective work and the owner of the right or interest is the proprietor of that collective work, without any such payment;

The Notice above referred to must be given not more than one year nor less than six months before the date at which the right would have so expired, and must be sent by registered post to the author, or, if he cannot with reasonable diligence be found, advertised in the London Gazette and in two London newspapers:

- (b) where any person has, before the twenty-sixth day of July nineteen hundred and ten, taken any action whereby he has incurred any expenditure or liability in connexion with the reproduction or performance of any work in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the passing of this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interest arising from or in connexion with such action which are subsisting and valuable at the said date, unless the person who by virtue of this section becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.
- (2) For the purposes of this section, the expression "author" includes the legal personal representatives of a deceased author.
- (3) Subject to the provisions of section nineteen sub-sections (7) and (3) and of section thirty-three of this Act, copyright shall not subsist in any work made before the commencement of this Act, otherwise than under, and in accordance with, the provisions of this section.

Application to British Possessions.

Application of Act
to British dominions

- 25. (1) This Act, except such of the provisions hereof as are expressly restricted to the United Kingdom, shall extend throughout His Majesty's dominions: Provided that it shall not extend to a self-governing dominion, unless declared by the Legislature of that dominion to be in force therein either without any modifications or additions, or with such modifications and additions relating exclusively to procedure and remedies, or necessary to adapt this Act to the circumstances of the dominion, as may be enacted by such Legislature.
- (2) If the Secretary of State certifies by notice published in the London Gazette that any self-governing dominion has passed legislation under which works, the authors whereof were at the date of the making of the works British subjects resident elsewhere than in the dominion or (not being British subjects) were resident in the parts of His Majesty's dominions to which this Act extends, enjoy within the dominion rights substantially indetical with those conferred by this Act, then, whilst such legislation continues in force, the dominion shall, for the purposes of the rights conferred by this Act, be treated as if it were a dominion to which this Act extends; and it shall be lawful for the Secretary of State to give such a certificate as aforesaid, notwithstanding that the remedies for enforcing the rights

26. (1) The Legislature of any self-governing dominion may, at any time, repeal all or any of the enactments relating to copyright passed by Parliament (including this Act) so far as they are operative within that dominion: Provided that no such repeal shall prejudicially affect any legal rights existing at the time of the repeal, and that, on this Act or any part thereof being so repealed by the Legislature of a self-governing dominion, that dominion shall cease to be a dominion to which this Act extends. Legislative powers of self-governing dominions.
- (2) In any self-governing dominion to which this Act does not extend, the enactments repealed by this Act shall, so far as they are operative in that dominion, continue in force until repealed by the Legislature of that dominion.
- (3) Where His Majesty in Council is satisfied that the law of a self-governing dominion to which this Act does not extend provides adequate protection within the dominion for the works (whether published or unpublished) of authors who at the time of the making of the work were British subjects resident elsewhere than in that dominion, His Majesty in Council may, for the purpose of giving reciprocal protection, direct that this Act, except such parts (if any) thereof as may be specified in the Order, and subject to any conditions contained therein, shall, within the parts of His Majesty's dominions to which this Act extends, apply to works the authors whereof were, at the time of the making of the work resident within the first-mentioned dominion, and to works first published in that dominion; but, save as provided by such an Order, works the authors whereof were resident in a dominion to which this Act does not extend shall not, whether they are British subject or not, be entitled to any protection under this Act except such protection as is by this Act conferred on works first published within the parts of His Majesty's dominions to which this Act extends.

Provided that no such Order shall confer any rights within a self-governing dominion, but the Governor in Council of any self-governing dominion to which this Act extends, may, by Order, confer within that dominion the like rights as His Majesty in Council is, under the foregoing provisions of this subsection authorised to confer within other parts of His Majesty's dominion.

For the purposes of this subsection, the expression "a dominion to which this Act extends" includes a dominion which is for the purposes of this Act to be treated as if it were a dominion to which this Act extends.

27. The Legislature of any British possession to which this Act extends may modify or add to any of the provisions of this Act in its application to the possession, but, except so far as such modifications and additions relate to procedure and remedies, they shall apply only to works the authors whereof were, at the time of the making of the work, resident in the possession and to works first published in the possession. Power of Legislatures of British possessions to pass supplemental legislation

28. His Majesty may, by Order-in-Council, extend this Act to any territories under his protection and to Cyprus, and, on the making of any such Order, this Act shall, subject to the provisions of the Order, have effect as if the territories to which it applies or Cyprus were part of His Majesty's dominions to which this Act extends. Application to protectorates.

PART II.

International Copyright.

29. (1) His Majesty may, by Order in Council, direct that this Act (except such parts, if any, thereof as may be specified in the Order) shall apply— Power to extend Act to foreign works.
- (a) to works first published in a foreign country to which the Order relates, in like manner as if they were first published within the parts of His Majesty's dominions to which this Act

- (b) to literary, dramatic, musical, and artistic works, or any class thereof, the authors whereof were at the time of the making of the work subjects or citizens of a foreign country to which the order relates, in like manner as if the authors were British subjects;
- (c) in respect of residence in a foreign country to which the Order relates, in like manner as if such residence were residence in the parts of His Majesty's dominions to which this Act extends;

and thereupon, subject to the provisions of this Part of this Act and of the Order, this Act shall apply accordingly:

Provided that—

- (i) before making an Order in Council under this section in respect of any foreign country (other than a country with which His Majesty has entered into a convention relating to copyright), His Majesty shall be satisfied that that foreign country has made, or has undertaken to make, such provisions, if any, as it appears to His Majesty expedient to require for the protection of works entitled to copyright under the provisions of Part I of this Act;
- (ii) the Order in Council may provide that the term of copyright within such parts of His Majesty's dominions as aforesaid shall not exceed that conferred by the law of the country to which the Order relates;
- (iii) the provisions of this Act as to the delivery of copies of books shall not apply to works first published in such country, except so far as is provided by the Order;
- (iv) the Order in Council may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities (if any) as may be prescribed by the Order;
- (v) in applying the provision of this Act as to ownership of copyright, the Order in Council may make such modifications as appear necessary having regard to the law of the foreign country;
- (vi) in applying the provisions of this Act as to existing works, the Order in Council may make such modifications as appear necessary, and may provide that nothing in those provisions as so applied shall be construed as reviving any right of preventing the production or importation of any translation in any case where the right has ceased by virtue of section five of the International Copyright Act, 1886.

49 & 50 Vict. c 33.

- (2) An Order in Council under this section may extend to all the several countries named or described therein.

Application of Part II. to British possessions.

30. (1) An Order in Council under this Part of this Act shall apply to all His Majesty's dominions to which this Act extends except self-governing dominions and any other possession specified in the order with respect to which it appears to His Majesty expedient that the Order should not apply.

- (2) The Governor in Council of any self-governing dominion to which this Act extends may, as respects that dominion, make the like orders as under this Part of this Act His Majesty in Council is authorised to make with respect to His Majesty's dominions other than self-governing dominions, and the provisions of this Part of this Act shall, with the necessary modifications, apply accordingly.

- (3) Where it appears to His Majesty expedient to except from the provisions of any order any part of his dominions not being a self-governing dominion, it shall be lawful for His Majesty by the same or any other Order in Council to declare that such order and this Part of this Act shall not, and the same shall not, apply to such part, except so far as is necessary for preventing any prejudice to any rights acquired previously to the date of

PART III.

Supplemental Provisions.

31. No person shall be entitled to copyright or any similar right in any literary, dramatic, musical, or artistic work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act, or of any other statutory enactment for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence. Abrogation of common law rights.

32. (1) His Majesty in Council may make Orders for altering, revoking, or varying any Order in Council made under this Act, or under any enactments repealed by this Act, but any Order made under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the Order comes into operation, and shall provide for the protection of such rights and interests. Provisions as to Order-in-Council.

(2) Every Order in Council made under this Act shall be published in the London Gazette and shall be laid before both Houses of Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act.

33. Nothing in this Act shall deprive any of the universities and colleges mentioned in the Copyright Act, 1775, of any copyright they already possess under that Act, but the remedies and penalties for infringement of any such copyright shall be under this Act and not under that Act. Saving of university copyright, 15 Geo. 3. c. 53.

34. There shall continue to be charged on, and paid out of, the Consolidated Fund of the United Kingdom such annual compensation as was immediately before the commencement of this Act payable in pursuance of any Act as compensation to a library for the loss of the right to receive gratuitous copies of books: Saving of compensation to certain libraries.

Provided that this compensation shall not be paid to a library in any year, unless the Treasury are satisfied that the compensation for the previous year has been applied in the purchase of books for the use of and to be preserved in the library.

35. (1) In this Act, unless the context otherwise requires,— Interpretation.

“Literary work” includes maps, charts, plans, tables, and compilations ;

“Dramatic work” includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting of which is fixed in writing or otherwise, and any cinematograph production where the arrangement or acting form or the combination of incidents represented give the work an original character ;

“Artistic work” includes works of painting, drawing, sculpture and and artistic craftsmanship, and architectural works of art and and engravings and photographs ;

“Work of sculpture” includes casts and models ;

“Architectural work of art” means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure, provided that the protection afforded by this Act shall be confined to the artistic character and design, and shall not extend to processes or methods of construction ;

“Engravings” include etchings, lithographs, wood-cuts, prints, and other similar works, not being photographs ;

“Photograph” includes photo-lithograph and any work produced by any process analogous to photography ;

“Cinematograph” includes any work produced by any process analogous to cinematography ;

“Collective work” means—

(a) an encyclopædia, dictionary, year book, or similar work ;

(b) a newspaper, review, magazine, or similar periodical ; and

(c) any work written in distinct part by different authors, or in which works or parts of works of different authors are

- “Infringing,” when applied to a copy of a work in which copyright subsists, means any copy, including any colourable imitation, made, or imported in contravention of the provisions of this Act ;
- “Performance” means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument ;
- “Delivery,” in relation to a lecture, includes delivery by means of any mechanical instrument ;
- “Plate” includes any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls or other contrivances for the acoustic representation of the work are or are intended to be made ;
- “Lecture” includes address, speech, and sermon ;
- “Self-governing dominion” means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.
- (2) For the purposes of this Act (other than those relating to infringements of copyright), a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public, or delivered in public, without the consent or acquiescence of the author, his executors administrators or assigns.
- (3) For the purposes of this Act, a work shall be deemed to be first published within the parts of His Majesty’s dominions to which this Act extends, notwithstanding that it has been published simultaneously in some other place, unless the publication in such parts of His Majesty’s dominions as aforesaid is colourable only and is not intended to satisfy the reasonable requirements of the public, and a work shall be deemed to be published simultaneously in two places if the time between the publication in one such place and the publication in the other place does not exceed fourteen days, or such longer period as may, for the time being, be fixed by Order in Council.
- (4) Where, in the case of an unpublished work, the making of a work has extended over a considerable period, the conditions of this Act conferring copyright shall be deemed to have been complied with if the author was during any substantial part of that period, a British subject or a resident within the parts of His Majesty’s dominions to which this Act extends.
- (5) For the purposes of the provisions of this Act as to residence, an author of a work shall be deemed to be a resident in the part of His Majesty’s dominions to which this Act extends if he is domiciled within any such part.

Repeal.

36. Subject to the provisions of this act the enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule ;

Provided that this repeal shall not take effect in any part of His Majesty’s dominions until this Act comes into operation in that part.

Short title and commencement.

37. (1) This act may be cited as the Copyright Act, 1911.

(2) This Act shall come into operation —

- (a) in the united Kingdom, on the first day of July nineteen hundred and twelve or such earlier date as may be fixed by Order in Council.
- (b) in a self-governing dominion to which this Act extends, at such date as may be fixed by the Legislature of that dominion ;
- (c) in the Channel Islands, at such date as may be fixed by the States of those islands respectively ;
- (d) in any other British possession to which this Act extends, on the proclamation thereof within the possession by the

SCHEDULES.

FIRST SCHEDULE.

Section 24.

EXISTING RIGHTS.

Existing Right.	Substituted Right.
<i>(a) In the case of Works other than Dramatic and Musical Works.</i>	
Copyright.	| Copyright as defined by this Act.*
<i>(b) In the case of Musical and Dramatic Works.</i>	
Both copyright and performing right	| Copyright as defined by this Act.*
Copyright, but not performing right-	| Copyright as defined by this Act, except the sole right to perform the work or any substantial part thereof in public.
Performing right, but not copyright-	| The sole right to perform the work in public, but none of the other rights comprised in copyright as defined by this Act.

For the purposes of this Schedule the following expressions, where used in in the first column thereof, have the following meanings :—

“Copyright,” in the case of a work which according to the law in force immediately before the commencement of this Act has not been published before that date and statutory copyright wherein depends on publication, includes the right at common law (if any) to restrain publication or other dealing with the work ;

“Performing right,” in the case of a work which has not been performed in public before the commencement of this Act, includes the right at common law (if any) to restrain the performance thereof in public.

* In the case of an essay, article, or portion forming part of and first published in a review, magazine, or other periodical or work of a like nature, the right shall be subject to any right of publishing the essay, article, or portion in a separate form to which the author is entitled at the commencement of this Act, or would, if this Act had not been passed, have become entitled under section eighteen of the Copyright Act, 1842.

SECOND SCHEDULE.

Section 36.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Geo. 2. c. 13	The Engraving Copyright Act, 1734.	The whole Act.
7 Geo. 3. c. 38	The Engraving Copyright Act, 1767.	The whole Act.
15 Geo. 3. c. 53	The Copyright Act, 1775.	The whole Act.
17 Geo. 3. c. 57	The Prints Copyright Act, 1777.	The whole Act.
54 Geo. 3. c. 56	The Sculpture Copyright Act, 1814.	The whole Act.
3 & 4 Will. 4 c. 15	The Dramatic Copyright Act, 1833.	The whole Act.
5 & 6 Will. 4 c. 65	The Lectures Copyright Act. 1835.	The whole Act.
6 & 7 Will. 4 c. 59	The Prints and Engravings Copyright (Ireland) Act, 1836.	The whole Act.
6 & 7 Will. 4 c. 110	The Copyright Act, 1836.	The whole Act.
5 & 6 Vict. c. 45	The Copyright Act, 1842.	The whole Act.
7 & 8 Vict. c. 12	The International Copyright Act, 1844.	The whole Act.
10 & 11 Vict. c. 95	The Colonial Copyright Act, 1847.	The whole Act.
15 & 16 Vict. c. 12	The International Copyright Act, 1852.	The whole Act.
25 & 26 Vict. c. 68	The Fine Arts Copyright Act, 1862.	Sections one to six. In section eight the words "and pursuant to any Act for the protection of "copyright engravings," "and and in any such Act "as aforesaid." Sections nine to twelve.
38 & 39 Vict. c. 12	The International Copyright Act, 1875.	The whole Act.
39 & 40 Vict. c. 36	The Customs Consolidation Act, 1876.	Section forty-two, from "Books wherein" to "such copyright will expire." Sections forty-four, forty-five, and one hundred and fifty-two.
45 & 46 Vict. c. 40	The Copyright (Musical Compositions) Act, 1882.	The whole Act.
49 & 50 Vict. c. 33	The International Copyright Act, 1886.	The whole Act.
51 & 52 Vict. c. 17	The Copyright (Musical Compositions) Act, 1888.	The whole Act.
52 & 53 Vict. c. 42	The Revenue Act, 1889.	Section one, from "Books first published" to "as provided in that section."
6 Ddw. 7. c. 36	The Musical Copyright Act, 1906.	In section three the words "and which has been "registered in accordance "with the provisions of "the Copyright Act, 1842, "or of the International "Copyright Act, 1844, "which registration may "be effected notwith- "standing anything in the "International Copyright "Act, 1886."

PROCLAMATION.

The Forest Ordinance, 1911.

In pursuance of the powers conferred upon me by Section 3 of the Forest Ordinance, 1911, I hereby declare the areas hereinafter defined to be Forest Areas for the purposes of the aforementioned Ordinance, namely :—

The banks of the Tana River between high and low water mark below Ngao and the banks of the Ozi River and all Creeks in the neighbourhood of the Ozi River between high and low water mark.

Paragraph 3 of the Proclamation under the Forestry Regulations, 1902, dated the 4th August, 1909, is hereby cancelled.

Mombasa,

Dated this 23th day of June, 1912.

C. C. BOWRING,

Acting Governor.

NOTICE.

In exercise of the powers conferred upon me by the East Africa Marriage Ordinance, 1902, I hereby appoint the District Commissioner, Kisumu, to be a Deputy Registrar of Marriages for the Nyanza Province to act during the absence of the Registrar of the Province.

Mombasa,

Dated this 23rd day of June, 1912.

C. C. BOWRING,

Acting Governor.

RULE.

The Forest Ordinance, 1911.

Rule made by His Excellency the Acting Governor under the powers conferred by the Forest Ordinance, 1911, Section 4.

Mombasa,

Dated this 23rd day of June, 1912.

C. C. BOWRING,

Acting Governor.

No person shall cut for export any Boriti or other Mangrove pole, or shall export or attempt to export any Boriti or other Mangrove pole cut on the banks of the Tana River between high and low water mark below Ngao or the banks of the Ozi River or in any Creek on or between high and low water mark of any Creek in the neighbourhood of the Ozi River except the Boriti or other Mangrove pole shall be 6 inches or more in diameter at the largest part thereof.

NOTICE.

The Customs Tariff (Amendment) Ordinance, No. VII of 1912.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

W. J. MONSON,

Secretary.

NOTICE.

Notice is hereby given that from the date hereof and until further notice the following places in Nairobi are by order of His Excellency the Acting Governor reserved for the use of foot passengers only, viz :—

(a) In Station Road, from its junction with Whitehouse Road to the Railway Station:—

(1) The strip of land lying between the line of the row of trees on the east side of the roadway and a line running parallel to and 12 feet east of the said row.

(b) In Government Road from its junction with River Road to the South corner of Mr. St. Rose's shop :

The strip of land lying between the stone drain on the N. E. side of the Road and the buildings on the said N. E. side, except in so far as fronting the Town Magistrate's Court.

(c) In Government Road from the North corner of Messrs Howse & McGeorge's shop to the East corner of the shop of Nyama Limited :—

The strip of land lying between the stone drain on the S. W. side of the Road and the line of buildings on the said S. W. side.

Nairobi,
June 25th 1912.

By Order
W. J. MONSON,
Secretary.

PROCLAMATION.

The Forest Ordinance, 1911.

In pursuance of the powers conferred upon me by Section 3 of the Forest Ordinance, 1911, I hereby declare the area hereinafter defined to be a Forest Area for the purposes of the aforementioned Ordinance, namely :—

An area of 152·527 acres known as the Nairobi Municipal Forest situated east of Parklands and lying within the triangle of land formed by the Limoru Road, the Masari River and the Fort Hall Road.

Nairobi,
Dated this 3rd day of July, 1912.

C. C. BOWRING,
Acting Governor.

PROCLAMATION.

Under the Judgments Extension Ordinance, 1908.

In pursuance of the powers conferred upon me on that behalf by Section 5 of the Judgments Extension Ordinance, 1908, I Charles Calvert Bowring, C.M.G., Acting Governor of the East Africa Protectorate, do hereby with the advice of the Executive Council extend the provisions of the aforesaid Ordinance to the Nyasaland Protectorate.

Signed by the Acting Governor and sealed with the Protectorate Seal at a meeting of the Executive Council held at Nairobi on the 6th day of July, 1912.

Nairobi,
July 6th, 1912.

C. C. BOWRING,
Acting Governor.

PROCLAMATION.

Under the East Africa Townships Ordinance, 1903.

In exercise of the powers conferred upon me by the East Africa Townships Ordinance, 1903, I hereby declare the Muhoroni Station area as defined below to be a Township for the purposes of the aforesaid Ordinance.

Nairobi,
Dated this 6th day of July, 1912.

C. C. BOWRING,
Acting Governor.

Muhoroni Township Boundary.

Commencing at a point where the Uganda Railway crosses the Nendengui river otherwise the Likuno river the boundary follows this river up stream in mid stream to the South East Boundary Post of Farm No. 3. It then follows the South Boundary of Farm No. 3 to the South West Boundary Post, and thence in a straight line to the point where the Uganda Railway line emerges from the Muhoroni Railway Station Reserve in the direction of Kibigori. It then follows the Uganda Railway line Eastern Boundary to a point where the Uganda Railway crosses the Kapturo river. It then follows the Kapturo river down stream to the Western Boundary Post of the farm of Nur Mohamed. It then follows the Western Boundary of Nur Mohamed's farm in a South Eastern direction to the Southern Boundary Post and

RULE.

Under the East Africa Townships Ordinance, 1903.

Rule issued by His Excellency the Acting Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 6th day of July, 1912.

C. C. BOWRING,

Acting Governor.

Muhoroni Township.

All Rules under the East Africa Townships Ordinance, 1903, applied to or issued for the Township of Mumias and in force at the date of these Rules are hereby applied to the Township of Muhoroni.

RULES.

The Native Hut and Poll Tax Ordinance, 1910.

Rules issued under the Native Hut and Poll Tax Ordinance, 1910, by His Excellency the Acting Governor of the East Africa Protectorate.

Nairobi,

Dated this 3rd day of July, 1912.

C. C. BOWRING,

Acting Governor.

1. Every native to whom a receipt has been granted under Section 6 (2) of the Native Hut and Poll Tax Ordinance, 1910, shall, on demand being made by a Collector or by a European Police Officer of or above the rank of Assistant Inspector, produce the receipt for the inspection of the Collector or Officer making demand.

2. In any proceeding under Section 7 of the aforesaid Ordinance, evidence of the non-production of a receipt on demand being made by a Collector or European Police Officer as aforesaid, shall be *prima facie* evidence that the tax sought to be recovered has not been paid

RULE.

Under the Diseases of Animals Ordinance, 1906.

Rule made by His Excellency the Acting Governor of the East Africa Protectorate under the Diseases of Animals Ordinance, 1906.

Nairobi,

Dated this 6th day of July, 1912.

C. C. BOWRING,

Acting Governor.

1. The Diseases of Animals Rules 1911 shall be and are hereby amended as follows:—

By deleting the words "Trading Stock" in the Schedule to the said Rules and by substituting therefor the words, "when done in order to permit of stock being moved from one place to another."

RULES.

The Immigration Restriction Ordinance, 1906.

Rules issued by His Excellency the Acting Governor under the powers conferred by the above Ordinance.

Nairobi,

Dated this 6th day of July, 1912.

C. C. BOWRING,

Acting Governor.

Visiting and Embarkation Passes.

1. The Visiting and Embarkation Passes contemplated by Section 20 Part III of the Immigration Restriction Ordinance, 1906, shall be respectively, in the forms set out in Schedules A and B to these Rules.

2. Each holder of a Visiting Pass shall report himself either personally or by letter at the office of issue of such pass at least once every seven days during the currency of the pass.

3. Each holder of an Embarkation Pass shall, immediately upon his arrival at the port

4. Pass holders of either class shall give at the office of the Immigration Officer at the port or place from which they intend to leave the Protectorate at least twenty-four hours notice of their intention to leave the Protectorate.

5. The issuer of an Embarkation Pass or of a Visiting Pass to a person who intends to leave the Protectorate at a port or place other than the port or place at which the pass is issued, shall forthwith notify the Immigration Officer at the port or place of intended departure.

Conditional Permit.

6. Whenever an Immigration Officer shall, under the powers conferred by Section 11 of the Ordinance, allow a person appearing to be a prohibited immigrant to enter the Protectorate upon conditions he shall grant to such person a permit in the form set out in Schedule C to these Rules.

7. Every person to whom such permit has been granted shall report himself personally or by letter at the office of issue of such permit or to such person in the service of the Government as the Issuer of Permits shall in any case direct, at least once every fourteen days during the currency of the permit.

Certificates of Domicile.

8. Whenever after the publication of these Rules any person about to leave the Protectorate with the intention of returning thereto shall satisfy an Immigration Officer that he has been domiciled in the Protectorate, and that he does not come within the meaning of any of the Sub-Sections (b) (c) (d) (e) (f) (g) of Section 5 of the Ordinance, the Immigration Officer shall, if requested by such person, issue to him a certificate of domicile in the form set out in Schedule D to these Rules.

Persons entering Protectorate at place where there is not Immigration Officer to appear before nearest Immigration Officer.

9. Any person who shall enter the Protectorate at any port or place to which an Immigration Officer is not appointed shall forthwith proceed to and appear before the nearest Immigration Officer who shall inform such person whether he is a prohibited immigrant or not, and if he is not a prohibited immigrant the Immigration Officer shall furnish him with the certificate in the form set out in Schedule A to the Ordinance.

Production of Certificates, Passes, and Permits.

10. Every person who shall enter the Protectorate after the date of the publication of these Rules shall retain the certificate, pass or permit issued to him under the Ordinance, and shall, on demand being made by an Immigration Officer or any European Police Officer, produce the same for inspection.

Any such person who shall without lawful excuse fail to produce the certificate, pass or permit or a duplicate of such pass or permit issued as hereinafter provided on demand being made as aforesaid shall be liable to a fine not exceeding 75 Rupees and in default of payment to imprisonment for a term not exceeding one month.

Duplicate of Certificates, Passes and Permits lost or destroyed.

11. Any person who shall satisfy the Principal Immigration Officer that he has obtained a certificate or pass on his last entry into the Protectorate and has lost or destroyed the same, may obtain from him a duplicate of the certificate or pass lost or destroyed.

Duties of Masters of Ships arriving at Protectorate Ports.

12. The Master of every ship arriving at any port in the Protectorate shall immediately upon his arrival furnish the Immigration Officer for the purposes of the Ordinance with a signed list in the form to be prescribed and supplied by the Principal Immigration Officer of all persons intending to leave the ship and enter the Protectorate at such port.

The list required by this Rule shall be in addition to the list which may be required by an Immigration Officer under Section 15 of the Ordinance.

13. The Master of any ship arriving at any port in the Protectorate shall fly the code flag "I" on the stay halliards until notified by the Immigration Officer that the examination under the Ordinance of the persons named in the list supplied by the Master is completed; and no person shall leave the ship prior to the completion of such examination except under a permit issued by the Immigration Officer.

14. On the completion of the examination of the persons named in the list supplied by the Master, the Immigration Officer shall notify the Master which if any of such persons is a prohibited immigrant, and it shall thereafter be the duty of the Master to prevent such persons from leaving the ship.

15. (1) The Immigration Officer may at the request of the Master of any ship place a

(2) Whenever a Police Officer is placed on board a ship at the request of the Master as aforesaid the Master shall pay for the services of the Police Officer at the following rate :—

For an Inspector or Assistant Inspector	...	Rs. 10 00	per diem or part thereof.
„ A European Constable	...	„ 7 50	„ „ „
„ A Sub-Inspector	...	„ 5 00	„ „ „
„ An Asiatic or African Constable	...	„ 1 00	„ „ „

(3) The fact that a Police Officer has been placed on board a ship shall not in any way relieve the Master of the obligation imposed upon him to prevent a prohibited immigrant from leaving the ship.

16. If persons not named in the list supplied to the Immigration Officer shall be permitted by the Master to land for any temporary purpose, it shall be the duty of the Master to ascertain, before the departure of the ship from the port, that all such persons have returned to the ship, and to report to the Immigration Officer the non-return of any such person.

Thumb Prints to be taken of persons unable to sign.

17. Any person who is required to sign any certificate, pass, permit or other document to be issued to him under the Ordinance or any rule thereunder, shall, if he is unable to sign his name in the characters of some European language, in lieu of signing the certificate, pass, permit or other document, impress thereon the prints of both his right and left thumbs.

18. Persons to whom certificates passes and permits are issued under the Ordinance or any rule thereunder shall be charged and shall pay fees in accordance with the following Schedule, that is to say :—

				Rs.	Cts.
For a Visiting Pass	...	...	...	5	00
For an Embarkation Pass	...	...	...	5	00
For a Certificate of Domicile	...	...	...	5	00
For a duplicate of any certificate, pass or permit	...	...	...	5	00

Definition.

19. In these Rules the term “the Ordinance” shall mean the Immigration Restriction Ordinance, 1906, and all Ordinances for the time being in force amending or adding to the said Ordinance.

(FACE.)

Schedule “ A ”

Visiting Pass.

Issued under the provisions of the Immigration Restriction Ordinance, 1906.

No.....

Issued at.....

Date.....

Sum Deposited Rs.....

Deposit made by.....

PERMISSION is hereby granted to the person (or persons) named below to enter the East Africa Protectorate for the purpose of a temporary visit, and to remain in the Protectorate for a period ofdays, expiring on the.....and no longer, unless the date be extended by a duly authorised Officer. Any breach of the conditions attaching to the issue of this pass or of the rules printed on the back hereof involves the forfeiture of the deposit, in addition to any other punishment prescribed by the Ordinance.

.....
Immigration Officer.

Name of holder of the Pass.....

Nationality.....Sex and Age.....

Usual place of Residence.....Occupation.....

Height, general description.....Distinctive marks.....

Object of visit.....

Postal address in the Protectorate during visit.....

Name and ages of wife and childreu if included.....

(BACK.)

Left thumb print.	Right thumb print.

(ENDORSEMENT)

Entered Protectorate per..... on.....

Extensions :

.....

.....

.....

Receipt.

This is to acknowledge the receipt of the sum of.....Rupees (Rs.), being refund of deposit named on the face hereof.

Signature.....

As Witness.....

Place.....

Date.....

Left Protectorate per..... on.....

(FACE.)

Schedule " B "
Embarkation Pass.

Issued under the provisions of the Immigration Restriction Ordinance, 1906.

No.....

Issued at.....

Date.....

Sum Deposited Rs.

Deposit made by.....

PERMISSION is hereby granted to the person (or persons) named below to enable..... to proceed without delay to Port.....in order to embark there by the first available opportunity for the destination given.

Any breach of the conditions attaching to the issue of this pass or of the Ordinance or of the Rules printed on the back hereof involves the forfeiture of the deposit, in addition to any other punishment prescribed by the Ordinance.

.....
Immigration Officer.

Name of holder of Pass.....

Nationality..... Sex and Age.....

Usual place of residence..... Occupation.....

Height and general description.....ft.....in.....

Distinctive Marks.....

Postal address in the Protectorate [during stay].....

Names and ages of wife and children, if included.....

..... Destination.....

(BACK.)

Left thumb print.	Right thumb print.

(ENDORSEMENT)

Entered Protectorate per on.....

Reported at Office of the Immigration Officer at on.....

Extensions :

.....

.....

.....

Receipt.

This is to acknowledge receipt of the sum of.....Rupees (Rs.....), being refund of deposit named on the face hereof.

Signature

As Witness

Date.....Left Protectorate peron.....

(FACE.)

**Schedule "C".
Conditional Permit.**

Issued under the provisions of the Immigration Restriction Ordinance, 1906, as amended by the Immigration Restriction Amendment Ordinance, 1910.

No.....

Issued at

Date

Sum Deposited Rs.....

Deposit made by

(or, if a bond has been taken) Amount of Bond Rs.

Date of Bond.....day of..... 191.....

Names and addresses of Sureties :

.....

.....

.....

.....

PERMISSION is hereby granted to the person (or persons) named below to enter the East Africa Protectorate and to remain therein for a period of six months from the date of this permit, and no longer unless the person named as the holder of the permit shall within such period of six months obtain from the Immigration Officer at the Office of issue of a certificate that he is not a prohibited immigrant.

Name of holder of the Permit

Nationality..... Sex and Age.....

Usual place of Residence Occupation

Height, general description.....Distinctive marks, etc.....

Postal address in the Protectorate

Names and ages of wife and children if included

Signature of Permitholder :

.....

(BACK.)

Left thumb print.	Right thumb print.

Receipt.

This is to acknowledge the receipt of the sum of Rupees (Rs.....), being refund of deposit named on the face hereof.

Signature.....

Witness.....

Place.....

Date

(FACE.)

Schedule "D".

Certificate of Domicile.

Issued under the provisions of the Immigration Restriction Ordinance, 1906, and of the Rules thereunder.

No.....

Issued at

Date

This is to certify that the person hereunder described has been domiciled in the East Africa Protectorate.

.....

Immigration Officer.

Name of holder of the Certificate

Nationality..... Sex and Age.....

Height, general description.....

Distinctive marks

Signature of Holder :

.....

Left thumb print.	Right thumb print.

NOTICE.

Under the East Africa Marriage Ordinance, 1902.

In pursuance of the provisions of Section 6 of the East Africa Marriage Ordinance, 1902, I hereby give notice that I have licensed the Churches of the Roman Catholic Mission at Nairobi, Makindu, and Katanga to be places for the celebration of Marriages under the aforesaid Ordinance.

Nairobi,

Dated this 1st day of July, 1912.

C. C. BOWRING,

Acting Governor.

NOTICE.

Under the East Africa Marriage Ordinance, 1902.

In Exercise of the powers conferred upon me by Section 6 of the East Africa Marriage Ordinance, 1902, I hereby licence the following place of public worship in the Kitui district of the Ukamba Province to be a place for the celebration of marriages under the said Ordinance.

The Church of the Evangelical Lutheran Mission at Miumbani.

Nairobi,

July 3rd, 1912.

C. C. BOWRING,

Acting Governor.

NOTICE.

Under the Native Christian Marriage Ordinance, 1904

In Exercise of the powers conferred upon me by Section 7 of the Native Christian Marriage Ordinance, 1904, I hereby appoint the following Ministers to be Registrars of Marriages for the purposes of the aforesaid Ordinance.

Evangelical Lutheran Mission.

Rev. J. Hofmann

Rev. G. Saulberlich

Rev. A. Eisenschmidt

Rev. O. Thermann

Nairobi,

July 3rd, 1912.

C. C. BOWRING,

Acting Governor.

NOTICE.

Under the Native Christian Marriage Ordinance, 1904.

In exercise of the powers conferred by Section 7 of the Christian Native Marriage Ordinance, 1904, I hereby appoint the Priest for the time being in charge of each of the Churches and Chapels of the Roman Catholic Mission licensed as a place for the celebration of Marriages to be a Registrar of Marriages.

Nairobi,

Dated the 1st day of July, 1912.

C. C. BOWRING,

Acting Governor.

NOTICE.

Under the East Africa Mining Regulations, 1902.

His Excellency the Acting Governor has appointed the District Commissioner, Eldoret as an Officer authorised to issue prospecting licences under the above Regulations as amended by the Mining Regulations Amendment Ordinance, 1907.

NOTICE.

The Nairobi Municipal Forest.

Notice is hereby given that His Excellency the Acting Governor has ordered that the area known as the Nairobi Municipal Forest and declared to be a Forest Area under a Proclamation dated the 3rd day of July, 1912, excepting only the fenced pathway between the Public Works Department and the Forest Commission, the boundary between the Road and the

PROCLAMATION.

Under the East Africa Outlying Districts Ordinance, 1902.

In exercise of the powers conferred upon me by the Outlying Districts Ordinance, 1902, I, Charles Calvert Bowring, C.M.G., Acting Governor of the East Africa Protectorate, do hereby proclaim the Masai Reserve, as defined in the attached Schedule, to be a closed District for the purposes of the above Ordinance.

Nairobi,

Dated this 23rd day of July, 1912.

C. C. BOWRING,

Acting Governor.

Schedule.

Commencing at the summit of Ol Doiyo Onyokie (Mt. Suswa) the boundary follows a straight line north-westerly to the most southerly corner of farm No. 1380, thence along the generally western boundaries of farms Nos. 1380, 1381, 409, 410, 411 (water reserve), 413 and 1382 to the north west corner of the latter, thence in a straight line north-westerly to the north-easterly corner of farm No. 1316, thence along the eastern and southern boundaries of that farm to its most westerly corner, thence in a straight line westerly to the southern corner of farm No. 548, thence in a straight line westerly to the north-east corner of the Sotik Native Reserve, thence along the generally eastern boundary of the Sotik Native Reserve, thence down the Amala River (Engare Dabash) to a point due West of the summit of Kipleleo, thence in a straight line due West to the Magor River, thence up this river to its source to the South of Gelegele Hill, thence in a straight line to the summit of Gelegele Hill, thence westerly in a straight line for about 22 miles to the summit of Magenji Hill, thence in a straight line due West to the Gwetta River, thence down this river to its junction with the Kuja River, thence southerly in a straight line for about 20 miles to the junction of the Gori and Nathanti Rivers, thence up the Gori River to its junction with the Kasumi River, thence south-easterly in a straight line to Isuria Beacon (No. 18 on the Anglo German Boundary), thence south-easterly along the Anglo German Boundary to its intersection with the Kikalelwa River (on the slopes of Kilimanjaro,) thence down the Kikalelwa River to its junction with the Tsavo River, thence in a straight line northerly to the most southerly peak of the Chyulu (Kyulu) Range, thence along the summits of the Chyulu Range to its most northerly peak, thence in a straight line north-westerly to the summit of Emali Hill, thence in a straight line to the nearest point of the southerly mile-zone of the Uganda Railway, thence by this mile-zone north-westerly to its intersection by portion No. 1219, thence by the southerly boundary of this portion, north-westerly, to its South-West corner, thence by its westerly boundary to the Kitangela River, thence by the Kitangela River down-stream to its intersection by portion No. 337 (Athi Township Reserve), thence by the Westerly boundary of this portion to its intersection by the Athi River, thence up this river to the easterly corner of farm No. 1124, thence by the southerly and westerly boundaries of farms Nos. 1124, 193, 192, 196, and 197 to the westerly corner of the latter, thence in a straight line south-westerly to a beacon near the forest edge, thence along a beaconsed line in the direction of Ol Doiyo Onyokie to a beacon overlooking the Kidong Valley, thence in a straight line to the south-easterly corner of farm No. 369, thence in a straight line to the southern corner of farm No. 369, thence in a straight line to the summit of Ol Doiyo Onyokie the point of commencement.

There shall be excluded from the above area all land extending for a distance of a quarter of a mile on either side of the Magadi Railway Line, also Lake Magadi and all land within a

RULE.

The East Africa and Uganda (Currency) Order-in-Council, 1910.

Rule issued by His Excellency the Acting Governor with the approval of the Secretary of State under the provisions of the East Africa and Uganda (Currency) Order-in-Council, 1910.

Nairobi,

Dated this 22nd day of July, 1912.

C. C. BOWRING,

Acting Governor.

1. No person shall wilfully deface or tear, cut or otherwise mutilate a currency note issued under the East Africa and Uganda (Currency) Order-in-Council, 1905.

Any person guilty of an offence under this Rule shall be liable, on conviction, to imprisonment of either description for a term not exceeding three months or to a fine not exceeding fifteen hundred rupees or to both.

RULES.

Under the East Africa Townships Ordinance, 1903.

Rules issued by His Excellency the Acting Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 23rd day of July, 1912.

C. C. BOWRING,

Acting Governor.

1. The Town Clerk shall have power to sue in his own name for payment of all fees and for imposition of all penalties prescribed or that may hereafter be prescribed under any Rules issued or that may hereafter be issued under the East Africa Townships Ordinance, 1903, as also for payment of all monies that are or shall be due or alleged to be due to the Municipal Committee; and generally to prosecute legal actions of whatever description on their behalf.

2. The foregoing Rule shall be applicable to the Township of Nairobi.

RULES.

Under the East Africa Townships Ordinance, 1903.

Rules issued by His Excellency the Acting Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 23rd day of July, 1912.

C. C. BOWRING,

Acting Governor.

1. A Medical Officer may enter and inspect any dwelling house or other building which or any part of which he has reason to believe is occupied by a person suffering from an infectious disease or which or any part of which he has reason to believe has not been cleansed and disinfected after being occupied by a person suffering from an infectious disease, and may examine any person found in such dwelling house or other building, for the purpose of ascertaining whether such person is suffering from an infectious disease.

2. (1) When a Medical Officer is of opinion that the cleansing and disinfecting of any dwelling house or other building or part of a dwelling house or other building and of any articles therein likely to retain infection or the destruction of such articles would tend to prevent or check infection he may cause such dwelling house or other building or part thereof and the articles therein to be cleansed and disinfected or (in the case of the articles) destroyed.

(2) For the purpose of carrying out this or the preceding rule a Medical Officer may enter by day upon any premises.

3. Whenever it appears to any Medical Officer that it is necessary for the purpose of the proper cleansing or disinfecting of any house or other building or part thereof in which there is or has been a case of infectious disease, that the house building or part thereof shall be vacated he may direct any person therein to vacate the same and may prohibit

Any person required to vacate any house or other building under the powers conferred by this rule shall, if he so desires, be accommodated in such building or place as may be provided or set aside for the purpose by the Government or the Township Authority, for the period during which he is required to vacate such house or building, and no order shall be made under this rule unless in the opinion of the Medical Officer suitable accommodation has been provided or set aside for the purpose.

4. A Medical Officer may cause to be destroyed any bedding, clothing or other articles which have been exposed to infection from an infectious disease.

5. Compensation for any articles destroyed by order of a Medical Officer shall be paid through the Principal Medical Office and in case of dispute the amount of compensation shall be settled by the District Commissioner of the District in which the articles have been destroyed.

For the purposes of this rule the term District Commissioner shall include an Assistant District Commissioner.

6. When any suitable hospital or place for the reception of the sick is provided within a Township or convenient distance thereof, any person who is suffering from an infectious disease may be removed by order of a Medical Officer to such hospital or place.

7. Any person who shall disobey or shall fail to obey any order issued by Medical Officer under the powers conferred by these Rules shall be guilty of an offence and shall be punishable accordingly, and any person ordered to be removed from or to vacate or prohibited from entering or re-entering any house or building or part thereof may be removed therefrom or be forced to vacate or be prevented from entering or re-entering the same by any Police Officer or other person acting under the instructions of the Medical Officer.

8. In these Rules "Infectious Disease" shall mean:—

Anthrex
Blackwater fever
Beri-beri
Cholera
Diphtheria
Dysentery
Enteric fever
Enteritis, infective
Erysipelas
Kala-Azar
Leprosy
Malaria
Measles
Plague
Rabies
Scarlet fever
Sleeping sickness
Small-pox
Tuberculosis
Typhus
Yellow fever

9. The term "Medical Officer" shall mean the Medical Officer appointed for the time being as the Medical Officer of Health for the Township or any person lawfully acting under his instructions.

10. These Rules shall apply to all Townships proclaimed or hereafter to be proclaimed under the East Africa Townships Ordinance, 1903.

NOTICE.

Extending certain Township Rules to Mombasa.

In pursuance of the powers conferred upon me by Rule 8 of the Rules issued under the East Africa Townships Ordinance, 1903, dated the 20th day of October, 1911, and published at page 519 of the "Official Gazette" 1911, I hereby apply the aforesaid Rules to the Township of Mombasa from the date of the publication of this Notice.

Nairobi,

C. C. BOWRING,

Dated this 12th day of July, 1912.

NOTICE.

Closing of Takaungu as a Customs Sub-Port and Warehousing Port.

In pursuance of the powers on that behalf conferred upon the Governor by Section 13 and 16 of the Customs Ordinance, 1910, I hereby declare that from and after the 1st day of October, 1912, the sub-port of Takaungu shall cease to be a port or sub-port or warehousing port within the meaning of or for the purposes of the said Ordinance.

Nairobi,

Dated this 18th day of July, 1912.

C. C. BOWRING,

Acting Governor.

NOTICE.

The Probate and Administration (Public Trustee) Ordinance, No. 1 of 1912.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's Power of Disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

W. J. MONSON,

Secretary.

AT THE COURT AT BUCKINGHAM PALACE,

The 24th day of June, 1912.*PRESENT :***THE KING'S MOST EXCELLENT MAJESTY.**

LORD PRESIDENT
EARL BEAUCHAMP
LORD RICHARD CAVENDISH
VISCOUNT ALLENDALE
LORD CHAMBERLAIN

SIR HENRY W. PRIMROSE
MR. C. F. G. MASTERMAN
SIR DAVID BRYNMOR JONES
SIR JAMES HENRY DALZIEL
SIR ALBERT SPICER, BART.

WHEREAS it is, among other things, provided by the Copyright Act, 1911, that His Majesty may, by Order in Council, extend the said Act to any territories under His protection and to Cyprus, and that on the making of any such Order the said Act shall, subject to the provisions of the Order, have effect as if the territories to which it applies or Cyprus were part of His Majesty's Dominions to which the said Act extends :

NOW, THEREFORE, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows :—

1. The Copyright Act, 1911, shall apply to Cyprus and to the following territories under His Majesty's protection, namely, the Bechuanaland Protectorate, East Africa Protectorate, Gambia Protectorate, Gilbert and Ellice Islands Protectorate, Northern Nigeria Protectorate, Northern Territories of the Gold Coast, Nyasaland Protectorate, Northern Rhodesia, Southern Rhodesia, Sierra Leone Protectorate, Somaliland Protectorate, Southern Nigeria Protectorate, Solomon Islands Protectorate, Swaziland, Uganda Protectorate, and Weihaiwei.

2. In Article 12 of "The Somaliland Order in Council, 1899," the word "Copyright" is hereby revoked and shall be deleted.

PROCLAMATION.

The Forest Ordinance 1911.

In pursuance of the powers conferred upon me by Section 3 of the Forest Ordinance, 1911, I hereby declare the areas hereinafter defined to be Forest Areas for the purpose of the aforementioned Ordinance namely:—

The forests situated on the slopes of the Kikuyu Escarpment and known as the Kikuyu Forests and bounded as follows:—

1. Commencing from the most South Westerly beacon of L. O. No. 175 the boundary runs in an easterly direction along Southern boundary of L. O. No. 175 to its South East corner on the Uganda Railway thence in a Southerly direction along the Railway to the most Northerly beacon of L. O. No. 177, thence along the Northern and Western boundaries of L. O. No. 177 to its most South Westerly beacon, thence Westerly to the North West corner of L. O. No. 178 and then along the Western boundary of L. O. No. 178 to its most Westerly beacon, thence in a Westerly direction to the most North Westerly beacon of L. O. No. 1049, thence in a Westerly direction to beacon 125, thence in a generally Northerly direction through beacons 124, 123 to beacon 122, thence in an Easterly direction to beacon 121, thence in a South Easterly direction through beacon 120 to the most South Westerly beacon of L. O. No. 175 the starting point.

2. Commencing from the North Western corner of L. O. No. 173/1 the boundary runs in a Northerly direction through beacon 114 to 113; thence in a generally Westerly and Southerly direction through beacons No. 112, 111, 110, 109, 108, 107, 106, 105, 104, to 103 then South Easterly and Southerly through 115 to beacon No. 116, thence in a Westerly direction to beacon No. 117 then in a North Westerly direction through beacons 118, 119, 120 to the most Easterly beacon of L. O. No. 378, thence in a generally Northerly direction along the Eastern boundaries of L. O. Nos. 378, 382, 384 and 383 to the most Northern beacon of L. O. No. 383, thence along the Eastern boundary of No. 386 to the most North Easterly beacon of the aforementioned L. O. No. 386 near Kijabe Station, thence in a North Westerly direction along the Railway to Telegraph post 370/6, thence in a Northerly direction to the most Southerly beacon of L. O. No. 1312, thence in a North Easterly direction along the Eastern boundaries of L. O. Nos. 1312, 1311, 1310, 1307, 1306 and 1095 to where the latter boundary meets the Chania River, thence, in a South Easterly direction down the right bank of the Chania River to beacon 172 on the Chania River, thence in a South Westerly direction along a cut and beaconed line between Native Reserve and Forest through beacons 171, 170, 169, 168, 167, 166, 165, 164, 163, 162, 161, 160, 159, 158, 157, 156, 155, 154, 153, 152, 151, 150, 149, 148, 147, 146, 145, 144, 143, 142, 141, 140, 139, 138, 137, 136, 135, 134, 133, 132, 131, 130, 129, 128, 127 to 126 which beacon is on the Eastern boundary of L. O. No. 240, thence in a Northerly direction along the Eastern boundaries of L. O. No. 240, 241, to the most North Easterly beacon of the latter, thence Westerly to the most North Westerly beacon of L. O. No. 241, thence in a Southerly direction to beacon No. 77 on the Western boundary of L. O. No. 241, thence South Westerly and South Easterly through beacons 76, 75, 74, 73, 72 to beacon No. 83 on the Western boundary of L. O. No. 241, thence in a Southerly direction to the most North Easterly beacon of L. O. No. 1122, thence along the Northern, Western and Southern boundaries of L. O. No. 1122 to the most South Easterly beacon of the latter, thence in a Southerly direction along the Western boundaries of L. O. No. 241, 240 to the most North Easterly beacon of L. O. No. 239, thence Westerly to the most North Westerly beacon of the latter on the Uganda Railway, thence in a Southerly direction along the Uganda Railway to the most Northerly beacon of L. O. No. 173/1, thence in a South Westerly direction to the North Western corner of L. O. No. 173/1, which is the starting point.

Within this block lie six areas consisting of farms Native Reserve and Township areas which are to be excepted. The boundaries of which are as follows:—

No. 1 lying round the Kikuyu Chief Lobiro's village.

It is demarcated by a cut and beaconed line, the boundaries of which are as follows:— Starting from beacon 84 about $\frac{1}{2}$ mile North West of Lobiro's village the boundary runs in an Easterly direction through 85 and 86 to beacon 87, thence in a Southerly direction through beacons 88, 89, 90, 91, 92, 93, 94, 95, 96 and 97 to beacon 98, thence in a North Westerly direction to beacon 99, thence in a Northerly direction through beacons 100, 101 and 102 to beacon 84 the starting point.

No. 2 An Area consisting of L. O. Nos. 388, 389 and 390 at its Northern end connected by Native Reserve to L. O. No. 366 at its southern end. The boundaries are as follows:—

Starting from the most Easterly beacon of L. O. No. 388 the boundary runs in a South Westerly direction along the boundary of the aforementioned L. O. No. 388 to beacon No. 4 on this boundary, thence in an Easterly direction through beacon 5 to 6, thence in a South Easterly direction through beacons 7, 8, 9, 10, 11, 11A, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

mentioned L. O. No. 366, thence along the Eastern and Southern and Western boundaries of L. O. No. 366 to the Railway, thence in an easterly direction along the Railway to beacon 64, thence in a Northerly direction through beacons 65, 66, 67, 68, 69, 54^b, 54^a, 54, 55, 56, 57, 58, 59, 60, 61, and 62 to beacon 63 on the Uganda Railway, thence along the Railway in a North Westerly direction to the most North Westerly beacons of L. O. No. 388 thence along the North Western and North Eastern boundaries of L. O. No. 388 to its most Easterly beacon, which is the starting point.

3. The Escarpment Township area
4. The Kijabe Township area
5. The Limoru Township area
6. An area of 20 acres, L. O. No. 1151 adjoining Kijabe Township.

Nairobi,
July 30th, 1912.

C. C. BOWRING,
Acting Governor.

PROCLAMATION.

Under the East Africa Townships Ordinance, 1903.

In exercise of the powers conferred upon me by the East Africa Townships Ordinance, 1903, I hereby declare the following place within the limits hereinafter set forth to be a township for the purposes of the aforementioned Ordinance:—

Mazeras.—The area commencing at the N. E. corner of plot No. 1035 in the vicinity of Uganda Railway Telegraph Post No. 15/2, thence bounded on the North by a line on a true bearing of 73° 35' 19" for a distance of two miles, thence on the East by a line bearing 163° 35' 19" for two miles, thence on the South by a line to Uganda Railway Telegraph Post No. 12/9, thence on the West by the 100 feet Westerly limits of the railway to the point of commencement.

Nairobi,
Dated this 8th day of August, 1912.

C. C. BOWRING,
Acting Governor.

RULES.

Under the East Africa Townships Ordinance, 1903.

Rules issued by His Excellency the Acting Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,
Dated this 8th day of August, 1912.

C. C. BOWRING,
Acting Governor.

1. This Rule shall apply to the Township of Mombasa only.
2. Rule 111 of the Township Rules 1904 is hereby cancelled and the following Rule is substituted therefor and shall be read as if the same were included in the aforesaid Township Rules:—

“111. Any meat which in the opinion of the Medical Officer of Health or a Veterinary Officer is unfit for human food may be seized by the Superintendent of Conservancy upon a

RULES.

Under the East Africa Townships Ordinance, 1903.

Rules issued by His Excellency the Acting Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 11th day of August, 1912.

C. C. BOWRING,

Acting Governor.

1. The following Rules are hereby applied to the Township of Kipini in addition to those already applied to the said Township:—

Of the Township Rules 1904, the following:—

Stable Rules 74 to 78
Slaughter Houses 90 to 96
Market Rules 126 to 149
Washing clothes 157 to 158
Cemeteries 159 to 164
Fires 194 to 197.

2. The following fees shall be levied and paid in the said Township:—

Market Fees.

		Rs.	cts.
Per camel.	Slaughtering Fees	...	2 00
„	Stall per day	...	3 00
Per Bull or Cow.	Slaughtering Fees	...	1 00
„	Stall per day	...	2 25
Per sheep or Goat.	Slaughtering Fees	...	0 25
„	Stall per day	...	0 50
Vegetables and other goods, 4 per cent on sale price.			

REGULATIONS.

Under the Diseases of Plants Prevention Ordinance, 1910.

Regulations issued by His Excellency the Acting Governor of the East Africa Protectorate under the powers conferred by the above mentioned Ordinance.

Nairobi,

Dated this 9th day of August, 1912.

C. C. BOWRING,

Acting Governor.

1. No person shall import into the Protectorate any plant from Ceylon.

Any plant imported into the Protectorate in breach of the provisions of these Regulations may be seized by any Officer of Customs or by the Director of Agriculture or any Officer acting on his behalf.

Any plant seized as aforesaid shall be destroyed or otherwise dealt with as the Director of Agriculture shall determine.

2. Any person who shall import any plant in breach of the provisions of these Regulations shall be liable to a fine not exceeding 750 rupees or to imprisonment of either description for a term not exceeding two months.

3. In these Regulations, the term "plant" includes growing trees, plants or portions thereof, such as cuttings, buds, roots, tubers, seeds, fruit, and vegetables.

NOTICE.

Under the Native Hut and Poll Tax Ordinance, 1910.

I, Charles Calvert Bowring, Acting Governor of the East Africa Protectorate, do hereby order under the powers conferred upon me by Section 12 of the Native Hut and Poll Tax Ordinance, 1910, that the people of the new sub-division of Wario District of Gosha, shall pay Rs. 2 per hut during the year ending 31st March, 1912.

Given under my hand this 6th day of August, 1912.

Nairobi.

C. C. BOWRING.

NOTICE.

The Wattle Bark Industry Ordinance, (No. XIV of 1912).

The Secretary of State for the Colonies has been pleased to notify that His Majesty's Powers of Disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency.

W. J. MONSON,
Secretary.

NOTICE.

The East Africa Weights and Measures Ordinance, (No. XVI. of 1912).

The Secretary of State for the Colonies has been pleased to notify that His Majesty's Power of Disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency.

W. J. MONSON,
Secretary

CIRCULAR.

Downing Street,

15th November, 1911.

Sir,

I have the honour to inform you that the War Office have had under their consideration the question whether commissions in the Special Reserve or Territorial Force can be held by gentlemen belonging to the permanent Civil Service of the Crown Colonies and Protectorates, and that the Army Council have now decided that—

- (a) Commissions in the Special Reserve will no longer be given to gentlemen permanently employed in civil capacities in the Crown Colonies and Protectorates.
- (b) Officers of the Special Reserve who are at present holding, or who may in future accept, such permanent civil appointments will be called upon to resign their commissions.

2. There is no necessity for an officer of the Territorial Force who has been seconded to resign his commission until he shall have reached the limit of the period (four years) during which he may be seconded from that force.

3. The Army Council have further intimated that officers will no longer be permitted to retire under the provisions of Article 510 of the Royal Warrant if they intend to take up permanent civil appointments in British Colonies and Protectorates. It is not meant, however, that the rule as to resignation of their commissions in the Special Reserve should have retrospective effect as regards officers who retired under the above-mentioned Article and are now employed under Colonial Governments.

I have the honour to be,

Sir,

your most obedient, humble servant,

L. HARCOURT.

The Officer Administering

the Government of

CIRCULAR.

Downing Street,

24th July, 1912.

Sir,

In continuation of my Circular despatch of the 15th November, 1911, respecting the resignation of commissions in the Special Reserve by officers of the Special Reserve holding, or hereafter accepting, permanent civil appointments in Crown Colonies and Protectorates, I have to acquaint you that the Army Council do not propose to apply the new rule to officers holding probationary appointments, but that officers of the Special Reserve may be seconded in their regiments while holding any appointments on a probationary footing, on the clear understanding that as soon as an officer is confirmed in his appointment and he is taken on the permanent establishment of a Colony or Protectorate he should be called upon to resign his commission in the Special Reserve with as little delay as possible.

2. The application of an officer for permission to resign should be transmitted to this Department to be forwarded to the War Office; and on receipt of this despatch you should take steps to bring the new arrangement to the notice of all officers serving under your administration so that all such officers to whom the rule applies may tender the resignation of their commissions in the Special Reserve without further delay.

3. As regards an intimation which has been conveyed to some officers that the Army Council are prepared to accept from officers of the Special Reserve—or late of the Special Reserve—who may be holding permanent appointments in the Colonial Service applications for appointment to the General Reserve of Officers if they are found to fulfil the Requirements of Section 211, Royal Warrant for Pay, etc., I have found it necessary to rule that, as officers appointed to commissions in the General Reserve are liable to be called upon for service in a military capacity outside the Colonies or Protectorates in which they are holding civil appointments, no officers in the employment of a Colonial Government shall be allowed to accept commissions in the General Reserve of Officers. I request that you will cause this decision to be published for general information.

I have the honour to be,

Sir,

Your most obedient, humble servant,

L. HARCOURT.

The Officer Administering
the Government of
East Africa Protectorate.

PROCLAMATION.

The Diseases of Animals Ordinance, 1906.

IMPORTATION OF CATTLE FROM THE UNITED KINGDOM.

In pursuance of the powers on this behalf conferred upon me by Section 6 of The Diseases of Animals Ordinance, 1906, I, Charles Calvert Bowring, C.M.G., Acting Governor of the East Africa Protectorate, do hereby prohibit the importation of cattle from the United Kingdom unless the cattle shall have undergone quarantine for a period of one month in a Government Veterinary Laboratory in the United Kingdom and on leaving such Laboratory have been certified free from disease and have been entrained direct from the Quarantine Station to the Docks for shipment, and on the importation of the cattle into the Protectorate a certificate of a Chief Veterinary Officer is produced certifying that the above conditions have been complied with.

Provided, however, that in any case in which the Chief Veterinary Officer is satisfied that any cattle brought to any port or place of entry of the Protectorate left the United Kingdom before the date of this Proclamation or before the above prohibition could have been communicated to the United Kingdom he may in his discretion permit such cattle to be imported into the Protectorate, subject to such inspection and quarantine as to the Chief Veterinary Officer may seem necessary to prevent the introduction of disease.

Nairobi,

C. C. BOWRING.

PROCLAMATION.

The Diseases of Animals Ordinance, 1906.

IMPORTATION OF SHEEP AND PIGS FROM THE UNITED KINGDOM.

In pursuance of the powers on this behalf conferred upon me by Section 6 of The Diseases of Animals Ordinance, 1906, I, Charles Calvert Bowring, C.M.G., Acting Governor of the East Africa Protectorate, do hereby prohibit the importation of any sheep or pig from the United Kingdom.

Provided, however, that in any case in which the Chief Veterinary Officer is satisfied that any sheep or pig from the United Kingdom brought to any port or place of entry of the Protectorate left the United Kingdom before the date of this Proclamation or before notice of the above prohibition could have been communicated to the United Kingdom, he may in his discretion permit such sheep or pig to be imported into the Protectorate, subject however to such inspection and quarantine as to the Chief Veterinary Officer may seem necessary to prevent the introduction of disease.

Nairobi,

Dated this 28th day of August, 1912.

C. C. BOWRING,

Acting Governor.

PROCLAMATIONS.

Under the East Africa and Uganda (Currency) Order, 1910.

In pursuance of the powers conferred upon me by Article 2 (1) of the East Africa and Uganda (Currency) Order 1910, I, Charles Calvert Bowring, C.M.G., Acting Governor of the East Africa Protectorate, do hereby direct that the Rules made under the aforesaid Order dated the twenty-second day of July, 1912, and published in the Gazette of August 1st, 1912, shall come into force in the Protectorate on the thirty-first day of August, 1912.

Nairobi,

Dated this 31st day of August, 1912.

C. C. BOWRING,

Acting Governor.

ORDER.

The Vaccination Ordinance, 1912.

APPLICATION TO MOMBASA ISLAND.

In pursuance of the powers conferred upon me by section 3 (1) of the above Ordinance, I hereby direct that from the 1st day of September, 1912, and until further order, all adults and children on Mombasa Island who have not been previously inoculated or vaccinated successfully or already had small-pox shall be vaccinated.

Nairobi,

Dated this 1st day of September, 1912.

C. C. BOWRING,

Acting Governor.

RULES.

The Infectious Diseases Ordinance, 1903.

Rules issued by His Excellency the Acting Governor of the East Africa Protectorate under the above Ordinance.

Nairobi,

Dated this 29th day of August, 1912.

C. C. BOWRING,

Acting Governor.

Infectious Diseases.

1. The bodies of all persons dying of any infectious disease, shall be buried or disposed of in such manner and within such time after death as a Medical Officer may order.

2. It shall be lawful for a Medical Officer or other person duly authorised by a Medical Officer or by a District Commissioner, to enter and inspect any dwelling house or other building within an infected area and to examine any person therein for the purpose of

3. A Provincial Commissioner or a Medical Officer may order the destruction, cleansing, ventilation or disinfection of any building or of any property or goods whatever, which, in his opinion, may be likely to spread infection.

4. On the notification of an infected area hospitals and observation camps or stations shall be formed within such area.

5. All persons suffering or suspected of suffering from any infectious diseases shall, unless the Medical Officer shall otherwise order, be removed to a hospital formed or appointed for the reception of such persons.

6. All persons who have been in contact with any person suffering from any infectious disease may be removed to and confined within an observation camp or station for such period as the Medical Officer may order.

7. No person shall leave an infected area without undergoing such medical observation or disinfection or passing such period in an observation camp or station as the Medical Officer in charge of the area may prescribe. No person shall be allowed to leave an infected area without having obtained a certificate of health from the Medical Officer in charge.

8. No person shall enter any hospital or observation camp or station or leave the same without a permit from the Medical Officer in charge thereof.

9. The Rules under the Infectious Diseases Ordinance 1903 dated January 16th, 1905, and October 12th, 1909, are hereby cancelled.

RULES.

The Land Titles Ordinance, 1908.

Rules issued by His Excellency the Acting Governor of the East Africa Protectorate under the Land Titles Ordinance, 1908.

Nairobi,

Dated this 29th day of August, 1912.

C. C. BOWRING,

Acting Governor.

As to Notice of Sale or Transfer of Land after the time for making claims shall have expired and before the issue of a certificate, and the proceedings after such Notice.

1. Whenever in the interval between the date of his claim and the date of judgment being given by the Recorder of Titles on such claim, any claimant sells or otherwise transfers the land or a portion of the land in respect of which he shall have claimed that he is entitled to a certificate of ownership, and the purchaser or transferee (in these Rules hereafter referred to as the purchaser) cannot, by reason of the time having expired for making claims under Section 15 of the Ordinance, make a claim in respect of such land under that section, such purchaser may give notice in writing to the Recorder of Titles of such sale or transfer together with the name of the vendor or transferor and such other particulars as may be required to identify the land.

The purchaser when giving such notice shall pay to the Recorder of Titles a fee of two Rupees.

2. Whenever notice shall have been given under and in accordance with the provisions of the last preceding rule, the purchaser shall be entitled to appear and be heard in the Land Registration Court as if he had duly made a claim for a certificate of ownership in respect of the land of which, in such notice, he shall have claimed to be the purchaser or transferee.

3. Subject to the provisions of the Ordinance the Recorder of Titles shall enquire into the claims of the original claimant and the purchaser, and shall enter judgment thereon, and shall issue certificates and do all acts or things required to give effect to any judgment entered, as if both the original claimant and the purchaser had made claims under Section 15 of the Ordinance. Provided, however, if by reason of the sale or transfer of land to the purchaser it shall be necessary to demark or delineate any boundary, or to cause any boundary marks to be placed, or to make any survey or prepare any map or plan, which would not have been necessary had such sale or transfer not been effected, the purchaser shall pay to the Recorder of Titles the cost of the works or things aforesaid in addition to any other payment which he may be required by the Ordinance or any rule thereunder to make, and until such cost shall have been paid the purchaser shall not be entitled to receive and shall not, without the consent of the Governor, be granted a certificate of ownership.

As to Notice of Mortgages and other interests granted or created after the time for making claims has expired and before the grant of a certificate in respect of the property affected and to proceedings after such Notice.

4. Any person desiring that any mortgage or other encumbrance or any lease, or any right or interest, of, in, or over any property, granted or created after the time has expired for making claims under the Ordinance and before a certificate in respect of such property is issued, shall be noted on any certificate of ownership, may give notice in writing to the Recorder of Titles of such mortgage, encumbrance, lease, right or interest.

Every person giving a notice under this rule shall pay to Recorder of Titles a fee of one rupee in respect of each mortgage, encumbrance, lease, right or interest of which notice is given.

5. Whenever a notice shall have been given to the Recorder of Titles under the preceding rule, the Recorder of Titles shall adjudicate on the right of the person to have the mortgage, encumbrance, lease, right or interest of which notice has been given, noted on the certificate of ownership in like manner as if the person giving notice had made a claim for a certificate of mortgage or a certificate of interest under and in accordance with the terms of the Ordinance, and shall note or refrain from noting the certificate granted in respect of the property in accordance with his judgment.

As to the Notice of the Transfer of Mortgages and other Interests after the time for making claims has expired and before the grant of a certificate in respect of the Mortgage or Interest, and Proceedings after such Notice.

6. Any person to whom any mortgage or other encumbrance or any lease or right or interest, in respect of which a claim for a certificate of title has been made under the Ordinance, is transferred after the time has expired for making claims under the Ordinance and before the grant of a certificate, may give notice in writing of such transfer to the Recorder of Titles. Every person giving notice under this rule shall pay to the Recorder of Titles the like fee as in Rule 4 provided.

7. Whenever notice shall have been given under the last preceding rule, the Recorder of Titles shall adjudicate on the right of the person who has given notice to receive a certificate of mortgage or a certificate of interest in like manner as if such person had made a claim for such certificate; and if the mortgage, encumbrance, lease, right or interest, and the transfer thereof is proved to the satisfaction of the Recorder of Titles he shall issue a certificate in respect thereof to the transferee.

8. In these Rules the term "Ordinance" means The Land Titles Ordinance, 1908, and the Ordinances, amending the same.

NOTICE.

The Infectious Diseases Ordinance, 1903.

Notice is hereby given that owing to an epidemic or expected epidemic of small-pox in the Mombasa Township, the said Township has been declared to be an infected area, and the rules under the above Ordinance, dated the 29th day of August, 1912, are applied to the said Township.

Nairobi,

Dated this 29th day of August, 1912.

C. C. BOWRING,

Acting Governor.

APPENDIX C.

Rules for Reporting and Investigating Accidents on board Railway Steamers or at Railway Wharves and Piers other than the Wharves and Piers at Port Florence in the East Africa Protectorate.

Rules issued by The Governor in Council for the East Africa Protectorate under the provisions of section 83 of the East Africa Railways Ordinance, 1910.

Nairobi.

17th August, 1912.

C. C. BOWRING,

Acting Governor.

NOTICES.

1. The notice mentioned in section 82 of the East Africa Railways Ordinance, 1910, shall contain the following particulars namely:—

Pier or Wharf at which the accident occurred,
time and date of the accident:
Name of the Steamer on which the accident occurred
and locality at time of accident;
nature of the accident:
number of people killed or injured, as far as known;
cause of the accident, as far as known;
extent of damage as far as known;

2. (1) In the case of the following accidents, namely—

* *Indian Penal Code (Act XLV of 1860),
section 320.*

The following kinds of hurt only
are designated as "grievous:"

First.—Emasculation.

Secondly.—Permanent privation
of the sight of either eye.

Thirdly.—Permanent privation of
the hearing of either ear.

Fourthly.—Privation of any mem-
ber or joint.

Fifthly.—Destruction or permanent
impairing of the powers of any
member or joint.

Sixthly.—Permanent disfiguration
of the head or face.

Sevently.—Fracture or dislocation
of a bone or tooth.

Eighthly.—Any hurt which end-
angers life, or which causes the
sufferer to be, during the space
of twenty days in severe bodily
pain, or unable to follow his
ordinary pursuits.

(a) accidents attended
with loss of human life,
or with grievous hurt as
defined in the *Indian
Penal Code, or with
serious injury to proper-
ty, or

(b) collisions between
Steamers or a Steamer
and any other ship,
grounding of Steamers,
fires on Steamers or
lighters or any other
serious accident to ships.

such notice shall be sent, by telegraph, as soon as possible after the accident has occurred by the Commander of the Ship or if there is no Commander by the railway servant in charge of the ship, pier or wharf on which the accident has occurred.

(2) Notices of accidents described in section 82, clause (d), of the East Africa Railway Ordinance, 1910, namely, accidents of a description usually attended with loss of human life or with such grievous hurt as aforesaid, or with serious injury to property, which do not fall under sub-rule (1) shall, in accordance with that section, be given without unnecessary delay, and may be sent by post.

Duties of Railway Servants.

3. Every railway servant employed on any ship, wharf or pier shall report, with as little delay as possible, every accident occurring in the course of working the ship, wharf or pier on which he is employed which may come to his notice. Such reports shall be made when the accident occurs on a ship to the Commander or where there is no Commander to the officer in charge of the ship and when the accident occurs on shore to the Railway Servant in charge of the wharf or pier on which the accident has occurred.

4 (1) Whenever an accident, such as is described in section 82 (a), (d) and (e) of the East Africa Railway Ordinance, 1910, has occurred in the course of working any ship, wharf or pier the Manager shall cause an enquiry to be promptly made for the thorough investigation of the causes which led to the accident:

Provided that such enquiry may be dispensed with—

(a) if the accident has not been attended with loss of human life or with serious injury to person or property; or

(b) if there is no reasonable doubt as to the cause of the accident.

- (2) Where such enquiry is dispensed with, it shall be the duty of the Marine Superintendent of the railway to make such investigation as he may consider necessary, and if his staff or the system of working is a fault, to adopt or suggest such measures as he may consider expedient for preventing a recurrence of similar accidents.
5. (1) Whenever an enquiry is to be made, the Marine Superintendent shall cause notice of the place, date and hour at which the enquiry will commence to the following officers, namely—
- (a) the Town Magistrate, Kisumu or such other Magistrate as may be appointed by the Governor on this behalf.
 - (b) the Officer in Charge of Police, Kisumu.
- (2) The date and hour at which the enquiry will commence shall be fixed so as to give the officers mentioned or referred to in sub-rule (1) sufficient time to reach the place where the enquiry is to be held.
6. (1) As soon as the enquiry has been completed, the Marine Superintendent shall send to the Manager a report which in the case of all accidents of the nature described in rule 21, must be submitted in the form prescribed by that rule.
- (2) The Manager shall forward, with his remarks as to the action it is intended to take in regard to the staff responsible for the accident, or for the revision of the rules or the system of working, a copy of such report to the Town Magistrate, Kisumu or to such other Magistrate as may be appointed on that behalf or deputed under rule 15 (b).
- (3) Such copy shall be accompanied by a statement of the persons, if any, whom the Manager desires to prosecute and a copy of the evidence taken at the inquiry.
7. (1) Whenever a serious accident, such as is described in Rule 2 (1)(b) has occurred, the Manager shall convene a Board of Officers to make a thorough investigation into the causes which led to the accident.
- (2) When the accident which the board has to investigate has been accompanied by loss of human life or with serious injury to person, the Manager shall cause notice of the date and hour at which the Board will sit to be given to the following officers, namely—
- (a) The Town Magistrate, Kisumu.
 - (b) The Officer in charge of Police, Kisumu.
so that those Officers can attend to watch the proceedings.
- (3) When the accident has been attended by loss or serious damage to a steamer or lighter the Manager shall forward, with his remarks, a copy of the report to the Governor.
- (4) When the accident has been accompanied with loss of human life or with serious injury to person the Manager shall also forward a copy of the report to the Town Magistrate as provided in Rule 6 (2).
8. Whenever any accident has occurred on any ship, wharf or pier and any offence referred to in section 132 of the East Africa Railways Ordinance, 1910, has been committed, the Manager or some officer of the railway nominated by him, or, if there be no such officer, the railway officer of highest rank present, may direct the senior Police officer or policemen present, or if there be no member of the police force present, a railway servant, at once to arrest the offender, and no railway servant shall arrest any person under the authority of the said section without such direction, except for the purpose of preventing him from making escape:
- Provided that when such offender is a railway servant, whose arrest is considered for any reason undesirable, proper precautions shall be taken to prevent his escape.
9. (1) Whenever any accident occurring on any ship, wharf or pier has been attended with serious personal injury, it shall be the duty of the Manager to afford medical aid to the sufferers, and to see that they are properly and carefully attended to till removed to their homes or handed over to the care of their relatives or friends. In any such case, or any case in which any loss of human life or serious personal injury has occurred, the nearest Medical Officer should be communicated with.
- (2) When any Magisterial or police enquiry under rule 15 is being made, the Manager shall arrange for the attendance, as long as may be necessary, at the office or place of enquiry of all railway servants whose evidence is likely to be required.

Duties of Police Officers.

10. The police may make an investigation into the cause which led to any accident occurring in the course of working any ship, wharf or pier when directed to do so by the Town Magistrate, Kisumu.
- Provided that no such investigation shall be made when a Magisterial enquiry has commenced or been ordered under rule 15, clause (a) or clause (b).
- Provided also that nothing herein contained shall be deemed to limit the powers of the Police to investigate any information relating to the commission of any cognisable offence.
11. (1) Whenever an investigation is to be made by the police—
- In the case in which an accident is attended with loss of human life or with serious injury to person or property the investigation shall be conducted by the officer-in-charge of police in whose jurisdiction the accident occurred, and, if the officer should be unable to conduct the investigation himself, then by an officer to be deputed by him.
- (2) An officer deputed under sub-rule (1) shall ordinarily be an Assistant District Superintendent of Police, but if in any case it should be found impracticable to depute an officer of that grade, an Inspector or Sub-Inspector of Police may be deputed.
12. The officer who is to conduct an investigation, in pursuance of rule 11, shall at once advise the Marine Superintendent of the date and hour at which the investigation will commence so that, if possible, the presence of a railway official may be arranged for to watch the proceedings and to aid the officer making the investigation. The absence of a railway official must not, however, be allowed to delay the investigation, which should be made as soon as possible after the accident has taken place.
13. The result of every police investigation made in pursuance of a direction given under Rule 15

14. Notwithstanding anything contained in section 174 of the Criminal Procedure Code, it shall not be incumbent upon the police to hold an inquiry under the said section unless directed so to do by a Town Magistrate or any other Magistrate who may be appointed in this behalf by the Governor.

Duties of Magistrates.

MAGISTERIAL ENQUIRIES AND JUDICIAL ENQUIRIES.

15. Whenever an accident, such as is described in section 82 (a), (d) and (e) of the East Africa Railways Ordinance, 1910, has occurred in the course of working ship, wharf or pier the Town Magistrate, Kisumu or any other Magistrate who may be appointed in this behalf by the Governor, may either.

- (a) himself make an enquiry into the causes which led to the accident; or
- (b) depute another Magistrate, who should be a Magistrate having not less than 2nd class powers, to make such an enquiry; or
- (c) direct an investigation into the causes which led to the accident to be made by the police; or
- (d) may accept a report on the accident from the Manager;

Provided always that action shall not be taken by a Town Magistrate under clauses (a), (b), (c) of this Rule until the enquiry referred to in Rule 4 or 7 has been held, unless for reasons to be specially recorded by him, which reasons shall be at once communicated by him to the Manager of the Railway, he thinks it necessary to take such action in the interests of Justice.

16. Whenever it is decided to make a Magisterial enquiry under rule 15, clause (a) or clause (b), the Town Magistrate or other Magistrate appointed as aforesaid, or the Magistrate deputed under rule 15, clause (b), as the case may be, shall conduct the enquiry at Kisumu or such other convenient place as he may select and shall at once advise the Manager of the Railway and the Marine Superintendent by telegraph of the place, date and hour at which the enquiry will be held so as to enable the railway administration to summon the requisite expert evidence.

17. A Magistrate making an enquiry under rule 15, may summon any Railway servant and any other person whose presence he may think necessary, after taking the evidence and completing the enquiry shall, if he considers there are sufficient grounds for a judicial enquiry, take the requisite steps for bringing to trial any person whom he may consider to be criminally liable for the accident. Whenever technical points are involved, the Magistrate should be careful to call for, and take the opinion of professional persons.

18. The result of every magisterial enquiry made under rule 15 shall be communicated by the Magistrate to the Manager of the Railway.

19. If, in the course of any judicial enquiry into an accident occurring in the course of working ship, wharf or pier the Magistrate desires the assistance of the Manager of the railway, or the attendance of any officer of the railway, to explain any matter relating to railway supervision, management or working, he will issue a requisition to such officer through the Head of his Department to attend the Court, stating at the same time the nature of the assistance required. In summoning railway servants, the Magistrate will take care not to summon so large a number of the employees, specially of one class, on the same day, as to cause inconvenience to the working of the railway. In the case of very serious accidents, it will generally be advisable for the Magistrate to receive either the evidence of, or a report from, the Manager of the railway in regard to the accident before finally concluding the judicial enquiry.

20. On the conclusion of any such judicial enquiry the Magistrate shall send a copy of his decision to the Manager of the railway, and shall, unless in any case he thinks it unnecessary to do so, report the result of the enquiry to the Governor.

21. In every case of accident attended with loss of human life or serious injury to persons or property the report of the Marine Superintendent or the Board of Officers shall contain—

- (1) a brief description of the accident;
- (2) a description of the locality of the accident;
- (3) a detailed statement of the evidence taken;
- (4) the conclusions arrived at at the enquiry;
- (5) an appendix stating the damage done; and
- (6) (when necessary) a sketch illustrative of the accident.

22. These Rules shall come into force on and after the 17th day of August, 1912.

23. These Rules may be cited as "the Railway (Steamers, Wharves and Piers) Accident Rules for 1912."

NOTICE.

Exporters of produce free of Export Duty carried coastwise from one port for final shipment at another port to a foreign country are hereby notified that they are required to pass export entries at the port of origin as is the case with produce liable to Export Duty, but in quadruplicate. Produce so carried coastwise when made up with other produce from the final port of shipment to form one consignment must be distinguished on the export entry at that port from produce originating thereat, reference being made on the Export Entry to the number and date of the quadruplicate entry from the port of first shipment and that entry being attached showing the weight and value of the goods carried coastwise forming part of the parcel.

In cases where the coastwise carried consignment leaves the final port of shipment as originally packed and itself forms a full consignment the quadruplicate copy of the entry will be the only warrant required for shipment.

Custom House,

Mombasa, 23rd August, 1912.

F. W. MAJOR,

NOTICE.

Persons sending out of the Protectorate by parcel or letter post articles for repair and return are informed that to facilitate clearance of the article on return free of duty they should apply at the time of posting the parcel or letter packet at the Post Office for a Re-Importation Form on which will be found full instructions as to necessary procedure.

Custom House,
Mombasa 29th August, 1912.

F. W. MAJOR,
Chief of Customs.

NOTICE.

The Land Titles Ordinance, 1908.

Appointment of Mr. S. Sanderson to appear on behalf of the Crown in any proceeding in the Land Registration Court.

In pursuance of the powers conferred upon me by Section 19 of the above Ordinance, I hereby appoint Mr. S. Sanderson to appear on behalf of the Crown in all or any proceedings in the Land Registration Court. This appointment is in addition to and not in substitution for any general or special appointment previously made and not expressly cancelled.

Nairobi,
This 17th day of August, 1912.

R. B. WRIGHT,
Land Officer.

NOTICE.

Under Crown Lands Ordinance, 1902.

Whereas by an Indenture of lease made the sixth day of May one thousand nine hundred and ten between His Most Gracious Majesty King Edward the Seventh of the one part and John Abraham Coryell of Grand Forks City in the Province of British Columbia Dominion of Canada (thereinafter referred to as the Lessee) of the other part all that piece or parcel of land situate in the Eldama Ravine Township in the Naivasha Province of the East Africa Protectorate being plot No. 7a comprising 8.42 acres or thereabouts and therein described was demised unto the Lessee for the term of twenty five years from the first day of July, one thousand nine hundred and nine as therein mentioned and whereas the Lessee covenanted to pay the rent for the said premises during the said term at the rate of Rupees Thirty a year in advance on the first day of January in every year and whereas the Lessee also covenanted to permanently improve and develop the resources of the said land with improvements of the nature specified in the Schedule and whereas the Lessee failed to pay the rent on the first day of January one thousand nine hundred and eleven and the first day of January one thousand nine hundred and twelve and to permanently improve and develop the resources of the said land pursuant to the covenants contained in the said lease now therefore by virtue of the provisions of Section 18 (1) of the said Crown Lands Ordinance, 1902, I, Charles Calvert Bowring, c.m.g. the Acting Governor of the East Africa Protectorate, do hereby give notice to the said Lessee that I intend after one month from the publication of this notice to commence an action in the High Court for a declaration that the said Lease be forfeited.

The said amount of rent in arrear is Rupees sixty.

R. B. WRIGHT.

Land Officer for and on behalf of His Excellency the Acting Governor by virtue of a rule dated the 10th Day of September, 1909, issued under the Crown Lands Ordinance, 1902.

Nairobi.

NOTICE.

Under the Diseases of Animals Ordinance, 1906.

Instructions to Issuers of Permits, published for General Information.

NO CATTLE TO BE MOVED WITHOUT A PERMIT.

Cattle movement with regard to East Coast Fever:—

Issuers of Permits shall not issue permits for the movement of cattle into or within any area other than the area for which they are appointed Issuers of Permits.

Within the boundaries of clean areas:—

Movement under permit granted by any Issuers of Permits.

From a clean area to a clean area through an infected area:—

Movement by rail under permit granted by the Chief Veterinary Officer.

From a clean area to an infected area:—

Movement under permit granted by Veterinary Officers, Stock Inspectors and District Commissioners. Cattle entering Nyanza Province or Meru District to be branded with a special brand before leaving the clean area.

Within the boundaries of infected areas:—

Movement under permit granted by Veterinary Officers, Stock Inspectors and Issuers of Permits, provided no permit shall be issued to allow cattle from the Southern, Masai Reserve to enter the Nyanza Province, except by the Chief Veterinary Officer.

From an infected area to an infected area through a clean area:—

Movement under permit granted by Chief Veterinary Officer, provided all cattle are taken direct by rail.

Into clean areas:—

- (a) Movement under permit of cattle which have passed the immunising test.
- (b) Movement of adult cattle from the endemic areas of Nyanza Province and Meru under permit granted by Veterinary Officers, Stock Inspectors, District Commissioners of Meru and the Nyanza Province. In the case of cattle from Meru, these cattle must be obtained in the Meru District and be branded by the District Commissioner before leaving.

All cattle from endemic areas entering clean areas shall be branded with a distinctive brand.

- (c) Movement of healthy cattle from infected areas under permit granted by the Chief Veterinary Officer provided an Officer can be spared and land is available to put them through a temperature boma in the clean area. The owner to pay all expenses.

Immune Oxen:—

Cattle which have passed the immunising test and which are accompanied by certificates to that effect may move throughout the Protectorate on permit by Veterinary Officers, Stock Inspectors and District Commissioners. The permit form used for these cattle must be a special one issued for the purpose, having the word "IMMUNE" printed in large letters diagonally across the face of the permit.

No cattle except such as have passed the immunising test may be used for transport between infected and clean areas.

On leaving the testing bomas immune cattle will have a distinguishing mark placed on them and the owner will be furnished with a certificate. This certificate shall accompany the animal referred to when travelling.

DEFINED BOUNDARIES.

Movement of cattle into clean areas from the East:—

No cattle except cattle from Limoru (which may be taken by rail) or cattle which have passed through the immunising test, or adult cattle which have been bred in the Meru District and have been branded by the District Commissioner, Meru, may cross a line bounded on the North and West by the boundary between Jubaland and Tanganyika.

From the Lorian Swamp up the Uaso Nyiro to the junction with the Engare Ndare, thence up the Engare Ndare to its source thence across Mount Kenya to the source of the Nairobi River, thence down the Nairobi River to the North East corner of farm No. 1246, thence along the North East boundary of farm No. 1246 to the Engare Rongai River, thence down that River to its junction with the Amboni River, thence up the Amboni River to its source on the Aberdare Mountain, thence across the Aberdare Mountains to the most Northerly corner of farm No. 1286, thence along the Eastern boundary of the Kinangop farms to the most Southerly corner of farm No. 1312, thence by the Eastern boundary of farm No. 1548 to the Uganda Railway, thence by the Uganda Railway to the Northern corner of farm 1708, thence by the Western boundaries of farms 1708 and 1709 to the Southerly corner of farm No. 1709.

Movement of cattle into clean areas from the South:—

No cattle except cattle which have passed through the immunising test may cross a line bounded on the North by a line commencing at the most Southerly corner of farm No. 1709, thence in a Westerly direction to the most Southerly corner of farm No. 1380, thence by the general Westerly boundaries of farms Nos. 1380, 1381, 410, 1382 to the most Northerly corner of farm No. 1382, thence by a line in a North Westerly direction to the most Easterly corner of the Promised land; thence following the boundary of the Southern Masai Reserve in a general Westerly direction to the most Westerly point of the Promised land; thence by a line in a Westerly direction to the most Southerly corner of farm No. 548, thence by the general South Westerly boundaries of farms Nos. 548, 547, 549, 546, 550, 551, 553 to the South Westerly corner of farm No. 553.

Movement of cattle into clean areas from the West:—

No cattle except cattle which have passed through the immunising test, or adult cattle from Nyanza Province which shall be branded with a distinctive brand, may cross a line bounded on the East by a line commencing at the South Westerly corner of farm No. 553, thence by the Westerly boundaries of farms Nos. 553, 554, 556, 560, 561, 570 to the most North Westerly corner of farm No. 570, thence by a line in a North Westerly direction to mile 506.8 on the Uganda Railway; thence by the Uganda Railway to the most Westerly corner of farm 1185, thence to the North Westerly corner of farm 1185; thence by the Southerly boundary of farm 585 to the South Easterly corner of farm 1121; thence by the Easterly boundary of farm No. 1121 to the North Easterly corner of same, thence along the Eastern boundary of farm No. 1121 to the North Eastern corner of same, thence along the Northern boundaries of farms Nos. 1121, 1439, 1440, 1443, 1448, 1449 and 1453 to the Southern corner of farm No. 1455, thence along the South Eastern boundaries of farms Nos. 1455, 1456 and 1183 to the Eastern corner of the latter, thence along the Northern boundaries of farms Nos. 1183, 1458 and 1458a, and along the North Eastern boundary of farm No. 1459 to the South East corner of farm No. 1479, thence along the Eastern boundaries of farms Nos. 1479, 1480, 1482, 1483, 1485, and 1485a, thence along the Northern boundary of farm No. 1485a to the summit of Doiyo Lessos, thence in a North Westerly direction along the boundary of the Nandi Reserve to its most Northerly point where it joins the North Eastern boundary between the North Kavirondo District and the Trans-Nzoia group of farms, thence along this boundary to Mount Elgon.

Movement of cattle into Limoru area:—

No cattle except cattle which have passed through the immunising test or adult cattle from Meru or the Nyanza Provinces or cattle from clean areas (which may be brought by rail) may enter that area of Limoru bounded on the North by the Kamiti River, from the North East corner of farm No. 39a (L 126) along the Kamiti River towards its source as far as farm No. 81a (L 240) then in a Northerly direction along the Eastern boundaries of farms Nos. 81a (L 240) and 80a (L 241), thence along the Northern boundary of farm No. 80a (L 241), thence along the Western boundaries of farms Nos. 80a (L 241) and 81a (L 240) to the Uganda Railway at Mile 353. On the West by the Uganda Railway line from Mile 353 to near Mile 346. On the South and East by the Southern boundary of the block of Limoru farms from the Southern corner of farm No. 3a (L 171) to the North East corner of farm No. 39a (L 126).

Movement of cattle Westward from the Southern Masai Reserve:—

No cattle except cattle which have passed through the immunising test may proceed westwards from the Southern Masai Reserve except on a permit issued by the Chief Veterinary Officer.

From an infected area to an infected area through a clean area:—

Movement of cattle by permit granted by Chief Veterinary Officer provided all cattle are taken direct by rail.

EAST COAST FEVER INFECTED AREAS (WITHIN CLEAN AREAS) OUT OF WHICH NO CATTLE
EXCEPT SUCH AS HAVE PASSED THE IMMUNISING TEST MAY BE MOVED.

1. The area bounded by line commencing at the Southern corner of farm No. 502, thence following the Westerly boundary of farms Nos. 502 and 496 to the Enarosura River, thence down this River to its junction with the Eldama River, thence due East to the Molo River, thence up this River to the North East corner of farm No. 662, thence along the Northerly, Westerly and South Westerly boundaries of this farm to the Molo River, thence up this River to its junction with the Elburgeon River, thence in a straight line to the point of commencement.

2. That part of Hindlip-Fawcus' Estate, Njoro, bounded on the North by the Njoro River; on the South and West by the dry Nullah stream and the boundary of the Estate between the Njoro River and the dry Nullah stream and on the East by that part of the Western shore of Lake Nakuru lying between the Njoro River and the dry Nullah stream.

MOVEMENT OF STOCK GENERALLY.

Cattle from Uganda:—

Cattle shall be accompanied by a certificate from a Veterinary Officer, Uganda, to the effect that they are drawn from an Endemic East Coast Fever area and that they have been inoculated against Rinderpest immediately before leaving Uganda. By order of the Veterinary Officer, Uganda, cattle will be inoculated at Kampala.

Those travelling by road shall proceed with all reasonable speed to Kisumu by such road as the District Commissioner, Mumias, may consider most suitable, provided they arrive at Kisumu within 14 days of the first inoculation. On arrival at Kisumu they shall be inoculated against Rinderpest.

Provided cattle travel by steamer from Entebbe or Kampala to Kisumu, they shall be detained at such place as the representative of the Veterinary Department may decide until 10–14 days have elapsed from the time of the first inoculation in Uganda. They shall then be re-inoculated and are under same conditions as Nyanza cattle which have undergone two inoculations.

Cattle from Nyanza Province:—

Adult cattle shall be inoculated against Rinderpest at a charge of Rs. 2/- per head for two inoculations. The first inoculation shall take place at Kisumu, Kibigori, Kericho, Fort Ternan or any other place which the Veterinary Officer, Lumbwa, may decide. The second inoculation shall take place 10–14 days later at Fort Ternan or at any other place the Veterinary Officer, Lumbwa, may decide, after which all cattle showing the first two permanent incisor teeth shall, after having been branded with a distinctive brand, be allowed to leave the Province provided they are moved within 14 days after inoculation.

Cattle of any age, provided they are inoculated against Rinderpest twice with an interval of 10–14 days between two inoculations at Kericho, Kibigori, Kisumu, Fort Ternan or any other place the Veterinary Officer, Lumbwa, may decide, can be moved direct into the Southern Masai Reserve through the Trans-Amala Country, provided they are moved within 14 days after the second inoculation.

Mumias District:—

Owing to disease no trading in cattle is permitted in the Mumias District.

Nandi District:—

Owing to disease no trading in cattle is permitted in the Nandi Native Reserve. Cattle purchased at Kapsabit and Kapiet must proceed via Kibigori under the same conditions as other cattle from the Nyanza Province. Transport oxen which are immune to East Coast Fever may move from the Uasin Gishu to Kapsabit.

Suk and Turkana:—

Owing to disease no trading in cattle is permitted in Suk and Turkana.

Laikipia:—

No trading in cattle is permitted

Southern Masai Reserve :—

No trading in cattle is permitted.

Cattle from Northern Frontier and Jubaland :—

Shall cross the Uaso Nyiro into the Kenia Province at the junction of the Engare Ndare and the Uaso Nyiro Rivers, thence direct to near the junction of the Uaso Nyiro and the Uaso Nyarok Rivers, where they will be inspected and if considered necessary by the Veterinary Officer they will be inoculated against Rinderpest at a charge of Rs. 2/- per head for two inoculations.

(Before arrival at the Uaso Nyiro, notice must be given to the District Commissioners, Nyeri and Rumuruti, giving the probable date of arrival at the junction of the Uaso Nyiro and the Uaso Nyarok Rivers.)

They shall then proceed up the Uaso Nyarok to the observation camp near Rumuruti. If necessary they shall be inoculated against Rinderpest before leaving the observation camp at Rumuruti. When released they will be under the same conditions as cattle in the East Coast Fever clean areas.

Movement under permit will be allowed in and between the Southern Masai Reserve and the districts of Kyambu, Nairobi, Fort Hall, Embu, Meru, Kitui, Machakos and part of Nyeri District and the Provinces of Seyidie and Tanaland.

Sheep and Goats from the Northern Frontier District and Jubaland :—

Shall enter the Naivasha Province via Rumuruti where they shall be dipped.

Sheep and Goats :—

Moving from West to East of Nakuru shall be dipped at Nakuru.

Sheep and Goats :—

Moving Westwards through Naivasha shall be dipped at Naivasha.

Transport Camels from Jubaland and the Northern Frontier District :—

Such as do not show evidence of surra may proceed via Rumuruti as far as Gilgil. They shall not remain at Gilgil longer than 7 days.

Horses from the Northern Frontier District and Jubaland :—

Shall enter via Rumuruti or Nyeri where they shall be inspected and tested with Mallein at one of those places.

No permit shall be issued to allow cattle from the Southern Masai Reserve to enter Nyanza Province except by the Chief Veterinary Officer.

Permit Issuers.

- Mr. J. K. Hill, East African Syndicate, Gilgil
- „ P. Guy, Escarpment
- „ M. Flemmer, Nakuru
- „ R. W. Versturme-Bunbury, Kilima Mbogo, P. O., Juja
- Major Toulson, Farm No. 130, Uasin Gishu
- Mr. F. C. Allsopp, Chania Bridge
- „ C. A. Ross, Kapiet, Nairobi
- „ T. D. Hopcraft, Naivasha
- „ C. O. Chaplin, Naivasha
- „ F. Watkins, Abagony Farm, Nakuru
- „ F. C. Holmes, Limoru
- „ E. P. Smythe, Forest Hill, Molo
- „ F. Allen Bates, Gilgil
- „ L. Chivell, Eldoret, Uasin Gishu
- „ C. Kemp, Farm No. 68, Uasin Gishu
- „ C. R. Taylor, Naivasha
- „ C. J. Theunissen, Eldoret
- „ M. Duirs, Sotik

AT THE COURT AT BUCKINGHAM PALACE,

The 24th day of June, 1912.

PRESENT,

The King's Most Excellent Majesty in Council.

WHEREAS on the 9th day of September, 1886, a Convention with respect to the protection to be given by way of copyright to the authors of literary and artistic works (hereinafter called the Berne Convention) set out in the Second Schedule to this Order was concluded between Her late Majesty Queen Victoria and the foreign countries following, that is to say:—Belgium, France, Germany, Hayti, Italy, Spain, Switzerland and Tunis, and on the 5th day of September, 1887, the ratifications of the said Berne Convention were duly exchanged between Her late Majesty Queen Victoria and the aforesaid countries:

And whereas subsequently the foreign countries following, namely, Luxemburg, Monaco, Montenegro, Norway and Sweden, acceded to the said Berne Convention:

And whereas an additional Act to the said Berne Convention (hereinafter called the Additional Act) set out in the Third Schedule to this Order was agreed upon between Her late Majesty Queen Victoria and the foreign countries following, namely, Belgium, France, Germany, Italy, Luxemburg, Monaco, Montenegro, Spain, Switzerland and Tunis, for the purpose of varying the provisions of the said Berne Convention, and the ratifications of the said Additional Act were, on the 9th day of September, 1897, exchanged between Her late Majesty Queen Victoria and the aforesaid countries:

And whereas subsequently the Republic of Hayti acceded to the said Additional Act, and the foreign countries following, namely, Denmark and the Farøe Islands, the German Protectorates, Japan and Liberia, acceded to the said Berne Convention and the said Additional Act, and the Principality of Montenegro duly denounced the said Berne Convention and the said Additional Act:

And whereas by the Orders in Council mentioned in the Fifth Schedule to this Order and made under the authority of the International Copyright Acts, 1844 to 1886, effect is now given throughout His Majesty's dominions to the said Berne Convention and the said Additional Act:

And whereas a Convention (hereinafter called the Berlin Convention) set out in the First Schedule to this Order was on the 13th day of November, 1908, agreed upon between His late Majesty King Edward VII, and the Foreign countries following, namely: Belgium, Denmark, France, Germany, Italy, Japan, Liberia, Luxemburg, Monaco, Norway, Spain, Sweden, Switzerland and Tunis, for the purpose of replacing the said Berne Convention and the said Additional Act:

And whereas it is provided by the said Berlin Convention that the contracting States may make reservations by declaring at the exchange of ratifications that they desire to remain bound, as regards any specific point, by the provisions of the said Berne Convention and the said Additional Act, and it is further provided by the said Berlin Convention that the said Berne Convention and the said Additional Act shall remain in force in regard to relations with contracting States which do not ratify the said Berlin Convention:

And whereas the said Berlin Convention was ratified by His Majesty on the 14th day of June, 1912, subject to the reservation mentioned in Part I. of the Fourth Schedule to this Order:

And whereas the said Berlin Convention has also been ratified by the foreign countries following, namely, Belgium, France, Germany, Hayti, Japan, Liberia, Luxemburg, Monaco, Norway, Spain, Switzerland and Tunis, subject to the reservations mentioned in Part II. of the Fourth Schedule to this Order:

And whereas the Republic of Portugal has acceded to the said Berlin Convention:

And whereas by the Copyright Act, 1911, the aforesaid International Copyright Acts, 1844 to 1886, are repealed, as from the commencement of the said Copyright Act, 1911, in the parts of His Majesty's dominions to which the said Act extends:

And whereas by the said Copyright Act, 1911, authority is conferred upon His Majesty to extend by Order in Council the protection of the said Act to certain classes of foreign works within any part of His Majesty's dominions, other than self-governing dominions, to which the said Act extends :

NOW, THEREFORE, His Majesty, by and with the advice of His Privy Council, and by virtue of the authority conferred upon Him by the Copyright Act, 1911, is pleased to order, and it is hereby ordered as follows :—

(1) This Order shall extend to the foreign countries following, namely, Belgium, Denmark and the Farøe Islands, France, Germany and the German Protectorates, Hayti, Italy, Japan, Liberia, Luxemburg, Monaco, Norway, Portugal, Spain, Sweden, Switzerland and Tunis. And the above countries are in this Order referred to as the foreign countries of the Copyright Union.

(2) The Copyright Act, 1911, including the provisions as to existing works, shall subject to the provisions of the said Act and of this Order apply—

- (a) to works first published in a foreign country of the Copyright Union, in like manner as if they had been first published within the parts of His Majesty's dominions to which the said Act extends :
- (b) to literary, dramatic, musical and artistic works, the authors whereof were at time of the making of the works subjects or citizens of a foreign country of the Copyright Union, in like manner as if the authors had been British subjects :
- (c) in respect of residence in a foreign country of the Copyright Union, in like manner as if such residence had been residence in the parts of His Majesty's dominions to which the said Act extends.

Provided that—

- (i) Sections 1 (2) (d) and 19 of the Copyright Act, 1911, and such other part or parts thereof as confer upon the owner of the copyright in a literary, dramatic or musical work the exclusive right of making any record perforated roll cinematograph film or other contrivance by means of which the work may be mechanically performed and such other part or parts thereof as confer copyright in any record or perforated roll shall not apply in the case of any work of which the country of origin is Denmark, Italy or Sweden.
- (ii) The term of copyright within the parts of His Majesty's dominions to which this Order applies shall not exceed that conferred by the law of the country of origin of the work.
- (iii) The enjoyment of the rights conferred by the Copyright Act, 1911, shall be subject to the accomplishment of the following conditions and formalities, that is to say :—
 - (a) In the case of any newspaper article (not being a serial story or tale) of which the country of origin is one of the foreign countries following, namely, Belgium, France, Germany, and the German Protectorates, Hayti, Liberia, Luxemburg, Monaco, Portugal, Spain, Switzerland and Tunis, the right to prevent the reproduction of such article (either in the original language or in a translation) in another newspaper with an indication of the source shall be conditional upon reproduction being forbidden by express declaration in some conspicuous part of the newspaper in which the article is published.
 - (b) In the case of any newspaper or magazine article (not being a serial story or tale) of which the country of origin is Denmark, Italy, Norway or Sweden, the right to prevent the reproduction of such article (either in the original language or in a translation) with an indication of the source shall be conditional upon reproduction being forbidden by express declaration in some conspicuous part of the newspaper or magazine in which the article is published.
 - (c) In the case of any literary or dramatic work of which the country of origin is Denmark, Italy, Japan, or Sweden the right after the expiration of ten years from the end of the year in which the work or in the case of a book published in numbers each number of the work was first published, to prevent the production, reproduction, performance in public or publication of any translation of the work shall be conditional upon the publication before the expiration of the above-mentioned period and within the parts of His Majesty's dominions to which this Order applies or within any foreign country of the Copyright Union of an authorized translation in the language for which protection is claimed of the work or of each number of the work.

- (d) In the case of any published musical work of which the country of origin is Denmark, Italy, Japan or Sweden the right to prevent performance in public shall be conditional upon performance in public being forbidden by an express declaration on the title-page or commencement of the work.
- (e) In the case of any work of which the country of origin is Denmark, Italy or Sweden the entire rights conferred by the Copyright Act, 1911, shall be conditional upon the accomplishment of the conditions and formalities prescribed by law in the country of origin.
- (iv) Nothing in the provisions of the Copyright Act, 1911, as applied to existing works, shall be construed as reviving any right of preventing the production or importation of any translation in any case where the right has ceased by virtue of Section 5 of the International Copyright Act, 1886.

(3) Subject to the provisions of Article (2) proviso (i) of this Order where any musical work to which this Order applies has been published before the commencement of the Copyright Act, 1911, but no contrivances by means of which the work may be mechanically performed have before the commencement of this Order been lawfully made, or placed on sale, within the parts of His Majesty's dominions to which this Order applies, copyright in the work shall include all rights conferred by the said Act with respect to the making of records, perforated rolls and other contrivances by means of which the work may be mechanically performed.

(4) In this Order the expression "the country of origin" as applied to a work has the same meaning as in the third paragraph of Article 4 of the Berlin Convention.

(5)—(a) This Order shall apply to all His Majesty's dominions, colonies, and possessions, excepting to those hereinafter named, that is to say, except to the—

Dominion of Canada,
The Commonwealth of Australia,
The Dominion of New Zealand,
The Union of South Africa,
Newfoundland.

(b) This Order shall also apply to Cyprus, and to the following territories under His Majesty's protection, that is to say,—the Bechuanaland Protectorate, East Africa Protectorate, Gambia Protectorate, Gilbert and Ellice Islands Protectorate, Northern Nigeria Protectorate, Northern Territories of the Gold Coast, Nyasaland Protectorate, Northern Rhodesia, Southern Rhodesia, Sierra Leone Protectorate, Somaliland Protectorate, Southern Nigeria Protectorate, Solomon Islands Protectorate, Swaziland, Uganda Protectorate, and Weihaiwei.

(6) The Orders mentioned in the Fifth Schedule to this Order are hereby revoked, as from the date of the commencement of this Order, so far as regards the parts of His Majesty's dominions to which this Order applies:

Provided that neither such revocation nor anything else in this Order shall prejudicially affect any right acquired or accrued before the commencement of this Order by virtue of any Order hereby revoked, and any person entitled to such right shall continue entitled thereto, and to the remedies for the same, in like manner as if this Order had not been made.

(7) This Order shall be construed as if it formed part of the Copyright Act, 1911.

(8) This Order shall come into operation in the United Kingdom on the 1st day of July, 1912, and in any other part of His Majesty's dominions to which this Order applies, on the day on which the Copyright Act, 1911, comes into operation in such part; which day is in this Order referred to as the commencement of this Order.

And the Lords Commissioners of His Majesty's Treasury are to give the necessary orders accordingly.

ALMERIC FITZROY,

First Schedule.

Berlin Convention.

Convention for the purpose of revising the Convention of Berne of the 9th September, 1886, the Additional Article and the Final Protocol attached to the same Convention, and the Additional Act and the Interpretative Declaration of Paris of the 4th May, 1896; made on the 13th day of November, 1908, between His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India; His Majesty the German Emperor, King of Prussia; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the Republic of Liberia; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Serene Highness the Prince of Monaco; His Majesty the King of Norway; His Majesty the King of Sweden; the Federal Council of the Swiss Confederation; His Highness the Bey of Tunis.

Article 1.

The Contracting States are constituted into a Union for the protection of the rights of authors over their literary and artistic works.

Article 2.

The expression "literary and artistic works" shall include any production in the literary, scientific or artistic domain, whatever may be the mode or form of its reproduction, such as books, pamphlets, and other writings; dramatic or dramatico-musical works, choreographic works and entertainments in dumb show, the acting form of which is fixed in writing or otherwise; musical compositions with or without words; works of drawing, painting, architecture, sculpture, engraving and lithography; illustrations, geographical charts; plans, sketches, and plastic works relative to geography, topography, architecture or science.

Translations, adaptations, arrangements of music and other reproductions in an altered form of a literary or artistic work as well as collections of different works, shall be protected as original works without prejudice to the rights of the author of the original work.

The contracting countries shall be bound to make provision for the protection of the above-mentioned works.

Works of art applied to industrial purposes shall be protected so far as the domestic legislation of each country allows.

Article 3.

The present Convention shall apply to photographic works and to works produced by a process analogous to photography. The contracting countries shall be bound to make provision for their protection.

Article 4.

Authors who are subjects or citizens of any of the countries of the Union shall enjoy in countries other than the country of origin of the work, for their works, whether unpublished or first published in a country of the Union, the rights which the respective laws do now or may hereafter grant to natives as well as the rights specially granted by the present Convention.

The enjoyment and the exercise of these rights shall not be subject to the performance of any formality; such enjoyment and such exercise are independent of the existence of protection in the country of origin of the work. Consequently, apart from the express stipulations of the present Convention, the extent of protection, as well as the means of redress secured to the author to safeguard his rights, shall be governed exclusively by the laws of the country where protection is claimed.

The country of origin of the work shall be considered to be: in the case of unpublished works, the country to which the author belongs; in the case of published works, the country of first publication; and in the case of works published simultaneously in several countries of the Union, the country the laws of which grant the shortest term of protection. In the case of works published simultaneously in a country outside the Union and in a country of the Union, the latter country shall be considered exclusively as the country of origin.

By published works must be understood, for the purposes of the present Convention, works copies of which have been issued to the public. The representation of a dramatic or dramatico-musical work, the performance of a musical work, the exhibition of a work of art, and the construction of a work of architecture shall not constitute a publication.

Article 5.

Authors being subjects or citizens of one of the countries of the Union who first publish their works in another country of the Union shall have in the latter country the same rights as native authors.

Article 6.

Authors not being subjects or citizens of one of the countries of the Union, who first publish their works in one of those countries, shall enjoy in that country the same rights as native authors, and in the other countries of the Union the rights granted by the present Convention.

Article 7.

The term of protection granted by the present Convention shall include the life of the author and fifty years after his death.

Nevertheless, in case such term of protection should not be uniformly adopted by all the countries of the Union, the term shall be regulated by the law of the country where protection is claimed, and must not exceed the term fixed in the country of origin of the work. Consequently the contracting countries shall only be bound to apply the provisions of the preceding paragraph in so far as such provisions are consistent with their domestic

For photographic works and works produced by a process analogous to photography, for posthumous works, for anonymous or pseudonymous works, the term of protection shall be regulated by the law of the country where protection is claimed, provided that the said term shall not exceed the term fixed in the country of origin of the work.

Article 8.

The authors of unpublished works, being subjects or citizens of one of the countries of the Union, and the authors of works first published in one of those countries shall enjoy, in the other countries of the Union, during the whole term of the right in the original work, the exclusive right of making or authorizing a translation of their works.

Article 9.

Serial stories, tales, and all other works, whether literary, scientific, or artistic, whatever their object, published in the newspapers or periodicals of one of the countries of the Union may not be reproduced in the other countries without the consent of the authors.

With the exception of serial stories and tales, any newspaper article may be reproduced by another newspaper unless the reproduction thereof is expressly forbidden. Nevertheless, the source must be indicated; the legal consequences of the breach of this obligation shall be determined by the laws of the country where protection is claimed.

The protection of the present Convention shall not apply to news of the day or to miscellaneous information which is simply of the nature of items of news.

Article 10.

As regards the liberty of extracting portions from literary or artistic works for use in publications destined for educational purposes, or having a scientific character, or for chrestomathies, the effect of the legislation of the countries of the Union and of special Arrangements existing or to be concluded between them is not affected by the present Convention.

Article 11.

The stipulations of the present Convention shall apply to the public representation of dramatic or dramatico-musical works, and to the public performance of musical works, whether such works be published or not.

Authors of dramatic or dramatico-musical works shall be protected during the existence of their right over the original work against the unauthorized public representation of translations of their works.

In order to enjoy the protection of the present Article, authors shall not be bound in publishing their works to forbid the public representation or performance thereof.

Article 12.

The following shall be specially included among the unlawful reproductions to which the present Convention applies: Unauthorized indirect appropriations of a literary or artistic work, such as adaptations, musical arrangements, transformations of a novel, tale, or piece of poetry into a dramatic piece and *vice versa*, &c., when they are only the reproduction of that work, in the same form or in another form without essential alterations, additions, or abridgements, and do not present the character of a new original work.

Article 13.

The authors of musical works shall have the exclusive right of authorizing (1) the adaptation of those works to instruments which can reproduce them mechanically; (2) the public performance of the said works by means of these instruments.

Reservations and conditions relating to the application of this Article may be determined by the domestic legislation of each country in so far as it is concerned; but the effect of any such reservations and conditions will be strictly limited to the country which has put them in force.

The provisions of paragraph 1 shall not be retroactive, and consequently shall not be applicable in any country of the Union to works which have been lawfully adapted in that country to mechanical instruments before the coming into force of the present Convention.

Adaptations made in virtue of paragraphs 2 and 3 of the present Article, and imported without the authority of the interested parties into a country where they would not be lawful, shall be liable to seizure in that country.

Article 14.

Authors of literary, scientific or artistic works shall have the exclusive right of authorizing the reproduction and public representation of their works by cinematography.

Cinematograph productions shall be protected as literary or artistic works, if, by the arrangement of the acting form or the combinations of the incidents represented, the author has given the work a personal and original character.

Without prejudice to the rights of the author of the original work the reproduction by cinematography of a literary, scientific or artistic work shall be protected as an original work.

The above provisions apply to reproduction or production effected by any other process analogous to cinematography.

Article 15.

In order that the authors of works protected by the present Convention shall, in the absence of proof to the contrary, be considered as such, and be consequently admitted to institute proceedings against pirates before the Courts of the various countries of the Union, it will be sufficient that their name be indicated on the work in the accustomed manner.

For anonymous or pseudonymous works the publisher, whose name is indicated on the work, shall be entitled to protect the rights belonging to the author. He shall be, without other proof, deemed to be the legal representative of the anonymous or pseudonymous author.

Article 16.

Pirated works may be seized by the competent authorities of any country of the Union where the original work enjoys legal protection.

In such a country the seizure may also apply to reproductions imported from a country where the work is not protected, or has ceased to be protected.

The seizure shall take place in accordance with the domestic legislation of each country.

Article 17.

The provisions of the present Convention cannot in any way derogate from the right belonging to the Government of each country of the Union to permit, to control, or to prohibit, by measures of domestic legislation or police, the circulation, representation, or exhibition of any works or productions in regard to which the competent authority may find it necessary to exercise that right.

Article 18.

The present Convention shall apply to all works which at the moment of its coming into force have not yet fallen into the public domain in the country of origin through the expiration of the term of protection.

If, however, through the expiration of the term of protection which was previously granted, a work has fallen into the public domain of the country where protection is claimed, that work shall not be protected anew in that country.

The application of this principle shall take effect according to the stipulations contained in special Conventions existing, or to be concluded, to that effect between countries of the Union. In the absence of such stipulations, the respective countries shall regulate, each in so far as it is concerned, the manner in which the said principle is to be applied.

The above provisions shall apply equally in case of new accessions to the Union, and also in the event of the term of protection being extended by the application of Article 7.

Article 19.

The provisions of the present Convention shall not prevent a claim being made for the application of any wider provisions which may be made by the legislation of a country of the Union in favour of foreigners in general.

Article 20.

The Governments of the countries of the Union reserve to themselves the right to enter into special arrangements between each other, provided always that such arrangements confer upon authors more extended rights than those granted by the Union, or embody other stipulations not contrary to the present Convention. The provisions of existing arrangements which answer to the above-mentioned conditions shall remain applicable.

Article 21.

The International Office established under the name of the "Office of the International Union for the Protection of Literary and Artistic Works" shall be maintained.

That Office is placed under the high authority of the Government of the Swiss Confederation, which regulates its organization and supervises its working.

The official language of the Office shall be French.

Article 22.

The International Office collects every kind of information relative to the protection of the rights of authors over their literary and artistic works. It arranges and publishes such information. It undertakes the study of questions of general interest concerning the Union, and by the aid of documents placed at its disposal by the different Administrations, edits a periodical publication in the French language on the questions which concern the objects of the Union. The Governments of the countries of the Union reserve to themselves the power to authorize by common accord the publication by the Office of an edition in one or more other languages, if experience should show this to be requisite.

The International Office will always hold itself at the disposal of members of the Union with the view to furnish them with any special information which they may require relative to the protection of literary and artistic works.

The Director of the International Office shall make an annual Report on his Administration, which shall be communicated to all the members of the Union.

Article 23.

The expenses of the Office of the International Union shall be shared by the contracting States. Until a fresh arrangement be made they cannot exceed the sum of 60,000 francs a year. This sum may be increased, if necessary, by the simple decision of one of the Conferences provided for in Article 24.

The share of the total expense to be paid by each country shall be determined by the division of the contracting and acceding countries into six classes, each of which shall contribute in the proportion of a certain number of units, viz :—

1st class	...	...	...	...	..	25	units.
2nd „	...	...	...	...	...	20	„
3rd „	...	...	...	...	...	15	„
4th „	...	...	...	...	...	10	„
5th „	...	...	...	...	...	5	„
6th „	...	...	...	...	...	3	„

These coefficients are multiplied by the number of countries of each class, and the total product thus obtained gives the number of units by which the total expense is to be divided. The quotient gives the amount of the unit of expense.

Each country shall declare, at the time of its accession, in which of the said classes it desires to be placed.

The Swiss Administration prepares the Budget of the Office, superintends its expenditure, makes the necessary advances, and draws up the annual account which shall be communicated to all the other Administrations.

Article 24.

The present Convention may be submitted to revisions in order to introduce therein amendments calculated to perfect the system of the Union.

Questions of this kind, as well as those which are of interest to the Union in other respects, shall be considered in Conferences to be held successively in the countries of the Union by delegates of the said countries. The Administration of the country where a Conference is to meet prepares, with the assistance of the International Office, the programme of the Conference. The Director of the Office shall attend at the sittings of the Conferences, and shall take part in the discussions without the right to vote.

No alteration in the present Convention shall be binding on the Union except by the unanimous consent of the countries composing it.

Article 25.

States outside the Union which make provision for the legal protection of the rights forming the object of the present Convention may accede thereto on request to that effect.

Such accession shall be notified in writing to the Government of the Swiss Confederation, who will communicate it to all the other countries of the Union.

Such accession shall imply full adhesion to all the clauses and admission to all the advantages provided by the present Convention. It may, nevertheless, contain an indication of the provisions of the Convention of the 9th September, 1886, or of the Additional Act of the 4th May, 1886, which they may judge necessary to substitute, provisionally at least, for the corresponding provisions of the present Convention.

Article 26.

Contracting countries shall have the right to send to the International Office...

They may do this either by a general Declaration comprising in the accession all their Colonies or possessions, or by specially naming those comprised therein, or by simply indicating those which are excluded,

Such Declaration shall be notified in writing to the Government of the Swiss Confederation, who will communicate it to all the other countries of the Union.

Article 27.

The present Convention shall replace, in regard to the relations between the Contracting States, the Convention of Berne of the 9th September, 1886, including the Additional Article and the Final Protocol of the same date, as well as the Additional Act and the Interpretative Declaration of the 4th May, 1896. These instruments shall remain in force in regard to relations with States which do not ratify the present Convention.

The Signatory States of the present Convention may declare at the exchange of ratifications that they desire to remain bound, as regards any specific point, by the provisions of the Conventions which they have previously signed.

Article 28

The present Convention shall be ratified, and the ratifications exchanged, at Berlin not later than the 1st July, 1910.

Each Contracting Party shall, as regards the exchange of ratifications, deliver a single instrument, which shall be deposited with those of the other countries in the archives of the Government of the Swiss Confederation. Each Party shall receive in return a copy of the *process-verbal* of the exchange of ratifications signed by the Plenipotentiaries who took part.

Article 29.

The present Convention shall be put in force three months after the exchange of ratifications, and shall remain in force for an indefinite period until the termination of a year from the day on which it may have been denounced.

Such denunciation shall be made to the Government of the Swiss Confederation. It shall only take effect in regard to the country making it, the Convention remaining in full force and effect for the other countries of the Union.

Article 30.

The States which shall introduce in their legislation the duration of protection for fifty years contemplated by article 7, first paragraph, of the present Convention, shall give notice thereof in writing to the Government of the Swiss Confederation, who will communicate it at once to all the other States of the Union.

The same procedure shall be followed in the case of the States renouncing the reservations made by them in virtue of Articles 25, 26, and 27.

Second Schedule.

Berne Convention.

Convention for protecting effectively and in as uniform a manner as possible, the rights of authors over their literary and artistic works. Made on the fifth day of September, 1887, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the German Emperor, King of Prussia; His Majesty the King of the Belgians; Her Majesty the Queen Regent of Spain, in the name of His Catholic Majesty the King of Spain; the President of the French Republic; the President of the Republic of Hayti; His Majesty the King of Italy; the Federal Council of the Swiss Confederation; His Highness the Bey of Tunis.

[The following is an English translation of the Convention, with the omission of the formal beginning and end.]

Article I.

The Contracting States are constituted into a Union for the protection of the rights of

Article II.

Authors who are subjects or citizens of any of the countries of the Union, or their lawful representatives, shall enjoy in the other countries for their works, whether published in one of those countries or unpublished, the rights which the respective laws do now or may hereafter grant to natives.

The enjoyment of these rights shall be subject to the accomplishment of the conditions and formalities prescribed by law in the country of origin of the work, and must not exceed in the other countries the term of protection granted in the said country of origin.

The country of origin of the work shall be considered to be that in which the work is first published, or if such publication takes place simultaneously in several countries of the Union, that one of them the laws of which grant the shortest term of protection.

For unpublished works the country to which the author belongs shall be considered to be the country of origin of the work.

Article III.

The stipulations of the present Convention shall apply equally to the publishers of literary and artistic works published in one of the countries of the Union, but of which the authors belong to a country which is not a party to the Union.

Article IV.

The expression "literary and artistic works" shall include books, pamphlets, and all other writings; dramatic or dramatico-musical works, musical compositions with or without words; works of drawing, painting, sculpture, and engraving; lithographs, illustrations, geographical charts; plans, sketches, and plastic works relative to geography, topography, architecture, or science in general; in fact, every production whatsoever in the literary, scientific, or artistic domain which can be published by any mode of impression or reproduction.

Article V.

Authors who are subjects or citizens of any of the countries of the Union, or their lawful representatives, shall enjoy in the other countries the exclusive right of making or authorizing the translation of their works until the expiration of ten years from the publication of the original work in one of the countries of the Union.

For works published in incomplete parts ("livraisons") the period of ten years shall commence from the date of publication of the last part of the original work.

For works composed of several volumes published at intervals, as well as for bulletins or collections ("cahiers") published by literary or scientific societies, or by private persons, each volume, bulletin, or collection shall be with regard to the period of ten years, considered as a separate work.

In the cases provided for by the present Article, and for the calculation of the terms of protection, the 31st December of the year in which the work was published shall be regarded as the date of publication.

Article VI.

Lawful translations shall be protected as original works. They shall consequently enjoy the protection stipulated in Articles II. and III. as regards their unauthorized reproduction in the countries of the Union.

It is understood that, in the case of a work for which the translating right has fallen into the public domain, the translator cannot oppose the translation of the same work by other writers.

Article VII.

Articles from newspapers or periodicals published in any of the countries of the Union may be reproduced in original or in translation in the other countries of the Union, unless the authors or publishers have expressly forbidden it. For periodicals it shall be sufficient if the prohibition is indicated in general terms at the beginning of each number of the periodical.

This prohibition cannot in any case apply to articles of political discussion, or to the reproduction of news of the day or miscellaneous information.

Article VIII.

As regards the liberty of extracting portions from literary or artistic works for use in publications destined for educational or scientific purposes, or for chrestomathies, the effect of the legislation of the countries of the Union, and of special arrangements existing or to be concluded between them is not affected by the present Convention.

Article IX.

The stipulations of Article II. shall apply to the public representation of dramatic or dramatico-musical works, whether such works be published or not.

Authors of dramatic or dramatico-musical works, or their lawful representatives, shall be, during the existence of their exclusive right of translation, equally protected against the unauthorized public representation of translations of their works.

The stipulations of Article II. shall apply equally to the public performance of unpublished musical works, or of published works in which the author has expressly declared on the title page or commencement of the work that he forbids the public performance thereof.

Article X.

The following shall be specially included amongst the illicit reproductions to which the present Convention applies: unauthorized indirect appropriations of a literary or artistic work, of various kinds, such as adaptations, musical arrangements, &c., when they are only the reproduction of a particular work, in the same form, or in another form, without essential alterations, additions, or abridgments, so as not to present the character of a new original work.

It is agreed that, in the application of the present Article, the tribunals of the various countries of the Union will, if there is occasion, conform themselves to the provisions of their respective laws.

Article XI.

In order that the authors of works protected by the present Convention shall, in the absence of proof to the contrary, be considered as such, and be consequently admitted to institute proceedings against pirates before the courts of the various countries of the Union, it will be sufficient that their name be indicated on the work in the accustomed manner.

For anonymous or pseudonymous works, the publisher whose name is indicated on the work shall be entitled to protect the rights belonging to the author. He shall be without other proof, deemed to be the lawful representative of the anonymous or pseudonymous author.

It is, nevertheless, agreed that the tribunals may, if necessary, require the production of a certificate from the competent authority to the effect that the formalities prescribed by law in the country of origin have been accomplished, as contemplated in Article II.

Article XII.

Pirated works may be seized on importation into those countries of the Union where the original work enjoys legal protection.

The seizure shall take place in accordance with the domestic legislation of each country.

Article XIII.

It is understood that the provisions of the present Convention cannot in any way derogate from the right belonging to the Government of each country of the Union to permit, to control, or to prohibit, by measures of domestic legislation or police, the circulation, representation, or exhibition of any works or productions in regard to which the competent authority may find it necessary to exercise that right.

Article XIV.

Under the reserves and conditions to be determined by common agreement the present Convention shall apply to all works which at the moment of its coming into force have not yet fallen into the public domain in the country of origin.

Article XV.

It is understood that the Governments of the countries of the Union reserve to themselves respectively the right to enter into separate and particular arrangements between each other, provided always that such arrangements confer upon authors or their lawful representatives more extended rights than those granted by the Union, or embody other stipulations not contrary to the present Convention.

Article XVI.

An International Office shall be established, under the name of "Office of the International Union for the Protection of Literary and Artistic Works."

This office, of which the expenses will be borne by the Administrations of all the countries of the Union, shall be placed under the high authority of the Superior Administration of the Swiss Confederation and shall work under its direction. The functions of this office shall be

Article XVII.

The present Convention may be submitted to revisions in order to introduce therein amendments calculated to perfect the system of the Union.

Questions of this kind, as well as those which are of interest to the Union in other respects, shall be considered in Conferences to be held successively in the countries of the Union by delegates of the said countries.

It is understood that no alteration in the present Convention shall be binding on the Union except by the unanimous consent of the countries composing it.

Article XVIII.

Countries which have not become parties to the present Convention, and which make provision by their domestic law for the protection of the rights forming the object of the present Convention, shall be admitted to accede thereto on request to that effect.

Such accession shall be notified in writing to the Government of the Swiss Confederation, who will communicate it to all the other countries of the Union.

Such accession shall imply full adhesion to all the clauses and admission to all the advantages provided by the present Convention.

Article XIX.

Countries acceding to the present Convention shall also have the right to accede thereto at any time for their Colonies or foreign possessions.

They may do this either by a general Declaration comprising in the accession all their Colonies or possessions, or by specially naming those comprised therein, or by simply indicating those which are excluded.

Article XX.

The present Convention shall be put in force three months after the exchange of ratifications, and shall remain in force for an indefinite period until the termination of a year from the day on which it may have been denounced.

Such denunciation shall be made to the Government authorized to receive accessions. It shall only take effect in regard to the country making it, the Convention remaining in full force and effect for the other countries of the Union.

Article XXI.

The present Convention shall be ratified, and the ratifications exchanged at Berne within the space of one year at the latest.

ADDITIONAL ARTICLE.

The Convention concluded this day shall in no wise affect the maintenance of existing Conventions between the Contracting States, provided always that such Conventions confer on authors, or their lawful representatives, rights more extended than those secured by the Union, or contain other stipulations which are not contrary to this Convention.

FINAL PROTOCOL

1. As regards Article IV. it is agreed that those countries of the Union where the character of artistic works is not refused to photographs, engage to admit them to the benefits of the Convention concluded to-day, from the date of its coming into force. They shall, however, not be bound to protect the authors of such works further than is permitted by their own legislation except in the case of international engagements already existing, or which may hereafter be entered into by them.

It is understood that an authorized photograph of a protected work of art shall enjoy legal protection in all the countries of the Union, as contemplated by the said Convention, for the same period as the principal right of reproduction of the work itself subsists, and within the limits of private agreements between those who have legal rights.

2. As regards Article IX. it is agreed that those countries of the Union whose legislation implicitly includes choreographic works amongst dramatico-musical works expressly admit the former works to the benefits of the Convention concluded this day.

It is, however, understood that questions which may arise on the application of this clause shall rest within the competence of the respective tribunals to decide.

3. It is understood that the manufacture and sale of instruments for the mechanical reproduction of musical airs in which copyright subsists, shall not be considered as constituting

4. The common agreement contemplated in Article XIV. of the Convention is established as follows :—

The application of the Convention to works which have not fallen into the public domain at the time when it comes into force, shall take effect according to the stipulations on this head contained in special Conventions existing, or to be concluded, to that effect. In the absence of such stipulations between any countries of the Union, the respective countries shall regulate, each in so far as it is concerned, by its domestic legislation, the manner in which the principle contained in Article XIV. is to be applied.

5. The organisation of the International Office established in virtue of Article XVI. of the Convention, shall be fixed by a regulation which shall be drawn up by the Government of the Swiss Confederation.

The official language of the International Office shall be French.

The International Office will collect every kind of information relative to the protection of the rights of authors over their literary and artistic works. It will arrange and publish such information. It will undertake the study of questions of general interest concerning the Union, and, by the aid of documents placed at its disposal by the different Administrations, will edit a periodical publication in the French language on the questions which concern the objects of the Union. The Governments of the countries of the Union reserve to themselves the power to authorize, by common accord, the publication by the Office of an edition in one or more other languages if experience should show this to be requisite.

The International Office will always hold itself at the disposal of members of the Union with the view to furnish them with any special information they may require relative to the protection of literary and artistic works.

The Administration of the country where a Conference is to meet will prepare the programme of the Conference with the assistance of the International Office.

The Director of the International Office shall attend the sittings of the Conferences, and shall take part in the discussions without the right to vote. He shall make an annual report on his administration, which shall be communicated to all the members of the Union.

The expenses of the office of the International Union shall be shared by the contracting States. Until a fresh arrangement be made, they cannot exceed the sum of sixty thousand francs a year. This sum may be increased, if necessary, by the simple decision of one of the Conferences provided for in Article XVII.

The share of the total expense to be paid by each country shall be determined by the division of the contracting and acceding countries into six classes, each of which shall contribute in the proportion of a certain number of units, viz. :—

First class	...	...	...	...	...	25 units.
Second class	...	...	...	...	...	20 „
Third class	...	...	...	...	...	15 „
Fourth class	...	...	...	...	...	10 „
Fifth class	...	...	...	...	...	5 „
Sixth class	...	...	...	...	...	3 „

These co-efficients will be multiplied by the number of countries of each class and the total product thus obtained will give the number of units by which the total expense is to be divided. The quotient will give the amount of the unit of expense.

Each country shall declare, at the time of its accession, in which of the said classes it desires to be placed.

The Swiss Administration will prepare the Budget of the office, superintend its expenditure, make the necessary advances, and draw up the annual account, which shall be communicated to all the other Administrations.

6. The next Conference shall be held at Paris between four and six years from the date of the coming into force of the Convention.

The French Government will fix the date within these limits after having consulted the International Office.

7. It is agreed that, as regards the exchange of ratifications contemplated in Article XXI., each contracting Party shall deliver a single instrument, which shall be deposited with those of the other countries, in the archives of the Government of the Swiss Confederation. Each Party shall receive in return a copy of the *procès-verbal* of the exchange of ratifications, signed by the Plenipotentiaries who took part.

The present Final Protocol, which shall be ratified with the Convention concluded

Third Schedule.

Additional Act of Paris.

[The following is an English translation of the Additional Act with the omission of the formal beginning and end.]

Article I.

The International Convention of the 9th September, 1886, is modified as follows:—

1. Article II.—The first paragraph of Article II. shall run as follows:—
 “Authors who are subjects or citizens of any of the countries of the Union, or their lawful representatives, shall enjoy in the other countries for their works, whether unpublished, or first published in one of those countries, the rights which the respective laws do now or may hereafter grant to natives.”
 A fifth paragraph is added in these terms:—
 “Posthumous works shall be included among those to be protected.”
2. Article III.—Article III. shall run as follows:—
 “Authors not being subjects or citizens of one of the countries of the Union, who first publish or cause to be first published, their literary or artistic works in one of those countries, shall enjoy, in respect of such works the protection granted by the Berne Convention, and by the present Additional Act.”
3. Article V.—The first paragraph of Article V. shall run as follows:—
 “Authors who are subjects or citizens of any of the countries of the Union, or their lawful representatives, shall enjoy in the other countries the exclusive right of making or authorizing the translation of their works during the entire term of their right over the original work. Nevertheless, the exclusive right of translation shall cease to exist if the author shall not have availed himself of it, during a term of ten years from the date of the first publication of the original work, by publishing or causing to be published in one of the countries of the Union, a translation in the language for which protection is to be claimed.”
4. Article VII.—Article VII. shall run as follows:—
 “Serial stories, including tales, published in the newspapers or periodicals of one of the countries of the Union, may not be reproduced, in original or translation, in the other countries, without the sanction of the authors or of their lawful representatives.
 “This stipulation shall apply equally to other articles in newspapers or periodicals, when the authors or editors shall have expressly declared in the newspaper or periodical itself in which they shall have been published that reproduction is forbidden. In the case of periodicals it shall be sufficient if such prohibition is indicated in general terms at the beginning of each number.
 “In the absence of prohibition, such articles may be reproduced on condition that the source is indicated.
 “The prohibition cannot in any case apply to articles of political discussion, to news of the day, or to miscellaneous information.”
5. Article XII.—Article XII. shall run as follows:—
 “Pirated works may be seized by the competent authorities of any country of the Union where the original work enjoys legal protection.
 “The seizure shall take place in accordance with the domestic legislation of each country.”
6. Article XX.—The second paragraph of Article XX. shall run as follows:—
 “Such denunciation shall be made to the Government of the Swiss Confederation. It shall only take effect in regard to the country making it, the Convention remaining in full force and affect for the other countries of the Union.”

Article II.

The Final Protocol annexed to the Convention of the 9th September, 1886, is modified as follows:—

1. No. 1.—This clause shall run as follows:—
 “As regards Article IV., it is agreed as follows:—
 “(A.) In countries of the Union where protection is accorded not only to architectural plans, but also to the architectural works themselves, these works shall be admitted to the benefits of the Berne Convention and of

“(B.) Photographic works and works produced by an analogous process shall be admitted to the benefits of these engagements in so far as the domestic laws of each State may permit, and to the extent of the protection accorded by such laws to similar national works.

“It is understood that an authorized photograph of a protected work of art shall enjoy legal protection in all the countries of the Union, as contemplated by the Berne Convention and by the present Additional Act, for the same period as the principal right of reproduction of the work itself subsists, and within the limits of private agreements between those who have legal rights.”

2. No. 4.—This clause shall run as follows:—

“The common agreement contemplated in Article XIV. of the Convention is established as follows:—

“The application of the Berne Convention and of the present Additional Act to works which have not fallen into the public domain within the country of origin at the time when these engagements come into force, shall take effect according to the stipulations on this head contained in special Conventions existing, or to be concluded, to this effect.

“In the absence of such stipulations between any of the countries of the Union, the respective countries shall regulate, each in so far as it is concerned, by its domestic legislation, the manner in which the principle contained in Article XIV. is to be applied.

“The stipulations of Article XIV. of the Berne Convention and of the present clause of the Final Protocol shall apply equally to the exclusive right of translation in so far as such right is established by the present Additional Act.

“The above-mentioned temporary stipulations shall apply in case of new accessions to the Union.”

Article III.

The countries of the Union which are not parties to the present Additional Act, shall at any time be allowed to accede thereto on their request to that effect. This stipulation shall apply equally to countries which may hereafter accede to the Convention of the 9th September, 1886. It will suffice for this purpose that such accession should be notified in writing to the Swiss Federal Council, who shall in turn communicate it to the other Governments.

Article IV.

The present Additional Act shall have the same force and duration as the Convention of the 9th September, 1886.

It shall be ratified, and the ratifications shall be exchanged at Paris, in the manner adopted in the case of that Convention, as soon as possible, and within the space of one year at the latest.

It shall come into force as regards those countries which shall have ratified it three months after such exchange of ratifications.

Fourth Schedule.

RESERVATIONS MADE TO THE BERLIN CONVENTION.

Country.	Subject.	Provisions remaining in force.
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PART I.

Great Britain...	...	Retrospective effect...	Article 14 and paragraph 4 of the Final Protocol of the Berne Convention, as amended by the Additional Act.
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RESERVATIONS MADE TO THE BERLIN CONVENTION.—(Contd.)

Country.	Subject.	Provisions remaining in force.
PART II.		
France	Works of art applied to industrial purposes.	Provisions of Berne Convention and Additional Act.
Tunis ... ..			Translating right
Japan	Performing right in musical works.	Article 5 of the Berne Convention, as amended by the Additional Act.
Norway ... ..			Retrospective effect
	Works of architecture	Article 4 of the Berne Convention.
	Newspaper and magazine articles.	Article 7 of the Berne Convention.
	Retrospective effect	Article 14 of the Berne Convention.

Fifth Schedule.

Orders in Council, of the dates named below, for securing the privileges of copyright in His Majesty's dominions to authors of literary and artistic works first produced in the following foreign countries, namely:—

Date of Order.	Countries to which it extends.
November 28, 1887	Belgium, France, Germany, Hayti, Italy, Spain, Switzerland and Tunis.
August 10, 1888	Luxemburg.
October 15, 1889	Monaco.
August 1, 1896	Norway.
March 7, 1898	Belgium, France, Germany, Italy, Luxemburg, Monaco, Spain, Switzerland and Tunis.
May 19, 1898	Hayti.
August 8, 1899	Japan
October 9, 1903	Denmark and the Farøe Islands.
December 12, 1904	Sweden.
November 28, 1908	Liberia.
March 2, 1909	German Protectorates.

CIRCULAR.

Downing Street,

3rd August, 1912.

Sir.

I have the honour to inform you that the Army Council, in connexion with a recent case in which an Officer seconded for Colonial employment terminated his engagement with the Colonial Government prematurely, have suggested that some uncertainty may exist in the minds of officers in Colonial employment and of the Governments that employ them as to the date from which such officers may again become entitled to receive pay under Army Regulations.

2. The Army Council have therefore requested that Colonial Governments, and all officers of the regular Army who may be holding or who may hereafter hold Colonial appointments, may be reminded that the issue to such officers of pay under Army Regulations cannot be resumed after the termination of their appointments from any date earlier than that of their disembarkation in this country on return, or (in cases in which passage to this country is not involved) that of their rejoining for duty a unit serving abroad; and that, if an appointment is vacated under circumstances in which the return passage is not payable by the Colonial employer, the officer himself will be liable.

3. The Army Council further explain that too frequently in the cases of officers who resign their Colonial appointments—for example, as Aides-de-Camp to Colonial Governors—notification of their resignation does not reach the War Office until after they have actually arrived home. Such delay gives rise to a good deal of inconvenience, and at times to additional expense, since opportunities of absorption are often lost owing to the War Department being unaware that the officer's services are available. The Council therefore request that, in the event of a regular officer in Colonial employment desiring to terminate his appointment before the date up to which he has been seconded, a notification may be sent to the War Office as early as possible, in order that steps may be taken for his disposal, and that unnecessary inconvenience and loss, both to the officer himself and to the Imperial Government, may be avoided.

4. It is not intended that these instructions should affect the existing rules governing the incidence of the charge for pay as between Army and Colonial funds.

I have the honour to be,

Sir,

your most obedient, humble servant,

L. HARCOURT.

The Officer Administering
the Government of
East Africa Protectorate.

PROCLAMATION.

The East Africa Police Ordinance, 1911.

In pursuance of the powers conferred upon me by Section 79 of The East Africa Police Ordinance, 1911, I, Charles Calvert Bowring, C.M.G., Acting Governor of the East Africa Protectorate, do hereby declare that the aforesaid section of the said Ordinance shall, from and after the date of this Proclamation, extend and apply to each of the areas specified in the Schedule hereto.

Nairobi,

Dated this 12th day of September, 1912.

C. C. BOWRING,

Acting Governor.

Schedule.

Makindu.—An area comprised within a circle having a radius of 1 mile with the Booking Office of Makindu Railway Station as centre.

Kibwezi.—An area comprised within a circle having a radius of 1 mile with the Booking

PROCLAMATION.

The Forest Ordinance, 1911

In pursuance of the powers conferred upon me by section 3 of the Forest Ordinance, 1911, I hereby declare the areas hereinafter defined to be Forest Areas for the purpose of the aforementioned Ordinance.

Nairobi,

This 6th day of September, 1912.

C. C. BOWRING,

Acting Governor.

1. Karura Forest Reserve.

PART I.

Commencing at the point where the Nairobi-Kiambu Road intersects the Getathura River, thence bounded by the Getathura River up stream to its junction with the Thigirii River, thence by the easterly boundaries of L. O. 20 and 21 to the Rui Ruaka River, thence by the Rui Ruaka down stream to the most southerly corner of L. O. 26, thence by the general southerly boundary of L. O. 26 to the Kiambu-Nairobi Road, thence by that Road southerly to the Getathura River, and point of commencement.

PART II.

Commencing at the point where the Getathura River intersects the Nairobi-Kiambu Road, thence bounded by the Getathura River down stream to its intersection by the northerly boundary of L. O. 213, thence by the northerly boundary of L. O. 213 to its intersection with the boundary of 216, thence by the general westerly boundary of L. O. 216 to the Karura River, thence by the Karura River up stream to the point where the old Nairobi-Kiambu road intersects it, thence by the old Nairobi-Kiambu Road to its intersection by the new Nairobi-Kiambu Road, thence by the new Nairobi-Kiambu Road to the point of commencement.

2. Thigirii Forest Reserve.

Commencement at the junction of the Getathura and Thigirii Rivers, thence bounded by the Getathura River upstream to the most westerly corner of L. O. 214, thence by the westerly boundary of L. O. 214 to the Mathari River, thence by the Mathari River upstream to the easterly boundary of L. O. 8, thence by that boundary northerly to the Getathura River, thence by the Getathura River upstream to the easterly boundary of L. O. 17, thence by the easterly boundary of L. O. 17 to the Thigirii River, thence by the Thigirii River downstream to the point of commencement.

3. Kamiti Forest Reserve L. O. No. 93.

Commencing at the North Easterly corner of L. O. 92, thence bounded on the south by L. O. 92, on the west by L. O. 100, on the north and east by a road to the point of commencement.

4. Kiambu Forest Reserve L. O. No. 87.

Commencing at the most easterly corner of L. O. 77, thence bounded on the west by L. O. 77 and 80, to the Riara River, on the north by the Riara River, on the east by L. O. 74, on the south by the Gatharaini River upstream to the point of commencement.

RULES.

Issued by His Excellency the Acting Governor under Section 31 of the "East Africa Volunteer Reserve Ordinance, 1910."

Nairobi,

Dated this 5th day of September, 1912.

C. C. BOWRING,

Acting Governor.

1. Every member of the Volunteer Reserve intending to leave the Protectorate either temporarily or permanently shall give notice of such intention to the Deputy President of the unit to which he belongs and shall deliver to the Deputy President or to such person as the Deputy President shall authorise to receive the same, the arms, ammunition and other articles

Any member of the Volunteer Reserve who shall fail to comply with the provisions of this rule shall on conviction before a Magistrate, be liable to a fine not exceeding 150 rupees, and in default of payment to imprisonment for a term not exceeding one month.

2. Whenever it shall appear that a member of the Volunteer Reserve is about to leave the Protectorate, it shall be lawful for the President, a Deputy President, a Magistrate or any Officer of Customs or any person acting under the orders of the President, a Deputy President, Magistrate or Customs Officer to take possession of any rifle or other article issued to such member, which may be found in his possession.

RULES.

Rules issued by His Excellency the Acting Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 8th day of September, 1912.

C. C. BOWRING,

Acting Governor.

1. In these Rules the term "cycle" shall have the same meaning as in the Township Rules dated 15th January, 1912.

2. No person shall lend a cycle for hire unless he shall be in possession of a valid and unexpired licence to lend cycles for hire. Such licences shall be issued by the Town Clerk on payment of a fee of Re. 1/- and each licence shall expire on the 31st December of the year in which it shall have been granted.

3. Every person licensed under these Rules shall keep a register and shall enter therein before lending out a cycle for hire the following particulars:—

- (a) Registered number of cycle
- (b) Name of party to whom hired
- (c) Place of residence of such party
- (d) Date and hour when cycle taken:—also if such party be an African
- (e) his tribe or nationality
- (f) name of his father
- (g) If in employment how employed, and name of employer:—and shall also enter forthwith upon the return of the cycle the date and hour of its return: and shall keep such register accessible at all times to the Police for inspection.

4. Every person licensed under these Rules shall in every case when he shall have lent a cycle be presumed to have lent the same for hire, unless he shall prove the contrary.

5. Any person who shall supply false particulars for registration to a person licensed under these Rules, and any person failing to conform to any of the provisions of Rules 2 and 3 hereof shall be liable on conviction to a fine not exceeding Rs. 200/- and in default of payment thereof to imprisonment for a term not exceeding two months.

6. These rules shall be applicable to the Township of Nairobi and may be cited as 'Nairobi Township Cycle Rules (No. 2 of 1912.)

ORDER.

The Vaccination Ordinance, 1912.

APPLICATION TO FORT HALL DISTRICT.

In pursuance of the powers conferred upon me by Section 3 (1) of the above Ordinance, I hereby direct that from the 15th day of September, 1912, and until further order all adults and children in the Fort Hall District who have not been previously inoculated or vaccinated successfully or already had small-pox shall be vaccinated.

Nairobi,

Dated this 5th day of September, 1912.

C. C. BOWRING,

Acting Governor.

ORDER.

Order made by His Excellency the Acting Governor under the powers conferred by the Fees and Royalties Ordinance, 1903.

Nairobi,

Dated this 12th day of September, 1912.

C. C. BOWRING,

Acting Governor.

On and after the 1st day of October, 1912, there shall be levied under the Fees and Royalties Ordinance, 1903, the fees following within the Township of Mombasa:—

Government cattle pound fee:—

25 cents on each goat and sheep per diem.

NOTICE.

Under the Infectious Diseases Ordinance, 1903.

Notice is hereby given that owing to an outbreak of Plague in the Nairobi Township the Rules under the above Ordinance, dated the 29th day of August, 1912, and published in the "Official Gazette" of the 1st September, 1912, are applied to the said Township.

Nairobi,

Dated this 6th day of September, 1912.

C. C. BOWRING,

Acting Governor.

NOTICE.

Under the Native Christian Marriage Ordinance, 1904.

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

REVD. E. J. REES,

Friends Africa Industrial Mission,

Kaimosi,

District of Kisumu,

Province of Nyanza.

Nairobi,

September 12th, 1912.

C. C. BOWRING,

Acting Governor.

NOTICE.

Under the Fugitive Criminals Surrender Ordinance, 1908.

It is hereby notified for general information that under and by virtue of the powers conferred upon him by Section 2 of "The Fugitive Criminals Surrender Ordinance, 1908," His Excellency the Acting Governor has been pleased to direct that the said Ordinance shall forthwith apply in the case of Tunis during the continuance of the arrangements made between His Majesty the King and the Rulers of such State under which the East Africa Protectorate is to surrender fugitive criminals to such State.

NOTICE.

The Appropriation Ordinance (No. VIII of 1912.)

The Secretary of State for the Colonies has been pleased to notify that His Majesty's Power of Disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency

W. I. MONSON

NOTICE.

The Public Works Loan Ordinance, (No. X of 1912.)

The Secretary of State for the Colonies has been pleased to notify that His Majesty's Power of Disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency

W. J. MONSON,

Secretary.

NOTICE.

Under the Infectious Diseases Ordinance, 1903, and in accordance with Sections 2 and 3 of the aforesaid Ordinance.

In consequence of a case of plague having been found in the Indian Bazaar, Nairobi, Notice is hereby given that the premises occupied by Mulji Karmali No. 192 Indian Bazaar is declared an infected area for the purpose of the said Ordinance.

Nairobi,

September, 5th, 1912.

C. W. HOBLEY

Provincial Commissioner.

NOTICE.

Under the Crown Lands Ordinance, 1902.

WHEREAS by an Indenture of Lease made the 30th day of July, 1906, BETWEEN Lieutenant Colonel Sir James Hayes Sadler, His Majesty's then Commissioner for the East Africa Protectorate of the one part and Holman James of Nairobi, Settler (thereinafter referred to as the lessee) of the other part. ALL THAT piece or parcel of land situate in the township of Nakuru in the said Protectorate comprising one acre or thereabouts and therein described was demised unto the Lessee for the time of 25 years from the 1st day of September, 1905, as therein mentioned. AND WHEREAS the lessee covenanted to pay for the said premises during the said term a yearly rent of Rs. 36/ in advance of the 1st day of September in every year. AND WHEREAS the Lessee also covenanted to forthwith erect and build upon the said land buildings of the nature and description set fort in the Schedule of the said lease and to complete such buildings in all respects within 3 years from the date of the said lease. AND WHEREAS the Lessee failed to pay the rent on the 1st day of September of the following years namely, 1908, 1909, 1910, 1911, and 1912 and to build upon the said premises pursuant to the covenants contained in the said lease. NOW THEREFORE by virtue of the provisions of Section 18 (1) of the said Crown Lands Ordinance, 1902, I Charles Calvert Bowring, C.M.G., the Acting Governor of the East Africa Protectorate, do hereby give notice to the said lessee that I intend after one month from the publication of this notice to commence an action in the High Court for a declaration that the said lease be forfeited and for rent.

The said amount of rent in arrear is Rs. 180/.

R. B. WRIGHT,

Land Officer.

for and on behalf of His Excellency the Acting Governor by virtue of a rule dated the 10th September, 1909, issued under the Crown Lands Ordinance, 1902.

Nairobi,

NOTICE.

Under the Crown Lands Ordinance, 1902.

WHEREAS by an Indenture of Lease made the 8th day of June, 1906, BETWEEN Lieutenant Colonel Sir James Hayes Sadler, His Majesty's then Commissioner for the East Africa Protectorate of the one part and Irene James of Nairobi, Settler (thereinafter referred to as the Lessee) of the other part. ALL THAT piece or parcel of land situate in the Township of Nakuru in the said Protectorate comprising one acre or thereabouts and therein described was demised unto the Lessee for the term of 25 years from 1st day of September, 1905, as therein mentioned. AND WHEREAS the Lessee covenanted to pay for the said premises during the said term a yearly rent of Rs. 36/ in advance on the 1st day of September, in every year. AND WHEREAS the Lessee also covenanted to erect and build upon the said land buildings of the nature and description set forth in the Schedule of the said lease and to complete such buildings in all respects within 3 years from the date of the said lease. AND WHEREAS the lessee failed to pay the rent on the 1st day of September of the following years, namely, 1908, 1909, 1910, 1911 and 1912 and to build upon the said land pursuant to the covenant contained in the said lease. NOW THEREFORE by virtue of the Provisions of Section 18 (1) of the said Crown Lands Ordinance, 1902, I, Charles Calvert Bowring, C.M.G., the Acting Governor of the East Africa Protectorate, do hereby give notice to the said Lessee that I intend after one month from the publication of this notice to commence an action in the High Court for a declaration that the said lease be forfeited and for rent.

The said amount of rent in arrear is Rs. 180.

R. B. WRIGHT,
Land Officer.

for and on behalf of His Excellency the Acting Governor by virtue of a rule dated the 10th September, 1909, issued under the Crown Lands Ordinance, 1902.

Nairobi,

Dated this 5th day of September, 1912.

NOTICE.

Under the Crown Lands Ordinance, 1902.

WHEREAS by an Indenture of Lease dated the 4th day of September, 1909, made between His late Most Gracious Majesty King Edward the Seventh of the one part and George Stuart Morrison of Zanzibar (thereinafter referred to as the Lessee) of the other part. ALL THAT piece or parcel of land situate at Nakuru in the Naivasha Province of the East Africa Protectorate comprising one acre or thereabouts and therein more particularly described was demised unto the Lessee for the term of 25 years from the 1st day of July, 1909, as therein mentioned. AND WHEREAS the Lessee covenanted to pay for the said land during the said term a yearly rent of Rs. 36/- in advance on the 1st day of January in every year and also covenanted to erect and build upon the said land buildings of the nature and description set forth in the Schedule of the said lease and to complete such buildings in all respects within 3 years from the date of the said lease. AND WHEREAS the Lessee has failed to pay the rent on the 1st day of January of the following years, namely, 1911 and 1912 and to build upon the said land pursuant to the covenant in that behalf. NOW THEREFORE by virtue of the provisions of Section 18 (1) of the Crown Lands Ordinance, 1902, I, Charles Calvert Bowring, C.M.G., the Acting Governor of the East Africa Protectorate do hereby give notice to the said Lessee that I intend after one month from the publication of this notice to commence an action in the High Court for a declaration that the said lease be forfeited and for rent.

The said amount of rent in arrear is Rs. 72/.

R. B. WRIGHT,
Land Officer.

for and on behalf of His Excellency the Acting Governor by virtue of a rule dated the 10th September, 1909, issued under the Crown Lands Ordinance, 1902.

Nairobi,

NOTICE.

The description of the Muhoroni Township Boundary published in the "Official Gazette" of July 15th, 1912, is hereby cancelled and the following substituted therefor:—

Description of the boundaries of Muhoroni Township.

Commencing at a point where the Uganda Railway crosses the Nendengui River (otherwise known as Likuno River),
 thence bounded by the Thalweg of that river up stream to the southerly boundary of Sub-division III of Portion 644,
 thence by the southerly boundary of that Sub-division,
 thence by the southerly boundary of Portion 1577 to the north-east corner of Muhoroni Station Reserve,
 thence by the northerly boundary of the Station Reserve to the easterly limit of the Uganda Railway Reserve,
 thence by the Railway Reserve to its intersection by the Kapturo River,
 thence by the Thalweg of the Kapturo river down stream to the Northerly boundary of Sub-division II of Portion 643,
 thence by the northerly boundary of that Sub-division eastward and the easterly boundary southward to the northerly boundary of Portion 1282,
 thence by the northerly and easterly boundaries of Portion 1282 to the northerly boundary of Sub-division II of Portion 643,
 hence by the northerly boundary of that Sub-division to its north east corner,
 hence by a line north-easterly to the point of commencement.

PROCLAMATION.

Under the East Africa Prison Regulations, 1902.

In accordance with Section 1 of the East Africa Prison Regulations, 1902, Prisons have been established at the following stations:—

Naivasha Province	... {	Nakuru.
		Eldoret.
Jubaland Province	... {	Alexandria.
		Gobwen.
Tanaland Province	....	Sankuri.

Nairobi,

Dated this 19th day of September, 1912.

C. C. BOWRING,

Acting Governor.

PROCLAMATION.

Under the Forest Ordinance, 1911.

In pursuance of the powers conferred upon me by Section 3 of the Forest Ordinance, 1911. I hereby declare the areas hereinafter defined to be Forest Areas for the purpose of the aforementioned Ordinance namely:—

1. All land lying between high and low water mark between the Uмба River near Vanga and Chale point at Gazi.

2. All land lying between high and low water mark in the Mombasa Creeks.

3. All land lying between high and low water mark in Mtwapa Creek.

4. All land lying between high and low water mark in Kilifi (Southern) Creek.

5. All land lying between high and low water mark in Uyombo Creek.

6. All land lying between high and low water mark between Ras Ngomeni and the Northern bank of the Northern Kilifi Creek which is situate about 8 miles South of the old mouth of the Tana River.

PROCLAMATION.

Under the East Africa Townships Ordinance, 1903.

In exercise of the powers conferred upon me by the East Africa Townships Ordinance, 1903, I hereby declare the Homa Port area as defined below to be a Township for the purposes of the aforesaid Ordinance.

Nairobi,

Dated this 26th day of September, 1912.

C. C. BOWRING,

Acting Governor.

Homa Port Boundary.

Commencing at the Government Pier, thence bounded by a line in a North Easterly direction for 660 feet to beacon No. 1, thence by a line in a South Easterly direction for 2640 feet through beacons Nos. 2, 3, 4 to beacon No. 5, thence by a line in a South Westery direction through beacons Nos. 6, 7 to beacon No. 8 on the Homa-Kisii Road, thence by a line across the road to beacon No. 9, thence by a line in a South Westery direction for 660 feet through beacons Nos. 10, 11 to beacon No. 12, thence by a line in a North Westery direction through beacons Nos. 13, 14, 15 to beacon No. 16, on the lake shore 660 feet West of the Pier, thence by the lake shore to the point of commencement. And also to include a distance of 300 feet of the lake from the fore-shore of the township area.

RULES.

The Land Titles Ordinance, 1908.

Rules issued by His Excellency the Acting Governor under and by virtue of the powers conferred by Section 52 of the above Ordinance.

Nairobi,

Dated this 17th day of September, 1912.

C. C. BOWRING,

Acting Governor.

1. In these Rules :

“Dividing line” means a line cut or made in the course of and for the purposes of a survey of land under Section 22 of the Ordinance demarcating the boundary or boundaries of the lands of adjoining land owners.

“The Ordinance” means “The Land Titles Ordinance, 1908.”

“The occupier” includes the owner of unoccupied land, not being Crown Land.

2. (1) It shall be the duty of all occupiers of land to at all times maintain to the satisfaction of the Director of Surveys all dividing lines demarcating the boundary or boundaries of land occupied by them.

(2) Dividing lines shall be maintained at the joint expense of the occupiers of the lands divided by such lines.

3. The occupier of land may serve a notice on the occupier of the adjoining land requiring him to assist in doing any work which may be necessary to maintain the dividing line between such lands, and if such occupier refuses or neglects for the space of one month after the service of such notice to assist in doing such work it shall be lawful for such first-named occupier to do such work as may be necessary to maintain such dividing line and to demand and recover from such occupier his portion of the cost of such work.

4. Whenever it shall appear to the Director of Surveys or to any Officer of the Survey Department of the Government that any work should be done to maintain a dividing line, the Director of Surveys or such Officer as aforesaid may serve a notice on any occupier of land divided from other land by such line requiring such occupier to do such work as the Director of Surveys or such Officer may require.

5. Any occupier on whom a notice shall have been served who shall fail to comply with the requirements specified therein shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding three hundred rupees.

6. Whenever an occupier upon whom a notice shall have been served under rule 4 shall fail to comply with the requirements of such notice the Director of Surveys may cause the work specified in such notice to be done and may demand and recover from the person on whom such notice shall have been served the cost of such work.

Any proceedings for the recovery of such cost shall be taken in the name of the Director of Surveys.

7. Any occupier on whom a notice shall have been served under rule 4 may serve a notice on any person on whom he is authorised by rule 3 to serve a notice, requiring such person to assist in doing the work directed to be done, and if such person shall refuse or neglect to assist in doing such work, the occupier may demand and recover from such person his portion of the cost of the work done by the occupier in compliance with the notice served upon him.

8. All boundary marks placed on any land for the purposes of Section 22 of the Ordinance shall be maintained and repaired at the joint or proportionate expense of the proprietor of such land and of the proprietors of land contiguous thereto.

Rules 3—7 (both inclusive) shall apply *mutatis mutandis* to the maintenance and repair of boundary marks and to the rights, duties and remedies of proprietors of land and of the Survey Department in respect thereof.

9. Any person in the service of the Survey Department of the Government may at any time enter upon any land for purpose of inspecting any boundary mark or boundary line erected or made for the purposes of the Ordinance.

RULES.

Under the Forest Ordinance, 1911.

Rules issued by His Excellency the Acting Governor of the East Africa Protectorate under the powers conferred by the above Ordinance.

Nairobi,

Dated this 26th day of September, 1912.

C. C. BOWRING,

Acting Governor.

The Rules following are hereby cancelled:—

1. Rules published under the provisions of the "East Africa Forestry Regulations, 1902" Section 5 dated 23rd December, 1905.

2. Rule published under the provisions of the "East Africa Forestry Regulations, 1902" Section 5 dated 31st March, 1910.

3. Rule published under the provisions of the "East Africa Forestry Regulations, 1902" Section 5 dated 14th February, 1911.

RULE.

The East Africa Townships Ordinance, 1903.

Rule issued by His Excellency the Acting Governor of the East Africa Protectorate under the powers conferred by the above Ordinance.

Nairobi,

Dated this 26th day of September, 1912.

C. C. BOWRING,

Acting Governor.

REGULATIONS.

The Wireless Telegraphy Ordinance, 1908.

Regulations made by His Excellency the Acting Governor of the East Africa Protectorate under and in pursuance of the powers conferred by section 2 of the above Ordinance.

Nairobi,

Dated this 26th day of September, 1912.

C. C. BOWRING,

Acting Governor.

1. All apparatus for wireless telegraphy on board a merchant ship in the territorial waters of the Protectorate shall be worked in such a way as not to interfere with (a) Naval signalling, or (b) the working of any wireless telegraph station lawfully established, installed, or worked in the Protectorate or the territorial waters thereof, and in particular the said apparatus shall be so worked as not to interrupt or interfere with the transmission of any messages between wireless telegraph stations established as aforesaid on land and wireless telegraph stations established on ships at sea.

2. No apparatus for wireless telegraphy on board a merchant ship shall be worked or used whilst such ship is in any of the harbours of the Protectorate except with the special or general permission of the Postmaster General of the Protectorate.

3. If at any time, in the opinion of the Governor, an emergency has arisen in which it is expedient for the public service that His Majesty's Government should have control over the transmission of messages by wireless telegraphy, the use of wireless telegraphy on board merchant ships while in the territorial waters shall be subject to such further rules as may be made by the Governor from time to time, and such rules may prohibit or regulate such use in all cases or in such cases as may be deemed desirable.

4. These Regulations shall not apply to the use of wireless telegraphy for the purpose of making or answering signals of distress.

5. The Master of any ship on which any apparatus for wireless telegraphy shall be worked or used in breach of any of the provisions of these Regulations or of any rule made by the Governor under these Regulations and every person working or using or assisting in the working or using of any such apparatus in breach of any such Regulations or rules, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred and fifty rupees, and on the conviction of a Master or other person as aforesaid the Court may direct that the apparatus in respect of which an offence has been committed shall be forfeited.

DECLARATION OF PUBLIC ROAD RESERVE-

In exercise of powers conferred upon me by the Crown Lands Ordinance, 1902, I, Charles Calvert Bowring, C.M.G., Acting Governor of the East Africa Protectorate, hereby declare the route described in the Schedule hereto to be a public road reserve.

Nairobi,

Dated this 26th day of September, 1912.

C. C. BOWRING,

Acting Governor.

The Schedule above referred to.

A route commencing on the Ngong-Nairobi Road at the most Southerly corner of Farm 304a thence running along the North Easterly boundary of Farm 315 to its Northerly corner, thence across Farms 302 and 301 in a Westerly direction to a point near the North Westerly corner of Farm 301, thence in a Westerly and Northerly direction to the Dagoretti-Kikuyu Road.

NOTICE.

Description of Boundaries of Fort Hall Township.

Commencing at a point on the Mathioya River and the North West Corner of the Township thence bounded by beacons bearing 140° 52' 30" for 2570.9 feet, 123° 00' 40" for 5339.8 feet, 101° 36' 43" for 3700.00 feet, 69° 00' 56" for 4911.8 feet, 45° 03' 49" for 1310.9 feet,

RULES.

Under the East Africa Townships Ordinance, 1903.

Rules issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

H. C. BELFIELD,

Dated this 10th day of October, 1912.

Governor.

1. These Rules shall apply to the Township of Mombasa only and shall be read together with the Township Rules, 1904.
2. No person shall carry on the business of a fishmonger or fish salesman without being licensed as such.
3. A licence under these Rules may be issued by the Superintendent of Conservancy.
4. The following fees shall be levied under these Rules:—

Fishmonger or fish salesman's licence per annum ...	... Rs. 10.
(to be paid annually or quarterly in advance.)	
4. Any fish exposed for sale in the Public Fish Market which in the opinion of the Medical Officer of Health or the Superintendent of Conservancy is unfit for human food may be seized upon an order from either of the aforesaid Officers and destroyed.

RULE.

Under the East Africa Townships Ordinance, 1903.

Rule issued by His Excellency the Governor under the East Africa Townships Ordinance 1903.

Nairobi,

H. C. BELFIELD,

Dated this 10th day of October, 1912.

Governor.

1. The following Rules shall apply to the Township of Kyambu in addition to the Rules already applied:—
Of the Township Rules, 1904, the following:—

BATHING—155 and 156.
WASHING OF CLOTHES—157 and 158.
CAMPS—169.

RULES.

The Infectious Diseases Ordinance, 1903.

Rules issued by His Excellency The Acting Governor of the East Africa Protectorate under the above Ordinance.

Mombasa,

C. C. BOWRING,

Dated this 2nd day of October, 1912.

Acting Governor.

Infectious Diseases.

1. Any suspicious case of sickness occurring in Mombasa or its vicinity shall at once be reported to the Police or to the Medical Officer of Health.
2. Any death occurring shall be immediately reported to the Police or to the Medical Officer of Health.
3. The Police Authorities on receipt of information as to cases of sickness or death shall at once notify the Medical Officer of Health.
4. The persons to make such report of sickness or death shall be the owner or occupier (or their representative) of the house, shop, hotel, lodging house, store, etc., in which the case occurs, and in the event of the owner or occupier being ill, the duty shall devolve upon a relative, agent or servant of the owner or occupier. In the case of any such sickness occurring in a camp or village the report shall be made by the headman or other person in charge of the

5. No sick person shall be removed until a certificate permitting such removal shall have been issued by the Medical Officer of Health or other authorised person.

6. No corpse shall be disposed of until a certificate permitting such disposal shall have been issued by the Medical Officer of Health or other Medical Officer who has examined such corpse.

Provided that whenever the Medical Officer of Health or such other Medical Officer has reason to believe that the deceased person

(a) May have committed suicide, or

(b) May have been killed by another, or by an animal or by machinery, or by an accident, or

(c) May have died under circumstances raising a reasonable suspicion that some other person has committed an offence, a certificate permitting the removal of such corpse shall not be granted until such certificate has been endorsed by the Officer in charge of the Police Station.

7. Any person found guilty of a breach of the above rules shall be liable to a penalty of two hundred rupees or imprisonment not exceeding two months or to both.

Any penalty imposed for a breach of these rules shall be in addition to and not in substitution for any other penalty to which the offender shall have rendered himself liable, provided that no person shall be punished twice for the same offence.

8. The Rules under the Infectious Diseases Ordinance, 1903, dated September 4th, 1905, and October 27th, 1905, are hereby cancelled.

REGULATIONS.

Under the Diseases of Plants Prevention Ordinance, 1910.

Regulations issued by His Excellency the Governor under the above Ordinance.

Nairobi,

H. C. BELFIELD,

Dated this 10th day of October, 1912.

Governor.

1. No deciduous or citrus fruit tree shall be imported into the Protectorate from the South African Union unless it is accompanied by a certificate in the form in the Schedule hereto signed by a Registered Nurseryman.

2. Any deciduous or citrus fruit tree imported from South Africa without the certificate required by these Regulations may be seized and destroyed or otherwise dealt with as the Director of Agriculture may determine.

Schedule.

Certificate to be given by a Registered Nurseryman in the South African Union.

I HEREBY CERTIFY that the plants herewith consigned, to wit (1).....
.....
for (2).....
.....
of (3).....
.....

are produce from a nursery duly registered under the Agriculture Pests Act of 1911, and that the provisions of the Regulations published thereunder, *inclusive of fumigation*, have been faithfully observed with respect to the same.

Signed.....

Registered Nurseryman.

Address.....

Date.....

- (1). State number of bales, crates, tins, &c.
- (2). Give Consignee's name. (3) Give Consignee's address.

N.B.—Only Registered Nurserymen are authorised to use this form. They are required to attach a complete certificate to every consignment of nursery stock and the certificate should accompany the consignment

NOTICE.

Declaration of Public Road.

In exercise of the powers conferred upon me by the Crown Lands Ordinance, 1902, I, Henry Conway Belfield, C.M.G., Governor of the East Africa Protectorate, hereby declare the route described in the Schedule hereto to be a Public Road.

Nairobi,

Dated this 5th day of October, 1912.

H. C. BELFIELD,

Governor.

The Schedule above referred to.

A route commencing at Athi River Station, thence running in an Easterly direction along the Northerly limit of the Uganda Railway to the Easterly boundary of Athi River Township Reserve, thence along the Southerly boundary of Farm No. 1526 (T. Deacon) continuing in a straight line through the Southern portion of Farm No. 340 (T. Deacon), thence in a North-Easterly direction along the South-Easterly boundaries of Farms Nos. 340 and 341 (Crown Land) to a point approximately one quarter of a mile from the South Boundary of Farm No. 342 (Crown Land) where the said route intersects the North-East corner of Farm No. 339 (S. Linton), thence continues in a North-Easterly direction through Farm No. 342 as far as a spring about midway between the North boundary of Farm No. 342 and most Southern boundary of Farm No. 1530 (T. Deacon) and thence from the said spring in an Easterly direction to the most Southerly corner of Farm No. 1530 the point of termination.

MONDAY, 21 OCTOBER, 1912.

BY THE KING.

A PROCLAMATION.

GEORGE, R. I.

Whereas we are happily at Peace with all Sovereigns, Powers and States :

And whereas a State of War unhappily exists between His Imperial Majesty The Sultan of Turkey and their Majesties The Kings of Bulgaria, Greece, Montenegro and Servia, and between their respective Subjects, and others inhabiting within their Countries, Territories or Dominions :

And whereas We are on Terms of Friendship and amicable intercourse with each of these Powers, and with their several Subjects, and others inhabiting within their Countries, Territories, or Dominions :

And whereas great numbers of Our Loyal Subjects reside and carry on Commerce, and possess Property and Establishments, and enjoy various Rights and Privileges, within the Dominions of each of the aforesaid Powers, protected by the Faith of Treaties between Us and each of the aforesaid Powers :

And whereas We, being desirous of preserving to Our Subjects the Blessings of Peace, which they now happily enjoy, are firmly purposed and determined to maintain a strict and impartial Neutrality in the said State of War unhappily existing between the aforesaid Powers :

We, therefore, have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation :

And We do hereby strictly charge and command all Our loving Subjects to govern themselves accordingly, and to observe a strict neutrality in and during the aforesaid War, and to abstain from violating or contravening either the Laws and Statutes of the Realm in this behalf, or the Laws of Nations in relation thereto, as they will answer to the contrary at their peril :

And whereas in and by a certain Statute made and passed in a Session of Parliament holden in the 33rd and 34th year of the reign of Her late Majesty Queen Victoria, intituled "An Act to Regulate the conduct of Her Majesty's Subjects during the existence of Hostilities between Foreign States with which Her Majesty is at Peace," it is, among other things, declared and enacted as follows :

"This Act shall extend to all the Dominions of Her Majesty including the adjacent

“ Illegal Enlistment.

“ If any Person, without the Licence of Her Majesty, being a British Subject, within or without Her Majesty’s Dominions, accepts or agrees to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with any Foreign State at Peace with Her Majesty, and in this Act referred to as a friendly State, or whether a British Subject or not, within Her Majesty’s Dominions, induces any other Person to accept or agree to accept any Commission or Engagement in the Military or Naval Service of any such Foreign State as aforesaid,—

“ He shall be guilty of an Offence against this Act, and shall be punishable by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be either with or without Hard Labour.

“ If any Person without the Licence of Her Majesty, being a British Subject, quits or goes on board any Ship with a view of quitting Her Majesty’s Dominions, with intent to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with a friendly State, or, whether a British Subject or not, within Her Majesty’s Dominions, induces any other Person to quit or to go on board any Ship with a view of quitting Her Majesty’s Dominions with the like intent,—

“ He shall be guilty of an Offence against this Act, and shall be punishable by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be either with or without Hard Labour.

“ If any Person induces any other Person to quit Her Majesty’s Dominions or to embark on any Ship within Her Majesty’s Dominions under a Misrepresentation or false Representation of the Service in which such Person is to be engaged, with the intent or in order that such Person may accept or agree to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with a friendly State,—

“ He shall be guilty of an Offence against this Act, and shall be punishable by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be with or without Hard Labour.

“ If the Master or Owner of any Ship, without the Licence of Her Majesty, knowingly either takes on board, or engages to take on board, or has on board such Ship within Her Majesty’s Dominions any of the following Persons, in this Act referred to as illegally enlisted Persons, that is to say,—

“ (1) Any person who, being a British Subject within or without the Dominions of Her Majesty, has, without the Licence of Her Majesty, accepted or agreed to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with any friendly State :

“ (2) Any Person, being a British Subject, who, without the Licence of Her Majesty, is about to quit Her Majesty’s Dominions with intent to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with a friendly State :

“ (3) Any Person who has been induced to embark under a Misrepresentation or false Representation of the service in which such Person is to be engaged, with the intent or in order that such Person may accept or agree to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with a friendly State :

“ Such Master or Owner shall be guilty of an Offence against this Act, and the following Consequences shall ensue; that is to say,—

“ (1) The Offender shall be punishable by Fine and Imprisonment, or either of such punishments at the Discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be either with or without Hard Labour: and

“ (2) Such Ship shall be detained until the Trial and Conviction or Acquittal of the Master or Owner, and until all Penalties inflicted on the Master or Owner have been paid, or the Master or Owner has given Security for the Payment of such Penalties to the Satisfaction of Two Justices of the Peace, or other Magistrate or Magistrates having the Authority of Two Justices of the Peace: and

“ (3) All illegally enlisted Persons shall immediately on the Discovery of the Offence be taken on Shore, and shall not be allowed to return to the Ship.

“Illegal Shipbuilding and Illegal Expeditions.

“If any person within Her Majesty’s Dominions, without the Licence of Her Majesty, does any of the following Acts; that is to say,—

- “ (1) Builds or agrees to build, or causes to be built any Ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any friendly State: or
- “ (2) Issues or delivers any Commission for any Ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any friendly State: or
- “ (3) Equips any Ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any friendly State: or
- “ (4) Despatches, or causes or allows to be despatched, any Ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any friendly State:

“Such Person shall be deemed to have committed an Offence against this Act, and the following Consequences shall ensue:

- “ (1) The Offender shall be punishable by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be either with or without Hard Labour.
- “ (2) The Ship in respect of which any such Offence is committed, and her Equipment, shall be forfeited to Her Majesty:

“Provided that a Person building, causing to be built, or equipping a Ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such War as aforesaid, shall not be liable to any of the Penalties imposed by this Section in respect of such building or equipping if he satisfies the conditions following; (that is to say),—

- “ (1) If forthwith upon a Proclamation of Neutrality being issued by Her Majesty he gives Notice to the Secretary of State that he is so building, causing to be built, or equipping such Ship, and furnishes such Particulars of the Contract and of any matters relating to, or done, or to be done under the Contract as may be required by the Secretary of State:
- “ (2) If he gives such security, and takes and permits to be taken such other measures, if any, as the Secretary of State may prescribe for ensuring that such Ship shall not be despatched, delivered, or removed without the Licence of Her Majesty until the termination of such War as aforesaid.

“Where any ship is built by order of or on behalf of any Foreign State when at War with a friendly State, or is delivered to or to the order of such Foreign State, or any person who to the Knowledge of the Person building is an Agent of such Foreign State, or is paid for by such Foreign State or such Agent, and is employed in the Military or Naval Service of such Foreign State, such Ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the Burden shall lie on the Builder of such Ship of proving that he did not know that the Ship was intended to be so employed in the Military or Naval Service of such Foreign State.

“If any Person within the Dominions of Her Majesty, and without the Licence of Her Majesty,—

“By adding to the number of the Guns, or by changing those on board for other Guns, or by the addition of any Equipment for War, increases or augments, or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting the warlike Force of any Ship which at the time of her being within the Dominions of Her Majesty was a Ship in the Military or Naval Service of any Foreign State at War with any friendly State,—

“Such Person shall be guilty of an Offence against this Act, and shall be punishable by Fine and Imprisonment, or either of such punishments, at the Discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be either with or without Hard Labour.

“If any Person within the limits of Her Majesty’s Dominions, and without the Licence of Her Majesty,—

“Prepares or fits out any Naval or Military Expedition to proceed against the Dominions of any friendly State, the following Consequences shall ensue:

“(1) Every Person engaged in such preparation or fitting out, or assisting therein, or employed in any capacity in such Expedition, shall be guilty of an Offence against this Act, and shall be punishable by Fine and Imprisonment, or either of such punishments, at the discretion of the Court before which the Offender is convicted; and Imprisonment, if awarded, may be either with or without Hard Labour.

“(2) All Ships, and their Equipments, and all Arms and Munitions of War, used in or forming part of such Expedition, shall be forfeited to Her Majesty.

“Any person who aids, abets, counsels, or procures the Commission of any Offence against this Act shall be liable to be tried and punished as a principal Offender.”

And whereas by the said Act it is further provided that Ships built, commissioned, equipped or despatched in contravention of the said Act, may be condemned and forfeited by Judgment of the Court of Admiralty; and that if the Secretary of State or Chief Executive Authority is satisfied that there is a reasonable and probable cause for believing that a Ship within Our Dominions has been or is being built, commissioned, or equipped, contrary to the said Act, and is about to be taken beyond the limits of such Dominions, or that a Ship is about to be despatched contrary to the Act, such Secretary of State or Chief Executive Authority shall have power to issue a warrant authorizing the seizure and search of such Ship and her detention until she has been either condemned or released by Process of Law. And whereas certain powers of seizure and detention are conferred by the said Act on certain Local Authorities;

Now, in order that none of Our Subjects may unwarily render themselves liable to the Penalties imposed by the said Statute, We do hereby strictly command that no Person or Persons whatsoever do commit any Act, Matter, or Things whatsoever contrary to the Provisions of the said Statute, upon pain of the several Penalties by the said Statute imposed and of Our high Displeasure.

And We do hereby further warn and admonish all Our loving Subjects, and all Persons whatsoever entitled to Our Protection, to observe towards each of the aforesaid Powers, their Subjects, and Territories, and towards all Belligerents whatsoever with whom We are at Peace, the Duties of Neutrality; and to respect, in all and each of them, the Exercise of Belligerent Rights.

And We hereby further warn all Our loving Subjects, and all Persons whatsoever entitled to Our Protection, that if any of them shall presume, in contempt of this Our Royal Proclamation, to do any acts in derogation of their Duty as Subjects of a Neutral Power in a War between other Powers, or in violation or contravention of the Law of Nations in that behalf, all Persons so offending will rightfully incur and be justly liable to the Penalties denounced by such Law.

And We do hereby give Notice that all Our Subjects and Persons entitled to Our Protection who may misconduct themselves in the Premises will do so at their peril, and of their own wrong; and that they will in no wise obtain any Protection from Us against such Penalties as aforesaid.

Given at Our Court at *Buckingham Palace*, this Twenty-first day of October, in the year of Our Lord One thousand nine hundred and twelve, and in the Third year of Our reign.

GOD SAVE THE KING.

The Right Honourable Sir Edward Grey to the Lords Commissioners of the Admiralty* :—

Foreign Office

October 18, 1912.

My Lords,

His Majesty being fully determined to observe the duties of neutrality during the existing state of war between Turkey and Bulgaria, between Turkey and Greece, between Turkey and Montenegro and between Turkey and Serbia; being, moreover, resolved to prevent, as far as possible, the use of His Majesty's harbours, ports, and coasts, and the waters within His Majesty's territorial jurisdiction, in aid of the warlike purposes of either belligerent, has commanded me to communicate to your Lordships, for your guidance, the following Rules, which are to be treated and enforced as His Majesty's orders and directions :—

Rule 1. During the continuance of the present state of war, all ships of war of either belligerent are prohibited from making use of any port or roadstead in the United Kingdom, the Isle of Man, or the Channel Islands, or in any of His Majesty's Colonies or foreign possessions or dependencies, or of any waters subject to the territorial jurisdiction of the British Crown, as a station or place of resort for any warlike purpose, or for the purpose of

obtaining any facilities for warlike equipment; and no ship of war of either belligerent shall hereafter be permitted to leave any such port, roadstead, or waters from which any vessel of the other belligerent (whether the same shall be a ship of war or a merchant ship) shall have previously departed until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the territorial jurisdiction of His Majesty.

Rule 2. If there is now in any such port, roadstead, or waters subject to the territorial jurisdiction of the British Crown any ship of war of either belligerent, such ship of war shall leave such port, roadstead, or waters within such time not less than twenty-four hours as shall be reasonable, having regard to all the circumstances and the condition of such ship as to repairs, provisions, or things necessary for the subsistence of her crew; and if after the date hereof any ship of war of either belligerent shall enter any such port, roadstead or waters, subject to the territorial jurisdiction of the British Crown, such ship shall depart and put to sea within twenty-four hours after her entrance into any such port, roadstead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew, or repairs; in either of which cases the authorities of the port, or of the nearest port (as the case may be), shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel which may have been allowed to remain within British waters for the purpose of repair shall continue in any such port, roadstead, or waters, for a longer period than twenty-four hours after her necessary repairs shall have been completed. Provided, nevertheless, that in all cases in which there shall be any vessels (whether ships of war or merchant ships) of both the said belligerent parties in the same port, roadstead, or waters within the territorial jurisdiction of His Majesty, there shall be an interval of not less than twenty-four hours between the departure therefrom of any such vessel (whether a ship of war or merchant ship) of the one belligerent, and the subsequent departure therefrom of any ship of war of the other belligerent; and the time hereby limited for the departure of such ships of war respectively shall always, in case of necessity, be extended so far as may be requisite for giving effect to this proviso, but no further or otherwise.

Rule 3. No ship of war of either belligerent shall hereafter be permitted, while in any such port, roadstead, or waters subject to the territorial jurisdiction of His Majesty, to take in any supplies, except provisions and such other things as may be requisite for the subsistence of her crew and except so much coal only as may be sufficient to carry such vessel to the nearest port of her own country, or to some nearer named neutral destination, and no coal shall again be supplied to any such ship of war in the same or any other port, roadstead, or waters subject to the territorial jurisdiction of His Majesty, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within British waters as aforesaid.

Rule 4. Armed ships of either belligerent are interdicted from carrying prizes made by them into the ports, harbours, roadsteads, or waters of the United Kingdom, the Isle of Man, the Channel Islands, or any of His Majesty's Colonies or possessions abroad.

The Governor or other chief authority of each of His Majesty's territories or possessions beyond the seas shall forthwith notify and publish the above Rules.

I have, &c.,
E. GREY.

RULE.

Under the East Africa Townships Ordinance, 1903.

Rule issued by His Excellency the Governor of the East Africa Protectorate under the provisions of the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 25th day of October, 1912.

H. C. BELFIELD,

Governor.

The words "Town Clerk" shall be substituted for the word "Collector" in Rule 71 of the Township Rules, 1904, as applied to the Township of Nairobi.

NOTICE.

The Cathi of Lamu is hereby appointed to hold a Cathi's Court in the Tana River

PROCLAMATION.

Under the East Africa Townships Ordinance, 1903.

In exercise of the powers conferred upon me by the East Africa Townships Ordinance, 1903, I hereby declare Eldoret within the limits hereinafter set forth to be a Township for the purposes of the aforesaid Ordinance.

Eldoret:—Commencing at a point in the Eldare River and the South Easterly corner of Farm 97 thence bounded on the West by Farm 97 bearing $18^{\circ} 56' 30''$ for 20740 feet. On the North by Farm 62 bearing $320^{\circ} 29'$ for 8214.1 feet. On the East by Farm 63 bearing $198^{\circ} 34' 30''$ for 15450 feet to the Eldare River. On the South by the Eldare River down stream to the point of commencement.

Nairobi,

Dated this 14th day of November, 1912.

C. C. BOWRING,

Deputy Governor.

RULES.

Under the East Africa Townships Ordinance, 1903.

Rules issued by His Excellency the Governor under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 14th day of November, 1912.

C. C. BOWRING,

Deputy Governor.

1. The following Rules shall be applied to the Township of Eldoret:—
 - (1) The Township Rules 1904, except Rules 157, 167, 174 and 175.
 - (2) The Rules dated 7th June, 1906.
 - (3) The Rules dated 27th November, 1906.
 - (4) The Rules dated 23rd August, 1907.
 - (5) The Rules dated 25th June, 1910.
 - (6) The Rules dated 23rd August, 1910, except (a) Rules 45, 48, and Camping Ground Fees in Schedule I;
 - (b) Schedule II.
2. In the application of the aforementioned Rules to Eldoret, wherever the term "Medical Officer of Health" occurs in any of the said Rules there shall be substituted therefor the term "District Commissioner."

RULE.

The East Africa Volunteer Reserve Ordinance, 1910.

Rule issued by His Excellency the Governor under the powers conferred by the above Ordinance.

Nairobi,

Dated this 29th day of October, 1912.

H. C. BELFIELD,

Governor.

Whenever a member of the Volunteer Reserve shall import a military rifle of the pattern issued by the Government to members of the Volunteer Reserve and shall produce to the Chief of Customs or other proper officer of Customs a certificate under the hand of the President of the Volunteer Reserve that such rifle is to be used by the importer for the purposes of the Volunteer Reserve, such rifle may be imported free of import duty.

ORDER.

The Vaccination Ordinance, 1912.

APPLICATION TO THE TOWNSHIPS OF NAIROBI, NAKURU, ELDOMA RAVINE, MACHAKOS, KITUI AND KYAMBU AND TO CERTAIN AREAS AT MAKINDU AND KIBWEZI.

In pursuance of the powers conferred upon me by Section 3 (1) of the above Ordinance, I hereby direct that from the fifteenth day of November, 1912, and until further order all adults and children in the Townships of Nairobi, Nakuru, Naivasha, Eldoma Ravine, Machakos, Kitui, Kyambu and in the area situated within one mile of the Station Master's house at Makindu and Kibwezi Railway Stations who have not been previously inoculated or vaccinated successfully or already had Small-pox shall be vaccinated

Nairobi,

Dated this 15th day of November, 1912

C. C. BOWRING,

Deputy Governor.

RULES.

The Non-Native Poll Tax Ordinance, 1912.

Rules issued by His Excellency the Governor under Section 17 of the Non-Native Poll Tax Ordinance, 1912.

Nairobi,

Dated this 13th day of November, 1912.

C. C. BOWRING,

Deputy Governor.

1. A District Officer shall give to every person paying the tax to him a receipt in the form in the Schedule hereto.

2. A District Officer may, if he shall consider it necessary for the purpose of the identification of a payee, require the payee of the tax to sign his name in the spaces allotted both in the receipt or in the counterfoil, or if the payee is unable to sign his name in the characters of some European language, to impress in the spaces allotted the prints of both his right and left thumbs.

Any person refusing or neglecting to sign his name or to impress his thumb marks when required by a District Officer, shall be liable to a fine not exceeding thirty rupees.

Schedule.

Non-Native Poll Tax.

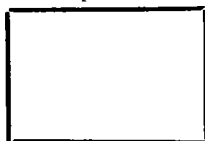
No.....
Station.....
Name of payee.....
Residence.....
Amount paid.....
Signature of payee.....

No..... Date.....
Station.....
Received of.....
Residing at.....
The sum of Fifteen Rupees, in payment of the Non-Native
Poll Tax for the year ending December 31st, 19.....
Rs.....

District Commissioner.

Signature of payee.....

Left Thumb Mark:



Right Thumb Mark:



Left Thumb Mark: Right Thumb Mark:



- NOTE:—(1) The signature or thumb marks of the payee may be omitted at the discretion of the District Commissioner.
- (2) The thumb marks are only required if the payee is unable to sign his name in the characters of some European language.
- (3) If the payee is a Non-European, the particulars on back must be filled in both in receipt and counterfoil.

(BACK.)

Father's name.....	Father's name
Nationality.....	Nationality.....
Caste.....	Caste.....
Age (apparent).....	Age (apparent).....
General description of } payee including any } special marks, scars, } etc. }	General description of } payee including any } special marks, scars, } etc. }
Occupation	Occupation.....

NOTE :—This receipt must be produced when demanded by any District Officer.

RULE.

The Land Titles Ordinance, 1908.

Rule issued by His Excellency the Governor under the powers conferred by Section 52 of the Land Titles Ordinance, 1908.

Nairobi,

Dated this 12th day of November, 1912.

C. C. BOWRING,

Deputy Governor.

1. The following fee shall be leviable in the Land Registration Court :—
For taking an Affidavit.....Re. 1.

RULES.

Issued by His Excellency the Governor of the East Africa Protectorate under the provisions of the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 12th day of November, 1912.

C. C. BOWRING,

Deputy Governor.

1. No person shall on any road or street crack any whip which including stock and lash exceeds 14 feet in length : all whips exceeding 14 feet in length shall be looped while being carried within the township.
2. Any person who shall contravene any of the provisions of the foregoing Rule shall be liable on conviction to a fine not exceeding Rs. 50/- and in default of payment thereof to imprisonment for a term not exceeding 14 days.
3. Offences against these Rules shall be cognisable by the Police.
4. These Rules shall apply to the township of Nairobi and shall come into force on 1st January 1913.

RULE.

Under the Diseases of Animals Ordinance, 1906.

A permit must be obtained from an authorised Issuer of Permits for the movement of sheep or goats from district to district.

NOTICE.

The Infectious Diseases Ordinance, 1903.

The Notices dated 5th September and 6th September, 1912 published in the "Official Gazette" of 15th September under the above Ordinance are hereby cancelled.

Nairobi,

Dated this 12th day of November, 1912.

C. C. BOWRING,

Chief Secretary.

NOTICE.

The Registration of Trade Marks Ordinance, 1912.

Notice is hereby given that His Excellency the Governor has directed that the Registration of Trade Marks Ordinance, 1912, shall come into operation on the 1st day of January, 1913:

RULES.

The Registration of Trade Marks Ordinance, 1912.

Rules issued by His Excellency the Governor under Section 54 of the Registration of Trade Marks Ordinance, 1912.

Nairobi,

Dated this 23rd day of November, 1912.

H. C. BELFIELD,

Governor.

1. These Rules shall be read with and shall be in addition to the Rules and the provisions in the Schedule to the Registration of Trade Marks Ordinance, 1912.

2. The Registrar may refuse to accept any application upon which the following appear:—

(a) The words "Patent," "Patented," or "By Royal Letters Patent," "Registered," "Registered Design," "Copyright," "Entered at Stationers' Hall," "To counterfeit this is forgery," or words to like effect.

(b) Representations of Their Majesties or of any member of the Royal Family.

3. Representations of the Royal Arms or Royal crests, or arms or crests so nearly resembling them so as to lead to mistake, or of British Royal crowns, or of the British national flags, or the word Royal or any other words, letters, or devices calculated to lead persons to think that the applicant has Royal patronage or authorisation, may not appear on trade marks the registration of which is applied for. Provided always that nothing contained in this rule shall preclude the Registrar from allowing the registration of any trade mark which is registered in the United Kingdom.

4. Where representations of the arms of a foreign State or place appear on a mark the Registrar may call for such justification as he may deem necessary for their use.

5. Where a representation of the arms or emblems of any city, borough, town, place, society, body corporate, or institution appears on a mark, the applicant shall, if so required, furnish the Registrar with a consent from such official as the Registrar may consider entitled to give consent to the use of such arms or emblems.

6. Where the names or representations of living persons appear on a trade mark, the Registrar shall, if he so require, be furnished with consents from such persons before proceeding to register the mark. In the case of persons recently dead the Registrar may call for consents from their legal representatives before proceeding with registration of a trade mark on which their names or representations appear.

7. Where the name or a description of any goods appears on a trade mark the Registrar may refuse to register such mark in respect of any goods other than the goods so named or described.

Where the name or description of any goods appears on a trade mark which name or description in use varies the Registrar may permit the registration of the mark with the name or description upon it for goods other than those named or described, the applicant stating in his application that the name or description varies.

8. The fees set forth in the First Schedule hereto shall be paid in connection with the applications, registrations and other matters mentioned in the said Schedule. All fees prescribed for the purposes of the Ordinance must in all cases be paid before or at the time of the doing of the matter in respect of which they are to be paid.

9. The forms in the Second Schedule hereto shall be used in all cases to which they are

SCHEDULES.

First Schedule.

FEES.

	Rs.	Cts.
1. On application to the Registrar to state grounds of decision and materials used under Section 11 Sub-section (2)	10	00
2. On filing a counter-statement in answer to a notice of opposition, by the applicant for each application opposed... ..	15	00
3. For every entry in the Register of a disclaimer or memorandum in respect of a Trade Mark	5	00
4. On application under Section 36 to the Registrar for leave to add to or alter a single Trade Mark	15	00
5. On application under Section 36 to the Registrar for leave to add to or alter more than one mark of the same proprietor, the additions or alterations to be made, in each case, being the same—		
For the first mark	15	00
And for every other mark	7	50

Second Schedule.

FORM T. M. No. 1.

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

FORM OF AUTHORISATION.

Sir,

(a) Here I beg to inform you that I have appointed (a).....
 insert name and address of agent.
 of.....

(b) Here to act as my agent for (b).....
 state the particular purpose for which the agent is appointed.

I am, Sir,

Your obedient servant,

(c) To be signed by the person appointing the agent.

(c).....

Address.....

Dated the.....day of.....191.....

To

The Secretary,

Inventions and Designs,

High Court,

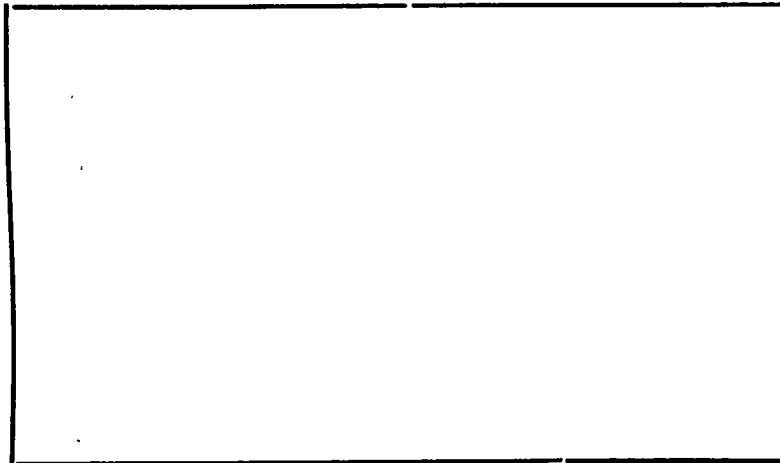
MOMBASA.

FROM T. M. No. 2.

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

APPLICATION FOR REGISTRATION OF TRADE MARK.



One representation to be fixed within this square, and four others to be sent on separate Forms T. M. No. 3.

Representations of a larger size may be folded, but must then be mounted upon linen and affixed hereto.

(a) Only goods contained in one and the same class should be set out here. A separate application form is required for each separate class. Application is hereby made for Registration of the accompanying Trade Mark in Class....., in respect of (a)..... in the name of (b)..... of (address and description).....

(b) Here insert legibly the full name, address and description of the individual, firm or company. trading as..... who claims to be the proprietor thereof (c).

.....do not claim the registration of this Trade Mark under the special provisions of paragraph 5 of Section 7 of the Registration of Trade

style (if any). (c) Alter to "claim to be the proprietors thereof" in the case of a firm or company. Marks Ordinance, 1912, in regard to names, signatures, or words.

(Signed).....

Dated the.....day of.....191...

To

The Secretary,

Inventions and Designs,

High Court,

FORM T. M. No. 3.

EAST AFRICA PROTECTORATE.

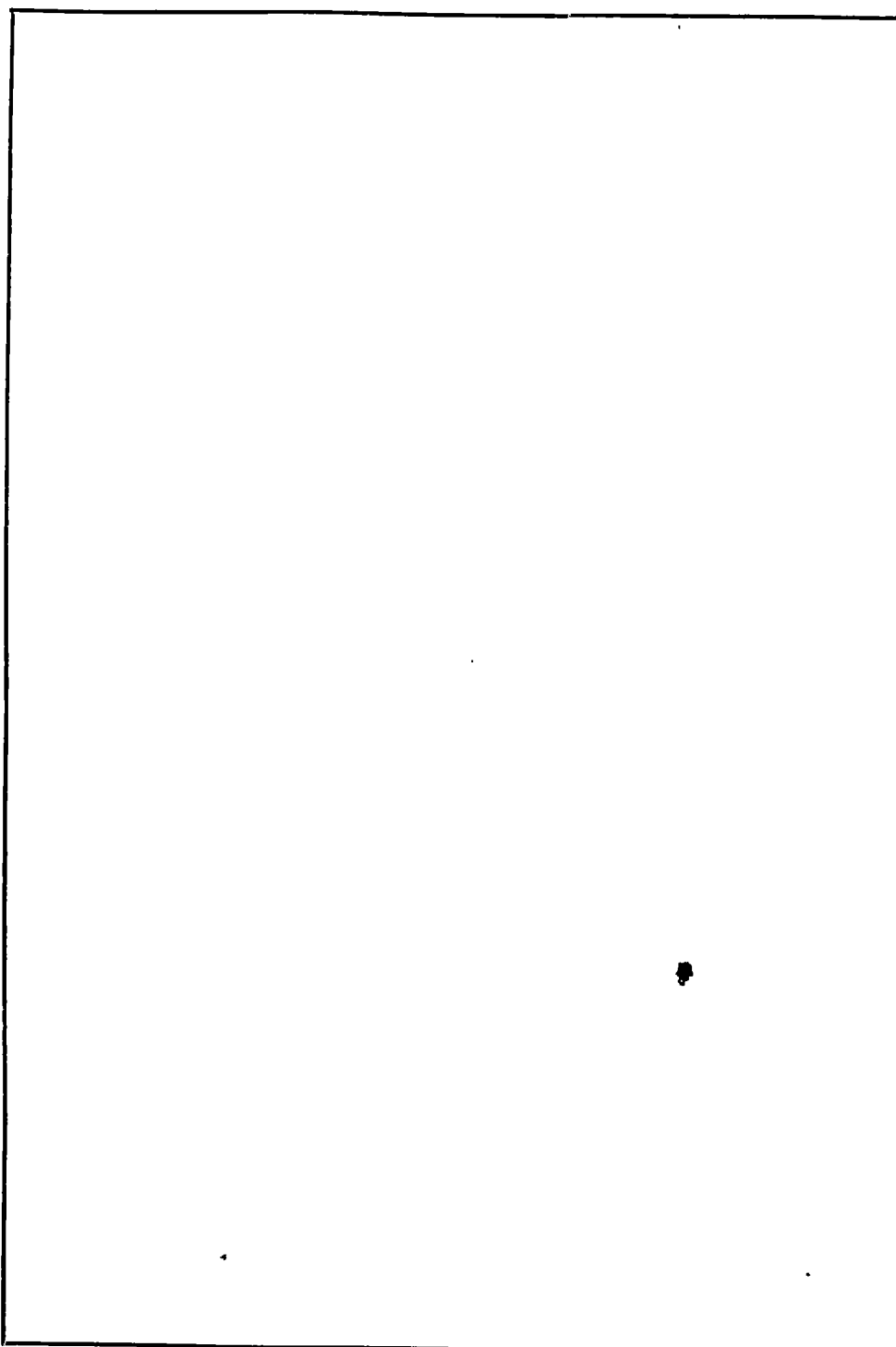
The Registration of Trade Marks Ordinance, 1912.

ADDITIONAL REPRESENTATION OF TRADE MARK, TO ACCOMPANY
APPLICATION FOR REGISTRATION.

One representation of the Trade Mark to be fixed within this square.

It must correspond exactly in all respects with the representation affixed to the Application Form.

Any representation of a larger size than foolscap may be folded, but must then be mounted upon linen and affixed hereto.



Four of these ADDITIONAL REPRESENTATIONS of the Trade Mark must accompany

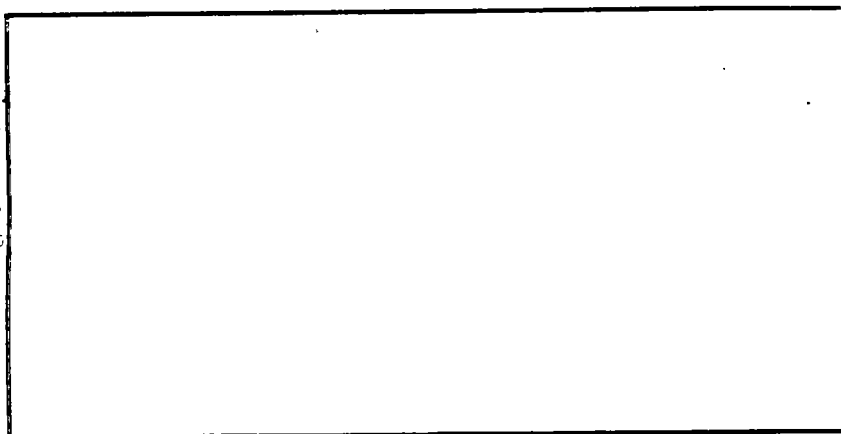
FORM T. M. No. 4.

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

SPECIAL APPLICATION FOR REGISTRATION OF TRADE MARK UNDER PARAGRAPH 5 OF SECTION 7.

One representation to be fixed within this square, and four others to be sent on separate Forms T. M. No. 3.



Application is hereby made for registration of the accompanying Trade

(a) Only goods Mark in Class....., in respect of (a)..... contained in one and the same class should be set out here. A separate Application Form is required for each separate class.

(b) Here insert in the name of (b)..... of legibly the full name, address and description (address and description)..... of the individual, firm, or company. Add trading style (if any).

(c) Alter to trading as..... "claim to be the proprietors thereof" in the case of a firm or company. who claims to be the proprietor thereof (c) and desires an order of the Court directing registration of the same.

(Signed)

Dated the.....day of.....191.....

To The Secretary, Invention & Designs,

FORM T. M. No. 5.

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

REQUEST FOR STATEMENT OF GROUNDS OF DECISION UNDER SECTION 11 (2).

You are hereby requested under Sub-section 2 of Section 11 of the Trade Marks Ordinance, 1912, to state in writing the grounds of your decision, dated the..... day of.....191..., after the hearing on the..... day of.....191..., and the materials used by you in arriving at such decision.

(Signed).....

Dated the.....day of.....191.....

To

The Secretary,
Inventions & Designs,
High Court,

FORM T. M. No. 6.

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

NOTICE OF OPPOSITION TO APPLICATION FOR REGISTRATION.

(To be accompanied by an unstamped duplicate).

In the matter of an application

No..... by.....

of.....

Here state full name and address.

I,.....

hereby give notice of my intention to oppose the Registration of the Trade Mark advertised under the above number for Class.....in the Official Gazette of the.....day of....., 191....., No..... page.....

The grounds of opposition are as follows:—

.....
.....
.....

(Signed)

Dated the.....day of....., 191.....

Address for Service:—

To

The Secretary,
Inventions & Designs,

High Court

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

FORM OF COUNTER-STATEMENT.

(To be accompanied by an unstamped duplicate.)

In the matter of an Opposition,

No....., to Application

No.....

I.....
the applicant for the above Trade Mark, hereby give notice that the following
are the grounds on which I rely as supporting my application:—

.....
.....
.....

I admit the following allegations in the notice of Opposition:—

.....
.....
.....

Signature

Dated this.....day of.....191...

To
The Secretary,
Inventions and Designs,
High Court,

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

REQUEST TO ENTER DISCLAIMER OR MEMORANDUM RELATING TO A TRADE MARK.

I.....of.....

hereby request that you will enter in the Register in connection with Trade Mark No.....in Class.....the following..... namely—

.....
.....
.....

Signature.

.....

Dated this.....day of.....191.....

To

The Secretary,
Inventions & Designs,
High Court,

FORM T. M. No. 8.

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

FEE FOR REGISTRATION OF TRADE MARK.

Sir,

In reply to your request I hereby transmit the prescribed fee for the registration of the Trade Mark No.....in Class.....

I am,
Sir,
Your obedient Servant,

Signature.

Dated the.....day of.....191.....

To
The Secretary,
Inventions & Designs,
High Court,

FORM T. M. No. 9.

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

FORM OF REQUEST FOR CORRECTION OF CLERICAL ERROR OR FOR
PERMISSION TO AMEND APPLICATION UNDER SECTION 33.

Sir,

I hereby request that

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Signature.

Dated this day of, 191..... .

To
The Secretary,
Inventions & Designs,
High Court,

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

NOTICE OF APPLICATION FOR ALTERATION OF ADDRESS ON REGISTER OF TRADE MARKS.

In the matter of the Trade Mark No..... registered in Class.....

I, of..... the registered Proprietor of the Trade Mark numbered as above desire that my address on the Register of Trade Marks be altered to

x

x Signature of Proprietor. Dated this.....day of.....191...

To The Secretary, Inventions & Designs, High Court, MOMBASA.

The Registration of Trade Marks Ordinance, 1912.

Section 34.

REQUEST TO ENTER CHANGE OF NAME OF REGISTERED PROPRIETOR OF TRADE MARK UPON THE REGISTER.

(a) Or We. I, (a).....

Here insert name, address and description.....

(b) My or Our. hereby request that you will enter (b).....

(c) Or names.name (c) in the Register of Trade Marks as proprietor..... of the Trade Mark No.....

(d) I am or We are in Class.....(d).....entitled to the said Trade Mark and to the goodwill of the business concerned in the goods with respect to which the said Trade Mark is registered.

There has been no change in the actual proprietorship of the said Trade

(e) Here state the circumstances under which the change of name took place. Mark, but (e).....

x Signature. x.....

Dated this.....day of....., 191...

To The Secretary, Inventions and Designs, High Court, MOMBASA.

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

Section 34.

FORM OF APPLICATION BY PROPRIETOR OF REGISTERED TRADE MARK TO CANCEL ENTRY ON REGISTER.

Trade Mark No.....Class.....,advertised in Trade Marks Journal, No.....page.....

Name of Registered Proprietor.....

Place Business.....

Description.....

I, the undersigned.....

of.....

.....(or I, the undersigned.....

a member of the firm of.....of.....

.....on behalf of my

x Signature. said firm).....

apply that the entry upon the Register of Trade Marks of the Trade Mark

No.....in Class.....may be cancelled.

x.....

Dated this.....day of.....191.....

To The Secretary, Inventions & Designs, High Court, MOMBASA.

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

Section 34.

REQUEST TO STRIKE OUT GOODS FROM THOSE FOR WHICH A TRADE MARK IS REGISTERED.

I,

of

hereby request that you will strike out

.....from the goods for which the Trade Mark

No..... is registered in Class.....

x Signature.

x

Dated this.....day of.....191....

To

The Secretary,
Inventions & Designs,
High Court,

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

APPLICATION UNDER SECTION 36 TO ADD TO OR ALTER A TRADE MARK.

In the matter of the Trade Mark No.....

in Class.....

Application is hereby made on behalf of the registered proprietor of the Trade Mark numbered as above to alter it in the following particulars

that is to say :—

(Here fill in full particulars).

Six copies of the mark as it will appear when so altered are filed herewith.

(Signed).....

Dated this.....day of.....191...

To

The Secretary,
Inventions and Designs,
High Court,

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

REQUEST FOR CERTIFICATE OF REFUSAL TO REGISTER A TRADE MARK.

In the matter of an application for registration
of a Trade Mark No.....in Class.....

Sir,

I,
of
the Applicant in the above matter, hereby request you to furnish me with your
Certificate of Refusal to register the said Trade Mark.

x Signature of
applicant.

x

Dated this.....day of.....191....

The Secretary,
Inventions & Designs,
High Court.

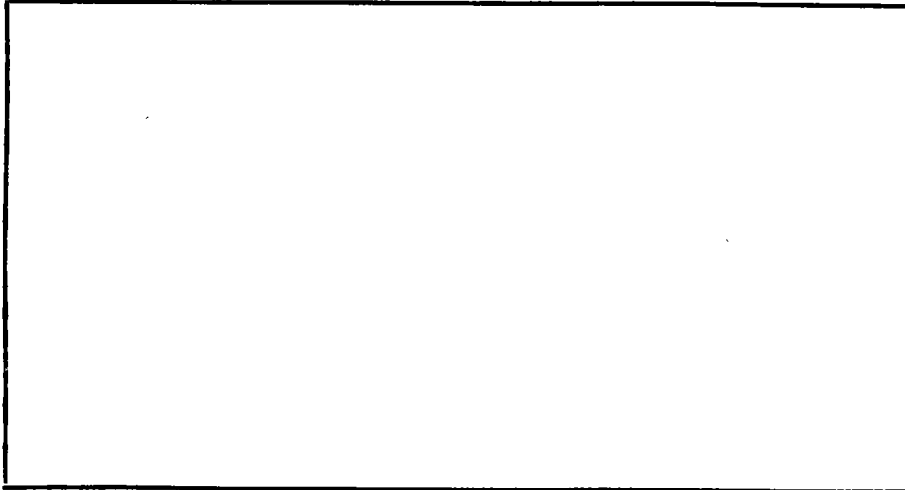
FORM T. M. No. 15.

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

SPECIAL APPLICATION FOR REGISTRATION OF TRADE MARK UNDER SECTION 55.

(To be accompanied by an unstamped duplicate).



One representation to be fixed within this square, and six others to be sent on separate half-sheets of foolscap.

Representations of a larger size may be folded but must then be mounted upon linen and affixed hereto.

Application is hereby made for registration of the accompanying Trade

(a) Only goods Mark in Class ..., in respect of (a) ... contained in one and the same class should be set out here. A separate Application Form is required for each separate class.

in the name of ... of (address and description)

who desire H. E. the Governor under Section 55 of the Ordinance to permit the registration thereof.

(Signed)

Dated the ... day of ..., 191 .

To The Secretary, Inventions & Designs, High Court.

FORM T. M. No. 16.

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

REQUEST BY ASSIGNEE OR SUBSEQUENT PROPRIETOR FOR REGISTRATION OF TRADE MARKS IN HIS NAME.

(a) Name of Assignee, etc. I, (a)

(b) Address of of (b)

(c) Name of Assignee. hereby request, under Section 15 that the name of (c)

(d) Trade or Business of Assignee., carrying on business as (d)

(e) Address of Assignee., at (e), may

be entered in the Register of Trade Marks as proprietor of the Trade Mark

No..... in Class.....

That I am now the proprietor thereof as shown in my Affidavit filed herewith.

(f) Signature of Assignee, etc. (f)

Dated this..... day of.....191...

To

The Secretary, Inventions & Designs, High Court

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

REQUEST FOR CERTIFICATE OF REGISTRATION OF TRADE MARK TO
BE USED IN LEGAL PROCEEDINGS.

In the matter of the Trade Mark,
No....., registered in
Class..... in the name
of.....

I,.....
of.....
the registered Proprietor of the above Trade Mark, hereby request you to
furnish me with your Certificate of Registration to be used in legal proceedings.

x Signature.

x.....

Dated this.....day of.....191...

To
The Secretary,
Inventions and Designs,
High Court,

FORM T. M. No. 18.

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

REQUEST FOR GENERAL CERTIFICATE OF REGISTRAR (OTHER THAN
CERTIFICATE FOR USE IN LEGAL PROCEEDINGS).

In the matter of the Trade Mark No

in Class.

Sir,

I,

of

(a) Here set out the particulars which the Registrar is requested to certify. hereby request you to furnish me with your Certificate (a)

(b) Signature. (b)

Dated this day of, 191

To

The Secretary,
Inventions & Designs,
High Court,

EAST AFRICA PROTECTORATE.

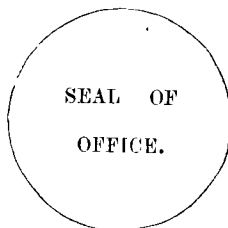
The Registration of Trade Marks Ordinance, 1912.

CERTIFICATE OF REGISTRATION UNDER SECTION 18.

To.....

I hereby certify, pursuant to Section 18 of the above Ordinance, that the Trade Mark in your application No..... was duly advertised in the Official Gazette and has been registered in your name in Class..... in respect of the goods specified by you.

Witness my hand this.....day of..... 191...



.....
Registrar.

RULES.

The Non-Native Poll Tax Ordinance, 1912.

Rules issued by His Excellency the Governor under Section 17 of the Non-Native Poll Tax Ordinance, 1912.

Nairobi,

Dated this 26th day of November, 1912.

H. C. BELFIELD,

Governor.

1. A District Officer shall give to every person paying the tax to him a receipt in the form in the Schedule hereto.

2. A District Officer may, if he shall consider it necessary for the purpose of the identification of a taxpayer, require the taxpayer to sign his name in the spaces allotted both in the receipt and in the counterfoil, or if the taxpayer is unable to sign his name in the characters of some European language, to impress in the spaces allotted the prints of both his right and left thumbs.

Any person refusing or neglecting to sign his name or to impress his thumb marks when required by a District Officer, shall be liable to a fine not exceeding thirty rupees.

3. The rules dated the 13th day of November, 1912, under the Non-Native Poll Tax Ordinance, 1912, are hereby cancelled.

Schedule.

Non-Native Poll Tax.

No.....
Date.....
Station.....
Name of taxpayer.....
Residence.....
Amount paid.....
Signature of taxpayer.....

No..... Date.....
Station.....
Received of.....
Residing at.....
The sum of Fifteen Rupees, in payment of the Non-Native Poll Tax for the year ending December 31st, 19.....
Rs.....
District Commissioner.
Signature of taxpayer.....

Left Thumb Mark :



Right Thumb Mark:



Left Thumb Mark: Right Thumb Mark:



- NOTE:-(1) The signature or thumb marks of the taxpayer may be omitted at the discretion of the District Commissioner.
(2) The thumb marks are only required if the taxpayer is unable to sign his name in the characters of some European language.
(3) If the taxpayer is a Non-European, the particulars on back must be filled in both in receipt and counterfoil.

(BACK.)

Father's Name.....	Father's Name
Nationality.....	Nationality.....
Caste.....	Caste.....
Age (apparent).....	Age (apparent).....
General description of taxpayer including any special marks, scars, etc. }	General description of taxpayer including any special marks, scars, etc. }
Occupation.....	Occupation

NOTE:—This receipt must be produced when demanded by any District Officer.

RULES.

The Non-Native Poll Tax Ordinance, 1912.

Rules issued by His Excellency the Governor of the East Africa Protectorate under Section 17 of the Non-Native Poll Tax Ordinance, 1912.

Nairobi,

H. C. BELFIELD,

Dated this 28th day of November, 1912.

Governor.

1. The Court costs and expenses set forth in the Schedule hereto and fixed by the Governor for the purposes of Section 10 of the Non-Native Poll Tax Ordinance, 1912, shall be paid by the person summoned.
2. The Magistrate issuing a summons under Section 9 of the said Ordinance shall cause to be endorsed thereon the sum to be paid by the person summoned for the summons and service thereof in accordance with the scale in the Schedule hereto.
3. Any person summoned as aforesaid, who shall, before 12 o'clock noon of the day previous to the date fixed by the summons for his attendance before the Magistrate, pay into the Court of the Magistrate, the amount of the tax payable by him together with sum to be paid for the summons and service thereof, shall be excused from attending before the Magistrate, and no order shall be made against him under Section 10 of the said Ordinance.
4. Section 12 of the said Ordinance shall apply in the case of the payment of the tax and costs in accordance with the last preceding Rule, as if such payment had been made in compliance with an order made under Section 10 of the Ordinance.

Schedule.

The Non-Native Poll Tax Ordinance, 1912.

Court costs and expenses fixed by the Governor for the purposes of Section 10 to be paid by the person summoned.

1. For a summons issued under Section 9 Rs. 2—00
2. For service of summons :
 - (a) Within 2 miles of the Court issuing the same. „ 1—00
 - (b) Beyond that distance ... { Such fee as will cover the cost of service, but not less than 2 rupees.
3. On hearing unless specially directed by the Court to be free... Rs. 2—00
4. On order of adjournment rendered necessary by default of the person summoned „ 2—00
5. For an order under Section 10 „ 2—00

RULE.

The East Africa Townships Ordinance, 1903.

Rule issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

H. C. BELFIELD,

Dated this 22nd day of November, 1912.

Governor.

Mombasa Boat Regulations.

Rule 17 of the Rules dated May 13th, 1912, issued under the East Africa Townships Ordinance, 1903, shall be and is hereby amended by the deletion of the words "Police Station" and the substitution therefor of the words "Custom House."

RULES.

His Majesty's High Court of East Africa.

Rules issued by the High Court with the approval of the Governor under the East Africa Order-in-Council, 1902, Article 22, and the East Africa Order-in-Council, 1906, Article 2.

Rules of Court No. 2 of 1912.

ADMISSION OF COLONIAL SOLICITORS AS LEGAL PRACTITIONERS.

- (1) These Rules may be cited as Rules of Court (Legal Practitioners Rules, 1911, Amendment) No. 2 of 1912.
- (2) Rule 2 of the Legal Practitioners Rules No. 2 of 1911 is hereby amended by the addition after sub-section (c) of the following sub-section:—
 - (d) Solicitors, Attorneys, or Law Agents of a Superior Court in a British Possession to which the Colonial Solicitors Act, 1900, is applied by Order in Council and who by virtue of the said Act and of any Order-in-Council thereunder may be admitted as Solicitors of the Supreme Court in England, Scotland, or Ireland, without examination and without service of articles of Clerkship.

R. W. HAMILTON,

Chief Justice.

Approved,

C. C. BOWRING,

Deputy Governor.

11th November, 1912.

A. T. B. CARTER,

Puisne Judge

NOTICE.

Embu District.

EMBERRE DIVISION.

The following Chief is hereby appointed under the Village Headmen Ordinance, 1902.

Name.	Rank.	District.	Remarks.
Kombo wa Munyere	Chief.	Maburia,	<i>vice</i> his father Munyere wa Kinuku, deceased.

Nyeri,

C. R. W. LANE,

NOTICE.

Nyanza Province.

The following persons are hereby appointed Headmen under the Village Headmen Ordinance, 1902.

Name	Rank.	Location.	District.	Remarks.
Arap Sogor	Headman.	Location No. 1	Lumbwa.	In place of Arap Korus deceased.
Arap Toimession	do	do	do	Additional headman under the Laibon to live at Kiptere.

Kisumu,
26th November, 1912.

H. HASTINGS HORNE,
for Provincial Commissioner.

PROCLAMATION.

Under The East Africa Outlying Districts Ordinance, 1902.

In exercise of the powers conferred upon me by the East Africa Outlying Districts Ordinance, 1902, I, Henry Conway Belfield, C.M.G., Governor of the East Africa Protectorate, do hereby declare those Districts or parts of Districts in the Ukamba Province hereinafter defined to be Closed Districts for the purpose of the aforesaid Ordinance. The Proclamation dated June 18th, 1906, under the above Ordinance, in so far as the said Proclamation relates to the Kikuyu Native Reserve and Kitui, and the Proclamation dated February 26th, 1910 are hereby cancelled.

Nairobi,
Dated this 11th day of December, 1912.

H. C. BELFIELD,
Governor.

Schedule.

DESCRIPTION OF THE BOUNDARIES OF KIKUYU NATIVE RESERVE.

AREA No. 1.

Commencing at a point on the Chania River and the North-westerly corner of Farm No. 295, thence bounded by the general Westerly boundaries of Farms Nos. 295, 290, 291, 294 to the Theta River,
thence by the Theta River up stream to the North-westerly corner of Farm No. 247,
thence by the general Westerly boundaries of Farms Nos. 247, 244, 115, 114, 113, 101, 98, 99 to the Kamiti River,
thence by the Kamiti River down stream to the North-westerly corner of Farm No. 97,
thence by the Westerly boundary of that Farm to the Kiu River,
thence by the Kiu River down stream to the North-westerly corner of Farm No. 88,
thence by the Westerly boundaries of Farms Nos. 88, 79 to the Riara River,
thence by the Riara River up stream to the North-westerly corner of Farm No. 81,
thence by the Westerly boundary of Farm No. 81 to the Gatharaini River,
thence by the Gatharaini River up stream to the North-west corner of Farm No. 86,
thence by the Westerly and Southerly boundary of Farm No. 86 to the North-west corner of Farm No. 85,
thence by the general Westerly boundaries of Farms Nos. 85, 22, 21, 18, 16 to the Northerly boundary of Farm No. 15,
thence by the Northerly and Westerly boundaries of Farm No. 15 and the Westerly boundary of Farm No. 12 to the Getathuru River,
thence by the Getathuru River up stream to the North-westerly corner of Farm No. 189.

thence by the Westerly boundary of Farm No. 189 to its South-westerly corner on the Uganda Railway,
 thence by the Uganda Railway towards Limoru to the South-easterly corner of Farm No. 180,
 thence by the general Easterly boundaries of Farms Nos. 180, 179 and the Northerly boundary of Farm No. 179 to the Uganda Railway and the North-westerly corner of that Farm,
 thence by the Uganda Railway towards Limoru to the South-westerly corner of Farm No. 171,
 thence by the general Easterly and South-easterly boundaries of Farms Nos. 171, 162, 164, 170, 169, 168, 153, 152, 132, 245, 134, 130, 129 and 126 to the North-easterly corner of Farm No. 126 on the Kamiti River,
 thence by the Kamiti River up stream to its intersection with the Easterly boundary of Farm No. 240 and the most Westerly corner of Farm No. 144,
 thence by the Easterly boundary of Farm No. 240 to the Forest Reserve Beacon on the Easterly boundary of that Farm,
 thence by the Forest Reserve boundary to the Chania River,
 thence by the Chania River down stream to the point of commencement.
 Excepting the following areas which are to be excluded from the above Area No. 1;—Farms Nos. 236, 1150, 1064, 1065, 1066, 1125, 992, 187, 188, 190, 225, 226, 227, 228, 229, 230, 1327, 1321, 234 and Mangu Mission area.

DESCRIPTION OF THE BOUNDARIES OF KIKUYU NATIVE RESERVE.

AREA No. 2.

Commencing at the most Easterly corner of Farm No. 378, thence bounded by the general Easterly boundaries of Farms Nos. 378, 367, 374, 368, 373, 371, 370, and 369 to its most Southerly corner,
 thence by a line North-easterly to a beacon overlooking the Kedong Valley,
 thence by a beaconsed line to a point almost due West of the South-westerly corner of Farm No. 197,
 thence by a line to the South-westerly corner of that Farm,
 thence by the Westerly boundary of that Farm to its North-westerly corner,
 thence by the general Northerly boundaries of Farms Nos. 197, 196, 195, 1128, 1008 to the Forest Reserve on Mtoni River,
 thence by the general Northerly boundary of the Forest Reserve to its intersection by the Nairobi-Ngong Road,
 thence by that Road until it joins the Nairobi-Dagoretti Road on the Western boundary of Farm No. 330,
 thence by the general Westerly boundaries of Farms Nos. 330, 4, 5 to the most Westerly corner of Farm No. 5,
 thence by a line Northerly to Tel. Post 331/10 on the Uganda Railway,
 thence by the Uganda Railway to the most Westerly corner of Farm No. 183,
 thence by the Northerly, Easterly, and Southerly boundaries of that Farm to the Nairobi River,
 thence by the Nairobi River down stream to the most Easterly corner of Farm No. 1004,
 thence by the general Southerly boundaries of Farms Nos. 1004, 186, 185, to the most Southerly corner of Farm No. 185,
 thence by the general Westerly boundaries of Farms Nos. 185, 1057, 1049, to the Westerly corner of Farm No. 1049,
 thence by the general Northerly boundaries of Farms Nos. 1049, 181, 178, and the general Westerly boundaries of Farms Nos. 177, 176, 175, 1059, 173, to the most North-westerly corner of the latter and Southerly corner of the Forest Reserve,
 thence by the Forest Reserve boundary to the most Easterly corner of Farm No. 378 and point of commencement,
 Excepting the following areas which are to be excluded from the above Area No. 2:—Farms L. O. Nos. 1429, 1127, 1322, 1058, 232, 233, Forest Reserve Area No. 1 as published in the "Official Gazette," August 15th, 1912, page 543.

DESCRIPTION OF THE BOUNDARIES OF KIKUYU NATIVE RESERVE.

AREA No. 3.

Commencing at the North-westerly corner at Forest Reserve Beacon No. 84 thence through Forest Reserve Beacons 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101 and 102 to Beacon 84, the point of commencement.

DESCRIPTION OF THE BOUNDARIES OF KIKUYU NATIVE RESERVE.

AREA No. 4.

Commencing at Forest Reserve Beacon No. 41 on the Northerly boundary of L.O. No. 366, thence bounded by a beaconsed line in a Northerly direction through Beacons 40, 34, 33, 32, 31, 30, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 11a, 11, 10, 9, 8, 7, 6, 5, 4, to the Southerly boundary of L. O. 388, thence by that Farm boundary to Beacon 3, thence to Beacon 2 on the Matathia River, thence by the Matathia River down stream to Beacon 1 on the Uganda Railway, thence by the Uganda Railway to Beacon 63, thence by beaconsed lines in a general Southerly direction through Beacons 62, 61, 60, 59, 58, 57, 56 to 55 on a Native track, thence by that track to Beacon 54, thence by a beaconsed line North-easterly to Beacon 54a, thence by a beaconsed line Southerly through Beacons 54b, 69, 68, 67, 66, 65, 64 to the Uganda Railway, thence by the Uganda Railway to the Westerly boundary of L. O. 366, thence by the Westerly and Northerly boundaries of that Farm to the point of commencement.

DESCRIPTION OF THE BOUNDARIES OF KIKUYU NATIVE RESERVE.

AREA No. 5.

Commencing at Forest Reserve Beacon No. 77 on the Westerly boundary of L. O. 241 thence bounded by a beaconsed line through Beacons 76, 75, 74, 73, and 72 on the Issanj River, thence by the Issanj down stream to the Westerly boundary of L. O. 241, thence by the Westerly boundary of that Farm through Beacon 83 to Beacon 82, thence by a beaconsed line through Beacons 81, 80, 79, to 78 on the Westerly boundary of the above Farm, thence by the Westerly boundary of that Farm to the point of commencement.

DESCRIPTION OF THE BOUNDARIES OF MACHAKOS (ULU) NATIVE RESERVE.

Commencing at the North-eastern corner of L.O. 1758, thence bounded by the general Easterly boundaries of Farms L.O. 1758, 1757, 1756, 1755, 1754, 1751, 1743, 1696, 1742 1741, 1740 to the most Easterly corner of Farm L.O. 363, thence by a line Northerly to the most Easterly corner of L.O. 362 *i.e.* Southerly corner of L.O. 1491 on the Muvongoni River, thence by the Easterly and Northerly boundaries of L.O. 1491 to the Muvongoni River, thence by that River up stream to the South-easterly corner of L.O. 1420, thence by the general Easterly boundaries of L.O. 1420, 1423, 360, 361 to the Northerly corner of L.O. 361, thence by a line Northerly to Koma Rock, thence by a line North-easterly to the most Southerly corner of L.O. 1530, thence by the South-easterly boundary of that Farm to its South-easterly corner, thence by a line to the source of the Mutwoyi River, thence by the Mutwoyi down stream to its junction with the Athi River, thence by the Athi down stream to its junction with the Thwake River, thence by the Thwake up stream to its junction with the Kaiti, thence by a line South-westerly to Mathemba Hill, thence by a line South-westerly to Mupau Hill, thence by a line direct to the source of the Chunyu Stream, thence by the Chunyu down stream to its junction with the Kiangini Stream, thence by the Kiangini up stream to its junction with the Punguu Stream, thence by the Punguu up stream to its source near Ithumba Hill, thence by a line to the peak on Ithumba Hill, thence by a line Westerly to a point South-east of Matha Hill where a dry water-course joins the Kioyi or Mukuyu River, thence by the Kioyi up stream to its junction with the Mwatine River, thence by the Mwatine River up stream to a point South-east of Muani Hill, thence by a line North-west to the point of commencement (the beacon on Muani Hill and the North-eastern corner of L.O. 1758.)

DESCRIPTION OF THE BOUNDARIES OF KITUI NATIVE RESERVE.

Commencing at the summit of Karkindu Hill, thence bounded by a line North-easterly to Makambani Hill, thence by a line North-easterly to Ngamba Hill, thence by a line North-westerly to Ukazzi, thence by a line North-westerly (crossing the rivers Uthunguthia and Sungula at points about one-fourth of a mile West of their junction) to the Tana River, thence by the Tana River up stream to its junction with the Tyaa River, thence by the Tyaa River up stream to its intersection with the Mumoni Road

thence by a line Southwards—generally along the Mumoni Road—to the Muguthu Hills,
 thence by a line South-westerly to the Lutuni Hills,
 thence by a line South-westerly to the most Southerly tributary of the Kithioka River,
 thence by that tributary up stream to a point due South of the junction of the Tana and Tyaa
 Rivers,
 thence by a line South-westerly to the intersection of the Kitui-Embu Road and the Tiva
 River,
 thence by the Tiva River to its intersection by the Kitui-Machakos Road,
 thence by that Road to its intersection with the Chano River,
 thence by a line South-westerly to a point about 4 miles East of the cableway on the Athi
 River and Machakos-Kitui Road,
 thence by a line due East to the Tiva River,
 thence by the Tiva River down stream to a point almost due West of Karkindu Hill,
 thence by a line Easterly to the point of commencement.

PROCLAMATION.

The East Africa Outlying Districts Ordinance, 1902.

In exercise of the powers conferred upon me under the East Africa Outlying Districts Ordinance, 1902, I, Charles Calvert Bowring, C.M.G., do hereby declare the trade centres and trade roads mentioned in the Schedule hereto attached and which are located in the Province of Kenya to be excluded from the provisions of the above-noted Ordinance.

Nairobi,

Dated this 3rd day of December, 1912.

C. C. BOWRING,

Deputy Governor.

Schedule.

Trade Centres.

KENYA PROVINCE

Name of Trade Centre.	Situation.	Rough extent.
Embu District.		
Kutu's	Ziba River bridge on the main Fort Hall Embu road, about 9½ miles W. of Embu Station.	50 acres.
Kabugwa	In Kichugu on the Mukengeria and Kabugwa Rivers, about 15 miles from Embu Station.	32½ acres.

Trade Roads.

KENYA PROVINCE

District, Name of road.	Names of villages, etc., thro' which the road passes or with which it communicates.	Extent.
Embu	Chief Kutu's and Sub-Chief Katubiri's.	About six miles.

RULES.

Issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903.

Nairobi,

Dated this 7th day of December, 1912.

C. C. BOWRING,

Deputy Governor.

1. In these Rules the words "owner" and "occupier" shall have the same meaning as in the Township Fees and Conservancy Ordinance, 1908.

2. The occupier of any building or premises shall provide and maintain to the satisfaction of the Town Clerk, a receptacle for ashes and other non-liquid refuse, of a sufficient size, of a capacity not less in any case than 6 cubic feet, constructed of galvanised iron and fitted with handles on each side. Provided that in the case of any house occupied by more tenants than one the owner shall be deemed to be the occupier for the purposes of these Rules.

3. No offensive dangerous or liquid matter shall be placed in any receptacle provided under the foregoing Rule.

4. The occupier of any premises upon which is produced refuse which in the opinion of the Town Clerk is of a quantity too great for deposit in such receptacles as are above provided for, or any manure or trade effluent, shall daily cause the same to be removed to the Municipal dumping ground, or to such other place as may be approved by the Town Clerk: or the Town Clerk may remove and dispose of such refuse manure or effluent if so requested by such occupier on payment by him of a sum in accordance with a tariff to be fixed from time to time by the Municipal Committee, and such occupier shall in that case pay such sum on demand.

No person shall remove or upset or overturn any public receptacle for refuse.

6. Any person contravening or failing to comply with any of the provisions of the foregoing Rules shall be liable on conviction to a fine not exceeding Rs. 40/- or in default of payment thereof to imprisonment for a period not exceeding 28 days.

7. Offences against Rule 5 hereof shall be cognisable by the Police.

8. These Rules shall apply to the Township of Nairobi.

9. Rules 16 to 20 inclusive of Nairobi Township Rules, No. 3 of 1905, are hereby repealed.

RULES.

Issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance 1903.

Nairobi,

Dated this 14th day of December, 1912.

H. C. BELFIELD,

Governor.

1. The Municipal Committee shall have power to prescribe by public notification the hours within which animals may be slaughtered at the Slaughter House and the hours for inspection of carcasses: and no animals shall be there slaughtered except within the hours of notified.

2. No carcase and no portion of any carcase (except hides and bones) shall be removed from the Slaughter House or sold or exposed for sale until it has been inspected by the Meat Inspector and either a certificate has been issued of its fitness for human consumption, or an order made by the Meat Inspector for its disposal: and any person dealing with any carcase or portion of a carcase in respect of which such an order shall have been made so as to contravene the terms of such order shall be guilty of an offence against this Rule.

3. No animal shall be slaughtered for meat within the Township except at the Slaughter House unless with the written permission of the Town Clerk.

4. The Medical Officer of Health or any duly authorised servant of the Municipal Committee shall at all times have free access for the purpose of inspection to any portion of any premises licensed under Township Rules for the sale of meat and if he shall find in any such premises any carcase or part of a carcase which is diseased, unsound or unwholesome or unfit for human consumption, he may forthwith seize and carry away or cause to be seized and carried away such carcase or part and direct the same to be destroyed or disposed of as he shall think fit, and the Town Clerk may at his discretion suspend or cancel the licence in respect of such premises.

5. No person suffering from an infectious or contagious disease shall enter the Slaughter House or be employed in any butcher's shop or stall or handle any carcase or meat intended or exposed for sale.

6. No person shall use as a sleeping apartment any room, stall or shop where any carcase or meat intended for sale is kept.

7. All meat slaughtered outside the township area and brought inside the said area for sale for human consumption shall be conveyed for examination to the Slaughter House, and shall not be sold or exposed for sale until it has been certified by the Meat Inspector as fit for human consumption.

8. Fees for inspection of meat shall be payable as follows:—

For sheep, goats, gazelles, swine per carcase	25 cents
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For oxen and other animals not mentioned above per carcase	Re. 1/-
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For the purpose of these Rules the word "Ox" signifies and includes any head of horned cattle.

9. All Slaughter House fees shall be payable in advance at the Municipal Offices, and the Meat Inspector shall have power to refuse to certify any carcase in respect of which the prescribed fees shall not have been so paid.

10. Any person who shall contravene or fail to comply with any of the provisions of the foregoing Rules, shall be liable on conviction to a fine not exceeding Rupees 200 and on default in payment thereof, to a period of imprisonment of either description not exceeding 30 days.

11. In these Rules the words "Slaughter House" shall mean the premises set apart for the purposes of a slaughter house by the Municipal Committee; and the words "Meat Inspector" shall mean the person employed by the said Committee to act as Meat Inspector or other qualified person authorised by them to act in that behalf.

12. Rules 22 to 34 inclusive of Nairobi Township Rules No. 5 of 1905, and Township Rules dated 24th September, 1909, are hereby repealed.

13. These Rules shall apply to the Township of Nairobi and shall come into force on the 1st day of January, 1913.

NOTICE.

Under the East Africa Marriage Ordinance, 1902.

In exercise of the powers conferred upon me by Section 4 of the East Africa Marriage Ordinance, 1902, I, Charles Calvert Bowring, C.M.G., Deputy Governor of the East Africa Protectorate, do hereby appoint John Clifton Shaw to be Deputy Registrar of Marriages for the Uasin Gishu District.

Given under my hand this 4th day of December, 1912.

C. C. BOWRING,
Deputy Governor.

