

EAST AFRICA PROTECTORATE.

OFFICE OF THE SECRETARY FOR PROTECTIVE TERRITORIES,
NATAL.

ORDINANCES AND REGULATIONS.

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EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by His Majesty's Commissioner for the East Africa Protectorate.

Mombasa, January 12th, 1904.

C. ELIOT,
His Majesty's Commissioner.

No. 1 OF 1904.

REMOVAL OF NATIVES WITHIN SPECIAL DISTRICTS.

IT is hereby enacted as follows :—

(1) In this Ordinance the term "Native" means any Native of Africa not of European or American origin and the term "Protectorate" means the East Africa Protectorate.

(2) Where it is shown to the satisfaction of the Commissioner that any Native dwelling in a district declared to be a special district within the meaning of the "East Africa Native Courts Amendment Ordinance 1902" is disaffected to His Majesty's Government or is otherwise conducting himself so as to be dangerous to peace and good order in the Protectorate or is intriguing against His Majesty's power and authority in the Protectorate the Commissioner may if he thinks fit by an order under his hand and Official Seal direct such Native to be removed to or interned in such place within the limits of the Protectorate as the Commissioner may direct, or may prohibit him from remaining in the Protectorate during any time specified in such order of prohibition or removal.

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

(4) An appeal shall not lie against any order under this Ordinance but the Commissioner may by order under his hand and Official Seal vary or revoke any such order.

(5) If any Native removed or prohibited from remaining within the Protectorate under this Ordinance leaves the place to which he is removed or returns to the Protectorate as the case may be without any revocation or variation of the order of removal or prohibition by the Commissioner he shall be deemed guilty of an offence and shall be liable on conviction to imprisonment of either kind not exceeding three months or to a fine not exceeding Rs. 500 or to both and he shall also be liable to be forthwith again removed or prohibited from remaining in the Protectorate.

(6) The warrant of the Commissioner under his hand and seal shall be sufficient authority to the person to whom it is addressed or delivered for execution to receive and detain the Native therein named and remove and carry him to the place therein directed according to the warrant.

(7) This Ordinance may be cited as the "Removal of Natives in Special Districts Ordinance 1904."

Mombasa, January 12th, 1904.

C. ELIOT,
His Majesty's Commissioner.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by His Majesty's Commissioner for the East Africa Protectorate.

C. ELIOT,
His Majesty's Commissioner.

No. 2 OF 1904.

COFFEE LEAF DISEASE.

IT is hereby enacted as follows :—

(1) No seeds or living or dried plants can be introduced into the East Africa Protectorate which have as their place of origin India, Ceylon, the Straits Settlements, the Dutch East Indies, Mauritius, Zanzibar, or Natal, German East Africa, and Central American States (hereafter referred to as prohibited countries) unless the person wishing to introduce them can show a written authority to do so signed by the Commissioner.

(2) This permission will only be granted under special conditions and when the applicant is able to prove to the Commissioner's satisfaction that the seed or plants he wishes to introduce are derived from places which though within the prohibited countries are entirely unlikely to be within the scope of the coffee disease.

(3) Persons desiring to introduce seeds or plants under such special conditions must forward their application and receive the required permission before importing the seeds or plants.

(4) When no permit of the above nature can be shown any seeds or plants arriving at any port or frontier of the East Africa Protectorate and appearing to come from any of the prohibited countries will be immediately destroyed by the Collector of Customs.

(5) Any attempt to introduce seeds or plants into the East Africa Protectorate except through a recognized port of entry which is on the list of ports of entry to be published from time to time by the Chief of Customs will be considered an act of smuggling.

(6) It is permitted to import into the East Africa Protectorate seeds or living or dried plants from any countries other than the prohibited countries but all persons desiring to import such seeds or plants must first satisfy the Collector of Customs at the port of entry by reasonable means of proof (such as invoices, bills of lading or certificates of origin) that the said seeds and plants do not emanate from any of the prohibited countries.

(7) Any breach of the provisions of this Ordinance shall be punishable with a fine which may amount to Rs. 1,000.

(8) The Commissioner shall have power by proclamation to declare any country a prohibited country within the meaning of this Ordinance.

(9) The Commissioner shall have power to order the destruction of every infected or diseased plant within the East Africa Protectorate.

February 11th, 1904.

C. ELIOT,
His Majesty's Commissioner.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by His Majesty's Commissioner for the East Africa Protectorate.

C. ELIOT,
His Majesty's Commissioner.

No. 3 OF 1904.

MARRIAGES.

IT is hereby enacted as follows :—

(1) In the East Africa Marriage Ordinance 1902, Section 33, Sub-Section 1, the words "A marriage may be lawfully celebrated under this Ordinance between a man and the sister or niece of his deceased wife, but, save as aforesaid," are hereby repealed, provided that any marriage between a man and the sister or niece of his deceased wife celebrated under the East Africa Marriage Ordinance 1902 before the promulgation of this Ordinance shall be valid.

(2) This Ordinance may be cited as "The East Africa Marriage Amendment Ordinance 1904."

Nairobi, March 3rd, 1904.

C. ELIOT,
His Majesty's Commissioner.

EAST AFRICA PROTECTORATE.

• AN ORDINANCE

Enacted by His Britannic Majesty's Commissioner for the East Africa Protectorate.

Mombasa, March 14th, 1904.

C. ELIOT,
His Majesty's Commissioner.

No. 4 OF 1904.

CUSTOMS.

IT is hereby enacted as follows:—

1. This Ordinance may be cited as "The Customs Ordinance, 1904" and shall come into force on April 1st, 1904.
- 2.—(1) Import Duty will be levied on all goods imported into the Protectorate in accordance with the Tariff contained in Schedule A. Provided that goods actually consigned to a destination in the Protectorate and at sea or in a Protectorate port before the publication of this Ordinance will be admitted on payment of duty at the rate in force on the day of the despatch of the goods.
- (2) Export Duty on goods exported from the Protectorate will be levied in accordance with the Tariff contained in Schedule B.
3. The scale of charges for the use of the Government crane at ports in the Protectorate will be that contained in Schedule C.
4. The issue of customs passes and gate passes will be discontinued and no such passes will be required hereafter.
5. The enactments mentioned in Schedule D are repealed.

Mombasa, March 14th, 1904.

C. ELIOT,
His Majesty's Commissioner.

SCHEDULE A.

IMPORT DUTIES.

Distilled Liquors (other than drugs or medicines imported for <i>bona fide</i> medical purposes), eau de Cologne and lavender water	The sums charged under Sec. 6 of the Liquor Ord- inance, 1902, or any enactment substituted therefor.
Trees, plants and seeds intended for cultivation	No duty.
Live stock for breeding purposes	No duty.
Tomb stones and ornaments for graves	No duty.
Surgical and medical instruments imported by a doctor on arrival for his own use	No duty.
Coal	No duty.
Books, maps, and printed matter	No duty.
Gold, bullion and gold coin	No duty.
Coins admitted to circulation in the Protectorate... ..	No duty.
Agricultural implements	No duty.
Materials for the construction and maintenance of railways, tramways and roads	No duty.

All goods other than those enumerated above 10 per cent. ad valorem.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by His Britannic Majesty's Commissioner for the East Africa Protectorate.

Mombasa, 1st April, 1904.

C. ELIOT,
His Majesty's Commissioner.

No. 5 of 1904.

TRADE.

IT is hereby enacted as follows :—

1. The issue of traders' licenses under "The Kisumu and Naivasha Trading Ordinance, 1902," will be discontinued from and after the date of this Ordinance.
2. The Commissioner may by Proclamation prohibit trade by persons other than persons licensed under the provisions of this Ordinance in any district of the Protectorate; but except in such districts no traders' licenses shall be required.
3. Licenses to trade in districts in which the Commissioner has prohibited trade by unlicensed persons may be issued for such periods, and upon such terms, and by such officers, as the Commissioner may by rule prescribe.
4. The Commissioner may require such security as he may deem fit to be given by any applicant for a license under this Ordinance for the due observance of the laws in force in the Protectorate for the time being.
5. Any unlicensed person trading in a district in which the Commissioner has prohibited trade by unlicensed persons shall be guilty of an offence, and liable to a fine not exceeding 1,000 rupees, or to imprisonment of either kind not exceeding two months, or to both.
6. Nothing herein contained shall be deemed to permit trade in any articles the sale of which is prohibited under any Regulations, Ordinance, or Rules in force in the Protectorate, or in cow elephant ivory, tusks under 11 lbs. in weight of immature male elephants, or kauri shells.
7. Nothing herein contained shall be deemed to affect trade in any article for the sale of which a license is required under, or the sale of which is regulated by, any Regulations, Ordinance, or Rules in force in the Protectorate.
8. "The Kisumu and Naivasha Trading Ordinance," is hereby repealed, except as to unexpired licenses issued thereunder.
9. This Ordinance may be cited as "The Trading Ordinance, 1904."

C. ELIOT,
His Majesty's Commissioner.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by His Britannic Majesty's Commissioner for the East Africa Protectorate.

Mombasa, April 20th, 1904.

C. ELIOT,
His Majesty's Commissioner.

No. 6 OF 1904.

FIRE-ARMS.

IT is hereby enacted as follows :—

1. No permit for the withdrawal of any fire-arms or ammunition intended for exportation shall be granted under section 7 of "The East Africa Fire-arms Regulations, 1896," if there is ground for suspicion that the said arms or ammunition may be fraudulently brought back into any part of the prohibited zone.

2. This Ordinance may be cited as "The East Africa Fire-arms Ordinance, 1904," and shall be read as one with "The East Africa Fire-arms Regulations, 1896."

Mombasa, April 20th, 1904.

C. ELIOT,
His Majesty's Commissioner.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by His Britannic Majesty's Commissioner for the East Africa Protectorate.

C. ELIOT,
His Majesty's Commissioner.

No. 7 OF 1904.

REGISTRATION OF BIRTHS AND DEATHS.

IT is hereby enacted as follows :—

REGISTRATION OF BIRTHS.

Register to be
kept in every
district.

1. The Collector of every district shall keep a register, and shall enter therein every birth, whereof the prescribed particulars are reported to him, of a child born alive within his district after the commencement of this Ordinance.

2. Every person registering the birth of a child shall, to the best of his knowledge and ability, give the prescribed particulars, and shall certify to their correctness either by signing, or, if he be illiterate, by affixing his mark to, the register, or if the registration is effected without personal attendance by signing, or affixing his mark to, the prescribed form on which the prescribed particulars are reported to the Collector. Mode of registration.

3. In the case of every child born alive after the commencement of this Ordinance, the registration of whose birth is compulsory, it shall be the duty of the father and the mother, and, in default of the father and mother, of the occupier of the house in which to his knowledge such child is born, and of each person present at the birth, and of the person having charge of such child, to register the birth within three months of the birth. Duty to register births.

4. No person shall be bound as father to register the birth of an illegitimate child, and no person shall be entered in the register as the father of such child except at his own request, and upon his acknowledging himself to be the father of the child and signing, or affixing his mark to, the register as such. Illegitimate child.

5. The Collector shall not enter in the register the birth of any child after six months from the date of the birth, except that, where the registration of the birth of any child is compulsory, the Collector shall enter the birth upon receiving the written authority of the Registrar and upon payment of the prescribed fee. Period for registration.

6. If any living new-born child, the registration of whose birth is compulsory, is found exposed, it shall be the duty of any person finding such child, and of any person in whose charge such child may be placed, to give such information as the informant possesses for the purpose of registering such birth. Exposed child.

7. Where the birth of any child has been registered before it has received a name, or the name by which it was registered is altered, the parent or guardian of such child may within two years of the registration, on payment of the prescribed fee, and on providing such evidence as the Collector may think necessary, register the name that has been given to the child. Change of name.

REGISTRATION OF DEATHS.

8. The Collector of every district shall keep a register, and shall enter therein every death occurring within his district after the commencement of this Ordinance whereof the prescribed particulars are reported to him. Register to be kept in every district.

9. Every person registering a death shall, to the best of his knowledge and ability, give the prescribed particulars, and shall certify to their correctness either by signing, or, if he be illiterate, by affixing his mark to the register, or, if the registration be effected without personal attendance, by signing or affixing his mark to the prescribed form on which the prescribed particulars are reported to the Collector. Mode of registration.

10. In the case of every person dying after the commencement of this Ordinance, the registration of whose death is compulsory, it shall be the duty of the nearest relatives of such person who were present at his death or in attendance during his last illness, and in default of such relatives, of every other relative dwelling within the district, and in default of such relatives, of each person present at the death, and of the occupier of the house in which to his knowledge such death took place; and in default of the persons hereinbefore mentioned, of any inmate of the house, or of any person finding or taking charge of the body of such person, or causing such person to be buried, to register the death within one month after the death or finding of the body, or, where the Collector is satisfied that from any cause registration could not be effected within the said period, and that no undue delay has taken place, within three months after the death or finding of the body. Duty to register deaths.

11. The Collector shall not enter in the register a death more than six months after the date of the death, except that where the registration of such death is compulsory the Collector shall enter it upon receiving the written authority of the Registrar, and upon payment of the prescribed fee. Period for registration.

THE REGISTRAR.

12.--(1) The Commissioner shall appoint a Registrar-General of Births and Deaths for the Protectorate, hereinafter called "the Registrar." Appointment and duties of Registrar.

(2) It shall be the duty of the Registrar to compile, after the close of each year, a summary of the births and deaths of such year and a report on the increase or decrease of the population of the Protectorate, and on any special causes appearing to affect the same.

(3) The Registrar shall have the custody of all filled register books and of all quarterly returns made by the Collector of a district.

(4) It shall be the duty of the Registrar to provide the Collector of a district with such book and forms as may be required, and with such instructions as he may consider necessary, for the registration of births and deaths in his district.

Quarterly Returns.

13. The Collector shall forward to the Registrar a quarterly return in the prescribed form showing the births and deaths registered in his district during such quarter, and shall also forward to him all registers so soon as the space in the same available for registrations has become exhausted.

Indexes, searches, certified copies.

14.—(1) The Registrar shall cause to be prepared from the returns made to him alphabetical indexes of the births and deaths registered.

(2) Any register return or index in the custody of the Registrar shall, on payment of the prescribed fee, be open to inspection, subject to such regulations as the Commissioner may by rule prescribe.

(3) The Registrar shall, on payment of the prescribed fee, furnish a certified copy of any entry in any register or any return in his custody.

(4) The copy of any entry in any register or return certified under the hand of the Registrar to be a correct copy shall be *prima facie* evidence in all Courts of the dates and facts therein contained.

Corrections of errors.

15.—(1) The Registrar may, subject to regulations to be approved by the Commissioner, correct any error in any register or index.

(2) Correction shall be made without erasing the original entry, and shall be authenticated by the signature of the Registrar.

GENERAL.

Compulsory registration.

16.—(1) The registration of the birth of a child shall be compulsory if either one or both parents are of European or American origin or descent, or, in the case of an illegitimate child not recognized by its father, if the mother is of European or American origin or descent.

Extension of compulsory registration.

(2) The Commissioner may, by Order published in the Gazette, extend, from a date to be named in the Order, the provisions of this Ordinance relating to compulsory registration of births and deaths to all persons in the Protectorate of any particular race, class, tribe, or other group, or to all or some of the inhabitants of any particular town, district, or other area, and from and after the said date the registration of births and deaths shall, in such cases, be compulsory instead of being optional.

Substitution of other officers for Collectors.

17. The Commissioner may direct that the duties of the Collector of any district under this Ordinance shall in that district be performed by any other public officer of the Protectorate.

Penalties.

18. Any person who, being under an obligation to register the birth or death of any person, fails so to do within the prescribed period, or refuses to state any of the prescribed particulars, or any person who wilfully gives any false information or particulars for the purpose of registration, shall be guilty of an offence, and shall be liable to a fine not exceeding 100 rupees, or to a month's imprisonment of either kind, or to both.

Rules.

19. The Commissioner may make rules with regard to the following matters, and generally for carrying into effect the provisions of this Ordinance :—

(1) The place in each district and the hours at which births and deaths may be registered.

(2) The conditions under which, and the mode in which, registration may be effected without personal attendance.

(3) The forms of all registers, returns, and other documents required for the purposes of this Ordinance.

(4) The amount of any fee where a fee is prescribed by this Ordinance.

(5) The inspection of registers, returns, and indexes, and the provision of certified copies.

(6) The places at which births and deaths occurring on board ships while within the territorial waters of the Protectorate shall be registered.

Definitions.

20. In this Ordinance "prescribed particulars" means :—

(1) As to any birth, the sex, name, date, and place of birth, the names, residence, occupations, and nationality of the parents, and such other particulars as the Commissioner may by rule prescribe.

(2) As to any death, the name, age, sex, residence, occupation, and nationality of the deceased, and the date, place, and cause of death, and such other particulars as the Commissioner may by rule prescribe.

21. This Ordinance may be cited as "The Births and Deaths Registration Ordinance, 1904," and shall come into force: Short title and commencement.

(1) As to the making of appointments and the issue of rules and instructions, immediately.

(2) As to all other matters, from a date to be named by the Commissioner and published in the Gazette.

Mombasa, April 20th, 1904.

C. ELIOT,
His Majesty's Commissioner.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by His Majesty's Commissioner for the East Africa Protectorate.

C. ELIOT,
His Majesty's Commissioner.

Mombasa, the 29th day of April, 1904.

No. 8 OF 1904.

CUSTOMS.

IT is hereby enacted as follows:—

(1) This Ordinance may be cited as "The Customs Amendment Ordinance 1904."

(2) Where by the Customs Ordinance 1904 any duty of Customs or excise on any article is imposed, increased, decreased or remitted then in all contracts for the sale of such article made before the date of the promulgation of the said Customs Ordinance 1904 without any stipulation as to the payment of duty where such duty was not chargeable at the time of making the contract or for the sale of such article duty paid where duty was chargeable at that time.

- (i) If such imposition or increase so take effect that the duty or increased duty as the case may be is paid by the vendor the vendor may add so much to the contract price as will be equivalent to the duty or increase of duty and he shall be entitled to be paid and sue for and recover such addition and
- (ii) If such decrease or remission so take effect that the decreased duty or no duty as the case may be is paid by the vendor the purchaser may deduct so much from the contract price as will be equivalent to the decrease of duty or remitted duty and he shall not be liable to pay or be sued for in respect of such deduction.

C. ELIOT,
His Majesty's Commissioner.

Mombasa, the 29th day of April, 1904.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by His Britannic Majesty's Commissioner for the East Africa Protectorate.

C. W. HOBLEY,
Acting Commissioner.

Mombasa, 1st August, 1904.

No. 9 OF 1904.

NATIVE MARRIAGES.

IT is hereby enacted as follows:—

1. This Ordinance may be cited as "The Native Christian Marriage Ordinance, 1904."
2. This Ordinance shall only apply to the marriages of natives, both of whom profess the Christian religion. Provided that nothing herein shall prevent any native marrying under the provisions of "The East Africa Marriage Ordinance, 1902."
3. Except as otherwise provided in this Ordinance, the provisions of "The East Africa Marriage Ordinance, 1902," shall apply to all marriages celebrated under this Ordinance.
4. The formalities preliminary to marriage, established, usual, or customary for native Christians in the denomination to which the parties belong, shall apply to marriages under this Ordinance, and sections 7 to 17 inclusive of "The East Africa Marriage Ordinance, 1902," shall not apply, but no minister shall celebrate any marriage under this Ordinance unless he considers that adequate notice has been given of the intended marriage.
5. Where the consent of any person to the intended marriage is necessary, the minister to celebrate the intended marriage shall be deemed to be a Registrar of Marriages for the purpose of such consent; and if there be no parent or guardian in any particular case capable of consenting, then such minister, upon being satisfied, after due enquiry, that the marriage is a proper one, may consent in writing to such marriage.
6. The Commissioner may prescribe the form of the marriage certificate for marriages celebrated under this Ordinance.
7. For the purpose of registration of marriages under this Ordinance the Commissioner shall appoint ministers to be Registrars, and they shall be deemed to be Registrars of Marriages within the meaning of "The East Africa Marriage Ordinance, 1902," except that it shall not be necessary for them to transmit to the Registrar-General a certified copy of the entries made by them in the marriage register book more than once in three months.
8. A fee of 1 rupee shall be chargeable for the registration of a marriage under this Ordinance.
9. Section 39 of "The East Africa Marriage Ordinance, 1902," is hereby repealed.

C. W. HOBLEY,
Acting Commissioner.

Mombasa, 1st August, 1904.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by His Britannic Majesty's Commissioner for the East Africa Protectorate.

Mombasa, July 29th, 1904.

C. W. HOBLEY,
Acting Commissioner.

No. 10 OF 1904.

FOREIGN SEAMEN DESERTERS.

IT is hereby enacted as follows:—

1. Where it appears to the Commissioner that due facilities are, or will be, given by the Government of any foreign country for recovering and apprehending seamen who desert from British merchant ships in that country, the Commissioner may by notification, stating that such facilities are, or will be, given, declare that this Ordinance shall apply in the case of such foreign country, subject to any limitations, conditions, and qualifications contained in the notification.
2. Where this Ordinance applies in the case of any foreign country, and a seaman or apprentice, not being a slave, deserts when within the Protectorate from a merchant ship belonging to a subject or citizen of that country, any Court, Magistrate, or Officer that would have had cognizance of the matter if the seaman or apprentice had deserted from a British ship shall, on the application of a Consular officer of the foreign country, aid in apprehending the deserter, and for that purpose may, on information given on oath, issue a warrant for his apprehension, and, on proof of the desertion, order him to be conveyed on board his ship or delivered to the master or mate of his ship, or to the owner of the ship or his agent to be so conveyed; and any such warrant or order may be executed accordingly.
3. Any person who harbours or secretes any deserter liable to be apprehended under this Ordinance, knowing or having reason to believe that he is a deserter, shall for each offence be liable to a fine not exceeding 150 rupees.
4. The Commissioner may at any time by notification declare that any notification theretofore made with respect to the application to a foreign country of this Ordinance shall, from a date specified, cease to have effect, and this Ordinance shall from the said date cease to apply in the case of the foreign country named in that notification.
5. This Ordinance may be cited as "The Foreign Seamen Deserters Ordinance, 1904."

C. W. HOBLEY,
Acting Commissioner.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by His Britannic Majesty's Commissioner for the East Africa Protectorate.

Mombasa, 2nd August, 1904.

D. STEWART,
His Majesty's Commissioner.

No. 11 OF 1904.

GAME.

IT is hereby enacted as follows:—

Short title.

1. This Ordinance may be cited as "The Game Ordinance, 1904," and shall be read as one with "The East Africa Game Regulations, 1900," hereinafter referred to as the principal Regulations.

Landholder's
game licence.

2.—(1) An occupier of land may take out a landholder's game licence for the sum of 45 rupees, and may also take out a similar licence at the same fee for any person permanently employed by him in connection with the land.

(2) The licence shall only permit game to be hunted, killed or captured on land in the occupation of the holder of the licence or of his employer.

(3) The licence shall not authorize animals mentioned in the first Schedule or the females or young of animals mentioned in the second Schedule to the principal Regulations to be hunted, killed, or captured.

(4) The licence will permit the animals mentioned in the third and fourth Schedules to the principal Regulations to be hunted, killed, or captured, and the limitation on the number of animals to be hunted, killed, or captured therein contained will not apply.

(5) Except as otherwise provided in this section, the holder of a landholder's game licence will be subject in all respects to the provisions of the principal Regulations.

Effect of land-
holder's licence
on settler's
licence.

3. Where a person holding a landholder's game licence holds also a settler's licence, animals killed or captured on his own land under his landholder's licence shall not count towards the number of animals he is entitled to kill under his settler's licence.

Issue of sports-
man's licence to
settlers.

4. The Commissioner may, in special cases, grant, at a fee of 150 rupees, a sportsman's licence to a person entitled to take out a settler's licence, but such licence shall be deemed to have been issued under the principal Regulations.

Issue of fourteen-
day licences to
public officers.

5. Not more than one fourteen-day licence shall be issued to the same public officer between the 31st March of one year and the 31st March of the next year.

6.—(1) All licences issued under this Ordinance or under the principal Regulations shall expire on the 31st day of March next after the date of issue.

(2) The provisions of this section shall not apply to licences now in force, nor to fourteen-day licences issued to a public officer.

(3) The Commissioner may, on the expiration of licences now in force, issue to the holders thereof, if they desire to renew their licences, temporary licences of the same class expiring on 31st March, at such fees and with liberty to hunt, kill, or capture such number of animals mentioned in the third and fourth Schedules as the Commissioner may think fit.

7.—(1) Ostrich eggs, heads, horns, bones, skins, feathers, or flesh, of any non-domesticated animals mentioned in the Schedules to the principal Regulations may be sold in the following cases and under the following conditions :—

Sale of trophies when allowed.

(a) If they form part of the estate of a deceased person, by the Administrator-General or personal representative of such deceased person, with the consent of the Court granting probate or administration, and on payment of such fee as the Court directs, not exceeding 20 rupees ;

(b) If they have been forfeited, by the order of the Commissioner or of the Court by which they have been declared to be forfeited.

(2) The purchaser shall in each case be given a certificate specifying the articles and declaring that they have been lawfully sold under the provisions of this Ordinance, and such certificate shall be evidence that the purchaser has not obtained the goods in contravention of the principal Regulations.

8. Any person who is found in possession of any cow ivory shall, unless he prove that the ivory was not obtained in breach of the principal Regulations, be guilty of an offence against this Ordinance.

Possession of cow ivory illegal.

9. The Commissioner may by Proclamation remove any animals from any of the Schedules to the principal Regulations. Such Proclamation may apply to the whole of the Protectorate, or to any province, district, or other area.

Removal of animals from Schedules.

10. The Schedules annexed to this Ordinance shall be substituted for the third and fourth Schedules to the principal Regulations.

New Schedules.

11. Any landholder, or his servant, finding an animal mentioned in the Schedules to the principal Regulations spoiling his crops or doing damage to his holding, may kill the same if such act is necessary for the protection of his crop or holding, but he shall give notice thereof to the collector of the district without delay, and the head, horns, tusks and skin shall be the property of His Majesty, and shall be dealt with as the Collector may direct.

Destruction of animals doing damage.

12. Animals mentioned in the Schedules to the principal Regulations killed or captured by the holder of a licence under the principal Regulations upon private land, at the invitation of the occupier, shall not count towards the number of animals that person is entitled to kill under his licence.

Game killed on private land.

13. No person shall be entitled to hunt, kill, or capture animals mentioned in the Schedules to the principal Regulations on private land in the occupation of another person other than his employer unless he is the holder of a licence under the principal Regulations.

To shoot on private land person must be licensed.

14. Any person committing a breach of this Ordinance, or guilty of an offence against this Ordinance, shall be deemed to be guilty of an offence against the principal Regulations.

Penalties.

15. The Commissioner may by rule prescribe the forms of licences issued under the provisions of this Ordinance.

Rules.

16. The following enactments are hereby repealed to the extent mentioned in the column :—

Repeal.

East Africa Game Regulations, 1900 ...	No. 30 of 1900 ...	Section 12. The words "Every licence shall be in force for one year only from the date of issue." Third Schedule. Fourth Schedule.
Game Ordinance, 1903 ...	No. 4 of 1903 ...	The whole Ordinance.

Mombasa, 2nd August, 1904.

D. STEWART,
His Majesty's Commissioner.

SCHEDULES.

THIRD SCHEDULE.

ANIMALS LIMITED NUMBERS OF WHICH MAY BE KILLED OR CAPTURED UNDER A SPORTSMAN'S OR
PUBLIC OFFICER'S LICENCE.

Kind.	Number allowed.
1. Elephant (male)	2
2. Rhinoceros	2
3. Hippopotamus	2
4. Zebras (other than the Mountain Zebra)	2
5. Antelopes and Gazelles—	
Class A—	
<i>Oryx</i> (Gemsbuck Calotis or Beisa)	2
<i>Hippotragus</i> (Sable or Roan)	2
<i>Strepsiceros</i> (Kudu)	2
6. Colobi and other fur Monkeys	2
7. Aard-Varks (<i>Oryctevopus</i>)	2
8. Serval	2
9. Cheetah (<i>Cynelurus</i>)	2
10. Aard-wolf (<i>Proteles</i>)	2
11. Ostrich (male only)	2
12. Marabout	2
13. Egret	2
14. Antelopes and Gazelles—	
Class B—	
Any species other than those in Class A	10
15. Chevrotains (<i>Dorcatherium</i>)	10

FOURTH SCHEDULE.

ANIMALS LIMITED NUMBERS OF WHICH MAY BE KILLED OR CAPTURED UNDER A SETTLER'S LICENCE.

Kind.	Number of Animals allowed.
1. Hippopotamus	2
2. The following Antelopes and Gazelles only—	
(i.) Grant's Gazelle	5 animals in all in any calendar month, made up of animals of a single species or of several; provided, however, that not more than 10 animals altogether of any one species shall be killed during the period for which the licence is available other than Grant's Gazelle, Thomson's Gazelle, and Hartebeest (<i>Bubalis</i> and <i>Damaliscus</i>).
(ii.) Thomson's Gazelle	
(iii.) Hartebeest (<i>Bubalis</i> and <i>Damaliscus</i>)... ..	
(iv.) Impala (<i>Epyceros</i>)	
(v.) Reedbuck (<i>Cervicapra</i>)	
(vi.) Duiker (<i>Cephalophus</i>)	
(vii.) Klipspringer (<i>Oreotragus</i>)	
(viii.) Steinbuck (<i>Rhaphiceros</i>)	
(ix.) Waterbuck (<i>Cobus</i>)	
(x.) Wildebeest (Gnu) <i>Connochaetes</i> (except the white-tailed species)	
3. Serval	2

EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by His Britannic Majesty's Commissioner for the East Africa Protectorate.

Mombasa, 25th August, 1904.

D. STEWART,
His Majesty's Commissioner.

No. 12 OF 1904.

DIVORCE ORDINANCE.

1. THIS Ordinance may be cited as "The Divorce Ordinance, 1904." Short title.

2. Nothing hereinafter contained shall authorize— Limitations of
this Ordinance.

(1) The grant of any relief under this Ordinance unless the Petitioner resides in the Protectorate at the time of presenting the Petition; and (a) either professes the Christian religion; or (b) has been married under the provisions of the Marriage Ordinances in force in the Protectorates of East Africa, Uganda, or British Central Africa;

(2) Or the making of any decree of dissolution of marriage except in the following cases:—(a) where the marriage shall have been solemnized in Africa; or (b) where the adultery, rape, or unnatural crime complained of shall have been committed in Africa; or (c) where the husband has since the marriage adopted some form of religion other than Christianity;

(3) Or the making of any decree of nullity of marriage, except in cases where the marriage has been solemnized in Africa.

3. In this Ordinance— Definitions.

"Africa" means the British Protectorates of Zanzibar, East Africa, British Central Africa, Somaliland, Uganda, and the German, Italian and Portuguese territories on the East Coast of Africa.

"Minor children" means, in the cases of natives and British Indians, boys who have not attained the age of 15 years and girls who have not attained the age of 13 years. In other cases, it means unmarried children who have not obtained the age of 18 years.

4. Jurisdiction under this Ordinance shall only be exercised by the High Court (hereinafter called the Court), and such jurisdiction shall, subject to the provisions of this Ordinance, be exercised in accordance with the law applied in matrimonial proceedings in the High Court of Justice in England. Jurisdiction of
the High Court.
Principles of law
to be applied.

DISSOLUTION OF MARRIAGE.

5.—(1) A husband may apply by Petition to the Court for the dissolution of his marriage on the ground that since the solemnization thereof his wife has been guilty of adultery. Grounds for
divorce.

(2) A wife may apply by Petition to the Court for the dissolution of her marriage on the ground that since the solemnization thereof her husband has changed his profession of Christianity for the profession of some other religion and gone through a form of marriage with another woman or has been guilty of incestuous adultery; or

Of bigamy with adultery ; or
 Of marriage with another woman with adultery ; or
 Of rape, sodomy, or bestiality ; or
 Of adultery coupled with cruelty ; or
 Of adultery coupled with desertion, without reasonable excuse, for two years or upwards.

Co-respondent. 6. Where the husband is the petitioner, he shall make the alleged adulterer a co-respondent to the Petition unless he is excused by the Court from so doing on one of the following grounds :—

(1) That the respondent is leading the life of a prostitute, and that he knows of no person with whom the adultery has been committed.

(2) That he does not know the name of the alleged adulterer although he has made due efforts to discover it.

(3) That the alleged adulterer is dead.

Scope of inquiry by the Court. 7. The Court shall satisfy itself so far as it reasonably can as to the facts alleged, and also whether or not the petitioner has been in any manner accessory to or conniving at the going through of the said form of marriage or the adultery complained of, or has condoned the same, and shall also inquire into any counter-charge which may be made against the petitioner.

When Petition shall be dismissed. 8. The Petition shall be dismissed if the Court is satisfied that the Petitioner's case has not been proved, or is not satisfied that the alleged adultery has been committed, or finds that during the marriage the petitioner has been accessory to or conniving at the going through of the said form of marriage or the adultery, or has condoned the same, or finds that the Petition is presented or prosecuted in collusion with either the respondent or co-respondent.

When Petition shall be granted. 9. If the Court is satisfied that the petitioner's case has been proved, and does not find that the petitioner has been accessory to or has connived at the going through of the said form of marriage or the adultery, or has connived at or condoned the same, or that the Petition is presented or prosecuted in collusion, the Court shall pronounce a *decree nisi* for the dissolution of the marriage :

Provided that the Court shall not be bound to pronounce such decree if it finds that the petitioner has during the marriage been guilty of adultery or been guilty of unreasonable delay in presenting or prosecuting the Petition, or of cruelty to the respondent, or of having deserted or wilfully separated himself or herself from the respondent before the adultery complained of, and without reasonable excuse, or of such wilful neglect of or misconduct towards the respondent, as has conduced to the adultery.

Condonation of adultery. 10. Adultery shall not be deemed to have been condoned unless conjugal cohabitation has been continued or subsequently resumed.

Grant of relief to the respondent. 11. If the respondent opposes the relief sought on the ground, where the petitioner is the husband, of his adultery, cruelty, or desertion without reasonable excuse, or, where the petitioner is the wife, on the ground of her adultery, the Court may give the respondent, on his or her application, the same relief to which he or she would have been entitled if a Petition had been presented seeking such relief, and the respondent may give evidence of or relating to such adultery, cruelty, or desertion.

NULLITY OF MARRIAGE.

Petition for nullity of marriage. 12. A husband or a wife may present a Petition to the Court praying that his or her marriage may be declared null and void.

Grounds for decree of nullity. 13.—(1) The following are grounds on which a decree of nullity of marriage may be made :—

(a) That the respondent was permanently impotent at the time of the marriage ;

(b) That the parties are within the prohibited degrees of consanguinity (whether natural or legal) or affinity ;

(c) That either party was a lunatic or idiot at the time of the marriage;

(d) That the former husband or wife of either party was living at the time of the marriage, and the marriage with such previous husband or wife was then in force;

(e) That the consent of either party to the marriage was obtained by force or fraud in any case in which the marriage might be annulled on this ground by the law of England.

(2) If the Court finds that the petitioner's case has been proved it shall pronounce a *decree nisi* declaring the marriage to be null and void.

14. Where a marriage is annulled on the ground that a former husband or wife was living, and it is found that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or where a marriage is annulled on the ground of insanity, children begotten before the *decree nisi* is made shall be specified in the decree, and shall be entitled to succeed in the same manner as legitimate children to the estate of the parent who at the time of the marriage was competent to contract.

Children of annulled marriage.

JUDICIAL SEPARATION AND PROTECTION ORDERS.

15. A husband or a wife may apply by Petition to the Court for a judicial separation on the ground of cruelty, or adultery, or desertion without reasonable excuse for two years or upwards, and the Court, on being satisfied that the allegations of the Petition are true, and that there is no legal ground why the application should not be granted, may decree judicial separation accordingly.

Grounds for judicial separation.

16. Where judicial separation has been decreed under this Ordinance, the wife shall, from the date of the decree, and whilst the separation continues, be considered as unmarried with respect to property of every description which she may acquire or which may come to or devolve upon her, and such property may be disposed of by her in all respects as if she were an unmarried woman, and on her decease, if she die intestate, shall go as it would have gone if her husband had then been dead:

Property of wife after judicial separation.

Provided that if she again cohabit with her husband, all property to which she may be entitled when such cohabitation takes place, shall be held to her separate use, subject, however, to any Agreement in writing made between herself and husband while separate.

17. Where a judicial separation has been decreed under this Ordinance, the wife shall, whilst the separation continues, be considered as an unmarried woman for the purposes of contracts, wrongs and injuries, and of suing and being sued in any civil proceedings, and her husband shall not be liable in respect of any contract, act, or costs entered into, done, omitted, or incurred by her during the separation:

Contracts, &c., of wife after judicial separation.

Provided that where alimony has been decreed or ordered to be paid to the wife upon such judicial separation, and the same is not duly paid, the husband shall be liable for necessaries supplied for her use:

Provided also that nothing in this Ordinance shall prevent the wife from joining at any time during the separation in the exercise of a joint power given to herself and her husband.

18. A husband or wife upon the application of whose wife or husband, as the case may be, a decree of judicial separation has been pronounced, may at any time thereafter present a Petition praying for the reversal of such decree on the ground that it was obtained in his or her absence, and that where desertion was the ground of such decree there was reasonable excuse for the desertion alleged.

The Court may, on being satisfied of the truth of the allegations of the Petition, reverse the decree accordingly.

19.—(1) Any wife, in whose property the husband has acquired an interest by virtue of the marriage, may, if deserted by him, apply by Petition to the Court for an order to protect any property which she may have obtained or may obtain after the desertion, against him and his creditors and any person claiming under him.

Protection orders.

- (2) The Court may, if satisfied that the desertion was without reasonable excuse, and that the wife is maintaining herself, make such order.
- (3) The order shall state the time at which the desertion commenced, and shall, as regards all persons dealing with the wife in reliance thereon, be conclusive as to such time.
- Position of wife. (4) While any such order is in force, the wife shall be, and be deemed to have been from the date of the desertion, in the like position in all respects with regard to property and contracts and suing and being sued, as she would be if she had obtained a decree of judicial separation under this Ordinance.
- Discharge and variance of. (5) The husband, or any creditor or person claiming under him, may apply to the Court for the discharge or variation of the order, and the Court may, if the desertion has ceased, or if for any other cause it thinks fit so to do, discharge or vary the order accordingly.
- Action for seizing wife's property. (6) If the husband, or any creditor or person claiming under him, seizes or continues to hold any property of the wife after notice of any such order, the wife may, by action, recover such property, and also a sum equal to double its value.

Reversal or discharge of judicial separation or protection order, effect of. 20.—(1) The reversal, discharge or variation of a decree of judicial separation, or of a protection order, shall not affect any rights or remedies which a person would otherwise have had in respect of any contracts or acts of the wife entered into or done between the dates of the decree or order and of the reversal, discharge or variation thereof.

(2) Any person who, in reliance on any such decree or order, makes any payment to or permits any transfer or act to be made or done by the wife shall, notwithstanding such decree or order may then have been reversed, discharged, or varied, or the separation of the wife from her husband may have ceased, or at some time since the making of the decree or order been discontinued, be protected and indemnified as if at the time of such payment, transfer, or act such decree or order were valid and still subsisting without variation, and the separation had not ceased or been discontinued, unless at the time of the payment, transfer, or other act such person had notice of the reversal, discharge, or variation of the decree or order or of the cessation or discontinuance of the separation.

RESTITUTION OF CONJUGAL RIGHTS.

- Restitution of conjugal rights. 21.—(1) If a husband or wife has without reasonable excuse withdrawn from the society of the other, the wife or husband may apply by Petition to the Court for restitution of conjugal rights.
- (2) The Court, on being satisfied that the allegations of the Petition are true, and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.
- (3) Nothing shall be pleaded in answer to a Petition for restitution of conjugal rights which would not be ground for a suit for judicial separation or for a decree of nullity of marriage.

GENERAL.

- Husband may claim damages for adultery. 22.—(1) A husband may, by Petition, claim damages from any person on the ground of his having committed adultery with the wife of the petitioner.
- (2) Such claim may be made either in a Petition for dissolution of marriage or for judicial separation, or by Petition for that purpose only.
- (3) The Court shall ascertain the amount of damages whether the respondent appears or not, and may in every case direct in what manner the damages shall be paid or applied, and may direct that the whole or any part thereof shall be settled for the benefit of the children (if any) of the marriage, or as a provision for the maintenance of the wife.
- Costs against a co-respondent. 23. A co-respondent may be ordered to pay the whole or any part of the costs of the proceedings if adultery with the wife of the petitioner has been established against him:
- Provided that he shall not be ordered to pay the costs of the petitioner—
- (1) If at the time of the adultery he had no reason to believe the respondent to be a married woman.
- (2) If the respondent was at the time of the adultery living apart from her husband and leading the life of a prostitute.

24. In any suit under this Ordinance the wife, whether or not she has obtained a protection order, may apply to the Court for alimony pending the suit, and the Court may thereupon make such order as it may deem just, provided that alimony pending the suit shall in no case exceed one-fifth of the husband's average net income for the three years next preceding the date of the order, and shall continue in the case of a *decree nisi* of dissolution of marriage until the decree is made absolute. Alimony pending *pendente lite*.

25.—(1) On a decree absolute declaring a marriage to be dissolved, or on a decree of judicial separation obtained by a wife, the Court may order the husband to secure to the wife such sum of money as, having regard to her fortune (if any), to the ability of the husband, and the conduct of the parties, it thinks reasonable. Permanent alimony.

(2) The Court may direct the alimony to be paid either in a lump sum or in yearly, monthly, or weekly payments for any period not exceeding the life of the wife, and for that purpose may cause a proper instrument to be executed by all necessary parties.

(3) The Court may direct the alimony to be paid either to the wife herself or to a trustee to be approved on her behalf by the Court, and may impose such terms and restrictions, and may direct the execution of such trust deeds as it may think fit, and may from time to time appoint a new trustee.

26. Where an order has been made for the payment of alimony, and the husband from any cause subsequently becomes unable to make such payments, the Court may discharge or modify, or suspend the order in whole or in part, and may again revive the order in whole or in part. Discharge or alteration of order for alimony.

27. When a decree of dissolution of marriage or of judicial separation is pronounced on account of the adultery by the wife, and the wife is entitled to any property, the Court may, notwithstanding the existence of the disability of coverture, order the whole or any part of such property to be settled for the benefit of the husband, or of the children of the marriage, or of both. Settlement of the wife's property.

28. After a decree absolute of dissolution or of nullity of marriage, the Court may inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders with reference to the application of the whole or part of the settled property, whether for the benefit of the husband or wife or of the children (if any) or of both children and parents, as seems fit: Power to vary settlements.

Provided that no order for the benefit of the parents, or either of them, shall be made at the expense of the children.

29. Where the Court has power to direct any property to be settled, or to vary the terms of an existing settlement, it may appoint trustees, and may order the necessary instruments to be prepared containing such provisions as it may think fit, and may order all necessary parties to execute the same, and may from time to time appoint new trustees, and may do all such other acts as it may deem necessary for carrying such directions into effect. Powers of the Court as to settlements.

30. In suits for dissolution of marriage, or for nullity of marriage, or for judicial separation, the Court may at any stage of the proceedings, or after a decree absolute has been pronounced, make such orders as it thinks fit, and may from time to time vary or discharge the said orders, with respect to the custody, maintenance, and education of the minor children of the marriage, or for placing them under the protection of the Court. Custody of children.

31. Subject to the provisions herein contained, all proceedings under this Ordinance shall be regulated by the Code of Civil Procedure. Procedure.

32.—(1) Every Petition shall state, as distinctly as the nature of the case permits, the facts on which the claim is based, and shall be verified as if it were a plaint, and may at the hearing be referred to as evidence. Petitions.

(2) Petitions for dissolution of marriage, or for nullity of marriage, or for judicial separation, shall state that there is not any collusion or connivance between the petitioner and the respondent.

33. Every petition under this Ordinance shall be served on the party to be affected thereby, either within or without the Protectorate, in such manner as the Court may, by general or special order, from time to time direct. Service of Petition.

Provided that the Court may dispense with such service in case it seems necessary or expedient so to do.

- Examination of witnesses.** 34. The witnesses in all proceedings shall be examined orally :
 Provided that the parties may verify their respective cases by affidavit, but so that the deponent may be orally cross-examined and re-examined either on the application of the other party or by direction of the Court.
- Husband and wife compellable witnesses.** 35. On any Petition presented by a wife for the dissolution of her marriage on the ground of adultery coupled with cruelty or desertion without reasonable excuse, the husband and wife respectively shall be competent and compellable to give evidence relating to such cruelty or desertion.
- Sittings in camera.** 36. The Court may hear the whole or any part of proceedings under this Ordinance with closed doors.
- Adjournment.** 37. The Court may adjourn the hearing of any Petition under this Ordinance and may require further evidence thereon.
- Making decrees nisi decrees absolute.** 38.—(1) No *decree nisi* of dissolution or nullity of marriage shall be made absolute till after the expiration of six months from the date thereof or such longer period as the High Court may by rule prescribe.
 (2) During that period any person may show cause why the said decree should not be made absolute by reason of the same having been obtained by collusion, or by reason of material facts not being brought before the Court.
 (3) On cause being so shown the Court shall make the decree absolute, or reverse the *decree nisi*, or require further inquiry, or otherwise deal with the case as justice may demand.
 (4) The Court may order the costs arising from such cause being shown to be paid by the parties or such one or more of them, including a wife if she have separate property, as it thinks fit.
 (5) Where a petitioner fails to move within a reasonable time that the *decree nisi* be made absolute, the Court may dismiss the suit.
- Enforcement of orders.** 39. All decrees and orders made by the Court in proceedings under this Ordinance shall be enforced, and may be appealed from, as if they were decrees or orders made by the Court in the exercise of its original civil jurisdiction.
- Appeals.** Provided that in suits for dissolution or nullity of marriage no respondent or co-respondent not appearing and defending the suit on the occasion of the *decree nisi* being made shall appeal against the decree being made absolute unless the Court gives leave to appeal at the time of the decree being made absolute.
 And provided that no appeal from an order absolute for dissolution or nullity of marriage shall lie in favour of any party who, having had time and opportunity to appeal from the *decree nisi*, shall not have appealed therefrom.
 And provided that no appeal in any proceedings under this Ordinance shall lie from the Court of Appeal for Eastern Africa to His Majesty in Council, except where an appeal would lie in England from a similar decision of the Court of Appeal to the House of Lords.
- Re-marriage of the parties.** 40. When the time limited for appealing against a decree of dissolution or nullity of marriage shall have expired, and no appeal has been presented, or when in the result of any such appeal, any marriage shall be declared to be dissolved or annulled, but not sooner, it shall be lawful for the parties thereto to marry again as if the prior marriage had been dissolved by death.
- Clergyman not bound to marry a divorced guilty party.** 41. No clergyman in holy orders of the Church of England shall be compelled to solemnize the marriage of any person whose former marriage has been dissolved on the ground of his or her adultery, or shall be liable to any suit, penalty, or censure for solemnizing, or refusing to solemnize, such marriage.
- But must permit another clergyman.** 42. When a clergyman in holy orders or other minister of religion in charge of any church or chapel refuses to perform such marriage service between persons who would, but for such refusal, be entitled to be married in such church or chapel, he shall permit any other clergyman in holy orders of the said church to perform the service in such church or chapel.
- Rules of Court.** 43. The Court may make Rules of Court with respect to all matters of procedure under this Ordinance, and may also prescribe the forms to be used and the fees to be paid in proceedings, taken hereunder.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by His Britannic Majesty's Commissioner for the East Africa Protectorate.

Mombasa, October 13th, 1904.

D. STEWART,
His Majesty's Commissioner.

No. 13 OF 1904.

MERCHANT SHIPPING FEES.

IT is hereby enacted as follows :—

1. This Ordinance may be cited as "The Merchant Shipping Fees Ordinance, 1904."
- 2.—(1) The Commissioner may prescribe, by Notice in the "Gazette," the fees to be levied and collected in respect of matters connected with merchant shipping, and the officers by whom such fees are to be levied and collected.
- (2) Where such fees are to be paid by the master of a ship, the Commissioner may direct the deduction, if any, which may be made by such master from the wages of any seaman for full or partial repayment thereof.
3. All fees levied and collected under this Ordinance shall be paid to the credit of the general revenue of the Protectorate.

D. STEWART,
His Majesty's Commissioner.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by His Majesty's Commissioner for the East Africa Protectorate.

Mombasa, the 29th day of November, 1904.

D. STEWART,
His Majesty's Commissioner.

No. 14 OF 1904.

SPECIAL NATIVE COURTS.

IT is hereby enacted as follows :—

- (1) This Ordinance may be cited as "The Native (Special) Courts Amendment Ordinance 1904."
- (2) The High Court shall have in relation to any proceeding, sentence or order before imposed or made by a Special Court all the powers conferred upon a High Court by the Criminal Procedure Code, 1898 (Indian Act No. V of 1898), as applied to the East Africa Protectorate.
- (3) Section 13 of the East Africa Native Courts Amendment Ordinance 1902 is hereby repealed.

Mombasa, the 29th day of November, 1904.

D. STEWART,
His Majesty's Commissioner.

EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by His Majesty's Commissioner for the East Africa Protectorate.

Mombasa, the 29th day of December, 1904.

D. STEWART,
His Majesty's Commissioner.

No. 15 OF 1904.

PASSPORT FEES.

- (1) This Ordinance may be cited as "The Passport Fees Ordinance 1904."
- (2) The Commissioner may prescribe by notice in the "Official Gazette" the fees to be levied in respect of any passport issued by him.
- (3) All fees levied and collected under this Ordinance shall be paid to the credit of the general revenue of the Protectorate.

Mombasa, the 29th day of December, 1904.

D. STEWART,
His Majesty's Commissioner.

APPENDIX.

EAST AFRICA PROTECTORATE.

PROCLAMATION.

I hereby declare that smaller monkeys excepting colobi, smaller cats, wild pigs of all species and jackals are removed from the list of animals in the Schedules of the "East Africa Game Regulations 1900."

Nairobi, January 29th, 1904.

C. ELIOT,
His Majesty's Commissioner.

RULES

Issued by His Majesty's Commissioner for the East Africa Protectorate under the provisions of the Crown Lands Ordinance 1902.

(1) All applications for a conveyance or lease of Crown Lands shall be made to the Land Officer.

(2) All applicants will be required to prove to the satisfaction of the Land Officer that they are possessed of sufficient means to cultivate or otherwise develop the land applied for.

Nairobi, January 29th, 1904.

C. ELIOT,
His Majesty's Commissioner.

NOTICE.

THE FEES AND ROYALTIES ORDINANCE 1903.

In exercise of the power conferred upon me by the Fees and Royalties Ordinance 1903 I hereby give notice that a fee of Rs. 2 will be charged for any liquor test certificate issued by the Chief of Customs on testing any alcoholic liquor.

Nairobi, January 28th, 1904.

C. ELIOT,
His Majesty's Commissioner.

PROCLAMATION.

In exercise of the powers conferred upon me by the East Africa Townships Ordinance 1903 I hereby declare the following places within the limits hereinafter set forth to be townships for the purposes of the aforesaid Ordinance:—

Naivasha.—The area within a circle having a radius of 2 miles with the Government flagstaff as centre.

Nakuru.—The area within a circle having a radius of one mile with the main entrance to the Railway Station as centre.

Nairobi, January 28th, 1904.

C. ELIOT,
His Majesty's Commissioner.

RULES

Issued by His Majesty's Commissioner under the provisions of the Crown Lands Ordinance 1902.

Application to be accompanied by survey fees.

(1) All applications for a lease or conveyance of Crown Land must be accompanied by the survey fees payable on the aggregate area applied for according to the scale provided in Rule 2 of the Rules published in the "Official Gazette" of January 1st, 1904.

Such fees shall be returnable to the applicant only if the application is refused by the Land Officer.

Land between Nairobi and Kijabi.

(2) Land situated in the vicinity of the Railway Zone between Nairobi and Kijabi Stations will ordinarily only be sold as Homesteads as provided in Rules 14-20 published in the "Official Gazette" of January 1st, 1903.

Nairobi, February 8th, 1904.

C. ELIOT,
His Majesty's Commissioner.

NAIROBI TOWNSHIP.

RULES

Issued by His Majesty's Commissioner for the East Africa Protectorate under the provisions of the East Africa Townships Ordinance 1903.

LAUNDRIES.

1. No person shall carry on the trade or business of a laundryman in any place or building other than the buildings erected by the Municipal Committee for the purpose. Provided that clothes may be washed at such points on the Nairobi River as may be set apart for such washing.

2. Quarters for laundrymen may be rented from the Municipal Committee.

3. The following rates shall be charged :—

Hire of stand in ironing and drying room . . .	Rs. 3 per mensem per person.
Hire of quarter	„ 2 per mensem per person.

Nairobi, January 30th, 1904.

C. ELIOT,
His Majesty's Commissioner.

RULES

Issued by His Majesty's Commissioner for the East Africa Protectorate under the provisions of the Crown Lands Ordinance 1902.

SURVEYORS.

(1) Unofficial surveyors may be employed for the purposes of the survey of Crown Lands.

(2) Persons desirous of being entered upon the list of unofficial surveyors to be so employed shall make an application to that effect to the Commissioner accompanied by such certificates of qualification as may be deemed expedient and the Commissioner may transmit such application and accompanying certificates to the Chief Surveyor for his report thereon.

(3) The Chief Surveyor shall examine every such applicant and shall report to the Commissioner as to the fitness of such applicant to be employed as a land surveyor and if the report be favourable the Commissioner shall register the applicant's name upon the aforesaid list upon the payment of a fee of Rs. 375.

(4) Every land surveyor registered in accordance with these Rules shall in the execution of his duties conform with such instructions as the Commissioner or such officer as he may appoint may from time to time issue.

(5) No surveys other than those performed by the Survey Department or by a land surveyor registered under these rules will be recognized by the Land Office for the purposes of a conveyance, lease or licence for the temporary occupation of Crown Lands.

(6) Every survey or plan made by a registered land surveyor shall be signed by the person executing the same and shall bear the date of execution.

(7) Every registered land surveyor shall file in the office of the Chief Surveyor a duplicate of every plan and memorandum of survey of Crown Lands made by him according to the mode prescribed from time to time by the Chief Surveyor, and it shall be the duty of the Chief Surveyor to lay down upon general maps of the Protectorate the position and boundaries of the land surveyed.

(8) The Chief Surveyor or any person acting under his directions in the execution of any of the duties of his office or any registered land surveyor for the purpose of surveying any Crown Land may enter over or pass over any land whether private or public with such assistants as may be necessary causing as little inconvenience to the proprietors or occupiers of such land as is consistent with the performance of their duties.

(9) If it shall be brought to the notice of the Chief Surveyor or if he himself has reason to believe that any registered land surveyor has acted dishonestly in the exercise of the duties entrusted to him by receiving money or valuable consideration from any person having an adverse interest to his employer or by laying down boundary lines upon any plan of survey without having any letter or evidence or consent produced to him to warrant such lines being laid down or by knowingly altering on the ground on the plan of survey and in his memorandum or one or either of them the lines as laid down in the titles presented to him or knowingly altering on his plan or in his memorandum or one or other of them the lines agreed upon by the parties to a survey or that he has in any other way acted in the exercise of his functions in an unprofessional or improper manner it shall be the duty of the Chief Surveyor to formulate a complaint against the said registered land surveyor and call upon him to answer thereto before a board consisting of the Chief Surveyor and two other persons to be nominated by the Commissioner and if the said board by a majority shall find the complaint proved or if the registered land surveyor shall fail to appear or appearing shall refuse to answer the board shall certify the result to the Commissioner who may thereupon strike off the name of such surveyor from the list of registered land surveyors and public intimation thereof shall be made in the "Official Gazette."

(10) The fees payable to a registered land surveyor shall not be less than the scale published under the provisions of the Crown Lands Ordinance in the "Official Gazette" of the first day of January, 1904.

Nairobi, February 13th, 1904.

C. ELIOT,
His Majesty's Commissioner.

NOTICE.

In exercise of the provisions of the Native Porters and Labour Regulations, I hereby appoint the District Engineer and Senior Assistant Engineer in charge of No. 2 Maintenance Division of the Uganda Railway to be Deputy Registrar of Porters and servants at Muhoroni and Nakuru.

February 15th, 1904.

C. ELIOT,
His Majesty's Commissioner.

RULES

Issued by His Majesty's Commissioner for the East Africa Protectorate under the provisions of the East Africa Townships Ordinance 1903.

KISUMU MUNICIPAL COMMITTEE.

1. A Committee shall be formed for the Township of Kisumu consisting of:—
 - (1) The Sub-Commissioner for Kisumu.
 - (2) The Collector of Kisumu.
 - (3) The Resident Medical Officer.
 - (4) A Railway Officer to be nominated by the Manager of the Uganda Railway.
 - (5) Two representatives of the Mercantile Community to be nominated by the Sub-Commissioner.

The Sub-Commissioner shall be the chairman of the aforesaid Committee, which shall be called the Kisumu Municipal Committee.

2. Meetings of the Kisumu Municipal Committee shall be held at regular intervals, provided that special meetings may be convened, when required, by the Sub-Commissioner or at the written request of two members on giving one week's notice of such special meeting to every member. Three members shall form a quorum for the transaction of business.

3. All resolutions of the aforesaid committee shall be passed by a majority of the members present and in the event of there being an equal number of votes for and against any motion the chairman shall have a casting vote.

4. The aforesaid committee shall from time to time submit to the Commissioner for his approval rules for the health, order and good government of the Township of Kisumu.

5. Such rules shall if approved be issued under the provisions of the East Africa Townships Ordinance 1903.

Naivasha, February 13th, 1904.

C. ELIOT,
His Majesty's Commissioner.

RULES

Issued by His Majesty's Commissioner for the East Africa Protectorate under the provisions of the East Africa Liquor Ordinance 1902.

LICENCES FOR RAILWAY REFRESHMENT ROOMS.

(1) A Licensing authority may issue, subject to the East Africa Liquor Ordinance 1902 and any rules issued thereunder, a refreshment room licence to the occupier of any refreshment room authorised by a railway administration for the retail sale of distilled or alcoholic liquors at a railway station. Such liquors may be consumed on or off the premises.

(2) The fee payable for such licence shall be Rs. 100 per annum and the licence shall be renewable on the first day of January in each year.

(3) Distilled or alcoholic liquor shall only be sold under such licence within the refreshment room in respect of which the licence is issued or to passengers in trains stopping at the station wherein the refreshment room is situated.

(4) No persons other than *bond fide* passengers or persons temporarily resident within a railway rest house or within the station limits shall be supplied with distilled or alcoholic liquor by the holder of a refreshment room licence.

(5) No distilled or alcoholic liquor shall be sold by the holder of a refreshment room licence to railway subordinates whether on or off duty except when they are travelling as passengers by train.

(6) Licences issued under these rules are not transferable.

Nairobi, March 3rd, 1904.

C. ELIOT,
His Majesty's Commissioner.

EAST AFRICA PROTECTORATE.

RULES ISSUED BY HIS MAJESTY'S COMMISSIONER FOR THE EAST AFRICA PROTECTORATE
UNDER THE PROVISIONS OF THE EAST AFRICA TOWNSHIPS ORDINANCE 1903 FOR
THE TOWNSHIP OF KISUMU.

KISUMU BUILDING RULES.

1. Every person who may intend—
 - (a) To erect a new building,
 - (b) To make any addition to a building,
 - (c) To make any alterations or repairs to a building involving the removal or re-erection of any wall, shall give to the Collector notice of his said intention so to do on a form to be obtained for this purpose in the Office of the Collector, and he shall specify thereon the position of the building intended to be erected, the description of the building, the purpose for which it is intended to be erected, and its dimensions.
2. At any time within 15 days after the receipt of any notice under Rule 1, the Collector may, by written notice, require the person who has given the notice to furnish the Collector with all or any of the following documents in duplicate:—
 - (a) Plans and sections of floors of the intended building, which shall be drawn to a scale of not less than 1 inch to every 8 feet, and shall show the position, form and dimensions of the several parts of such building, and of every water closet, privy, urinal, cesspool, well, and other appurtenance, and also the means of ingress and egress.
 - (b) A description in writing of the materials of which it is intended that the building shall be constructed, of the thickness of the walls and roof and of the intended mode of drainage, means of water supply and means of ventilation, and other information which the Collector may deem necessary.
3. If the notice given under Rule 1 and the documents furnished under Rule 2 do not supply all the information which the Collector may deem necessary to enable him to deal satisfactorily with the case, the Collector may after receipt of the said documents by written notice require the production of such further particulars and details as he deems necessary.
4. If any requisition made under Rule 3 is not complied with, notice given under Rule 1 shall be deemed not to have been given.
5. The Collector shall if he approves of the proposed building or work signify his approval of the same and the person who gave the notice concerning such building or work may then proceed with the same at any time within one year of the date of receipt of such approval.
6. If the Collector disapproves of any building or work of which notice has been given as aforesaid, or of any portion or detail thereof, by reason that the same will contravene some provision of these Rules or will be unsafe, he may at any time within 30 days of the receipt of the notice or of the plan, section, description or further information, if any, called for under Rules 2 or 3, as the case may be, by written notice intimate to the person who gave the notice his disapproval and the reason for the same, and prescribe terms subject to which the building or work may be deemed to be approved by him.
7. No person shall begin to erect any building or to execute any such work as is described in Rule 1 until he has given notice of his intention, as hereinbefore required, to erect such building or execute such work, and the Collector has intimated his approval in writing of such building or work.
8. If a person entitled to proceed with any building or work as aforesaid fails to do so within the period prescribed by Rule 5, he may at any subsequent time serve the Collector with a fresh notice of his intention to erect such building or execute such work and thereupon the provisions hereinbefore contained shall apply, provided that such subsequent notice shall be deemed to be the first notice of such person's intention.
9. With respect to buildings which are to be newly erected on any site previously unbuilt upon the following provisions shall apply:—
 - (a) The foundation of any such building shall not be constructed on any site which at any time has been filled up with or has been used as a place for depositing filthy or offensive matter, carcases, &c., until such matter shall have been properly removed to the satisfaction of the Collector.
 - (b) All buildings, be they of wood and iron, stone or brick, shall be built with a masonry or brick plinth of not less than 18 inches in height above the ground level at any point.
10. 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.

11. Such interior open space shall have an area equal to not less than 1/10 of the total floor area of all the rooms abutting thereon and its minimum dimension in any direction shall be at least 6 ft. And any such open space shall not at any time be blocked up by any erection thereon but kept open to the sky and be kept open to access from the exterior of the building.

12. Every room intended to be inhabited shall be at least 10 ft. in height from the floor to the ceiling.

Every such room shall have a nett superficial area of not less than 100 sq. ft.

Every such room shall be ventilated by opening directly on to external air, the total openings on to external air in square ft. for one room shall not be less than 3% of the volume of the room in cubic feet, *e.g.*, a room 10 by 10 by 10 = 1,000 cubic ft., 3% of 1,000 = 30 square ft., thus 30 sq. ft. is the minimum total window area on to external air.

All such windows above mentioned shall be windows that open, either hinged or with sliding sashes.

13. Huts or sheds or ranges or blocks of huts or sheds, whether the same are to be used as dwellings or stores or for any other purpose, shall be built, if the Collector thinks fit so to require, so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Collector thinks proper for ventilation or for any other purpose.

14. No wall shall, except with the written permission of the Collector, consist of any temporary erection of wood, cloth, canvas, grass, leaves, mats or any other inflammable or unsightly material.

15. Every person who shall erect a new building shall, save as hereinafter provided, construct every external wall and every party wall, and also, if so required by the Collector, every cross wall, of bricks, stones or other hard and incombustible materials, properly bonded and solidly put together:—

(a) With mortar compounded of lime and sand or udongo; or,

(b) With cement; or,

(c) With cement mixed with sand or other suitable material.

(The proportion of lime in the mortar to be at least 40 per cent. for two-storeyed, and 33 per cent. for a single-storeyed, house.)

16. Every person who shall erect a building with walls of masonry as aforesaid shall cause every wall of such building, which is or is to be built at an angle with another wall, to be properly bonded.

17. Every person who shall erect a new building shall construct every wall of such building so as to rest upon proper footing or foundations to the satisfaction of the Collector.

The minimum width of such footings or foundations shall not be less than $1\frac{1}{2}$ times the width of the wall at the base.

18. Every person who shall erect any new building shall cause the footing of every wall and every post of the ground floor of such building to rest on the solid ground or upon a sufficient thickness of concrete or upon some other solid and sufficient substructure as a foundation.

Provided that where solid rock is met with on the site of the building at any such place in the line of the wall where such rock occurs the footing may be omitted if the surface of the rock be properly cleaned and stepped to receive the first course of masonry.

The depth of the footings on every other than a solid rock foundation shall be at least 1/6 of the height of the wall above ground level.

19. In the case of building with a timber framework and covered with corrugated iron and used for human habitation any such buildings must rest on a masonry plinth as previously stipulated in Rule 9 (b) or they may at the discretion of the Collector be allowed to be built on masonry piers the minimum height of which shall not be less than 2 ft. 6 inches.

In the former case the floor of the building shall be composed of either lime or cement concrete not less than 6 inches thick or of burnt bricks set in lime or cement mortar. If the building be built on piers then a wooden floor of tongued and grooved planks not less than 1 inch thick can be used.

20. No building of masonry shall be allowed to be built of a greater height than 35 ft. except by special leave of the Collector and under such conditions as he may specify.

The height of a building is to be taken as measured from the top of the plinth to the top of the wall upon which the trusses or timber supporting the roof rest; or in the case of a building with a gable from the plinth to half the height of the gable.

The height of a wall shall be measured from the top of the plinth to the highest part of the wall, or in the case of a gable to half the height of the gable.

21. Walls shall be deemed to be divided into distinct lengths by return walls.

The length of a wall shall be measured from the centre of one return wall to the centre of another, provided that the return walls are external walls, party walls, or cross wall of the thickness prescribed by these Rules.

When the wall does not exceed 15 feet in height its minimum thickness shall be 18 inches for its whole length.

When the wall exceeds 15 feet but does not exceed 35 feet its minimum thickness up to the height of the first storey shall be 2 feet and above the first storey its minimum thickness shall be 1 foot 6 inches.

22. The length of every wooden post used in the construction of buildings for supporting verandah roofs, &c., or bressummers, shall not exceed twenty times its least dimensions, and all such wooden posts shall be fixed not more than 10 feet apart measuring from centre to centre.

23. Every person who shall erect a new building, and who shall in the construction thereof employ iron posts, girders, joists, or other ironwork, for the support of any portion of such building, shall employ and erect such iron posts, girders, joists, and other ironwork as shall, in respect to quality and strength, be approved by the Collector in that behalf.

Beams and bressummers for terraced flooring on planks shall be fixed not more than 10 feet apart measured from centre to centre, and for each foot in length in the clear three-quarters of an inch in depth and half-an-inch in breadth.

Joists one foot apart shall be half-an-inch in depth and a quarter of an inch in breadth for each foot span. Rafters one-third of an inch in depth and one-sixth of an inch in breadth for each foot span.

24. No person shall, without the written consent of the Collector, and upon such terms as he may prescribe erect, set up, or place against or in front of any premises any structure or fixture which will overhang, jut, or project into, or in any way encroach upon, any street, or jut, or project into or encroach upon, any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel, or to impede the inspection or cleansing thereof.

25. The Collector may, by written notice, require the owner or occupier of any premises to remove any structure or fixture which has been erected, set up, or placed against or in front of the said premises in contravention of these Rules, or to alter the same in such manner as the Collector thinks fit to direct.

The Collector may give a written permission, on such terms as he shall in each case think fit, to the owner or occupier of any building abutting on any street, to erect an arcade over such street or any portion thereof or to put up a verandah, balcony, sunshade, weather frame, or other such structure or thing projecting from any upper storey over any street or portion thereof.

26. The Collector may at any time, by written notice, require the owner of any premises on the ground floor of which any door, gate, bar, or window opens towards or upon a street, or upon any land required for the improvement of a street, in such manner as, in the opinion of the Collector, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar, or window altered so as not to open outwards.

27. No person shall erect a scaffold on a public street without permission of the Collector, and upon such terms and conditions as he may prescribe.

28. If it shall appear to the Collector necessary, for sanitary reasons, so to do, he may, by public notice require the owners or occupiers of any building in the town to cause the same, or any portion thereof, to be limewashed or otherwise cleansed, either externally or internally, or both externally and internally, at the expense of such owners or occupiers.

29. Owners of buildings shall limewash and otherwise cleanse the same at least once in every year to the satisfaction of the Collector.

30. Owners of all wells, tanks, and cisterns, shall cleanse the same once every year to the satisfaction of the Collector.

31. No person shall discharge rain-water or other liquid from the roof or any other part of a building, except by a pipe so fixed as to discharge such rain-water or other liquid at less than a foot and a half above the level of any public street; and all roofs shall be properly provided with gutters so as to prevent the discharge of any rain-water or other liquid therefrom into a street.

32. Where any house or building appears to the Collector to be in a ruinous and dangerous condition, he may serve a notice on the owner requiring him forthwith to repair or remove the same. If the owner fails to comply with the notice for a period of one month, the Collector may cause the house or building to be removed, and may recover the expenses of such removal from the owner.

33. All sites within the town shall be kept level and clear of stones, rubbish and undergrowth.

34. No person shall dig any pit or other hole within the town for the purpose of obtaining earth.

35. Any person wishing to quarry stone in the vicinity of Kisumu for building purposes shall only do so with the permission and under such conditions as the Collector may specify.

36. The foregoing Rules may be cited as the "Kisumu Building Rules 1904."

Mombasa, March 16th, 1904.

C. ELIOT,
His Majesty's Commissioner.

NOTICE.

LEASE OF RUBBER AREAS.

Leases of rubber-producing areas may be granted by the Commissioner on the following conditions:—

(1) Applications for a lease of a rubber-producing area on Crown Lands should be made to the Commissioner direct or through the Collector of the District in which such area is situated.

(2) The application should state the approximate dimensions and situation of such area.

(3) The area leased shall not be less than 100 acres or greater than 100 square miles.

(4) The lease shall be for a term not less than three years or more than 21 years.

(5) The lease shall be subject to the provisions of the Crown Lands Ordinance 1902 and the covenants implied thereunder and to any rules for the time being regulating or concerning the collection of rubber.

(6) In every lease under this Notice there shall be covenants by the Lessee:—

(I) That he shall not underlet or part with the possession of the land leased or any part thereof except by will without the previous consent of the Commissioner in writing.

(II) That he shall plant such number of rubber vines and at such time as may be specified and in such places as may be approved by an Officer appointed by the Commissioner for the purpose.

(III) That he and his servants shall tap the rubber vines in a manner approved by the Conservator of Forests and shall not cut through or otherwise destroy them.

(7) All rights on the area leased to timber trees, bushes and plants and the produce of such trees, timber, bushes and plants other than rubber shall be excepted and reserved unto the Commissioner with liberty for the Commissioner and his agents or assigns to enter, fell, collect, and remove the same.

(8) The Commissioner reserves the right to resume the possession of and determine the tenancy of the Lessee as to such portion or portions of the land leased not productive of rubber or unsuitable for its cultivation. Provided that in the event of such resumption a proportionate abatement of the rent payable under the lease shall be made.

(9) The right shall be reserved to the Lessee to surrender such portion or portions of the land leased not productive of rubber or unsuitable for its cultivation and in cases of such surrender a proportionate abatement of the rent payable under the lease shall be made.

The Lessee shall pay such rent for the land leased and also such royalty on the rubber collected as may be agreed between the Commissioner and the Lessee.

Mombasa, March 28th, 1904.

C. ELIOT,
His Majesty's Commissioner.

NOTICE.

UGANDA RAILWAY.

Whereas the sections of the Uganda Railway hereafter mentioned have been inspected by Major Pringle, R.E. And whereas the Inspector has recommended that, subject to certain conditions contained in the report of the said Inspector, such sections may be opened for the public carriage of passengers. Now therefore in exercise of the powers conferred upon me by the Indian Railways Act 1890 as applied to the East Africa Protectorate and subject to the aforesaid conditions I hereby sanction the opening of the following sections of the Uganda Railway for the public carriage of passengers and confirm the preliminary authority for public traffic thereon:—

(1) Permanent line replacing diversion at miles:—

260/ 3 to 260/17

261/18 „ 262/10

263/ 5 „ 265/ 5

266/ 5 „ 266/15

267/ 4 „ 269/ 9

269/10 „ 270/ 6

272/16 „ 273/ 3

313/ 5 „ 315/ 4

361/12 „ 373/18

393/16 „ 393/18

400/ 7 „ 400/ 9

(2) Permanent line including certain temporary diversions from mile 459 to mile 582.

C. ELIOT,
His Majesty's Commissioner.

NOTICE.

UGANDA RAILWAY.

In accordance with the provisions of the Indian Railways Act 1890 I hereby appoint Mr. Barton Wright, Chief Surveyor of the East Africa Protectorate, to be an Inspector of Railways for the purposes of the aforesaid Act and all rules thereunder for the opening of a railway or section of a railway for the public carriage of passengers in the East Africa Protectorate.

March 15th, 1904.

C. ELIOT,
His Majesty's Commissioner.

FEES AND ROYALTIES.

Notice is hereby given that under the powers conferred upon me by the Fees and Royalties Ordinance 1903 the Royalty heretofore levied on fish and fuel, viz., two pice on each rupee worth of fresh fish and one anna on each rupee worth of dried fish, and the fees charged for gate passes, viz., one pice per head load of wood, &c., two pice per rupee worth of fresh fish and two pice per head load of dried fish, and the fees charged for customs passes, viz., one anna each, are cancelled, and no such royalty or fees will be levied from this date till further order.

Mombasa, April 1st, 1904.

C. ELIOT,
His Majesty's Commissioner.

FEES AND ROYALTIES.

I hereby give notice that under the powers conferred upon me by the Fees and Royalties Ordinance 1903, I have directed that from and after this date, dhows may have their East African Protectorate Bill of Health endorsed at any intermediate port in the Protectorate without charge until their voyage in one direction is terminated.

Mombasa, April 1st, 1904.

C. ELIOT,
His Majesty's Commissioner.

NOTICE

Is hereby given that on and after the first of April next the following duties will be charged on exports from the East Africa Protectorate:—

1. Cloves (without distinction as to origin)...	...	...	...	...	30 per cent. ad valorem.
2. Ivory	...	...	...	...	15 " " " "
3. Gum copal	...	...	...	...	15 " " " "
4. Indiarubber	...	...	...	...	10 " " " "
5. Borities	...	...	...	...	10 " " " "
6. Hides	...	...	...	...	10 " " " "
7. Rhinoceros horn and hippopotamus teeth	...	...	...	...	10 " " " "
8. Tortoise shell...	...	...	...	...	10 " " " "
9. Chillies	...	...	...	...	10 " " " "
10. Ostrich feathers	...	...	...	...	10 " " " "
11. Ebony and other fine woods as specified from time to time	...	...	...	...	5 " " " "
12. Cowries and other sea shells	...	...	...	...	5 " " " "
13. Horses	...	...	...	...	Rs. 21 each.
14. Camels	...	...	...	...	" 4 "
15. Donkeys	...	...	...	...	" 2 "

Mombasa, March 30th, 1904.

C. ELIOT,
His Majesty's Commissioner.

NOTICE

Is hereby given that on and after the 1st of April next the duties leviable on goods imported into the East Africa Protectorate will be raised from the present rate of 5 % to 10 % ad valorem.

Goods consigned to the Protectorate and actually at sea or in a Protectorate port before that date will be admitted at the existing rate.

The following articles will, however, be exempt from duty:—

1. Trees, plants and seeds intended for cultivation.
2. Livestock for breeding purposes.
3. Tombstones and ornaments for graves.
4. Surgical or medical instruments imported by a Doctor on arrival for his own use.
5. Coal.

6. Books, maps and printed matter.
7. Gold Bullion and Gold Coin.
8. Coins admitted to circulation in the Protectorate.
9. Agricultural implements.
10. Materials for the construction and maintenance of roads, tramways and railways.

The import duty on distilled liquors (other than drugs or medicines imported for *bond fide* medical purposes), eau de Cologne and lavender water is 2 rupees the gallon at 50 degrees of the Gay Lussac alcoholometre at a temperature of 15 degrees centigrade, and the duty is augmented proportionally for each degree above 50 degrees and diminished proportionally for each degree below 50 degrees.

March 30th, 1904.

C. ELIOT,
His Majesty's Commissioner.

RULE.

A Rule issued by His Majesty's Commissioner for the East Africa Protectorate under the provisions of the Crown Lands Ordinance 1902.

The form for leases of areas productive of India Rubber shall be as follows:—

THIS INDENTURE made this _____ day of _____ 190 .
BETWEEN
His Majesty's Commissioner for the East Africa Protectorate (hereinafter referred to as the Commissioner) of the one part and
(hereinafter referred to as the Lessee) of the other part. Witnesseth that in pursuance of the powers vested in him under the East Africa Order in Council 1902 and in consideration of the rent hereinafter reserved and of the covenants by the Lessee hereinafter contained or implied by virtue of the provisions of the Crown Lands Ordinance 1902. The Commissioner doth hereby demise unto the Lessee All that piece or parcel of land situate in _____ To hold the same unto the Lessee for the term of _____ years from the date hereof subject save where expressly herein otherwise provided to the provisions of the said Crown Lands Ordinance 1902 and especially the provisions contained in Article 16 thereof and to the Rules for the time being in force under the said Ordinance. And to all rules for the time being regulating or concerning the collection of rubber. Except and reserving unto the Commissioner all timber, trees, bushes and plants now standing or growing or which during the term hereby granted may be standing or growing on the said demised premises. And the produce of such trees, bushes and plants other than rubber with liberty for the Commissioner and his agents or assigns to enter, fell, collect and remove the same. Yielding and paying therefor for the said term the yearly rent of Rs. _____ in advance payable on the day of _____ in every year. And also a royalty of _____ on the value of all rubber produced and collected on the said demised premises. And the Lessee doth hereby covenant with the Commissioner that he the Lessee will not during the said term underlet or part with the possession of the said demised premises or any part thereof otherwise than by will without the previous consent of the Commissioner in writing. And that he will plant rubber vines at such times as may be specified and in such places as may be approved by an Officer appointed by the Commissioner for the purpose. And that he and his servants will tap the rubber vines in a manner to be approved by the Conservator of Forests and will not cut through or otherwise destroy such vines. Provided always that it shall be lawful for the Commissioner at any time or times to resume possession and determine the tenancy of the Lessee as to such portion or portions of the said demised premises not productive of rubber or unsuitable for its cultivation in which case the Commissioner shall allow to the Lessee a proportionate abatement of the rent hereby reserved in respect of the land possession of which shall be so resumed and provided always that it shall be lawful for the Lessee to surrender such portion or portions of the said demised premises not productive of rubber or unsuitable for its cultivation upon giving to the Commissioner two calendar months' notice of his intention in that behalf. In which case the Commissioner shall allow to the Lessee a proportionate abatement of the rent hereby reserved in respect of the land so surrendered.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Nairobi, March 30th, 1904.

C. ELIOT,
His Majesty's Commissioner.

H.M. HIGH COURT OF EAST AFRICA.

Rules made by the High Court with the approval of His Majesty's Commissioner under Article 22 of the East Africa Order in Council 1902.

RULES OF COURT No. 1 OF 1904.

PLEADERS COSTS IN SUBORDINATE COURTS.

1. These Rules may be cited as the Subordinate Courts Pleadings Costs Rules 1904.
2. The following rules shall be observed in the taxation of costs in all non-native cases in Courts subordinate to the High Court.
3. Pleadings costs will not usually be allowed in Native cases but may be allowed in special cases at the discretion of the Judge.
Provided that under no circumstances may Pleadings costs be allowed unless permission to plead has been granted under the provisions of the Native Courts Practitioners Rules 1899 (No. 21 of 1899).
4. 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 will be allowed.
5. If the Defendant admits the claim at or before the first hearing Court costs only will usually be allowed, provided that if the Defendant appears to have put the Plaintiff to any unnecessary trouble in obtaining a Judgment the Court may allow a fee in addition to the Court costs.
6. Subject to the provisions of Rule 8, Pleadings costs will not be allowed to either party when the amount recovered does not exceed Rs. 75 or, in case the action is dismissed, when the amount claimed does not exceed that sum.
7. Subject to any special order of the Judge, when an order has been made in general terms for the payment of the costs of an action by either party in cases where more than Rs. 75 has been recovered or, if the action has been dismissed, when the amount claimed exceeds Rs. 75, and a Pleader has been employed, costs calculated upon the following scale may be allowed to the successful party in addition to his Court costs:—

Exceeding Rs.	75 and not exceeding Rs.	150 ...	Rs. 15
" 150	" "	300 ...	" 30
" 300	" "	400 ...	" 40
" 400	" "	500 ...	" 45
" 500	" "	600 ...	" 55
" 600	" "	700 ...	" 60
" 700	" "	800 ...	" 65
" 800	" "	900 ...	" 70
" 900	" "	1,000 ...	" 75
" 1,000	"	" 7½ %

8. The Judge may for special reasons to be certified by him allow Pleadings costs in any case in which costs are not allowed under the foregoing rules and may similarly allow costs in addition to the Pleadings costs provided by the scale, or may refuse to allow any Pleadings costs or may allow costs on a lower scale to that specified in Rule 7.

Approved:
C. ELIOT,
His Majesty's Commissioner.
Dated, 4th April, 1904.

R. B. P. CATOR,
R. W. HAMILTON,
Judges of the High Court.

RULES

Issued by his Majesty's Commissioner for the East Africa Protectorate under the provisions of the Infectious Disease Ordinance 1903.

PREVENTION OF THE SPREAD OF SLEEPING SICKNESS.

- (1) All land within 25 miles of the shore of Lake Victoria is hereby declared to be an infected area for the purposes of these rules.

(2) No Native of Uganda or Kavirondo will be allowed to travel outside the infected area in an Easterly direction, provided that Native servants of Europeans will be allowed to accompany their masters on such masters showing that such Native servants have not lived for a period of six months in the vicinity of persons affected with sleeping sickness in a locality in which the tsetse fly is known to exist.

(3) No Native of Africa other than Baganda or Kavirondó will be allowed to travel out of the infected area in an Easterly direction unless such Native produces a Medical Certificate stating that he has been medically examined and shows no obvious signs of Sleeping sickness. Such certificates shall be valid only for two days after the date of issue and shall specify the destination of the bearer in each case.

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

(5) No railway ticket or road pass shall be issued to any such Native of Africa travelling out of the aforesaid infected area who is unable to produce a medical certificate as hereinbefore provided.

(6) All medical certificates produced under rule 5 shall be retained by the booking clerk or the Collector as the case may be and returned to the Medical Officer of the District at the end of each week.

(7) No railway ticket or pass shall be issued to any other destination than that recorded on the Medical Certificate.

(8) The Medical Officer of the District may issue notices locally specifying the time and place where intending travellers may be examined.

Mombasa, April 23rd, 1904.

C. ELIOT,
His Majesty's Commissioner.

H.M. HIGH COURT OF EAST AFRICA.

Rules made by the High Court with the approval of His Majesty's Commissioner under Article 22 of the East Africa Order in Council 1902.

RULES OF COURT No. 2 OF 1904.

FILING HIGH COURT ACTIONS AND APPEALS IN LOCAL REGISTRIES.

(1) These rules may be cited as the High Court Local Registries Rules 1904.

(2) In the case of any action triable in the High Court or by a Judge of the High Court which apart from its nature or the value of the subject matter would be triable in the Provinces of Kisumu, Ukamba, Kenia or Naivasha it shall be lawful for the plaintiff to institute proceedings as regards the Province of Kisumu in the Court of the Protectorate Magistrate at Kisumu and as regards the Provinces of Ukamba, Kenia and Naivasha in the Court of the Protectorate Magistrate at Nairobi.

(3) Such actions shall be intituled as actions instituted in the district Registries of the High Court at Kisumu or Nairobi as the case may be and shall be serially numbered accordingly.

(4) All formal and preliminary steps and all interlocutory applications in such actions shall be taken and made in the Courts of the said Magistrates and when any such action is ready for trial it shall be set down for trial before a Judge of the High Court at the next ensuing Sessions at Kisumu or Nairobi as the case may be.

(5) An appeal shall lie to a Judge of the High Court from all interlocutory orders made by the Protectorate Magistrate in any such action.

(6) In any case where an appeal lies to the High Court or any Judge thereof from any Judgment or order of any Judge or Magistrate in the provinces aforesaid other than an appeal against an interlocutory order in a High Court Action the Appellant may lodge his appeal in the district Registry of the High Court at Kisumu or Nairobi as the case may be and may notify that he wishes to have his appeal heard locally.

(7) In the case of any notice of appeal being so lodged with such notification as aforesaid the appeal shall be set down for hearing before a Judge of the High Court at the next ensuing Sessions at Kisumu or Nairobi as the case may be.

Provided that the High Court or a Judge thereof may order that such appeal be heard at Mombasa or elsewhere.

Approved :
C. ELIOT,
His Majesty's Commissioner.
Dated, April 19th, 1904.

R. B. P. CATOR,
R. W. HAMILTON,
Judges of the High Court.

RULES OF COURT

Issued by H. B. M's. Court of Appeal for Eastern Africa, with the sanction of the Secretary of State, under the provisions of "The Eastern African Protectorates (Court of Appeal) Order in Council, 1902."

ENTRY OF APPEAL.

1. For the purpose of every appeal to the Court of Appeal, the appellant shall file with the Registrar or other officer of the High Court of the Protectorate from which the appeal emanates (hereinafter called the High Court), a Memorandum in writing setting forth concisely and under distinct heads, the grounds of objection to the decree appealed against without any argument or narrative; and such grounds shall be numbered consecutively.

2. The appellant may appeal against the whole or any part of a decree, and the Memorandum of Appeal shall state whether the whole or part only of such decree is complained of and in the latter case shall specify such part. The Memorandum of Appeal shall also state the nature of the relief which is sought.

For the purpose of these Rules, a decree shall include a judgment order or sentence.

APPELLANT CONFINED TO THE GROUNDS SET OUT, &C.

3. The appellant shall not, without the leave of the Court of Appeal, urge or be heard in support of any ground of objection not mentioned in the Memorandum, but the Court in deciding the appeal shall not be confined to the grounds set forth by the appellant:

Provided that the Court shall not rest its decision on any ground not set forth by the appellant, unless the respondent has had sufficient opportunity of contesting the case on that ground.

In these Rules the term respondent shall include any person to whom notice of appeal has been given.

TIME FOR FILING MEMORANDUM OF APPEAL.

4. The Memorandum of Appeal shall be filed in civil cases within three months, and in criminal cases within ten days from the date of the decree appealed against. Provided that in criminal cases, if the appellant is in gaol, he may present his Memorandum of Appeal to the officer in charge of the gaol, within such ten days, who shall thereupon file such Memorandum in the High Court.

LEAVE TO FILE OUT OF TIME NECESSARY.

5. If a Memorandum of Appeal is filed out of time, the High Court shall require the appellant to file a petition for leave to file the Memorandum of Appeal out of time, supported by an affidavit giving reasons for the delay, and the High Court, on forwarding the application to the Court of Appeal, may make such remarks as it thinks fit in regard to the statements contained in the affidavit, and until such petition shall have been granted, and a notification thereof forwarded to the said High Court, all proceedings in the appeal shall be stayed.

FEES PAYABLE, AND SECURITY, &C.

6. On filing the Memorandum of Appeal, the appellant shall pay to the High Court such fees as may be payable locally. The appellant shall also, within such time as the High Court directs, give reasonable security to the satisfaction of the said Court for the prosecution of the appeal and for payment of the fees of the Court of Appeal, and of any costs that may be ordered by the Court of Appeal to be paid by the appellant, and shall pay such sum as the High Court thinks reasonable to defray the expense of the making up and transmission of the record to the Court of Appeal.

DECLARATIONS, &C., MAY BE FILED WITH MEMORANDUM.

7. The appellant may, with his Memorandum of Appeal, file a declaration in writing that he does not wish to be present in person or by pleader on the hearing of the appeal, together with such arguments as he desires to submit to the Court of Appeal.

SERVICE OF NOTICE.

8. The High Court shall give notice of the appeal by serving a duplicate copy of the Memorandum of Appeal and also of the declaration and arguments (if any) mentioned in Rule 8.

PERSONS TO BE SERVED WITH NOTICE.

9. Such notice shall be given to all parties directly affected by the appeal, and it shall not be necessary to serve parties not so affected; but the Court of Appeal may direct notice to be given to any person, and in the meantime may postpone or adjourn the hearing of the appeal, upon such terms as may be just, and may give such judgment and make such order as might have been given or made if the persons served with such notice had been parties directly affected by the appeal and originally served with notice.

10. The respondent may, within seven days after receiving such notice, file a declaration, in writing, that he does not wish to be present in person or by pleader on the hearing of the appeal, together with such arguments as he desires to submit to the Court of Appeal.

11. The High Court shall have full power to allow amendment of the Memorandum of Appeal, declarations, and arguments, upon such terms as to service of notice of such amendment, costs and otherwise, as it may think fit.

HIGH COURT TO MAKE UP RECORD.

12. The High Court shall, with all convenient speed after the expiration of seven days from the date of service of notice on the respondent, and without the application of either party, make up the record of appeal, which shall consist of the Memorandum of Appeal, declaration and arguments (if any), and copies of all material proceedings, including a copy of the evidence and decree, and forward the same to the Registrar of the Court of Appeal. Provided that the High Court may forward any portion of the documentary evidence, in original, if for special reasons it sees fit.

Any person, whether appellant or respondent, may apply to the High Court and specify any of the papers or exhibits in the case, copies of which he requires to be made, and thereupon copies of such paper or exhibits shall be made for him at his expense and given to him.

13. After receipt of the record as aforesaid, all applications regarding the appeal must be made to the Court of Appeal.

NOTICE OF HEARING.

14. On receipt of the record the Registrar of the Court of Appeal will serve notice of the date of hearing upon the appellant and respondent.

Such notice will ordinarily be served through the High Court.

15. The Court of Appeal may hear and determine an appeal without giving notice of the date of hearing to any person who has declared that he does not wish to attend the hearing.

PAUPER APPELLANT.

16. If any appellant alleges that he is unable to pay the fees on appeal, the High Court, upon application being made for that purpose, shall inquire into the question of the poverty of the appellant, and, if it is satisfied that the allegation of poverty is true, it shall forward to the Court of Appeal the record of appeal, together with a declaration to that effect and a statement of the proportion of the fees, if any, the appellant is able to pay; and no fees other than the above shall be payable either in the Court of Appeal or in the High Court. If the High Court is not satisfied as to the poverty of the appellant, it shall forward the application to the Court of Appeal with a report as to the appellant's means, but shall take no other step in the appeal without orders from the Court of Appeal.

POWERS TO BE EXERCISED BY TWO JUDGES OF THE COURT OF APPEAL.

17. In any case pending before the Court of Appeal any direction incidental thereto not involving the decision of the appeal may be given by two Judges of the Court of Appeal; and two Judges of the Court of Appeal may at any time during vacation make any interim order to prevent prejudice to the claims of any parties pending an appeal as they may think fit; but every such order made by two Judges may be discharged or varied by the Court of Appeal.

18. The following appeals may be disposed of by a Court consisting of two Judges:—

(a) Appeals in cases in which the subject-matter of the appeal is less than 1,500 rupees, or £100.

(b) Appeals in urgent cases with the written consent of both parties: such consent to be filed in the case.

WHERE COURT EQUALLY DIVIDED IN OPINION.

19. If on the hearing of an appeal the Court is equally divided in opinion, the appeal shall be dismissed.

If on the hearing of an application, not being in the nature of an appeal, the Court is equally divided in opinion, the opinion of the Senior Judge shall prevail:

Provided that, if on the hearing of an appeal or application by two Judges there is a difference of opinion upon a point of law, either of the Judges may require that the appeal or application be referred to a Court consisting of not less than three Judges.

POWER OF ADJOURNMENT.

20. If for any reason it appears right to adjourn an appeal or application, the Court of Appeal shall have full power to do so upon such terms and for such time as seems fit.

POWERS OF AMENDMENT, &C., OF COURT OF APPEAL.

21. The Court of Appeal shall have all the powers and duties as to amendment and otherwise of the High Court, together with full discretionary power to receive further evidence upon questions of fact, such evidence to be either by oral examination in Court, by affidavit, or by deposition taken before an Examiner or Commissioner. The Court of Appeal shall have power to draw inferences of fact and to give any judgment and make any order which ought to have been made, and to make such further or other order as the case may require. The power aforesaid may be exercised by the said Court notwithstanding that the Memorandum of Appeal may pray that part only of the decision may be reversed or varied, and such powers may also be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have appealed from or complained of the decision. The Court of Appeal shall have power to make such order as to the whole or any part of the costs of the appeal as be just.

POWER TO ORDER NEW TRIAL.

22. If, upon the hearing of an appeal, it shall appear to the Court of Appeal that a new trial ought to be had, it shall be lawful for the Court of Appeal to order that the verdict and judgment shall be set aside, and that a new trial shall be had.

INTERLOCUTORY ORDER NOT TO PREJUDICE APPEAL.

23. No interlocutory order or rule from which there has been no appeal shall operate so as to bar or prejudice the Court of Appeal from giving such decision upon the appeal as may be just.

STAY OF PROCEEDINGS ON APPEAL.

24. An appeal shall not operate as stay of execution or of proceedings under the decision appealed from except so far as the High Court or the Court of Appeal may order; and no intermediate act or proceeding shall be invalidated except so far as the Court of Appeal may direct.

INTEREST, WHERE EXECUTION DELAYED BY APPEAL.

25. On an appeal from the High Court, interest for such time as execution has been delayed by the appeal shall be allowed, unless the High Court or the Court of Appeal orders otherwise, and the taxing officer may compute such interest without any order for that purpose.

SECURITIES, &C., WHERE APPEAL TO PRIVY COUNCIL.

26. On appeals to His Majesty in Council, all securities required by Article 9 (2) of the Appeals Order in Council shall be given, and all payments required by Article 9 (3) of the said Order shall be made within three months after leave to appeal to His Majesty in Council has been given by the Court of Appeal.

FEES, &C., ON APPEALS.

27. The following fees shall be taken on appeals:—

(A) In civil matters—		Rs.	as.	p.
1. On hearing the appeal	... ..	50	0	0
2. On judgment	... ..	50	0	0
3. In all matters under Rule 17 herein, one-half of above fees, provided that the Court may in such cases reduce either of the above fees.				
(B) In criminal matters—				
1. On the appeal	... ..	10	0	0
On appeals to His Majesty in Council—				
(A) In civil matters—				
1. On application for leave to appeal	... ..	25	0	0
2. On judgment thereon	... ..	25	0	0
3. On making up the record of appeal, such sum as the Court of Appeal directs.				

The fee list at present in force in His Britannic Majesty's Court for Zanzibar, or any other fee list that may be substituted for it, shall be deemed to be the list of fees that shall be taken in matters other than those mentioned above.

ADDRESS.

28. All communications and applications should be addressed to:—

The Registrar,
His Britannic Majesty's Court of Appeal for Eastern Africa,
Zanzibar.

PLACE.

29. The Court of Appeal shall ordinarily sit in Zanzibar, at the Court House for His Britannic Majesty's Court of Zanzibar; but may sit at such other place from time to time as occasion may render necessary or convenient.

30. The Court of Appeal shall hold two ordinary sessions in each year, which shall commence on or as soon after the *1st March* and the *1st September*, respectively, as shall be found convenient. Notice of each session and a cause list shall be published by the Registrar in the *Zanzibar Gazette*, and in the *Gazette* of each Protectorate, at least one month before the time appointed for such session; but nothing herein shall prevent the Court from sitting during vacation.

LINDSEY SMITH,
President of the Court of Appeal.

RULE.

EAST AFRICA LIQUOR ORDINANCE 1902.

Rule issued by His Majesty's Commissioner for the East Africa Protectorate under the provisions of the East Africa Liquor Ordinance 1902.

The fee payable for any new licence under the East Africa Liquor Ordinance 1902 taken out after the 31st day of March the 30th day of June or the 30th day of September in any year shall be respectively $\frac{3}{4}$, $\frac{1}{2}$ or $\frac{1}{4}$ of the prescribed fee for such licence.

Mombasa, April 29th, 1904.

C. ELIOT,
His Majesty's Commissioner.

RULES

Issued by His Majesty's Commissioner for the East Africa Protectorate under the provisions of the East Africa Townships Ordinance 1903.

Mombasa, April 29th, 1904.

C. ELIOT,
His Majesty's Commissioner.

THE REGULATION OF BOATS.

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.

License may be refused.

(2) The Port Officer may refuse to issue a license in the case of an unsuitable boat or to an applicant who has had a previous license endorsed for misconduct.

Licenses annual to expire in September.

(3) All licenses issued under these Rules shall expire on the 30th September succeeding their date of issue, and the fees therefor including registration shall be such as set out in the first Schedule hereto.

Boats to show register and license Nos.

(4) The number of passengers for which a boat is licensed shall be endorsed on the license and shall be cut and painted on the backboard and the registered number shall be legibly painted on both sides of the bow.

Boats not to carry above licensed load.

(5) No boat shall carry more than its licensed number of passengers (two loads of 60 lbs. of baggage being equivalent to one passenger), and no person shall enter a boat already containing its full licensed freight.

Fares.

(6) Fares shall be charged in accordance with the tariff in the second Schedule hereto, and shall be printed on the back of the license, which shall be produced when asked for by a passenger.

Boats not 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 contain a complete set of oars, rowlocks, rudder and tiller or yoke and yoke lines, and scoop.

- (9) No boat holding a passenger license only shall carry cargo other than passengers' personal luggage. Passenger license 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 a numbered badge in a conspicuous place, for which he shall deposit 8 annas. Any boat boy may be struck off the Register by the Port Officer for misconduct, and in such case shall return his badge, and receive back his deposit. 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 be liable to take night duty in rotation when there are vessels in harbour. Night Duty.
- (14) 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.
- (15) The Port Officer may suspend or revoke the license of any boat whose owner or crew have been guilty of misconduct and such order shall be endorsed on the license. Suspension of license.

THE FIRST SCHEDULE HERETO.

- (a) The charge for license and registration shall be,
For a boat licensed to carry not more than 3 passengers Rs. 10.
- (b) For every additional passenger beyond 3 Re. 1 in addition.
- (c) For a license to carry cargo in addition Rs. 4.

Provided that in the case of any boat licensed subsequently to the 31st March, half the above fees only shall be charged.

THE SECOND SCHEDULE HERETO.

BOATS MAY BE HIRED BY TIME OR DISTANCE.

From 5 A.M. to 8 P.M. Single Journey between
Passenger Jetty Mombasa and

BY DISTANCE.

	Rs.	As.	
Dhows in harbour	0	$\frac{1}{2}$	per passenger.
English Point	0	1	per one passenger, when more than one, each As. $\frac{1}{2}$.
Vessels in harbour	0	2	per passenger.
Frere Town	0	6	per passenger.
Outer Anchorage	0	12	per one passenger, when more than one, each As. 8.
Vessels in Kilindini harbour	1	0	per one passenger, when more than one, each As. 8.
From shores Kilindini harbour to vessels in Kilindini harbour	0	3	per passenger.

All return Journeys Double Fare, to include 15 minutes detention; thereafter As. 4 additional for every 15 minutes detention or part thereof.

All Journeys between 8 P.M. and 5 A.M. double the above fares.

BY TIME.

From 6 A.M. to 6 P.M.	Round Mombasa Island and in harbour waters.	
For three persons	Whole day Rs. 4.	
Each additional person	Whole day As. 8.	
For three persons	One hour Re. 1.	Each succeeding hour or part As. 8.
Each additional person	One hour As. 8.	Each succeeding hour or part As. 4.

TO RABAI SINGLE OR RETURN JOURNEY SAME DAY.

For three persons	Rs. 4.
Each additional person	As. 8.
Packages of about 60 lbs. As. 2 each.	

RULE.

A rule issued by His Majesty's Commissioner for the East Africa Protectorate under the provisions of the Crown Lands Ordinance 1902.

PRICE OF LAND.

The price of all Crown Land within 10 miles of the Uganda Railway Line heretofore published in any rule or notice under the Crown Lands Ordinance 1902 is hereby doubled.

Provided that all land already applied for shall be granted at the rates in force at the date of such application.

Mombasa, May 2nd, 1904.

C. ELIOT,
His Majesty's Commissioner.

RULES.

Rules issued by His Majesty's Commissioner under the provisions of "The East Africa Townships Ordinance 1903."

May 19th, 1904.

C. ELIOT,
His Majesty's Commissioner.

1. The Rules shall apply to the Township of Nairobi.

The Sub-Commissioner of the Province of Ukamba shall nominate annually a Committee consisting of two Protectorate Officials, one of whom shall be the Collector of the District, two Railway Officials subject to the Manager's concurrence, two European non-official residents in the Township, and two Indian Traders resident in the Township; the Collector shall be the Chairman of the Committee. Three members shall form a quorum. The Committee shall from time to time submit to the Commissioner for his approval rules for the health, order and good government of the Township of Nairobi.

3. The Chairman shall in the month of December in every year prepare Estimates for the cleaning, lighting and Policing of the Town for the ensuing year. Such Estimates shall be submitted by the Sub-Commissioner to the Commissioner for his approval.

4. Should the Commissioner approve such Estimates of Revenue and expenditure they will be published in the Official Gazette and from the date of their publication they shall come into force and any rates and fees therein provided for shall become due.

VEHICLES.

5. Any cart or other vehicle used in the Township for the conveyance of luggage or merchandise, such vehicle not being the property of His Majesty's Government, or of any department of His Majesty's Government, or of the Municipality, shall be registered.

6. Each cart so registered shall bear a registered number.

7. The Collector may refuse to register any cart or vehicle or refuse to continue the registration of the same when he is of the opinion that the wheels thereof are in bad condition and injurious to the roads.

8. Any vehicle, whether drawn by animals, propelled by hand or any other power, shall be in charge of proper and responsible persons.

9. Each cart on being registered shall be measured and the weight or number of packages that each cart shall be allowed to carry described on the Registration paper.

10. Vehicles on hire for the conveyance of passengers shall be registered, such vehicles shall be subject to regular inspection.

11. Only licensed drivers shall be in charge of vehicles on hire for the conveyance of passengers.

12. The Collector may refuse to register any vehicle unless the same is in proper order and repair.

13. Each vehicle shall bear a registered number and underneath the number shall be shewn the number of passengers that may be carried on any one journey, and no vehicle shall carry more than the number so shewn.

14. No driver of a passenger vehicle will be licensed unless and until he has proved to the satisfaction of the Collector that he can drive and manage the horses or animals in his charge, or in case of a vehicle driven by machinery that he is thoroughly conversant with such machinery.

15. Rickshaws let out for hire shall for the purpose of these Rules be deemed to be vehicles used for carrying passengers.

16. The following fees shall be chargeable under the Township Rules 1904 and under these rules for the Township of Nairobi.

	Per mensem.
Registration of meat sellers	Rs. 7 0 0
„ Vegetable sellers	„ 4 0 0
„ Bakeries	„ 5 0 0
Registration of Aerated Water Manufactories	„ 10 0 0
„ Billiard Saloons	„ 5 0 0
„ Common Lodging houses	„ 10/- per 20 lodgers.
„ Hawkers per individual	„ 10 0 0
„ Dhobies per individual	„ 1 0 0
Hire of stand in Ironing and drying room per individual	„ 3 0 0
Theatre licence, or any other place of entertainment	„ 20/- with minimum fee of Rs. 5/- for one night.

SLAUGHTER HOUSE FEES.

For Cattle slaughtered	Rs. 1/- per head
For Goats or Sheep slaughtered	„ 0/4- „ „
Tents	„ 2/- each for a month or any part thereof.
Registration of Dogs	Rs. 5/- per annum.
„ Vehicles used for luggage 2 wheels	„ 10/- „ „
Registration of Vehicles used for luggage 4 wheels	„ 25/- per annum.
„ „ for Passenger Traffic 2 wheels	„ 7 8 0 do.
„ „ „ 4 „	„ 15 0 0 do.
Registration of Driver	„ 10 0 0 do.
Storing of Kerosene oil... ..	anna 1 per case per month or any part thereof, with minimum charge of 8 annas on any consignment.

RENTS.

Public Markets, Native, anna 1 per stand per day.
 „ „ non-native, Rs. 5/- per stand per month.
 Living quarters for Dhobies Rs. 2/- per month.

THOS. A. WOOD,
 E. H. BIFFEN,
 A. E. CRUICKSHANK,
 WILLIAM RADFORD,
 Medical Officer,
 EDWARD NORONHA.

EAST AFRICA PROTECTORATE.

RULES.

Rules issued by His Majesty's Commissioner for the East Africa Protectorate under the provisions of "The East Africa Townships Ordinance 1903" (No. 20 of 1903).

Nairobi, May 19th, 1904.

C. ELIOT,
His Majesty's Commissioner.

GENERAL.

- (1) In these Rules the term "owner" shall mean the person for the time being receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person. Definitions.
- The term "occupier" shall mean the person occupying for the time being the house or land in respect of which any tax or fee is levied or due.
- The term "Medical Officer" shall mean the Protectorate Medical Officer appointed for the time being by the Commissioner as Health Officer for the Township.
- (2) The rates, fees, charges and tariffs which may from time to time be demanded in respect of any matters contained in these Rules shall be published in the "Official Gazette." Publication of rates and fees.
- (3) All permits or licenses issued under these Rules, unless a contrary intention appears, shall be revocable at the discretion of the Collector on one month's notice of his intention to do so being given to the holder thereof and any permit or license issued under these Rules shall be revocable without notice upon the holder thereof being found guilty of any breach of the conditions under which such permit or license is held or of a breach of any of these Rules. Power to revoke permits.
- (4) All permits and licenses shall expire on the 31st December in each year. Expiry of permits.
- (5) It shall be lawful for the Collector to make a proportionate reduction from the fees due for any annual permit or license issued after March 31st, June 30th or September 30th at the rate of one quarter of such fee for every three months already elapsed. Rebate of annual permit.
- (6) An officer of Police, the Medical Officer or any person duly authorized in that behalf, may enter any premises within the Township for the purpose of seeing that the acts to be performed, or the duties to be observed under these rules are being performed and observed. Power of Police and of the Township Officers and Inspectors.

ASSESSMENT.

- (7) Houses and buildings used exclusively as places for religious worship, all public burial and burning grounds, all buildings used exclusively for public schools or for charitable purposes, and all property belonging to the Government shall be exempt from the payment of township rates. Property exempt from rates.
- (8) Any house or building, the annual value whereof is less than 10 rupees, may be exempted from assessment, if the same be the sole rateable property of the owner, and if on the same hut tax has been paid. Property on which rate may be waived.
- (9) No rate shall be levied on account of any house or building which has remained unoccupied for the whole of the period in respect of which the rate is due. Empty houses.
- (10) The rate or rates imposed upon lands, houses, and buildings, according to the annual value thereof, shall be assessed in the manner hereinafter provided, and the total annual sum to be raised upon any property by rates shall not exceed 10 per cent. of its rateable value. Assessment upon annual value.

- How ascertained. (11) The estimated gross annual rent at which the lands, houses, and buildings liable to the rate might reasonably be expected to be let from year to year, shall, for the purposes of the rate, be held and deemed to be the annual value of such lands, houses or buildings. The value of a house or building so estimated shall not include the value of any machinery contained therein.
- Provided that any lands used as arable or pasture land only, and any woodlands or market gardens shall be assessed in proportion of one-fourth only of the annual gross value.
- Valuation to be entered in a book. (12) For the purpose of such assessment, a valuation shall from year to year be made of lands, houses, and buildings. Such valuation shall be entered in a book to be kept at the Collectorate or Municipal Office, if any, wherein shall also be written in distinct columns the name of the owner of the property, or, if the occupier and not the owner is the person liable to the rate, the name of the occupier, a designation of the property sufficient to identify the same and the amount of the rate assessed thereon.
- Returns and power to enter houses, &c. (13) The Collector or such other officer or officers as may be appointed for the purpose, shall make the valuation, and in order to enable them to arrive at a fair valuation of any lands, houses, or buildings, liable to the rate, it shall be lawful to require the owner or occupier of such lands, houses, or buildings, to furnish returns of the rent or annual value thereof; and, for the like purpose it shall be lawful at any time to enter and inspect such lands, houses or buildings, after having given forty-eight hours' notice of the intention to do so to the occupier thereof; and whoever refuses or fails to furnish any such return for the space of one week from the day on which he shall have been required to do so, or knowingly makes a false or incorrect return, or hinders, obstructs, or prevents any Government officers duly authorized in that behalf from entering or inspecting any such lands, houses, or buildings, shall be deemed to have committed an offence against the Ordinance and shall be liable on conviction to punishment accordingly.
- Assessment of licensed houses. (14) Licensed premises may be subject to a higher rate of assessment than ordinary dwellings or shops of the same class of building.
- Record of valuation to be open for inspection. (14) When the valuation has been completed, the record of valuation may be inspected at the Collectorate, or such other place as may be appointed for the purpose, and the person in whose custody such record may be shall permit every person claiming to be the owner or occupier of such property included in the assessment, or the agent of such owner or occupier, to inspect the same and to make extracts, therefrom without payment of any fee.
- Public notice of time of revising assessment to be given. (15) Public notice shall be given of a day, not being less than fifteen days from the publication of such notice, when the valuation and assessment will be revised, and in all cases in which any property is for the first time assessed, or in which the valuation of any property previously assessed is increased, special notices thereof shall be given to the owners or occupiers of such property. All complaints against such valuations and assessments shall be made, personally or in writing, on or before the day fixed in the notice; and all complaints so made shall be inquired into and such amendments shall thereupon be made as may be just and proper.
- Rate. (16) After the complaints have been inquired into, and after the revision of the valuation and assessment has been completed, amendments made shall be authenticated by the signature of the Collector or other officer duly appointed, who shall at the same time certify that no valid objection has been made to the valuation and assessment except in the cases in which amendments have been made, and thereupon the rate so assessed shall be deemed to be the rate for the whole year for which the assessment is made, and such year shall commence on the 1st day of January.
- Alterations and amendments of assessments. (17) Provided always that, upon the representation of the parties or other information, the record may be amended by inserting the name of any person whose name ought to be inserted, or any property liable to the rate, or by striking out the name of any person or property not liable to the rate, or by reducing the amount of the rate; and in all cases in which any property is inserted as liable to the rate, the amendment shall be considered to have been made at the time when the person interested first received notice thereof.
- Hearing of appeals. (18)—(i) Appeals against any rate assessed under the provisions of these Rules shall be heard and determined by any Magistrate. But no such appeal shall be heard unless the amount of assessment has been first deposited; and no appeal against a rate assessed shall be heard unless complaint has been previously made as hereinbefore provided.

(ii) Every such appeal shall be commenced within one month after the accrual of the cause of complaint, which shall, in respect of any rate be deemed to accrue on the day of the certificate under Rule 16 or, in case of any subsequent amendment, under Rule 17, upon receipt by the person aggrieved of notice of such amendment. Time of appeals.

(iii) A second appeal shall lie from the decision of such Magistrate to the High Court, provided that the appeal be commenced within one month from the date of the decision complained against. The assessment of any rate when no appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under this rule shall be final and conclusive. Second appeal to High Court.

(19) It shall not be necessary to prepare a new record every year, but the valuation and assessment for the previous year may be adopted with such alterations as may, in particular cases, be deemed necessary, as the valuation and assessment for the following year. Provided always that public notice of such valuation and assessment shall be given. New assessment book every year not necessary.

(20)—(i) The rate shall be payable by the occupier of any property upon which it has been imposed. Rate by whom payable.

(ii) If the sum due on account of any rate from the occupier of any land, house, or building remains unpaid after notice of demand has been duly served, the Collector or other officer duly appointed in that behalf may recover the same by distress and sale of any goods and chattels found on the premises or of any crops found in or on the land. Rate may be recovered from occupier by distress.

(iii) Where any house is in the occupation of more tenants than one the owner or lessor shall be deemed to be the occupier for the purposes of these rules.

(iv) Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of the sum due in respect of any rate, the person liable may be sued to pay the same in any Court of competent jurisdiction. Or may sue.

STREET CLEANING AND LIGHTING.

(21) The cleaning and lighting of the town shall be carried out under the superintendence of the Collector. Collector to superintend.

(22) The Collector shall make estimates for the cleaning, lighting and policing of the town for the ensuing year, and shall submit the same to the Commissioner in the month of December in every year. Estimate for.

(23) Should the Commissioner approve of the same with or without amendment he may impose such rate as may be necessary for the estimated cost as aforesaid. Provided that such rate shall not exceed 10 per cent. of the rateable value of the property assessed. Rate to be imposed.

BUILDINGS.

(24) Every person who may intend—

(a) To erect a building ;

(b) To make any addition to a building ;

(c) To make any alterations or repairs to a building involving the removal or re-erection of any external wall or party wall thereof, or of any wall which supports the roof thereof to an extent exceeding one-half of such wall above the ground level, such half to be measured in superficial feet ;

(d) To remove or reconstruct any portion of a building abutting on a street which stands within the regular line of such street ;

Shall give to the Collector notice of his said intention so to do on a form to be obtained for this purpose, specifying the position of the building intended to be erected, the description of the building, the purpose for which it is intended to be erected and its dimensions. Must give notice.

(25) "To erect a building" means to newly erect a building, to re-erect any building the masonry of which is pulled down to the plinth, or to convert into a dwelling-house any building not originally intended for human habitation, or to convert into more than one dwelling-house a building originally constructed as one dwelling-house, and a building so erected, re-erected, or converted is called a new building. Definition of "to erect a building."

(26) At any time within thirty days after the receipt of any notice under Rule 24 the Collector may, by written notice, require the person who has given the notice to furnish the Collector in duplicate with all or any of the following documents :—

Plans, &c., may be called for.	(a) Plans and sections of floors of the intended building which shall be drawn to a scale of not less than 1 inch to every 8 feet, and shall show the position, form, and dimensions of the several parts of such building and of every water-closet, privy, urinal, cesspool, well and other appurtenances, and, in the case of a building intended as a dwelling-house for two or more families, or for carrying on any trade or business in which a number of people exceeding twenty may be employed, or as a place of public resort, the means of ingress and egress.
Description of material.	(b) A description in writing of the materials of which it is intended that the building shall be constructed, of the thickness of the walls and roof, and of the intended mode of drainage, means of water supply, and means of ventilation, and any other information which the Collector may deem necessary.
Further particulars may be called for.	(27) If the notice given under Rule 24 and the documents furnished under Rule 26 do not supply all the information which the Collector may deem necessary to enable him to deal satisfactorily with the case, the Collector may at any time within fifteen days after receipt of the said documents by written notice require the production of such further particulars and details as he deems necessary.
Applicant may proceed with building.	(28) If any requisition made under Rule 27 is not complied with, the notice given under Rule 24 shall be deemed not to have been given. (29) If within thirty days after receipt of any notice under Rule 24 or of the plan, section, description, or further information, if any, called for under Rule 26 or 27, as the case may be, the Collector fails to intimate in writing to the person who has given the said notice his disapproval of the building, which the said person proposes to erect, or of the work which he proposes to execute, or if within the said period the Collector signifies in writing to the said person his approval of the said building or work, the said person may at any time within one year from the date of the delivery of the notice to the Collector, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of these Rules or any amendments thereof for the time being in force.
Disapproval by Collector.	(30) If the Collector disapproves of any building or work of which notice has been given as aforesaid, or of any portion or detail thereof, by reason that the same will contravene some provision of these Rules, or will be unsafe, he may at any time within thirty days of the receipt of the notice, or of the plan, section, description, or further information, if any, called for under Rule 26 or 27, as the case may be, by written notice intimate to the person who gave the notice his said disapproval and the reason for the same, and prescribe terms subject to which the building or work may be deemed to be approved by him.
May build within one year from the date of Notice.	(31) The person who gave the notice concerning such building or work may proceed with the same, subject to the terms prescribed as aforesaid but not otherwise, at any time within one year from the date of the receipt by him under Rule 29 of the written notice in this behalf, but not so as to contravene any of the provisions of these Rules.
Notice must be given.	(32) No person shall begin to erect any building or to execute any such work as is described in Rule 24 until he has given notice of his intention, as hereinbefore required; to erect such building or execute such work, and the Collector has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf.
Fresh notice after the elapse of one year.	(33) If a person who is entitled to proceed with any building or work under Rule 29 or 30 fails to do so within the period of one year prescribed in the said Rules respectively for proceeding with the same he may at any subsequent time give a fresh notice of his intention to erect such building or execute such work, and thereupon the provisions hereinbefore contained shall apply, as if such fresh notice were a first notice of such person's intention.
Conditions as to building.	(34) With respect to buildings which are to be newly erected on any site previously unbuilt upon, the following provisions shall have effect :— (a) The foundation of any such building shall not be constructed on any site which has been filled up with or has been used as a place for depositing excrementitious matter or the carcasses of dead animals, or other filthy or offensive matter until such matter shall have been properly removed or otherwise dealt with to the satisfaction of the Collector. (b) Every such building intended to be used as a dwelling shall be built with a plinth at least 1 foot above the centre of the nearest street, and not below such standard level, as may be fixed by the Collector in this behalf.

(c) No such building which abuts on a street of less width than 50 feet shall, without the written permission of the Collector, be built to a greater height than one-and-a-half times the width of the street it abuts on, *i.e.*, between the points at which such building approaches nearest to the street and the opposite side of such street, provided that nothing herein contained shall debar any person from building up to the full height of any building belonging to himself which has stood within two years on the same site, and on which he has not been precluded from building by any injunction or order of a Court.

(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, or, in the case of a chawl or building intended to form a range of separate rooms for lodgers, at least 5 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 6 feet across. And every open space, whether exterior or interior, required by this Article shall be kept free from any erection thereon and open to the sky, and shall be and be kept open to access from each end thereof.

Rooms to abut
on open space.

(36) Every room intended to be inhabited in any such building, except a room in the roof thereof, shall be at least 10 feet in height from the floor to the ceiling. Every such room in the roof of any such building shall have an average height of at least 8 feet from the floor to the ceiling.

Height of rooms.

(37) Every such room shall have a clear superficial area of not less than 100 square feet. Every such room shall be ventilated by means of doors and windows, the windows of which shall open directly into the external air, and have an aggregate opening equal to not less than one-fourth of the superficial area of the side of the room which faces an open space.

Superficial area
of rooms.

(38) Huts or sheds, or ranges or blocks of huts or sheds, whether the same are to be used as dwellings or stores, or for any other purpose, shall be built, if the Collector thinks fit so to require, so that they may stand in regular lines with a free passage or way in front of and between every two lines, of such width as the Collector thinks proper for ventilation and for facilitating scavenging, safety against spread of fire, means of drainage, and the general convenience of the public, or for any other purpose.

Huts to be built
in lines.

(39) No external wall shall, except with the written permission of the Collector, consist of any temporary erection of wood, cloth, canvas, grass, leaves, mats, or any other inflammable or unsightly material.

No external wall
to be built of
temporary
material.

(40) Every person who shall erect a new building shall, save as hereinafter provided, construct every external wall and party wall, and also, if so required by the Collector, every cross wall of bricks, stones, or other hard or incombustible materials, properly bonded and solidly put together with mortar, cement or cement mixed with sand. The proportion of lime in mortar shall be not less than 33 per cent. for a single storeyed building and 40 per cent. for all other buildings.

Material.

(41) Every person who shall erect a building with masonry walls shall cause every wall of such building, which may be built at an angle with another wall, to be properly bonded.

Bonding.

(42) Every person who shall erect a new building shall construct every wall of such building so as to rest upon proper footings to the satisfaction of the Collector, and shall cause the projection at the widest part of the footings of every wall on each side of such wall to be at least equal to one-quarter of the thickness of such wall at its base, unless an adjoining wall interferes, in which case the projection may be omitted where that wall adjoins, and shall cause the diminution of footings in regular offsets or in offset at the top of footings, and he shall cause the height from the bottom of the footings to the base of the wall to be at least equal to two-thirds of the thickness of the wall at its base.

Footings.

(43) Every person who shall erect any new building shall cause the footing of every wall and every post or posts of the ground floor of such building to rest on the solid ground or upon a sufficient thickness of concrete or upon some solid and sufficient substructure as a foundation. Provided that where solid rock is met with at or near the surface at the side of such building,

Footings to rest
on solid base.

that is, within 3 feet of the level of the base of the wall, the footing may be omitted, if the surface of the rock be properly cleaned, and stepped or jagged to receive the first course of masonry.

- Depth of foundation. (44) The depth of foundation of incompressible soil shall be at least one-fifth of the height of the wall above the ground level.
- Height of buildings. (45) No masonry buildings shall be built of more than two storeys or be carried to a greater height than 28 feet, except by special leave of the Collector and upon such terms as he may prescribe. The height of the storey shall be measured from the level of the upper surface of the floor to the underside of the tie of the roof, or other covering, or, if there is no tie, then up to the level of half the vertical height of the rafters or other support of the roof. The height of every storey other than a top storey shall be measured from the level of the upper surface of the floor of the storey up to the level of the upper surface of the floor of the storey next above it.
- Measurement of height of wall. (46) The height of a wall shall be measured from the top of the footings to the highest part of the wall, or, in case of a gable, to half the height of the gable.
Walls shall be deemed to be divided into distinct lengths by return walls. The length of a wall shall be measured from the centre of one return wall to the centre of another, provided that the return walls are external walls, party walls, or cross walls, of the thickness prescribed by these Rules.
- Cross walls. A wall shall not, for the purpose of this rule, be deemed a cross wall unless it is carried up to the top of the topmost storey, and unless in each storey the aggregate extent of the vertical faces or elevation of all recesses and openings therein taken together shall not exceed one-half of the whole extent of the vertical face or elevation of the wall in such storey.
- Thickness of wall. When the wall does not exceed 15 feet in height, its minimum thickness shall be 18 inches for its whole length.
When the wall exceeds 15 feet but does not exceed 28 feet in height, its minimum thickness shall be 2 feet.
- Dimensions of wooden posts. (47) The length of every wooden post used in the construction of buildings for supporting verandah, roofs, &c., or brest-summers, shall not exceed twenty times its least dimension, and all such wooden posts shall be fixed not more than 10 feet apart, measuring from the centre to centre.
- Iron work. (48) Every person who shall erect a new building, and who shall, in the construction thereof, employ iron post girders, joists, or other iron work, for the support of any portion of such building, shall employ and erect such iron posts, girders, joists, and other iron work as shall, in respect to quality and strength, be approved by the Collector in that behalf.
- Beams and brest-summers. Beams and brest-summers for terraced flooring on planks shall be fixed not more than 10 feet apart, measured from centre to centre, and for each foot in length in the clear, three-quarters of an inch in depth and half an inch in breadth.
Joists 1 foot apart shall be half an inch in depth and a quarter of an inch in breadth.
Rafters one-third of an inch in depth and one-sixth of an inch in breadth for each foot span.
- Projecting structures. (49) No person shall, without the written consent of the Collector, and except upon such terms as he may prescribe, erect, set up, or place against or in front of any premises, any structure or fixture which will overhang, jut, or project into, or in any way encroach upon any street, or jut or project into, or encroach upon, any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel, or to impede the inspection or cleaning thereof.
- Collector may require removal of projecting structures. (50) The Collector may, by written notice, require the owner or occupier of any premises to remove any structure or fixture which has been erected, set up, or placed against or in front of the said premises or otherwise in contravention of these Rules, or to alter the same in such manner as the Collector thinks fit to direct.
If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up, or placed by himself, to credit in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

The Collector may give written permission, on such terms as he shall in each case think fit, to the owner or occupier of any building abutting on any street to erect an arcade over such street or any portion thereof, or to put up a balcony, verandah, sunshade, weather frame or other such structure or thing projecting from any upper storey over any street or portion thereof.

Permission to erect arcade, &c., necessary.

(51) The Collector may at any time, by written notice, require the owner of any premises, on the ground floor of which any door, gate, bar, window or other structure opens towards or upon a street or upon any land required for the improvement of a street, in such manner as, in the opinion of the Collector, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar, window or other structure altered so as not to open outwards.

Windows and other structures opening outwards.

(52) All buildings within the township shall be constructed in accordance with the general plan of the town, and on the building line approved by the Collector.

Building line to be observed.

STREETS AND ROADS.

(53) No new street may be laid out in the township except in conformity with plans to be approved by the Collector.

May not be laid out without permission.

(54) No person shall, except with the written permission of the Collector, place or deposit upon any street, or upon any open channel, drain, or well in any street, any stall, chair, bench, box, ladder, bale, or other thing so as to form an obstruction thereto or encroachment thereon.

Obstruction of streets and roads.

The Collector may, without notice, cause to be removed from any place any stall, chair, bench, box, ladder, bale, or any other thing whatsoever placed in contravention of this Rule.

(55) No person shall erect a scaffold on a public street without permission of the Collector, and except upon such terms and conditions as he may prescribe.

Scaffoldings, permit for.

(56) No person shall, on any public footway or street, place or leave, except for temporary relief, any article likely to cause obstruction.

Obstructions on road.

(57) No owner or driver of any vehicle shall permit it to stand in any street longer than may be absolutely necessary.

Vehicles may not stand on roads.

(58) Within any township where it is required the Collector may provide space for stands for carriages or luggage carts for hire.

Stands for carriages for public hire.

IRRIGATION TRENCHES.

(59) No person shall construct any trench or channel for irrigation or other purposes within a township area without the previous sanction of the Collector in writing.

Permission to construct.

(60) Any proprietor or lessee of any irrigation trench, or any person or persons using the same shall be responsible for the upkeep and repair of that part of any road crossing such trench, and also shall be responsible for any leakage from the trench on any road causing damage to such road.

Proprietor, lessee, and person deriving benefit responsible for any damage.

(61) In the case of any damage from the foregoing causes resulting to any road the Collector will repair the same and may recover the cost from the persons responsible.

Collector may repair and can recover cost.

(62) Where necessary the Collector may compel any persons using any irrigation trench to put in earthenware or other conduit pipes at any point of such irrigation trench; in cases where it is considered necessary to put such pipes under a road the Collector shall give due notice to the persons concerned, an estimate of the cost will be prepared and, should the persons concerned not agree to pay such cost, the Collector may either proceed with the construction and charge a rent for the use of such conduit or he may close the canal and prevent the further passage of water therein.

Power to compel insertion of pipes.

SANITARY.

(63) Any person who shall allow in any manner the escape of any night-soil or urine from any privy shall on conviction be liable to a fine of Rs. 50/- or in default imprisonment of either kind not exceeding 14 days.

Escape of night-soil.

- Power to condemn privies. (64) The Collector may condemn any privy or privies in any building, or attached to any building or being on any plot in the township, and may call upon the owner to reconstruct such privy or privies according to an approved plan, and should the owner fail to reconstruct the same after due notice, the Collector may undertake the work of reconstruction and charge the owner with the expense thereof.
- Construction of holes for reception of drainage forbidden. (65) Any person digging or constructing any hole or holes for the reception of night-soil, urine, dirty water or rubbish of any description, or throwing dirty water on any public road or place, or allowing the escape of any dirty water into any side drain not constructed for such purpose, shall on conviction be liable to a fine of Rs. 50/- or in default imprisonment of either kind not exceeding 14 days.
- Using condemned privies. (66) Any person erecting or continuing to use inside any house any privy which has been condemned shall be liable on conviction to a fine of Rs. 200/- or in default imprisonment of either kind not exceeding two months.
- Depositing rubbish. (67) Any person depositing any sweepings, empty or broken bottles, straw, or rubbish of any description in any place except in receptacles or places provided by the Collector for that purpose shall on conviction be liable to a fine of Rs. 50/- or in default imprisonment of either kind not exceeding 14 days.
- Limewashing buildings. (68) If it shall appear to the Collector necessary for sanitary reasons so to do, he may, by public notice, require the owners or occupiers of any building in the town to cause the same, or any portion thereof, to be limewashed or otherwise cleansed, either externally or internally, or both externally and internally, at the expense of such owners or occupiers.
- Wells and tanks to be cleaned. (69) Owners of all wells, tanks and cisterns shall cleanse the same once every year to the satisfaction of the Collector.
- Discharge of rain-water. (70) No person shall discharge rain-water or other liquid from the roof or any other part of a building, except by a pipe so fixed as to discharge such rain-water or other liquid at less than a foot and a-half above the level of any public street or, where provided, into a public drain; and all roofs other than those made of grass or makuti shall be properly provided with gutters so as to prevent the discharge of any rain-water or other liquid therefrom into any street.
- Ruinous and dangerous buildings. (71) Where any house or building appears to the Collector to be in a ruinous and dangerous condition, he may serve notice on the owner requiring him forthwith to repair or remove the same: If the owner fails to comply with the notice for a period of one month the Collector may cause the house or building to be removed, and may recover the expenses of such removal from the owner.
- Sites to be clear of rubbish. (72) All sites within the town shall be kept level and clear of stones and rubbish.

DANGEROUS AND OFFENSIVE TRADE.

- Dangerous trade. (73) No dangerous or offensive trade or business will be permitted within the township except with a special permit in writing from the Collector and under the conditions set forth in such permit.

STABLES, CATTLE-SHEDS AND PLACES FOR KEEPING SHEEP, GOATS, OR SWINE.

- Stables, Cattle-sheds, and places for keeping sheep, goats, or swine. (74) The occupier of any land within the township limits on which there is or shall be erected any stable, cow-yard, cattle-shed, pig-sty, or other place for keeping sheep, goats, or swine shall cause such premises to be thoroughly cleansed daily.
- Permits for stables. (75) No person shall use any place within the township as a stable for horses or ponies kept for hire, or as a cattle-shed except with a permit from the Collector, who may grant or withhold the same at his discretion, and such permit shall state the number of horses or cattle that may be kept and the situation of such place.
- Permits to keep sheep, goats or pigs. (76) No person shall keep any sheep, goats, or pigs within the township except under a permit from the Collector.
- Construction of pens and styes. (77) Every pig-sty, and place in which sheep, goats, or pigs are kept, shall be constructed, fenced in, and drained to the satisfaction of the Collector.

(78) No pigs shall be kept in or under any place used for purposes of human habitation. No pigs in or under a human habitation

REMOVAL OF CARCASSES.

(79) Every person within whose premises any horse, pony, bullock, cow, sheep, goat, or pig may die shall, within four hours after its death, or if the death occurs at night, within four hours after daylight, remove and bury or burn the carcase under the inspection of the Collector or such officer as he may appoint. Removal and disposal of carcasses.

(80) No person shall throw or deposit, or cause to be deposited, any corpse or carcase upon any street or into any drain, lake, river, or watercourse, or on the banks of any lake, river, or watercourse. No carcase to be deposited near any water or street.

(81) No person shall carry a corpse through any street unless it be decently covered and concealed from public view. Corpses.

FILTHY PREMISES.

(82) Where it appears to the Collector that any accumulation of weeds, undergrowth, manure, refuse, or other noxious matter ought to be removed, the Collector shall give notice to the owner or occupier of the premises or land upon which such accumulation occurs, to remove the same within forty-eight hours; and should the owner or occupier fail to comply with the order, the Government may undertake the work and charge the occupier or owner with the cost incurred. Removal of weeds or filth.

(83) The collection of natives or others in tents or outbuildings in the vicinity of shops or dwelling houses who are not the actual house or shop servants in the immediate employ of the owners or occupiers of such houses or shops is prohibited. Congregation of natives forbidden.

LAUNDRIES.

(84) No person shall carry on the business of a Laundryman without being first registered as such. Registration of Laundrymen.

(85) No person so registered shall receive clothing for the purpose of washing except on a licensed place and no person shall be permitted to use such licensed place as a dwelling house or sleeping apartment. Clothing to be received on licensed premises.

(86) Every licensed wash-house shall be open for inspection by the Collector or other officer duly appointed in that behalf. Inspection.

KEROSENE OIL.

(87) No Kerosene or other highly inflammable oil shall be stored in any house or building within the township in larger quantities than four cases (40 gallons) except in the place or places provided by the township for the purpose. Storage of Kerosene oil.

THE DIGGING OF HOLES OR EXCAVATIONS.

(88) No person shall make any hole or excavation within the limits of the township, or remove any clay, stone, or earth from any Crown lands within the township without the permission of the Collector in writing first obtained. Not allowed except under permit.

(89) The Collector may grant such permission upon such conditions with regard to the fencing, lighting, filling up, or otherwise making secure such hole or excavation, and with regard to the health and welfare of the town and its inhabitants, as he may consider requisite and proper. Collector may grant permission.

A fee will be charged for any permit to remove clay, stone or earth from Crown lands.

SLAUGHTER HOUSES.

(90) Animals, the meat of which is intended for human consumption, may only be slaughtered in the Public Slaughter house provided for that purpose. Animals to be slaughtered in the Public slaughter house.

Collector may issue special permits for Private Slaughter houses.	Provided that where considered desirable and necessary the Collector may issue a special permit allowing the slaughter of animals in any other building approved by the Medical Officer.
Medical Officer to be satisfied.	(91) Any such permit issued by the Collector shall be held only during such time as the Medical Officer is satisfied with the general condition of the building used as a slaughter house, and with the surroundings of such building.
Private Slaughter houses to be kept clean, &c.	(92) Any buildings used as slaughter houses shall be thoroughly cleaned out at least once in every 24 hours, all sweepings and other matter shall be properly disposed of to the satisfaction of the Collector.
Diseased animals inspected, &c.	(93) No diseased animal shall be admitted for slaughter. All animals intended for slaughter are liable at all times to be examined by any person authorised by the Collector in that behalf either before or after death, or both, with a view to ascertaining whether such animals are fit for human food.
Registration fee.	(94) There shall be a Registration fee payable in respect of any private slaughter house.
Fees to be charged for slaughtering.	(95) Proprietors of licensed private slaughter houses shall not charge more for slaughtering animals than the fees payable in a public slaughter house therein.
Fees shall be paid.	(96) All fees due in respect of any animals slaughtered must be paid at the time of the slaughter.

BAKERIES.

Registration of bakeries.	(97) No building shall be used as a bakery unless and until it shall have been first registered in the office of the Collector, and no building shall be so used if the lighting, ventilation, cleaning, and draining thereof are not such as are necessary and proper in the opinion of the Collector.
Infectious disease.	(98) It shall not be lawful for any person following the trade of a baker, or being the occupier of any place where flour is prepared or baked for use as human food, to allow any person suffering from any disease or infectious disorder to handle such flour, or to take part in or assist in any way in the conduct of the trade of a baker.
Not to be used as a dwelling house.	(99) Any premises actually used as a bakery shall not be used as a dwelling or sleeping apartment.
Inspection of bakeries.	(100) The Collector, the Medical Officer and any other person appointed by the Collector may at any time visit and inspect a bakery, they may also inspect any store or place wherein flour for use in the bakery is kept, and any water or vessels used therein.
Power to remove from the register.	(101) On the sanitary conditions of any bakery being reported by the Medical Officer to be unsatisfactory the Collector may remove such bakery from the list of registered bakeries with or without notice, and a baker's business shall not again be carried on therein until any improvements required by the Collector shall have been completed.
No other trade to be followed in a bakery without permission.	(102) No trade other than that of a baker shall be carried on in a bakery without the permission of the Collector in writing.

DAIRIES.

DAIRIES AND THE ADULTERATION OF MILK.

Adulteration.	(103) No person shall sell or offer for sale any milk to which any water or other matter or ingredient has been added.
Power to take samples.	(104) Any person offering milk for sale, and any proprietor, occupier, or manager of a cowshed, dairy, or place for the sale of milk, and any person intrusted for the time being with the charge of any milk, shall permit any Medical Officer, or any officer duly authorised by the Collector, to take such quantity of milk as such officer shall require for the purposes of analysis on his tendering payment therefor.
Diseased animals.	(105) Every proprietor, or occupier, or manager of a cowshed, dairy, or place for the sale of milk, having in his possession or under his charge any animal affected with disease, shall give immediate notice in writing of the fact to the Collector.

(106) Every person dealing in milk or dairy produce within a Township shall be registered by the Collector. Registration.

BUTCHERS.

(107) No person shall carry on the business of a butcher or vendor of meat without being first registered as such. Registration.

(108) No person so registered shall carry on the trade or business of a butcher in any Building other than a building provided for that purpose, provided that the Collector may licence private premises which have been approved by the Medical Officer for the sale of meat. Prescribed buildings.

(109) No person who is suffering from any form of infectious disease shall serve or work in any Butcher's shop or stall. Infectious diseases.

(110) Butchers' shops and stalls shall be thoroughly cleaned out and washed at least once in every 24 hours. Premises to be cleaned.

(111) Any meat which in the opinion of the Collector or of any inspector appointed for the purpose or of the Medical Officer is unfit for human food may be seized and dealt with by the Collector as he shall deem fit. Seizure of meat.

(112) Any shop used as a Butcher's shop shall not be used for purposes of human habitation. Not to be used for habitation.

VEGETABLE DEALERS.

(113) No person shall carry on business as a vendor of vegetables without being first registered as such. Registration.

(114) No person so registered shall carry on the trade or business of a vegetable seller in any building other than one provided for that purpose, provided that the Collector may licence private premises which have been approved by the Medical Officer for the sale of vegetables. Prescribed buildings.

(115) No person suffering from any infectious disease shall serve or work in any vegetable shop or stall. Infectious diseases.

(116) Any vegetables which in the opinion of the Collector, or of any inspector appointed for the purpose, are unfit for human food may be seized and disposed of as the Collector may deem fit. Seizure of vegetables.

AERATED WATER MANUFACTURERS.

(117) No person shall carry on the business of an aerated water manufacturer without being first registered as such. Registration.

(118) No person so registered shall carry on the business of an aerated water manufacturer in any building other than the building approved by the Collector. Building to be approved.

(119) The utensils, water, &c., in any such Building shall be open at all times to inspection by the Medical Officer or any Officer appointed for that purpose by the Collector. Inspection.

(120) Premises in which the manufacture of aerated waters is carried on may not be used for purposes of habitation. Not to be used for habitation.

(121) If at any time the Sanitary arrangements of such Registered buildings are certified as unsatisfactory by the Medical Officer the Collector shall give notice to the owner or occupier thereof and pending their being placed in a satisfactory condition no further manufacture of aerated water shall be permitted therein.

LODGING HOUSES.

(122) Any person wishing to use or continue to use any building as a common lodging house shall give notice of such intention to the Collector, who shall satisfy himself that such building is suitable for the purpose intended. Common lodging houses.

(123) The Medical Officer shall certify the number of persons that can be accommodated in such building. Certified number of lodgers.

On the Collector being satisfied that such building can be used as a common lodging house the same shall be registered.

The Registration paper shall show the number of persons that may at one time be accommodated in the house.

- Inspection fee. (124) Any common lodging house shall be liable to inspection at any time by a Superintendent or Assistant Superintendent of Police or such other Police Officer as shall be detailed by them for that duty, or by the Collector or any Officer appointed by him for that purpose.
- Power to close. (125) The Collector may at any time order the closing of any lodging house if he is satisfied that the Sanitary arrangements connected with such lodging house are unsatisfactory, or that any breach of these Rules has been committed.

PUBLIC MARKETS.

- Time of opening. (126) Public Markets shall be opened for the sale of goods at such times as the Collector shall appoint.
- Sale of meat, fish and vegetables. (127) No fresh meat, fresh fish, poultry, or vegetables shall be hawked, sold or exposed for sale within the limits of any Township in which a public market is established except within such market, except as otherwise provided in these rules.
- Exhibition of articles for sale. (128) No articles shall be exhibited for sale on the pathways or over any drain or in any doorway within such markets, and no board, box or basket shall be left in, upon or across any such drain or pathway.
- Fire within. (129) No fire or cooking shall be allowed within such markets.
- Seizure of food unfit for consumption. (130) The market master shall take possession of any food unfit for human consumption exposed for sale in any market and shall deal with such food in a manner to be directed by the Collector, to whom he shall report such possession.
- Live stock. (131) No live stock other than fowls or ducks shall be brought into any market other than one provided for the sale of live stock.
The public markets shall be under control of the Collector, who shall appoint such persons as are necessary to manage the same.
- Power to let market. (132) The Collector may at his option let out any market on contract, and any authorised contractor shall have the power to collect the market fees prescribed by these Rules.
- Vendors in Native market. (133) Only such persons as have paid stall fees shall be allowed to sell in the native markets.
- Vendors in other markets. (134) In any other markets only such persons as are licensed or registered vendors and who have also paid stall fees shall be allowed to sell therein.
- Sale of meat in new market. (135) No person shall be registered for the sale of meat in the new market.
- Market hours. (136) All public markets will be opened daily at 7 a.m. and closed at 6.30 p.m.
- Night. (137) No person will be allowed to remain in any market at night.
- Cleansing. (138) Each public market shall be thoroughly cleansed at least once in every 24 hours between the hours of 6 p.m. and 7 a.m.
- Stalls. (139) Each stall in the non-native market shall be numbered, and certain parts of such markets shall be definitely retained for the accommodation of certain particular trades.
- Trades. (140) In no instance shall one stall be used for carrying on two distinct classes of business at the same time or under the same permit.
- Rents and fees. (141) In all cases the scale of rents for stalls and any other fees due in respect of any market will be duly published, and a copy thereof exhibited in such market.
- Hawking. (142) No person shall hawk goods about the market.
- Power to expel. (143) The Collector may expel from any public market any vendor, or servant of a vendor, who has been convicted of a breach of any of these rules, and may prevent such person from further carrying on any business in such public market, or occupying any stall therein.
- Nuisances. (144) No person shall commit a nuisance within the precincts of a public market.
- Lessee's responsibility. (145) In the event of a market being leased out, the lessee shall be responsible for the due observance of these Rules.
- Trades to be carried on. (146) Only such trades shall be carried on in any public market as the Collector shall permit; under no circumstances shall opium or spirits or other intoxicating drink be sold in any market, and no handicraft shall be carried on therein.
- Infectious diseases. (147) No person suffering from any infectious, contagious or loathsome disease shall be allowed to serve in any market.

(148) Dogs unless properly secured shall not be allowed inside any Dogs. public market.

(149) The Collector or any officer appointed for the purpose may call Clothing. upon any person serving in a Public market to be properly clothed and to see that such clothing is clean, and any person refusing to obey any order in this respect may be removed from such market.

PLACES OF ENTERTAINMENT.

(150) No building shall be used as a place of entertainment until it has been registered by the Collector as such. Must be registered, a fee to be paid.

(151) The Collector will not register any building as a place of entertain- Conditions to be ment until the owner or occupier has conformed to the following conditions :— conformed to.

- (i) Produced a plan, elevations, sections and specifications of the building.
- (ii) Given particulars and plans of the seating accommodation, position of lights and method of lighting used.
- (iii) Given particulars of the number, position and construction of exits.
- (iv) Given particulars of any precautions proposed to be taken to guard against fire.

BILLIARD SALOONS.

(152) No building shall be used as a Billiard Saloon until it has been Billiard Saloons. registered as such by the Collector.

HAWKERS.

(153) No person shall hawk any goods in the township unless provided Hawkers. with a permit.

No one will be permitted to hawk fresh foods of any description in the township.

PROCESSIONS, &c.

(154) Any persons wishing to hold a procession within the township Permit for shall apply to the Collector for a permit, the Collector may refuse such permit processions. or may, where he considers necessary, require the applicants to enter into Surety bonds as guarantees of good behaviour.

BATHING.

(155) Places on any stream, beach or lake may be set aside by the Bathing places. Collector for the purpose of public Bathing.

Public Bathing at any other place except such place or places set aside by the Collector for that purpose is prohibited.

(156) Places appointed for public Bathing shall be situated below any Situation. location used by Licensed dhobies.

WASHING OF CLOTHES.

(157) The Public Washing of Clothes in irrigation trenches, streams, at Public washing. water hydrants or at any place not set apart by the Collector for that purpose is prohibited.

(158) The Collector may set apart certain points on any stream or lake Washing places. for such washing.

CEMETERIES.

(159) No corpse shall be buried, burnt, or otherwise disposed of within Disposal of the precincts of the township except in the places set aside for that purpose. corpses in a township.

(160) Any death occurring in the township shall be reported to the Death to be Collector. reported.

(161) Upon any death of a suspicious nature being brought to the notice Suspicious of the Collector the body shall be examined by the Medical Officer and the deaths. Collector shall make a report of such examination to the Police.

(162) No interment or cremation or other method of disposing of a corpse Permit for burial. shall take place until the Collector has issued a permit.

(163) All Burial grounds shall be properly fenced in. Burial grounds to be fenced.

(164) All graves are to be of a depth of not less than six feet. Depth of graves.

CAMPS.

- Camping prohibited except in reserve ground. (165) The "pitching" of a tent or tents on any Crown land inside the Township limits is prohibited except on camping ground specially provided by the Collector for that purpose.
- Permits to camp. (166) No person shall erect a tent or tents on any such camping ground without first of all having applied for and obtained a permit allowing him to do so.
- Fee for permit. (167) There shall be a fee levied for each tent mentioned on any permit, such fee shall be at the rate of Rs. 2/- per tent for each month or part thereof.
- Sweepers, &c., to be provided. (168) The Collector will provide sweepers and latrine accommodation for any authorized camping ground.
- Trade prohibited without licence. (169) Trading of any description on any camping ground is prohibited except under special licence to be obtained from the Collector.
- Time limit. (170) No tent will be allowed to remain in any camp for a period longer than one month except under a special permit from the Collector.
- Unauthorized persons. (171) The collection of unauthorized persons on any camping ground is prohibited.

NUISANCES

NOT ALREADY DEFINED.

- Housing of artisans and labourers. (172) The housing of artisans or labourers in the house or building occupied by the contractor or master is prohibited.
- Smoke and fumes. (173) The emission of any smoke or fumes which is injurious to the comfort of any neighbour or neighbours is prohibited.

MISCELLANEOUS.

- Rule of the road. (174) Persons driving or propelling any vehicle must keep to the left-hand side of the road.
- Lighting of vehicles. (175) Any vehicle using a public road after 6.10 p.m. shall be provided with a light (a bicycle is a vehicle for the purpose of these Rules).
- Name and trade on shops or stalls. (176) The name and trade of each person shall be plainly displayed on the front of any shop or stall.

STREET NOISES, &c.

- Street noises, &c. (177) No person shall—
- (i) Ride or drive furiously any horse or other animal, or drive or propel furiously any carriage, cart, or other vehicle, or drive furiously any cattle, in any street; or
 - (ii) Throw or discharge any stone or other missile in or into any street or place of public resort; or
 - (iii) In any street or place of public resort, or in any place within sight or hearing of the persons then being in such street or place, disturb the peace by quarrelling with any other person, or use or apply to any other person then being in such street or place, or within sight or hearing thereof, any violent, scurrilous, or abusive term of reproach; or
 - (iv) In any street or place of public resort, or in any place within sight or hearing of the persons therein, shall with intention of annoying or irritating any other person, sing any scurrilous or abusive song or words, whether any person be particularly addressed therein or not; or
 - (v) Be drunk in any street or place of public resort, and guilty of any violent or indecent behaviour; or
 - (vi) Be guilty of any violent or indecent behaviour in any police office, or station house or lock-up house, or in any building used as a police office, station, or lock-up house; or
 - (vii) Commit any nuisance in any street or place of public resort, or in any place being an appurtenance of or adjoining a dwelling house; or
 - (viii) Behave irreverently or indecently in or near any church, chapel, or other building appropriated for religious worship; or
 - (ix) Wilfully deface or remove any milestone or board or any public lawful notice or posting-bill from any building or place where such notice or bill may lawfully be affixed; or

(x) Cut, break down, uproot, lop or in any other manner destroy or injure any tree growing in any street or public garden ; or

(xi) Make any noise or create any disturbance so as to be an annoyance to any residents or passengers.

Any person guilty of an offence under this Rule shall for each offence, in addition to any liability for damage at the suit of any person aggrieved, incur a fine not exceeding 40 rupees, or, in default of payment, be imprisoned, with imprisonment of either kind, for a period not exceeding four weeks.

PRESERVATION OF ORDER BY NIGHT.

(178) No Ngoma, Kinanda, Mauli, native dancing or drumming shall be permitted in any street or open space, without leave first obtained from the Collector. Leave for ngomas, &c.

(179) Any person wishing to hold any Ngoma or dance as aforesaid must first obtain a permit in writing from the Collector or such person as he may appoint, who may grant or withhold permission at his discretion. Permit.

(180) Any person obtaining a permit for any Ngoma or dance as aforesaid will be held responsible for the maintenance of due order thereat, and, in the event of a disturbance or breach of the peace taking place, will be held liable for a breach of the Rules, unless such person can prove that he has taken due precautions for the maintenance of order, and that any disturbance or breach of the peace that may take place has been occasioned by causes beyond his control. Responsibility of permit holder.

(181) No person shall use the streets of any township between the hours of 10 p.m. and sunrise, unless he carry a light, or be able to satisfy the police as to his respectability in such other manner as the Collector may consider sufficient. Lights to be carried after 10 p.m.

FENCES.

(182) Every occupier of any lot or parcel of land within the township, or the owner thereof if unoccupied, shall, if so required by the Collector, fence such lot or parcel, and maintain such fence in good repair to the satisfaction of the Collector. If such occupier or owner shall make default in commencing to make or repair such fence after fourteen days' notice in that behalf from the Collector, or shall not complete such fence or the repairs thereof with as little delay as the nature of the work admits, every such offender shall incur a fine not exceeding 10 rupees, and a daily penalty not exceeding 2 rupees. Fencing unoccupied lots.

The use of barbed wire is prohibited except under special permit.

DOGS AND OBJECTIONABLE ANIMALS.

(183) No owner or occupier shall keep any animal within the township that is a nuisance or injurious to health. Dangerous animals.

(184) All dogs kept within the township must be registered at the office of the Collector, and must be provided with a proper collar inscribed with the name of the owner. A fee shall be payable for such registration. Registration of dogs.

(185) The Collector may cause all dogs found within the township without collars, or dogs that he has reason to believe are ownerless, savage, or dangerous, to be seized, and may deal with them as follows :—

(a) If the dog is diseased it shall be forthwith slaughtered ;

(b) In any other case it may be destroyed, detained, kept, or otherwise dealt with as the Collector may think fit, provided that when the dog bears a collar it shall be kept for three clear days and the owner notified, if possible, to give him an opportunity of claiming it. Stray dogs.

STRAY ANIMALS.

(186) Animals found wandering in any street or public place or trespassing on any private land may be impounded, and if not claimed within seven days they are liable to be destroyed, sold, or otherwise dealt with as the Collector may direct. Stray animals may be impounded.

FIREARMS AND OTHER ARMS.

- Firing in Township prohibited. (187) The use of firearms within the limits of the Township (except in self defence) is prohibited.
- Natives, &c., may not come into Township armed. (188) Any Asiatics or Africans other than Government Police, Troops or other duly authorized persons found, within the limits of the township, armed in any manner will be liable to arrest and may be proceeded against for a breach of these Rules.
- Definition of Arms. (189) Spears, bows and arrows, swords, knob-kerries, or any other instrument by which bodily hurt could be inflicted, and firearms of any description shall be considered arms for the purpose of these Rules.

PUBLIC GARDENS.

- Control. (190) Public Gardens in the town shall be under the control of the Collector.
- Supervision. (191) The Collector shall appoint proper persons to look after the gardens and keep order therein.
- Vehicles in. (192) No vehicles shall enter on any roads in any public garden.
- Night. (193) No person shall sleep in any public gardens at night.

FIRES.

ABATEMENT OF FIRES.

- Means to abate. (194) If any house or building catches or is on fire it shall be lawful for any European police officer or any Collector or surveyor to order, with the purpose of staying the spreading or communication of the fire, that any near or adjacent houses or premises with which the fire is likely to communicate shall be demolished, or the roof thereof broken down, or thatch or other inflammable roofing pulled or broken from the roofs or other suitable means used for interrupting the communication; but no such order shall be given unless the officer is present at the fire, and satisfied, to the best of his judgment upon personal view, that such order appears necessary for staying the progress or communication of the fire.
- Obstruction of execution of order. (195) If any person obstructs in any way the execution of any such order he shall be deemed to have committed a breach of this Ordinance.
- Not entitled to compensation. (196) No occupier, or owner or other person interested in any house or premises so demolished or unroofed, or from which the roofing materials shall have been pulled as aforesaid, shall be entitled on account thereof to compensation of any sort whatever.
- Notice to replace inflammable roofing. (197) The Collector may give six months' notice in writing to the owner or occupier of any hut roofed with makuti or other inflammable material that such material must be replaced by iron or other non-inflammable substance.

TRACTION ENGINES.

- Permit required for an engine over two tons in weight. (198) It shall be unlawful for any Traction Engine or other Machine or Engine weighing over two tons gross weight to pass over any road or bridge without a special permit in writing from the Collector.
In the case of any permit referred to in the foregoing rule being granted any damage to roads, culverts, or bridges caused by such Engine shall be made good by the owner thereof.
The Collector may attach such conditions to a permit under this Rule as he may consider necessary.
- Short title and application. (199) These rules may be cited as "The Township Rules 1904" and shall apply to all townships proclaimed under the East Africa Townships Ordinance 1903, save where other provision is made.

NOTIFICATION.

In virtue of the powers conferred on me by the East Africa Forestry Regulations 1902, I hereby proclaim the undermentioned forests to be "Forest Areas" within the meaning of the said Regulations:—

No.	Name.	Position.	Approximate Areas.	Remarks.
I.	KWELE.	About 3 miles S.W. of Shimba ...	2,300 Acres.	Demarcated by large earthmounds.
II.	MLONGOMAGANDI.	About 3 miles S. of Kwele No. 1 ...	2½ miles by ¼ to ½ mile.	do.
III.	MAKADARI.	About 3 miles N.E. of Mwele village ...	About 4 square miles.	do.
IV.	SANDIANI.	About 3 miles W.N.W. of Mwele village	About 2½ by 2 miles.	do.
V.	MWELE KUBWA.	North of and close to Mwele village ...	About 4 square miles.	do.
VI.	MWELE NDOGO.	South of and close to Mwele village ...	About 4 square miles.	do.
VII.	JUMBO.	Comprising almost the whole of the hill of that name.	Unknown.	do.

Nairobi, April 29th, 1904.

C. ELIOT,
His Majesty's Commissioner.

NOTICE.

By virtue of the powers thereto enabling me I hereby authorise all Collectors and Assistant Collectors in charge of stations in the Provinces of Kenia, Kisumu, Naivasha, Seyidie, Tanaland and Ukamba to exercise the powers vested in Magistrates of the third class by the Code of Criminal Procedure 1898 (Indian Act No. V of 1898), as applied to the East Africa Protectorate in relation to charges against persons of European or American extraction.

May 24th, 1904.

C. ELIOT,
His Majesty's Commissioner.

NOTICE.

Notice is hereby given that a rate for Municipal purposes on all lands and buildings within the Township of Kisumu will be levied under the provisions of the East Africa Townships Ordinance 1903 and the rules thereunder for the current year at the rate of 7½ per cent. of the assessed annual value of such lands and buildings.

May 24th, 1904.

C. ELIOT,
His Majesty's Commissioner.

EAST AFRICA PROTECTORATE.

RULES FOR REPORTING AND INVESTIGATING ACCIDENTS ON RAILWAYS IN THE EAST AFRICA PROTECTORATE.

Rules issued by His Majesty's Commissioner for the East Africa Protectorate under the provisions of section 84 of the Indian Railways Act, 1890 (IX of 1890), as applied to the East Africa Protectorate.

Mombasa, July 1st, 1904.

C. W. HOBLEY,
Acting Commissioner.

NOTICES.

1. The notices mentioned in section 83 of the Indian Railways Act, 1890 (IX of 1890), shall contain the following particulars, namely:—

- Mileage, or station, or both, at which the accident occurred ;
- Time and date of the accident ;
- Number and description of the train or trains ;
- Nature of the accident ;
- Number of people killed or injured, as far as known ;
- Cause of the accident, as far as known ;
- Probable detention to traffic.

2.—(1) In the case of the following accidents, namely:—

- (a) Accidents attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code,* or with serious injury to property ; or
- (b) Collisions between trains, of which one is a train carrying passengers ; or
- (c) Derailments of any train carrying passengers or of any part of such a train ;

such notices shall be sent by telegraph immediately after the accident has occurred by the Station Master of one or other of the stations between, or of the station at, or, where there is no Station Master, by the railway servant in charge of the section of the railway on which the accident has occurred.

(2) Notices of accidents described in section 83, clause (d), of the Indian Railways Act, 1890 (IX of 1890), 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 shall report, with as little delay as possible, every accident occurring in the course of working the railway on which he is employed which may come to his notice. Such reports shall be made to the nearest Station Master, or, where there is no Station Master, to the railway servant in charge of the section of the railway on which the accident has occurred.

4.—(1) Whenever an accident, such as is described in section 83 of the Indian Railways Act, 1890 (IX of 1890), has occurred in the course of working a railway, the Manager shall cause an enquiry to be promptly made by a committee of Railway Officers (to be called a "joint enquiry") 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 persons or property ; or
- (b) If there is no reasonable doubt as to the cause of the accident ; or
- (c) If one department of the railway intimates that it accepts all responsibility in the matter.

* *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 member or joint.

Fifthly.—Destruction or permanent impairing of the powers of any member or joint.

Sixthly.—Permanent disfiguration of the head or face.

Seventhly.—Fracture or dislocation of a bone or tooth.

Eighthly.—Any hurt which endangers 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.

(2) Where such enquiry is dispensed with, it shall be the duty of the Head of the Department of the railway responsible for the accident to make such enquiry (to be called a "Departmental Enquiry") as he may consider necessary, and if his staff or the system of working is at fault, to adopt or suggest such measures as he may consider expedient for preventing a recurrence of similar accidents.

5.—(1) Whenever a joint enquiry is to be made, the Manager shall cause notice of the date and hour at which the enquiry will commence to be given to the following officers, namely:—

(a) The Magistrate of the district in which the accident occurred, or such other officer as the Commissioner may appoint in this behalf;

(b) The Government Inspector appointed under Section 4, sub-section (1), of the Indian Railways Act, 1890 (IX of 1890), for the section of the railway on which the accident occurred;

(c) The Officer-in-charge of the Railway Police, or, if there are no Railway Police, the Officer-in-charge of the police station in the jurisdiction of which the accident occurred.

(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 any joint or departmental enquiry has been completed, the President of the Committee, or the Head of the Department, as the case may be, shall send to the Manager a report, which, in the case of all accidents of the nature described in the explanation to rule 22, sub-rule (2), must be submitted in the form prescribed by rule 25.

(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—

(a) To the official mentioned in rule 5, sub-rule (1), clause (b); and

(b) If no enquiry has been made under rule 16, or if a joint or departmental enquiry has been held first, to the Magistrate or officer mentioned in rule 5, sub-rule (1), clause (a); and

(c) If any magisterial enquiry is being made, to the Magistrate making such enquiry.

(3) Such copy shall be accompanied—

In the case referred to in clause (b) of sub-rule (2), by a statement of the persons, if any, whom the Manager desires to prosecute, and in the case referred to in clause (c) of the same sub-rule, by a copy of the evidence taken at the enquiry.

(4) Whenever the Manager receives a copy of the Government Inspector's report under rule 24, he shall at once acknowledge its receipt. If he differs from the views expressed in the report, he shall at the same time submit his remarks thereon, or, if he is not immediately able to do so, he shall, in his acknowledgment of the report, inform the Government Inspector of his intention to submit his remarks later.

(5) Whenever the report of the Government Inspector points to the necessity for or suggests a change in any of the rules or in the system of working, the Manager shall, when acknowledging the report, intimate the action which has been taken, or which it is proposed to take, to prevent a recurrence of similar accidents, or shall inform the Government Inspector of his intention to report further on the Government Inspector's proposals.

7.—(1) Whenever any accident has occurred in the course of working a railway, the Manager shall give all reasonable aid to the District Magistrate or the Magistrate appointed or deputed under rule 16, and to the Government Inspector, Medical Officers, the Police and others concerned, to enable them promptly to reach the scene of the accident, and shall assist those authorities in making enquiries and in obtaining evidence as to the cause of the accident.

(2) When any enquiry under rule 16, or any judicial enquiry 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.

8. Whenever any accident has occurred in the course of working a railway, and any offence referred to in section 131 of the Indian Railways Act, 1890 (IX of 1890), 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 policeman 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 his 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. Whenever any accident occurring in the course of working a railway 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 local Medical Officer should be communicated with if he is nearer than any Railway Medical Officer.

DUTIES OF POLICE OFFICERS.

10. The Railway Police may make an investigation into the causes which led to any accident occurring in the course of working a railway, and shall do so—

- (a) Whenever any such accident is attended with loss of human life or with grievous hurt, as defined in the Indian Penal Code, or with serious injury to property, or has *prima facie* been due to any criminal act or omission; or
- (b) Whenever the District Magistrate or the Magistrate appointed under rule 16 has given a direction under clause (c) of that rule.

Provided that no such investigation shall be made when a magisterial enquiry has been commenced or ordered under rule 16, clause (a) or clause (b).

11.—(1) Whenever an investigation is to be made by the Railway Police—

- (a) In a case in which an accident is attended with loss of human life or with serious injury to persons or property; or
- (b) In pursuance of a direction given under rule 16, clause (c);

the investigation shall be conducted by the officer-in-charge of the Railway Police, or 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 Deputy Inspector of Police may be deputed.

12. The officer who is to conduct an investigation, in pursuance of rule 11, shall proceed without delay to the scene of the accident and conduct the investigation there, and shall at once advise the Manager of the railway and the Traffic Officer of the District by telegraph 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.—(1) In every case to which rule 11 applies, the officer conducting the investigation shall if he deems it advisable inform the nearest district police, who, if so required, shall afford all necessary assistance, and shall, if occasion arise, carry the investigation beyond the limits of the railway premises. But the Railway Police are primarily entrusted with the duty of carrying on the investigation within such limits.

(2) Subject to any provisions elsewhere contained in these rules, the further prosecution of the case, on the conclusion of the police investigation, shall rest with the Railway Police.

14. The result of every police investigation shall be reported at once to the Manager of the railway through the Officer-in-charge, Railway Zone Police.

15. On Railways or Branch Railways which have no Railway Police, the duties imposed by rules 10, 11 and 12, rule 13, sub-rule (2) and rule 14 on the Railway Police or on the Officer-in-charge of the Railway Police shall be discharged by the Officer-in-charge of the District Police.

DUTIES OF MAGISTRATES.

16. Whenever an accident, such as is described in section 83 of the Indian Railways Act, 1890 (IX of 1890), has occurred in the course of working a railway, the District Magistrate, or any other Magistrate who may be appointed in this behalf by the Commissioner, may either—

- (a) Himself make an enquiry into the causes which led to the accident; or
- (b) Depute a Subordinate Magistrate, who, if possible, should be a Magistrate of the first class, to make such an enquiry; or
- (c) Direct an investigation into the causes which led to the accident be made by the police; or
- (d) May accept a report on the accident from the Manager and submit it to the Commissioner for information.

17. Whenever it is decided to make an enquiry under rule 16, clause (a) or clause (b), the District Magistrate or other Magistrate appointed as aforesaid, or the Magistrate deputed under rule 16, clause (b), as the case may be, shall proceed to the scene of the accident and conduct the enquiry there, and shall at once advise the Manager of the railway and the Government Inspector by telegraph of the date and hour at which the enquiry will commence, so as to enable the railway administration to summon the requisite expert evidence.

18. A Magistrate making an enquiry under rule 16 may summon any railway servant and any other person whose presence he may think necessary, and, 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, the Government Inspector or other professional persons.

19. The result of every enquiry made under rule 16 shall be communicated by the Magistrate to the Manager of the railway, and to the Government Inspector.

20. If, in the course of any judicial enquiry into an accident occurring in the course of working a railway, the Magistrate desires the assistance of the Government Inspector or 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 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 employes, especially 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, both the Government Inspector and the Manager of the railway in regard to the accident before finally concluding the judicial enquiry.

21. 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 Commissioner.

DUTIES OF THE GOVERNMENT INSPECTOR APPOINTED UNDER SECTION 4, SUB-SECTION (1),
OF THE INDIAN RAILWAYS ACT, 1890 (IX OF 1890).

22.—(1) Whenever the Government Inspector receives notice under section 83 of the Indian Railways Act, 1890 (IX of 1890), of the occurrence of an accident which he considers of a sufficiently serious nature to justify such a course, he shall report the occurrence direct to the Commissioner.

(2) Every such report shall contain the particulars prescribed by rule 1.

Explanation.—For the purposes of this rule every accident to a train (whether carrying passengers or not) which is attended with loss of human life or serious injury to person or property, shall be deemed to be an accident of a “sufficiently serious nature.”

23.—(1) The Government Inspector shall, whenever he receives notice as aforesaid of an accident which he considers serious enough to warrant an enquiry or investigation being made under any of these rules, proceed to the scene of the accident to note the facts, and to enquire generally into the causes which led to the accident. If the Government Inspector, after reporting to the Commissioner the occurrence of an accident in accordance with rule 22, decides that an enquiry or investigation by himself is not necessary, he shall in every such case advise the Commissioner accordingly by letter.

(2) Whenever an enquiry under sub-rule (1) is made by the Government Inspector, he shall, if practicable, be present at the joint enquiry (if any) made under rule 4, sub-rule (1).

24. Whenever the Government Inspector has made an enquiry under rule 23, sub-rule (1), or when the Government Inspector disagrees with, or considers it necessary to adversely criticise the report of the joint or departmental enquiry or the working of the railway, he shall submit a report in writing to the Commissioner, and shall forward a copy of such report to the Manager of the railway and, if a magisterial enquiry has been made, to the Magistrate who made such enquiry.

25. In the case of all accidents of the nature described in the explanation to rule 22, sub-rule (2), the reports referred to in rule 6 and in rule 23, sub-rule (1), shall be submitted in the form adopted by the Inspecting Officers of the Board of Trade, and 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 joint or departmental enquiry ;
- (5) An appendix stating the damage done ;
- (6) (When necessary) a sketch illustrative of the accident ; and
- (7) In the case of the report submitted by the Government Inspector, the conclusion arrived at by him.

26. If the Manager makes any remarks on the Government Inspector's report under rule 6, sub-rules (4) and (5), or expresses an intention to do so, the Government Inspector shall inform the Commissioner of the steps which have been, or are proposed to be, taken by the Railway Administration to prevent a recurrence of similar accidents, and whether, in his opinion, further action in the matter is desirable.

27. The Government Inspector shall, as far as possible, assist any Magistrate making an enquiry under rule 16 or a magisterial enquiry, whenever he may be called upon to do so.

28. Nothing in these rules shall be deemed to limit or otherwise affect the exercise of any of the powers conferred on Government Inspectors by section 5 of the Indian Railways Act, 1890 (IX of 1890).

NOTICE.

The following fees shall be chargeable under the Township Rules 1904 for the Township of Kisumu:—

	Rs.	a.	p.	
Registration of meat sellers	2	0	0	per month
„ vegetable sellers	0	2	0	„ „
„ bakeries	1	0	0	„ „
„ aërated water Manufactories	3	0	0	„ „
„ common lodging houses	2	0	0	„ „
„ dhobies per individual	1	0	0	„ „

SLAUGHTER HOUSE FEES.

For cattle per head	1	0	0
„ goats and sheep per head	0	4	0
Registration of dogs per annum	3	0	0
„ of large tents per week or part thereof	0	8	0
„ of small or part thereof	0	4	0

J. W. SWEENIE,
J. A. HARAN,
S. S. BAGGE,
A. A. VISRAM,
F. W. ISAAC.

Approved:

C. W. HOBLEY,

Acting Commissioner.

20th July, 1904.

NOTIFICATION.

No. 1.

WHEREAS by Section 1 of "The Foreign Seamen Deserters Ordinance 1904," No. 10 of 1904, it is enacted that where it appears to the Commissioner that due facilities are, or will be, given by the Government of any Foreign country for recovering and apprehending seamen who desert from British merchant ships in that country, the Commissioner may, by notification stating that such facilities are, or will be, given, declare that the said Ordinance shall apply in the case of such Foreign country:

AND WHEREAS it has been made to appear to me that such due facilities are, or will be, given for the recovery and apprehension of merchant seamen deserters by the Foreign Governments named to the Schedule annexed to this notification:

NOW I, by virtue of the above-mentioned powers conferred upon me, hereby declare that the said Ordinance shall apply in the case of the said Foreign States, and that seamen, not being British subjects or natives of the Protectorate, who desert from merchant ships belonging to subjects or citizens of the said Foreign States shall be liable to be apprehended and carried on board their respective ships as provided by the said Ordinance.

PROVIDED always that if any such deserter has committed any crime in the Protectorate, he may be detained till he has been tried by a competent Court, and until his sentence, if any, has been carried into effect.

C. W. HOBLEY,

Acting Commissioner.

SCHEDULE.

Belgium.
 Brazil.
 Denmark.
 France.
 Germany.
 Greece.
 Japan.
 Morocco.
 Spain.
 United States.

NOTIFICATION.

No. 2.

WHEREAS by Section 1 of the "Foreign Seamen Deserters Ordinance 1904," No. 10 of 1904, it is enacted that where it appears to the Commissioner that due facilities are, or will be, given by the Government of any Foreign country for recovering and apprehending seamen who desert from British merchant ships in that country, the Commissioner may, by notification stating that such facilities are, or will be, given, declare that the said Ordinance shall apply in the case of such Foreign country :

AND WHEREAS it has been made to appear to me that such due facilities are, or will be, given for the recovery and apprehension of merchant seamen deserters by the Foreign Governments named in the Schedule annexed to this notification :

NOW I, by virtue of the above-mentioned powers conferred upon me, hereby declare that the said Ordinance shall apply in the case of the said Foreign States, and that seamen who desert from merchant ships belonging to subjects or citizens of the said Foreign States shall be liable to be apprehended and carried on board their respective ships as provided by the said Ordinance.

PROVIDED always that if any such deserter has committed any crime in the Protectorate, he may be detained till he has been tried by a competent Court, and until his sentence, if any, has been carried into effect.

C. W. HOBLEY,
 Acting Commissioner.

SCHEDULE.

Austria.
 Colombia.
 Congo.
 Honduras.
 Italy.
 Mexico.
 Netherlands.
 Paraguay.
 Peru.
 Russia.
 Salvador.
 Siam.
 Sweden and Norway.
 Turkey.
 Uruguay.
 Zanzibar.

EAST AFRICA PROTECTORATE.

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

Mombasa, August 24th, 1904.

D. STEWART,
His Majesty's Commissioner.

ORDER OF THE SECRETARY OF STATE.

VICTORIA NYANZA.

WHEREAS it was provided by Article 1 of "The East Africa Order in Council, 1902," that if his Majesty was pleased to direct that any territories for the time being under the protection of His Majesty, and other than those previously enumerated in that Article, should form part of the East Africa Protectorate, those territories should, from and after a date fixed by an Order of the Secretary of State, be deemed to be within the limits of the said East Africa Order in Council 1902:

And whereas His Majesty has been pleased to direct that all the waters and islands contained in that part of the Victoria Nyanza which is under the protection of His Majesty being to the eastward of a line drawn from the mouth of the Sio River through the centre of the channel on the western side of Sumba Island, and on to the western point of the Island of Mageta, and from there to the most westerly islet adjacent to Mfwangano Island, and from there to the most westerly islet of the Ugingo Islands, and from there to the spot where the Anglo-German boundary reaches the easterly shore of the said lake, shall form part of the East Africa Protectorate, I do hereby order that from and after the 1st day of August, 1904, inclusive, the said waters and Islands shall be deemed to be within the limits of "The East Africa Order in Council 1902."

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

Foreign Office, July 15th, 1904.

NOTICE.

In exercise of the provisions contained in Rule 4 of the Rules issued under the Crown Lands Ordinance 1902 published in the "Official Gazette" of February 15th, 1904, I hereby issue the following instructions:—

- (1) No licensed Surveyor shall survey any Crown Land for the purpose of a conveyance or lease without the previous written consent of the Chief Surveyor authorizing him to do so.
- (2) Each such survey shall be made in accordance with the instructions issued by the Chief Surveyor.
- (3) Any survey made without such consent of the Chief Surveyor or not in accordance with such instructions will not be accepted for the purposes of a conveyance or lease of Crown Lands.
- (4) All fees payable to a licensed Surveyor will be paid by the Chief Surveyor.

Mombasa, August 24th, 1904.

D. STEWART,
His Majesty's Commissioner.

NOTICE.

In exercise of the powers thereto enabling me contained in Section 2, Sub-Section 9, of the Indian Stamp Act 1899 (Act II of 1899) as applied to the East Africa Protectorate, I hereby give notice that Sub-Commissioners as substituted for Collectors in the application of the said Act to the East Africa Protectorate shall include Collectors of districts, the Registrar of the High Court and the Town Magistrates at Nairobi and Kisumu.

Mombasa, August 24th, 1904.

D. STEWART,
His Majesty's Commissioner.

RULES

Issued by His Majesty's Commissioner for the East Africa Protectorate under the provisions of the Game Ordinance 1904, Section 15.

(1) The form of a landholder's game licence shall be as follows:—

<p>No.</p> <p>THE EAST AFRICA PROTECTORATE LANDHOLDER'S GAME LICENCE.</p> <p style="text-align: center;">Rs. 45.</p> <p>Name of Licensee</p> <p>Address</p> <p>Date of issue.....</p> <p>Place of issue.....</p> <p style="text-align: right;">Licensing Officer.</p> <p style="text-align: center;">This licence expires on the 31st March next.</p>	<p>No.</p> <p>THE EAST AFRICA PROTECTORATE LANDHOLDER'S GAME LICENCE.</p> <p style="text-align: center;">Issued under the provisions of the Game Ordinance 1904.</p> <p>M..... is hereby licensed to hunt, kill or capture game on land occupied by him in the East Africa Protectorate, subject to the provisions of the Game Ordinance 1904.</p> <p>Date of issue.....</p> <p>Place of issue.....</p> <p style="text-align: center;">Fee Rs. 45.</p> <p style="text-align: right;">Licensing Officer.</p> <p style="text-align: center;">This licence expires on the 31st March next.</p>
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(2) The form of a game licence taken out by an occupier of land for a person permanently employed by him in connection with such land shall be as follows:—

<p>No.</p> <p>THE EAST AFRICA PROTECTORATE EMPLOYÉ'S GAME LICENCE.</p> <p style="text-align: center;">Rs. 45.</p> <p>Name of Landholder.....</p> <p>Address.....</p> <p>Name of Employé.....</p> <p>Address.....</p> <p>Date of issue.....</p> <p>Place of issue.....</p> <p style="text-align: right;">Licensing Officer.</p> <p style="text-align: center;">This licence expires on the 31st March next.</p>	<p>No.</p> <p>THE EAST AFRICA PROTECTORATE EMPLOYÉ'S GAME LICENCE.</p> <p style="text-align: center;">Issued under the provisions of the Game Ordinance 1904.</p> <p>M..... of permanently employed by M..... of on land in his occupation situated at.....</p> <p>..... is hereby licensed to hunt, kill or capture game on such land only, subject to the provisions of the Game Ordinance 1904.</p> <p>Date of issue.....</p> <p>Place of issue.....</p> <p style="text-align: center;">Fee Rs. 45.</p> <p style="text-align: right;">Licensing Officer.</p> <p style="text-align: center;">This licence expires on the 31st March next.</p>
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Mombasa,
The 12th day of September, 1904.

D. STEWART,
His Majesty's Commissioner.

H.M. HIGH COURT OF EAST AFRICA.

Rules made by the High Court under Article 10 of the East Africa Native Courts Amendment Ordinance 1902 (No. 31 of 1902).

 RULES OF COURT No. 3 OF 1904.

- (1) These Rules may be cited as the "Special Native Courts Procedure Rules 1904." Short title.
- (2) If either party to a suit does not appear at the time fixed for the hearing further opportunity should ordinarily be given to the defaulting party to appear. Attendance of parties.
- (3) If the party through whose fault an adjournment has been rendered necessary cannot give a sufficient excuse for his absence he may be ordered to pay such reasonable sum as the Court may deem fit, from which the Court may award expenses to a party who has duly attended. Attendance of parties.
- (4) Execution against a judgment debtor's person or his property shall not issue till the debtor has been called on to show cause against an order being made. Execution.
- (5) In the case of persons ordered to be imprisoned under any provision of the Civil Procedure Code the imprisonment may be either simple or rigorous. Imprisonment in civil suit.
- (6) Immediately upon the conclusion of a criminal case requiring confirmation by the High Court, the original records and exhibits shall be forwarded to the Registrar of the High Court. Transmission of Records.
- (7) In cases where sentences require confirmation the accused must be remanded until the decision of the High Court has been received. Sentence pending confirmation.
- (8) Every petition of appeal shall be in writing and shall contain the grounds on which the appellant relies. Petition of Appeal must be in writing.
- (9) An appeal may be filed:— Place of filing appeal.
- (a) In the Court passing the decree, judgment, order, or sentence appealed against.
- (b) In a Local Registry under Rules of Court (No. 2) of 1904.
- (c) In the High Court at Mombasa.
- (10) An appeal must be filed within 30 days of the date of any decree, judgment, order, or sentence appealed against. Time for filing.
- (11) If the appellant is illiterate his petition shall be reduced to writing by the officer with whom it is filed, and officers shall assist ignorant persons to put their appeals in proper form. Illiterate appellant.
- (12) The petition if filed elsewhere than in the High Court or a local Registry shall, together with the original records, be transmitted forthwith to the Registrar of the High Court, who will give all necessary directions in the matter. Procedure.

- Attendance of appellant not necessary. (13) The attendance of an appellant shall not be necessary to the hearing of an appeal.
- Bail. (14) In criminal cases requiring confirmation or where an appeal has been lodged the accused may be admitted to bail by the Court which has passed the order or sentence.
- Application of Indian Civil and Criminal Procedure Codes. (15) Except in so far as they may be varied by these rules the provisions of the Indian Civil and Criminal Procedure Codes shall apply so far as may be reasonably practicable.
- Fees. (16) The fee payable on appeals shall be as follows :—
- I—In Civil Cases—
- (a) When the amount in dispute does not exceed Rs. 1,000, an inclusive fee of Rs. 10.
- (b) In other cases such fee as is provided in the Schedule of general Court fees.
- II—In Criminal Cases—
- An inclusive fee of Rs. 10.
- (17) Except as hereinbefore otherwise provided the fees to be charged both in Civil and Criminal Proceedings shall be such as may be prescribed from time to time by the High Court Fee Schedule.

R. B. P. CATOR,
R. W. HAMILTON,
Judges of the High Court.

Mombasa, 13th September, 1904.

ORDER IN COUNCIL.

THE ZANZIBAR ORDER IN COUNCIL, 1904.

Buckingham Palace, 10th August, 1904.

At the Court at Buckingham Palace, the 10th day of August, 1904.

Present :

The King's Most Excellent Majesty in Council.

WHEREAS by treaty, grant, usage, sufferance, or other lawful means His Majesty the King has jurisdiction within the dominions of His Highness the Sultan of Zanzibar :

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by "The Foreign Jurisdiction Act 1890," or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1. This Order may be cited as "The Zanzibar Order in Council 1904," and shall be read as one with "The Zanzibar Order in Council 1897," hereinafter called "the principal Order."
2. The following words shall be added at the end of Article 3 (vii) of the principal Order : "and any person under or claimed as being under the protection of such State."
3. In Article 5 (i) of the principal Order, after the words "whose subjects they are," the following words shall be added : "or under whose protection they are or are claimed as being."

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

A. W. FITZROY.

EAST AFRICA PROTECTORATE.

RULES

Issued by His Majesty's Commissioner under the provisions of the Births and Deaths Registration Ordinance 1904.

Mombasa, the 30th day of September, 1904.

D. STEWART,
His Majesty's Commissioner.

THE REGISTRATION OF BIRTHS AND DEATHS.

(1) Births and deaths may be registered at the Collector's office in any District between 10 a.m. and 4 p.m.

(2) Births and deaths occurring on board ships while within the territorial waters of the Protectorate shall be registered at Mombasa, Lamu or Shimoni.

(3) Births and deaths occurring on board ships in that portion of Lake Victoria Nyanza within the East Africa Protectorate shall be registered at Kisumu.

(4)—(i) Any person whose duty it is to register a birth or death residing at a greater distance than 15 miles from the Collector's office or sending to the Collector a satisfactory certificate of inability to attend through ill-health may register such birth or death without personal attendance.

Provided that in any case the Collector may refuse to register without personal attendance.

(ii) A person registering a birth or death without personal attendance shall fill in and sign a form to be obtained from the Collector giving the prescribed particulars.

(iii) Such form shall be that prescribed by Rule 7 (A) hereof and shall be signed and filed by the Collector and shall be deemed the register of such birth or death.

(iv) Such forms shall be numbered consecutively by the Collector and forwarded quarterly to the Registrar.

(5) The following fees shall be chargeable :—

(1) For the Registration of the birth of any child after six months from the date of such birth	Rs. 5
(2) For the Registration of the name or alteration in the name of any child whose birth has been previously registered ...	Rs. 5
(3) For the Registration of a death more than six months after the date of such death	Rs. 5
(4) For the inspection of any register, return or index in the custody of the Registrar... ..	Rs. 2
(5) For a certified copy of any entry in any register or return in the custody of the Registrar... ..	Rs. 5

(6) The registers, returns and indexes in the custody of the Registrar may be inspected at the Office of the Registrar at Mombasa between the hours of 9 a.m. and 12 noon, and between 2 p.m. and 4 p.m., on every day other than Sundays, Good Fridays, Saturday afternoons and public holidays.

(7) The registers, returns and other documents required by the Births and Deaths Registration Ordinance 1904 shall be in the following form :—

NOTICE.

THE REGISTRATION OF BIRTHS AND DEATHS.

In exercise of the powers conferred upon me by the Births and Deaths Registration Ordinance 1904, I hereby appoint the First Secretary to the Administration to be the Registrar General of Births and Deaths for the East Africa Protectorate, and I hereby give notice that the aforesaid Ordinance shall come into force on and after the 1st day of October, 1904.

Mombasa, the 30th day of September, 1904. D. STEWART,
His Majesty's Commissioner.

PROCLAMATION.

In exercise of the powers conferred upon me by the East Africa Townships Ordinance 1903, I hereby declare the following places within the limit hereinafter set forth to be townships for the purposes of the aforesaid Ordinance:—

GAZI.—The area comprised within a circle having a radius of one mile with the Customs House as centre.

WASIN.—The area comprised within a circle having a radius of one mile with the Customs House as centre.

And I hereby apply rules 178-181 inclusive (Preservation of Order by Night) of the Townships Rules 1904 to the said Townships.

Mombasa, the 1st day of October, 1904. D. STEWART,
His Majesty's Commissioner.

NOTICE.

In exercise of the powers conferred upon me by the East Africa Marriage Ordinance 1902, section 6, I hereby declare the Railway Institute at Makindu and St. Mark's Church, Sagalla, to be places for the celebration of Marriages under that Ordinance.

Mombasa, October 12th, 1904. D. STEWART,
His Majesty's Commissioner.

NOTICE.

In exercise of the powers conferred upon me by the Merchant Shipping Fees Ordinance 1904, I hereby prescribe that the Chief of Customs at Mombasa and the Senior Officer of Customs at any port or place other than Mombasa may levy and collect the fees specified in the schedule hereto in respect of the several matters described therein from the persons therein named and that the master of the ship may make the deduction therein provided.

Mombasa, the 13th day of October, 1904. D. STEWART,
His Majesty's Commissioner.

SCHEDULE.

TABLE OF FEES.

Matters in respect of which Fees are payable.	Fees.		Persons by whom Fees are to be paid.
	Rs.	as.	
1. For every seaman engaged	1	8	Master.
2. For attesting alteration, &c., in agreement with seaman ...	1	8	Master.
3. For endorsing particulars of death of seaman or apprentice upon agreement, if requested	1	14	Master.
4. For sanction or certificate when seaman or apprentice discharged or left behind	1	8	Master.
5. For preparing fresh agreement with crew	7	8	Seaman.
6. For endorsement on bill on owner for payment of wages ...	1	8	Seaman.
7. For every desertion certified	1	8	Master.
8. For certificate of deposit of any document under Section 257 of "The Merchant Shipping Act, 1904"	1	14	Master.
9. For rendering account of wages, &c., of seaman deserted or left behind	1	8	Master.
10. For examination of provisions or water	7	8	Seaman if found good. Master if found bad.
11. For every endorsement on ship's papers not otherwise provided for	3	12	Master.
12. For attesting will of seaman	1	8	Seaman.
13. For signature to entry in Official Log Book, if not required by "The Merchant Shipping Acts"	3	12	Master.
14. For Bills of Health	7	8	Master.
15. For certificate of due landing of goods	7	8	Person requiring.
16. For certificate not otherwise provided for, for every 100 words or part thereof	3	12	Person requiring.

In case No. 1 the master may deduct partial repayment from the wages of any mate, purser, engineer, surgeon, carpenter, or steward, Re. 1 As. 2; from all others except apprentices, As. 12.

NOTICE.

In exercise of the powers conferred upon me by the East Africa Order in Council 1902, Article 14, I hereby appoint the Chief of Customs to be an officer by, to and before whom all things authorised under the Merchant Shipping Act 1894 or any amending Act to be done by to or before a British Consular Officer may be so done.

Mombasa, the 14th day of October, 1904.

D. STEWART,
His Majesty's Commissioner.

NOTICE.

THE CATTLE DISEASE ORDINANCE 1902.

In exercise of the powers thereto enabling me I hereby prescribe the following fees for the examination of animals under the Cattle Disease Ordinance 1902 :—

For Cattle Horses Camels Donkeys Mules and Swine annas 8 per head.

For Sheep and Goats annas 4 per head.

And I hereby annul the notice prescribing fees for the examination of Cattle and other animals dated November 20th 1902 and published in the "Official Gazette" for December 1st 1902.

Mombasa, the 31st day of October, 1904.

D. STEWART,
His Majesty's Commissioner.

NOTICE.

CATTLE DISEASE.

In exercise of the powers conferred upon me by the Cattle Disease Ordinance 1902, Sec. 2, I hereby declare African Coast Fever to be included in the definition of "disease" for the purposes of the aforesaid Ordinance.

Mombasa, 31st October, 1904.

D. STEWART,
His Majesty's Commissioner.

THE EAST AFRICA TOWNSHIP ORDINANCE 1903.

NOTICE.

ERRATUM.

In the Rules published under the above Ordinance and dated May 19th, 1904, Rule 135, dealing with Public Markets, the word "native" shall be substituted for the word "new," and the Rule shall read as follows:—

(135) No person shall be registered for the sale of meat in the Native Market.

D. STEWART,
His Majesty's Commissioner.

NOTICE.

CATTLE DISEASE.

1. In exercise of the powers conferred upon me by the Cattle Disease Ordinance 1902, Sect. 2, I hereby declare Glanders and Farcy to be included in the definition of "disease" for the purposes of the aforesaid Ordinance.

2. All animals suffering from apparent or occult glanders shall be destroyed and their carcasses burned.

Mombasa, 18th November, 1904.

D. STEWART,
His Majesty's Commissioner.

PROCLAMATION.

In the exercise of the powers conferred upon me by the East Africa Outlying Districts Ordinance 1902, I hereby declare Sotik, Buret, and that portion of Lumbwa which lies South of the River Kimugo, to be a closed district for the purposes of the aforesaid Ordinance.

Mombasa, November 19th, 1904.

D. STEWART,
His Majesty's Commissioner.

NOTICE.

WHEREAS there is reason to believe that certain persons are in possession or control of cow elephant and small ivory which has not been obtained in contravention of the East Africa Game Regulations 1900 or of the Game Ordinance 1904.

Executive Officers are hereby instructed to purchase, until further notice, on behalf of the Government any bull elephant ivory weighing less than 11 lbs. and any cow elephant ivory offered to them for sale provided in their opinion such ivory has not been obtained in contravention of the East Africa Game Regulations 1900 or of the Game Ordinance 1904 and is in fair condition.

The price to be paid therefor shall be 25 per cent. of the full value thereof at the place of purchase.

Mombasa, 25th November, 1904.

D. STEWART,
His Majesty's Commissioner.

NOTICE.

I hereby give notice that a prison is established at Kyambu under my authority in accordance with Section I of the East Africa Prisons Regulations 1902.

Mombasa, November 25th, 1904.

D. STEWART,
His Majesty's Commissioner.

NAIROBI TOWNSHIP.

RULES

Issued by His Majesty's Commissioner for the East Africa Protectorate under the provisions of the East Africa Townships Ordinance 1903 (No. 20 of 1903).

Mombasa,
The 23rd day of November, 1904.

D. STEWART,
His Majesty's Commissioner.

NAIROBI TOWNSHIP RULES.

(1) The Nairobi Municipal Committee with the approval of the Commissioner may appoint a suitable person to be Town Clerk for the Township of Nairobi. Such Town Clerk shall perform such duties as the aforesaid Committee, subject to the Commissioner's approval, or the Commissioner, may direct and shall receive such remuneration payable from the rates levied in the said Township as the Committee with the Commissioner's approval may appoint.

(2) The words "Town Clerk" shall be substituted for the word "Collector" in Rules Nos. 20, 21, 24, 26, 27, 29, 30, 32, 34, 38, 39, 40, 42, 45, 48, 49, 50, 51, 54, 58, 67, 73, 75, 76, 77, 79, 82, 90, 91, 92, 97, 101, 102, 105, 106, 108, 111, 114, 116, 118, 121, 122, 123, 131, 150, 151, 152, 161, 162, 168, 169, 170, 182, 184, 197, 198, of the Township Rules 1904 as applied to the Township of Nairobi.

(3) The words "Town Clerk" shall be substituted for the word "Collector" in Rules Nos. 7, 12, and 14 of the Rules issued under the East Africa Townships Ordinance 1903 (No. 20 of 1903) for the Township of Nairobi and published in the Official Gazette of June 1st, 1904.

(4) These rules may be cited as the Nairobi Township Rules 1904 No. 3.

RULES

Issued by His Majesty's Commissioner under the provisions of the Indian Tramways Act 1886 as applied to the East Africa Protectorate.

ANIMAL TRACTION ON THE MOMBASA TRAMWAY.

(1) Animal traction may be used on the Mombasa Tramway save and except on that part of such tramway situated between the Grand Hotel and the Customs House.

(2) Trolleys propelled by animal traction shall not impede or obstruct trolleys otherwise propelled.

(3) The animals used shall proceed only on that part of the road situated between the rails of the tramway.

(4) The Lessee of the aforesaid Tramway shall keep such part of the road used by animals employed in traction on such tramway in a good state of repair and shall cleanse and keep such part of the road free from all excrementitious matter.

(5) All trolleys used on the above aforesaid tramway shall be provided with efficient brakes.

(6) Any breach of these rules shall be punishable by a fine not exceeding Rs. 100 and when the breach is a continuing breach with a further fine not exceeding Rs. 50 for every day after the first during which such breach continues.

Mombasa,
The 1st day of December, 1904.

D. STEWART,
His Majesty's Commissioner.

PROCLAMATION.

DISTRICTS OF MOMBASA AND MALINDI.

WHEREAS the Secretary of State has approved of an alteration in the existing boundary between the Districts of Mombasa and Malindi. Now therefore in exercise of the powers conferred upon me by the East Africa Order-in-Council 1902 I hereby declare that from the date hereof the boundary between the aforesaid districts shall be a line running from Kurwitu on the coast in a Westerly direction touching the villages of Gulan, Kithome, Toya, Mwan Minga and Mbungu, all such villages to be within the District of Mombasa, and from Mbungu the said line shall run in a North Westerly direction to Jatta Hill on the Sabaki River.

Mombasa,
The 8th day of December, 1904.

JOHN AINSWORTH,
In the absence of
His Majesty's Commissioner.

ORDER IN COUNCIL.

BRITISH PROTECTORATES NEUTRALITY, 1904.

Buckingham Palace, 24th October, 1904.

At the Court at Buckingham Palace, the 24th day of October, 1904.

Present :

The King's Most Excellent Majesty.

Lord President.

Lord Windsor.

Mr. Secretary Brodrick.

Mr. A. Graham Murray.

WHEREAS it is expedient to make provision for the regulation of the conduct of the inhabitants of British Protectorates and other persons residing therein during the existence of hostilities between foreign states with which His Majesty is at peace.

It is hereby ordered by the King's Most Excellent Majesty by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890 or otherwise in His Majesty vested and by and with the advice of His Majesty's Privy Council, as follows:—

PRELIMINARY.

1. This Order in Council may be cited for all purposes as "The British Protectorates Neutrality Order in Council, 1904."

2. This Order shall extend to all the Protectorates of His Majesty, including the adjacent territorial waters, enumerated in the Schedule to this Order.

3. This Order shall be proclaimed in every British Protectorate by the Governor thereof as soon as may be after he receives notice of this Order, and shall come into operation in that British Protectorate on the day of such Proclamation, and the time at which this Order comes into operation in any place is, as respects such place, in this Order referred to as the commencement of this Order.

ILLEGAL ENLISTMENT.

4. If any person, without the licence of His Majesty, being a British subject or a native of a Protectorate either within or without the Protectorate, 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 His Majesty, and in this Order referred to as a friendly state, or whether a British subject or not within the Protectorate, 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 Order, 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.

5. If any person, without the licence of His Majesty, being a British subject or a native of a Protectorate, quits or goes on board any ship with a view of quitting a Protectorate, 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 a Protectorate—induces any other person to quit or to go on board any ship with a view of quitting a Protectorate with the like intent—

He shall be guilty of an offence against this Order, 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.

6. If any person induces any other person to quit a Protectorate or to embark on any ship within a Protectorate 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 Order, 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.

7. If the master or owner of any ship, without the licence of His Majesty, knowingly either takes on board, or engages to take on board, or has on board such ship within a Protectorate any of the following persons, in this Order referred to as illegally enlisted persons; that is to say:—

- (1) Any person who, being a British subject or a native of a Protectorate, within or without a Protectorate, has, without the licence of His 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 or a native of a Protectorate, who, without the licence of His Majesty, is about to quit a Protectorate 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 Order, 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 a magistrate, 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.

8. If any person within a Protectorate, without the licence of His 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 Order; 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 His 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 article 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 His Majesty he gives notice to the Governor 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 Governor.
- (2) If he gives such security and takes and permits to be taken such other measures, if any, as the Governor may prescribe for ensuring that such ship shall not be despatched, delivered or removed without the licence of His Majesty until the termination of such war as aforesaid.

9. 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.

10. If any person within a Protectorate and without the licence of His 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 Protectorate 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 Order 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.

11. If any person within the limits of a Protectorate, and without the licence of His 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 Order 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 His Majesty.

12. Any person who aids, abets, counsels or procures the commission of any offence against this Order shall be liable to be tried and punished as a principal offender.

13. The term of imprisonment to be awarded in respect of any offence against this Order shall not exceed two years.

ILLEGAL PRIZE.

14. If, during the continuance of any war in which His Majesty may be neutral, any ship, goods or merchandise captured as prize of war within the territorial jurisdiction of His Majesty, in violation of the neutrality of His Majesty, or captured by any ship which may have been built, equipped, commissioned, or despatched, or the force of which may have been augmented, contrary to the provisions of the Foreign Enlistment Act, 1870, or of this Order, or any other Order of the like nature, are brought within the limits of a Protectorate by the captor, or any agent of the captor, or by any person having come into possession thereof with knowledge that the same was prize of war so captured as aforesaid, it shall be lawful for the original owner of such prize, or his agent, or for any person authorised in that behalf by the Government of the foreign state to which such owner belongs, to make application to the Court for seizure and detention of such prize, and the Court shall, on due proof of the facts, order such prize to be restored.

Every such Order shall be executed and carried into effect in the same manner, and subject to the same right of appeal, as in case of any order made in the exercise of the ordinary jurisdiction of such Court; and in the meantime and until a final Order has been made on such application the Court shall have power to make all such provisional and other orders as to the care or custody of such captured ship, goods, or merchandise, and (if the same be of perishable nature, or incurring risk of deterioration) for the sale thereof, and with respect to the deposit or investment of the proceeds of any such sale, as may be made by such Court in the exercise of its ordinary jurisdiction.

GENERAL PROVISION.

15. For the purposes of this Order a licence by His Majesty shall be under the Sign Manual of His Majesty, or be signified by Order in Council or by Proclamation of His Majesty.

ILLEGAL PROCEDURE.

16. Any offence against this Order shall, for all purposes of and incidental to the trial and punishment of any person guilty of any such offence, be deemed to have been committed either in the place in which the offence was wholly or partly committed, or in any Protectorate in which the person who committed such offence may be.

17. Any offence against this Order may be described in any indictment or other document relating to such offence, in cases where the mode of trial requires such a description, as having been committed at the place where it was wholly or partly committed, or it may be averred generally to have been committed within His Majesty's Dominions or to have been committed within a British Protectorate, and the venue or local description in the margin may be that of the district town or place in which the trial is held.

18. The Court having the highest criminal jurisdiction in any British Protectorate may by warrant or instrument in the nature of a warrant in this article included in the term "warrant" direct that any offender charged with an offence against this Order shall be

removed to some other place either in His Majesty's Dominions or in some other British Protectorate for trial in cases where it appears to the authority granting the warrant that the removal of such offender would be conducive to the interests of justice, and any prisoner so removed shall be triable at the place to which he is removed, in the same manner as if his offence had been committed at such place.

Any warrant for the purposes of this section may be addressed to the master of any ship or to any other person or persons, and the person or persons to whom such warrant is addressed shall have power to convey the prisoner therein named to any place or places named in such warrant, and to deliver him, when arrived at such place or places, into the custody of any authority designated by such warrant.

Every prisoner shall, during the time of his removal under any such warrant as aforesaid, be deemed to be in the legal custody of the person or persons empowered to remove him.

19. All proceedings for the condemnation and forfeiture of a ship, or ship and equipment or arms and munitions of war, in pursuance of this Order shall require the sanction of the Governor, and shall be had in the Court as defined by this Order, and not in any other court; and the Court shall, in addition to any power given to the Court by this Order, have in respect of any ship or other matter brought before it in pursuance of this Order all powers which it has in the case of a ship or matter brought before it in the exercise of its ordinary jurisdiction.

20. Where any offence against this Order has been committed by any person by reason whereof a ship, or ship and equipment, or arms and munitions of war, has or have become liable to forfeiture, proceedings may be instituted contemporaneously or not, as may be thought fit, against the offender and against the ship, or ship and equipment, or arms and munitions of war, for the forfeiture; but it shall not be necessary to take proceedings against the offender because proceedings are instituted for the forfeiture, or to take proceedings for the forfeiture because proceedings are taken against the offender.

21. The following officers, that is to say:—

- (1) Any officer of customs or other public officer drawing a salary of not less than £200 a year in the Protectorate, subject nevertheless to any special or general instructions from the Governor;
- (2) Any commissioned officer on full pay in the military service of the Crown, subject nevertheless to any special or general instructions from his commanding officer;
- (3) Any commissioned officer on full pay in the naval service of the Crown, subject nevertheless to any special or general instructions from the Admiralty or his superior officer, may seize or detain any ship liable to be seized or detained in pursuance of this Order and such officers are in this Order referred to as the "local authority"; but nothing in this Order contained shall derogate from the power of the Court to direct any ship to be seized or detained by any officer by whom such Court may have power under its ordinary jurisdiction to direct a ship to be seized or detained.

22. Any officer authorised to seize or detain any ship in respect of any offence against this Order may, for the purpose of enforcing such seizure or detention, call to his aid any constable or officers of police, or any officers of His Majesty's Army or Navy or marines, or any excise officers or officers of customs, or any harbour master or dock master, or any officers having authority by law to make seizures of ships, and may put on board any ship so seized or detained any one or more of such officers to take charge of the same, and to enforce the provisions of this Order, and any officer seizing or detaining any ship under this Order may use force, if necessary, for the purpose of enforcing seizure or detention, and if any person is killed or maimed by reason of his resisting such officer in the execution of his duties, or any person acting under his orders, such officer so seizing or detaining the ship, or other person, shall be freely and fully indemnified as well against the King's Majesty, his heirs and successors, as against all persons so killed, maimed or hurt.

23. If the Governor is satisfied that there is a reasonable and probable cause for believing that a ship within the Protectorate has been or is being built, commissioned, or equipped contrary to this Order, and is about to be taken beyond the limits of such Protectorate, or that a ship is about to be despatched contrary to this Order, such Governor shall have power to issue a warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant the local authority shall have power to seize and search such ship, and to detain the same until it has been either condemned or released by process of law, or in manner hereinafter mentioned.

The owner of the ship so detained, or his agent, may apply to the Court for its release, and the Court shall as soon as possible put the matter of such seizure and detention in course of trial between the applicant and the Crown as represented by the Governor.

If the applicant establish to the satisfaction of the Court that the ship was not and is not being built, commissioned, or equipped, or intended to be despatched contrary to this Order, the ship shall be released and restored.

If the applicant fail to establish to the satisfaction of the Court that the ship was not and is not being built, commissioned, or equipped, or intended to be despatched contrary to this Order, then the ship shall be detained till released by Order of the Governor.

The Court may, in cases where no proceedings are pending for its condemnation, release any ship detained under this article on the owner giving security to the satisfaction of the Court that the ship shall not be employed contrary to this Order, notwithstanding that the applicant may have failed to establish to the satisfaction of the Court that the ship was not and is not being built, commissioned, or intended to be despatched contrary to this Order. The Governor may likewise release any ship detained under this article on the owner giving security to the satisfaction of such Governor that the ship shall not be employed contrary to this Order, or may release the ship without such security if the Governor think fit so to release the same.

If the Court be of opinion that there was not reasonable and probable cause for the detention and if no such cause appear in the course of the proceedings, the Court shall have power to declare that the owner is to be indemnified by the payment of costs and damages in respect of the detention, the amount thereof to be assessed by the Court, and any amount so assessed shall be payable by the proper financial officer of the Protectorate out of any moneys legally applicable for that purpose. The Court shall also have power to make a like order for the indemnity of the owner, on the application of such owner to the Court in a summary way, in cases where the ship is released by the order of the Governor, before any application is made by the owner or his agent to the Court for such release.

Nothing in this article contained shall affect any proceedings instituted or to be instituted for the condemnation of any ship detained under this article where such ship is liable to forfeiture, subject to this provision, that if such ship is restored in pursuance of this article all proceedings for such condemnation shall be stayed; and where the Court declares that the owner is to be indemnified by the payment of costs and damages for the detainer, all costs, charges and expenses incurred by such owner in or about any proceedings for the condemnation of such ship shall be added to the costs and damages payable to him in respect of the detention of the ship.

Nothing in this article contained shall apply to any foreign non-commissioned ship despatched from any Protectorate after having come within the same under stress of weather or in the course of a peaceful voyage and upon which ship no fitting out or equipping of a warlike character has taken place in the Protectorate.

24. Where it is represented to any local authority as defined by this Order, and such local authority believes the representation that there is a reasonable and probable cause for believing that a ship within a Protectorate has been or is being built, commissioned, or equipped contrary to this Order, and is about to be taken beyond the limits of the Protectorate, or that a ship is about to be despatched contrary to this Order, it shall be the duty of such local authority to detain such ship, and forthwith to communicate the fact of such detention to the Governor.

Upon the receipt of such communication the Governor may order the ship to be released if he thinks there is no cause for detaining her, but if satisfied that there is reasonable and probable cause for believing that such ship was built, commissioned, or equipped, or intended to be despatched in contravention of this Order, he shall issue his warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant being issued further proceedings shall be had as in cases where the seizure or detention has taken place on a warrant issued by the Governor without any communication from the local authority.

Where the Governor orders the ship to be released on the receipt of a communication from the local authority without issuing his warrant, the owner of the ship shall be indemnified by the payment of costs and damages in respect of the detention upon application to the Court in a summary way in like manner as he is entitled to be indemnified where the Governor having issued his warrant under this Order releases the ship before any application is made by the owner or his agent to the Court for such release.

25. The Governor may, by warrant, empower any person to enter any dockyard or other place within the Protectorate and enquire as to the destination of any ship which may appear to him to be intended to be employed in the naval or military service of any foreign state at war with a friendly state and to search such ship.

26. An appeal may be had from any decision of the Court under this Order to the same tribunal and in the same manner to and in which an appeal may be had in cases within the ordinary jurisdiction of the Court.

27. Subject to the provisions of this Order providing for the award of damages in certain cases in respect of the seizure or detention of a ship by the Court no damages shall be payable, and no officer or local authority shall be responsible, either civilly or criminally, in respect of the seizure or detention of any ship in pursuance of this Order.

28. The Governor shall not be responsible in any action or other legal proceedings whatsoever for any warrant issued by him in pursuance of this Order, or be examinable as a witness, except at his own request, in any court of justice in respect of the circumstances which led to the issue of the warrant.

INTERPRETATION CLAUSE.

29. In this Order if not inconsistent with the context the following terms have the meanings hereinafter respectively assigned to them, that is to say :—

- “ Court ” and “ magistrate ” mean respectively such Court and such officer as the Governor may by notification published in the Protectorate from time to time prescribe.
- “ Foreign State ” includes any foreign prince, colony, province, or part of any province or people, or any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province or part of any province or people.
- “ Military Service ” shall include military telegraphy and any other employment whatever in or in connection with any military operation.
- “ Naval Service ” shall, as respects a person, include service as a marine, employment as a pilot in piloting or directing the course of a ship of war or other ship when such ship of war or other ship is being used in any military or naval operation, and any employment whatever on board a ship of war, transport, store-ship, privateer or ship under letters of marque; and as respects a ship, include any user of a ship as a transport, store-ship, privateer or ship under letters of marque.
- “ The Governor ” shall mean the officer by whatever name designated for the time being administering the Government of a Protectorate.
- “ Ship ” shall include any description of boat, vessel, floating battery, or floating craft; also any description of boat, vessel or other craft or battery, made to move either on the surface of or under water; or sometimes on the surface of and sometimes under water.
- “ Building ” in relation to a ship shall include the doing any act towards or incidental to the construction of a ship, and all words having relation to building shall be construed accordingly.
- “ Equipping ” in relation to a ship shall include the furnishing a ship with any tackle, apparel, furniture, provisions, arms, munitions or stores, or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea or for naval service, and all words relating to equipping shall be construed accordingly.
- “ Ship and Equipment ” shall include a ship and everything in or belonging to a ship.
- “ Master ” shall include any person having the charge or command of a ship.
- “ Hard Labour ” shall include such punishment in the nature of hard labour as may be awarded under any law for the time being in force within the Protectorate.

30. Nothing in this Order contained shall subject to forfeiture any commissioned ship of any foreign state, or give to the Court over or in respect of any ship entitled to recognition as a commissioned ship of any foreign state any jurisdiction which it would not have had if this Order had not passed.

And the Right Honourable the Marquess of Lansdowne, K.G., and the Right Honourable Alfred Lyttelton, two of His Majesty's Principal Secretaries of State, are to give the necessary directions herein accordingly.

A. W. FITZROY.

SCHEDULE.

LIST OF PROTECTORATES TO WHICH THIS ORDER APPLIES :—

Northern Nigeria.
 Southern Nigeria.
 Sierra Leone Protectorate.
 Gambia Protectorate.
 Lagos Protectorate.
 Northern Territories of the Gold Coast.
 Southern Rhodesia.
 Barotziland.
 North-Western Rhodesia.
 North-Eastern Rhodesia.
 Swaziland.
 British Central Africa.
 British East Africa.
 Uganda.
 Somaliland.
 Weihaiwei.
 British North Borneo.
 Brunei.
 Sarawak.

Any protected island or territory for the time being within the limits of the Pacific Order in Council, 1893.

ORDER IN COUNCIL.

BRITISH PROTECTORATES NEUTRALITY (AMENDMENT) ORDER 1904.

*Buckingham Palace, 14th November, 1904.**At the Court at Buckingham Palace, the 14th day of November, 1904.*

PRESENT.

The King's Most Excellent Majesty.

Lord Chancellor.
 Lord President.
 Earl of Kintore.
 Mr. Secretary Akers-Douglas.
 Mr. A. Graham Murray.
 Mr. J. L. Wharton.
 Sir A. F. Acland-Hood.

WHEREAS by an Order in Council bearing date the twenty-fourth day of October one thousand nine hundred and four and known as the British Protectorates Neutrality Order in Council 1904, provision was made for the regulation of the conduct of the inhabitants of British Protectorates and other persons residing therein, during the existence of hostilities between foreign states with which His Majesty is at peace:

And whereas the Bechuanaland Protectorate was not included amongst the Protectorates enumerated in the Schedule to the said Order and the said Order therefore does not extend to the said Protectorate:

And whereas it is expedient that the said Order should extend to the said Protectorate; and that the said Schedule should be otherwise amended:

Now, therefore, His Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890 or otherwise in His Majesty vested, is pleased by and with the advice of His Privy Council to order, and it is hereby ordered, as follows:—

1. The British Protectorates Neutrality Order in Council 1904 is hereby amended by the substitution of the following Schedule for the Schedule annexed to the said Order, viz. :—

SCHEDULE.

LIST OF PROTECTORATES TO WHICH THIS ORDER APPLIES.

Northern Nigeria.
 Southern Nigeria.
 Sierra Leone Protectorate.
 Gambia Protectorate.
 Lagos Protectorate.
 Northern Territories of the Gold Coast.
 Bechuanaland Protectorate.
 Southern Rhodesia.
 Barotziland—North-Western Rhodesia.
 North-Eastern Rhodesia.
 Swaziland.
 British Central Africa.
 British East Africa.
 Uganda.
 Somaliland.
 Weihaiwei.
 British North Borneo.
 Brunei.
 Sarawak.

Any protected island or territory for the time being within the limits of the Pacific Order in Council 1893.

2. This Order may be cited as the British Protectorates Neutrality (Amendment) Order in Council 1904.

A. W. FITZROY.

PASSPORT FEES.

In exercise of the powers conferred upon me by the Passport Fees Ordinance 1904, I hereby prescribe that for any passport issued to a British subject or a British protected person the sum of Rs. 4 shall be payable.

Mombasa,
The 29th day of December, 1904.

D. STEWART,
His Majesty's Commissioner.
