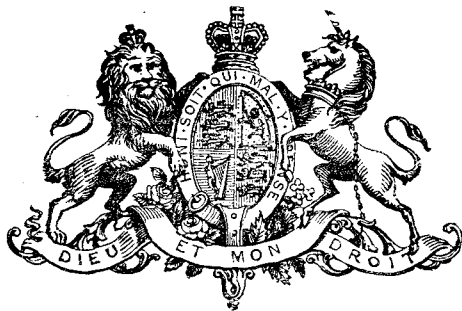


S U P P L E M E N T
TO
O F F I C I A L G A Z E T T E
O F T H E

EAST AFRICA



PROTECTORATE.

Published under the authority of His Excellency the Governor of East Africa.

[Vol. XX.—Supplement No. 10] NAIROBI, October 23, 1918.

His Excellency has approved of the following Bills being introduced at the next Session of the Legislative Council.

T. S. W. THOMAS,
Clerk to the Legislative Council.

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A Bill

Intituled

An Ordinance to Amend the King's African Rifles Ordinance, 1918, in regard to exemptions from Hut Tax and Poll Tax in certain cases.

1. This Ordinance may be cited as "The King's African Rifles Amendment (No. 2) Ordinance, 1918," and shall be construed together with the King's African Rifles Ordinance, 1912, and the King's African Rifles Amendment Ordinance, 1918. Short title.

2. Section 3 of the King's African Rifles Amendment Ordinance, 1918, is hereby repealed but so nevertheless as not to abridge prejudice or in anywise affect any right duly acquired thereunder at the date hereof. Amendment.

3. (1) In the event of any person within the description of any of the classes of persons set out in sub-section (2) hereof, owing to injuries received whether prior or subsequent to the date of this Ordinance on active service against an enemy or otherwise on active service or owing to disease contracted on such active service or as a result thereof, becoming totally or partially disabled to such an extent as materially to affect his wage earning capacity the Commanding Officer of such person at the time of such injuries or disease being received, contracted or resulting as aforesaid may recommend and the Governor may sanction the exemption of such person from the payment of hut tax on one hut for life or from the payment of poll tax in respect of himself for life as the case may be. Provision for the remission of hut and poll tax in certain events.

(2) The following are the classes of persons referred to in sub-section (1) hereof; that is to say:—

(a) any native officer, non-commissioned officer or private of the King's African Rifles, or any Protectorate native carrier, or any combatant or non-combatant Protectorate native, recruited or selected under any Ordinance for the time being in force or otherwise for any form of military service (and attached to or serving or employed with, or in anywise subject to the discipline of the King's African Rifles, or of the East Africa Expeditionary Forces), or

(b) any Protectorate native carrier, or any combatant or non-combatant Protectorate native recruited or selected as aforesaid and attached to or serving or employed with any regiment, corps or unit formed under the provisions of any Ordinance for the time being in force or otherwise.

A Bill

Intituled

An Ordinance to Regulate the Sale of Perfumes.

1. This Ordinance may be cited as "The East Africa Perfumes Ordinance, 1918." Short title.
2. In this Ordinance if not inconsistent with the context :— Definition of terms.
- 5 "District Commissioner" shall include an Assistant District Commissioner.
- "Native" means a person of African extraction and includes every Swahili and Somali.
- 10 3. No person, other than the persons mentioned in section 8 of this Ordinance, shall sell to a native any Eau-de-Cologne, Lavender-water, perfume, scent or essence containing more than 2 per cent of alcohol except under a licence which may be granted in individual cases by a District Commissioner, and such licence shall only be available within the Province The sale of perfume prohibited except under licence.
- 15 wherein granted.
4. All licences whenever taken out shall expire on the 31st December in each year. Term of licence.
5. No fee shall be charged for such a licence. No charge for licence.
- 20 6. A District Commissioner may grant or withhold a licence at his discretion. District Commissioners may grant or withhold licence.
7. A licence shall be in the form in the schedule annexed to this Ordinance, and such licence shall be produced by the licensee upon demand. Form of licence.
- 25 8. This Ordinance shall not apply to Eau-de-Cologne, Lavender-water, perfume, scent or essence sold by any registered Medical Practitioner, Apothecary, Chemist or Druggist for *bona fide* medical or toilet purposes respectively. Sale permitted by certain persons.
- 30 9. The Governor may from time to time declare by Proclamation in the "Official Gazette" any other perfume or perfumery to be subject to the provisions of this Ordinance. Governor's power to declare other perfumes subject to this Ordinance.
- 35 10. Any person who commits a breach of this Ordinance, or any licence issued thereunder, shall on conviction be liable to a fine not exceeding Rs. 1,000/-, or to imprisonment not exceeding two months of either description, or to both, and to forfeiture of any licence granted him under or by virtue of this Ordinance; and any liquor, together with the vessel or vessels in which it is contained, in respect of which a conviction has been obtained for a breach of this Ordinance, shall be liable to confiscation and to be disposed of in such manner as the Penalty for breach of Ordinance or any licence.
- 40 Court may direct.
11. In all proceedings against any person for selling perfumes to any native contrary to the provisions of this Ordinance, the proof that the sale was not to a native shall rest with the person charged. Onus of proof that sale was not to a native on person charged.
- 45 12. The East Africa Liquor (Drugs and Perfumes) Ordinance, 1903, is hereby repealed.

SCHEDULE.

No.....

LICENCE UNDER THE EAST AFRICA PERFUMES
ORDINANCE, 1918.

1.of.....is
hereby licensed to sell Eau-de-Cologne, Lavender-water, per-
fumes, scents or essences in the premises known as.....
situate at....., or at any other place within
the limits of the.....Province.

2. This licence must be produced on demand.

3. This licence is not transferable.

4. This licence expires on the 31st December, 19.....

Issued at.....this.....day
of.....19.....

.....
District Commissioner.

A Bill

Intituled

An Ordinance to amend "The Prisons Ordinance 1914" in regard to Licences to Prisoners to be at large.

1. This Ordinance may be cited as "The Prisons Amendment Ordinance, 1918," and shall be construed as one with the Prisons Ordinance, 1914 (hereafter referred to as "The Principal Ordinance"). Short title.

2. Sections 108 and 109 of the Principal Ordinance are hereby repealed but so nevertheless as not to abridge prejudice or in anywise affect any licence to be at large duly granted to any prisoner under the two said sections hereby repealed. Repeal.

3. Save in the cases in the proviso to this section excepted, and subject to the other provisions of this Ordinance and to any regulations issued hereunder, it shall and may be lawful for the Governor by an order in writing under his hand and Official Seal to grant to any prisoner now under sentence of rigorous imprisonment for a term of 3 years or upwards or who shall hereafter be sentenced to rigorous imprisonment for a term of 3 years or upwards and who has completed or who shall hereafter complete two-thirds of any such sentence without having committed or without committing any prison offence during the last two years immediately preceding of such imprisonment, a licence to be at large in the East Africa Protectorate or in such part thereof as in such licence shall be expressed and it shall and may be lawful for the Governor to revoke or alter such licence by a like order at the Governor's pleasure: Provided always no such licence as aforesaid shall be granted:— Power of Governor to grant licences to prisoners to be at large.

(a) to any prisoner now sentenced or who hereafter may be sentenced to rigorous imprisonment for life;

(b) or to any prisoner who, previously to the sentence he is undergoing, has been already sentenced to rigorous imprisonment for any period. 30

And providing further that no such licence as aforesaid shall be granted by the Governor to any prisoner save on the written recommendation of the Superintendent of the Prison in which such prisoner is incarcerated.

4. So long as such licence as aforesaid shall continue in force and unrevoked such prisoner shall not be liable to imprisonment by reason of his sentence but shall be allowed to go and remain at large according to the terms of such licence. Legal effect of a licence to be at large.

5. Every such licence as is mentioned in section 3 hereof shall be in such form as the Governor may from time to time by Regulation published in the Official Gazette determine and shall be granted subject to the following conditions which shall be printed or written thereon or on the back thereof: that is to say:— Form in which, and conditions subject to which a licence to a prisoner is to be granted.

(a) The finger prints of the holder of the licence shall be imprinted thereon, and such holder shall preserve his licence and shall at all times produce it on demand when called upon by a Magistrate or Police Officer to do so.

(b) The holder of such licence shall abstain from any violation of the law. 5

(c) The holder of such licence shall not habitually associate with notoriously bad characters such as reputed thieves, housebreakers, receivers of stolen property and the like. 10

(d) The holder of such licence shall not lead an idle and dissolute life without visible means of earning an honest livelihood.

(e) The holder of such licence shall at the time of his discharge from prison inform the Superintendent of the Prison as to the place where he intends to reside and shall with all convenient speed proceed to such place and shall within 48 hours of arrival at such place report himself personally unless prevented by unavoidable cause to the officer-in-charge of the nearest Police Station of the district wherein such place is situate. 15 20

(f) The holder of such licence shall, unless prevented by unavoidable cause, thereafter once in each month report himself personally to the officer-in-charge of the nearest Police Station of the district in which he is residing and shall, unless prevented by unavoidable cause, on every change of residence within the same Police District notify, either personally or by letter, such officer-in-charge as aforesaid; and, on every change of residence from one Police District to another shall, unless prevented by unavoidable cause, give 48 hours notice, either personally or by letter to such officer-in-charge of the Police Station of the district he is leaving, of his intention to leave and, so far as is practicable of his exact future address; and shall, unless prevented by unavoidable cause, within 48 hours of arrival at his destination within the new district where he intends to reside, report himself personally to the officer-in-charge of the nearest Police Station in such district. 25 30 35

(g) Any other conditions which the Governor may from time to time by Regulations published in the "Official Gazette" prescribe. Any such new conditions shall be printed or written on any licence thereafter issued but shall not affect the holder of any licence already duly issued at the time of the publication of such further conditions. 40

Breach of terms or conditions of a licence to be at large or other criminal offences committed by the holder to entail punishment and forfeiture of licence.

6. If the holder of any licence granted under the provisions of this Ordinance breaks or fails to comply with any of the terms or conditions contained in or set forth in such licence by any act that is not of itself punishable by any law in existence, he shall be deemed to be guilty of an offence and on conviction before any Magistrate entitled to hold a Subordinate Court of the first or second class shall be liable to imprisonment of either description for a period not exceeding three months; and on conviction, whether for an act already punishable by law or for an act punishable by virtue of this section, in either case such licence shall be forfeited by the Judge or Magistrate by whom such person shall be sentenced. 45 50 55

Consequences of forfeiture or revocation of licence to be at large.

7. Where any licence under this Ordinance is forfeited or revoked under any of the provisions herein contained, the person whose licence is forfeited or revoked shall, after undergoing any other punishment to which he may be sentenced for the offence (if any) in consequence of which his licence is forfeited or revoked, further undergo a term of rigorous imprisonment equal to the portion of his term that remained unexpired at the time of his licence being granted. 60

8. (1) In any case in which the Governor has revoked a licence under this Ordinance, it shall be lawful for the Governor to signify to any Magistrate entitled to hold a Sub-ordinate Court of the first or second class that such licence
- 5 has been revoked and to require such Magistrate to issue a warrant for the apprehension of the prisoner to whom such licence was granted, and such Magistrate shall issue his warrant accordingly, which shall and may be executed in any part
- 10 of the East Africa Protectorate and shall have the same force and effect in all districts of the Protectorate as if the same had been originally issued by a Magistrate having jurisdiction in the place where the same was executed; and such prisoner when apprehended under such warrant shall be brought, as
- 15 soon as conveniently may be, before the Magistrate of the Court from which the warrant shall have issued and such Magistrate shall thereupon make out his warrant for the recommitment of such prisoner to the prison or place of confinement from which he was released by virtue of the said licence, and such prisoner shall, subject to the provisions of
- 20 section 7 hereof, thereupon undergo the residue of his original sentence :
- (2) And in any case in which any licence is forfeited by a Judge or Magistrate pursuant to section 6 hereof, such Judge
- 25 or Magistrate shall make out his warrant for the recommitment of such prisoner to the prison or place of confinement from which he was released by virtue of the said licence to undergo, subject to the provisions of section 7 hereof, the residue of his original sentence.

Procedure to be followed in the event of revocation of a licence to be at large by the Governor or in case of forfeiture thereof by Judge or Magistrate.

A Bill

Intituled

An Ordinance to regulate the Making and Sale of Bread and to prevent the Adulteration thereof and of Meal and Flour.

1. This Ordinance may be cited as "The Bread Ordinance, Short title. 1918."

2. It shall and may be lawful for any baker or seller of bread to make and sell or offer for sale in his shop or to deliver to his customer or customers bread made of flour or meal of wheat, barley, rye, oats, buck wheat, Indian corn, peas, beans, rice, or potatoes or any of them, and with any common salt, pure water, eggs, milk, barm, leaven, potato or other yeast, and mixed in such proportions as he shall think fit, and with no other ingredient or matter whatever, subject to the provisions hereinafter contained.

Bread made of the articles herein mentioned may be sold.

3. The several sorts of bread which shall be made for sale or sold or exposed for sale shall always be well made and in their several and respective degrees according to the quality of the meal or flour whereof the same ought to be made and no alum or mixture in which alum shall be an ingredient or any other mixture or ingredient whatsoever other than and except as hereinbefore mentioned shall be put into or in anywise used in making of bread for sale under any colour or pretence whatsoever on pain that every person who shall knowingly offend in the premises shall on conviction of every such offence forfeit and pay any sum not exceeding Rs. 150/.

Bread to be well made.

Penalty for adulteration.

4. All bread made for sale within the Protectorate except as hereinafter excepted shall be made into loaves weighing not less than half a pound, one pound, two pounds and four pounds respectively according to the standard weight by law established and which loaves shall be called respectively half pound loaf, one pound loaf, two pound loaf and four pound loaf and any person who shall make for sale or sell or offer for sale bread of any other denomination or size or shall sell or offer for sale any loaf which shall be found deficient of its due weight when weighed in the shop at the time it is sold or offered for sale and which shall have been baked within twenty-four hours next preceding the time of its being so sold or offered for sale the proof of which shall be on the baker or seller thereof shall on conviction forfeit and pay for every such offence any sum not exceeding Rs. 75/.

Bread to be sold in loaves of certain weights.

Provided always that nothing herein contained shall extend or be construed to extend to prevent any baker or seller of bread from making or selling rolls of such weight or size as he shall think fit and without previously weighing the same.

Fancy bread or rolls excepted.

5. From and after the commencement of this Ordinance all bread made of the flour of wheat which flour without any mixture or division shall be the whole produce of the grain, the bran or hull thereof only excepted, and which shall weigh two-third parts of the weight of the wheat whereof it shall be made shall be called and understood to be standard wheaten bread.

Standard wheaten bread.

Household wheaten bread.

6. From and after the commencement of this Ordinance all wheaten bread made for sale of any meal or flour of an inferior quality to the flour used for standard wheaten bread as hereinbefore directed shall be called and understood to be household wheaten bread and every loaf of such bread shall be marked with a large Roman H.

Mixed bread.

7. All bread made for sale wholly or partially of the meal or flour of any other sort of corn or grain than wheat or of the meal or flour of any peas, beans or potatoes shall be called and understood to be mixed bread and every loaf of such bread shall be marked with a large Roman M.

Penalty for not marking household or mixed bread.

8. Any person who shall make for sale or sell or expose for sale any household wheaten bread or any mixed bread without being respectively marked as hereinbefore directed then and in every such case every person so offending shall on conviction forfeit and pay the sum of Rs. 7/50 for every pound or part thereof of weight of such bread which shall be so made for sale or sold or exposed for sale without being so marked as aforesaid.

Bakers to use avoirdupois weight.

9. The several bakers or sellers of bread respectively shall use avoirdupois weight of sixteen ounces to the pound and the several gradations of the same for any less quantity than a pound; and in case any such baker or seller of bread shall at any time use any other than the avoirdupois weight, and the several gradations of the same, he shall, for every such offence forfeit and pay any sum not exceeding Rs. 75/- as the Magistrate before whom such conviction shall take place shall from time to time order and adjudge.

Bakers to provide in their shops beams, scales, and weights, etc., and to weigh bread, etc.

10. Every baker or seller of bread shall cause to be fixed in some conspicuous part of his shop on or near the counter a correct beam and scales with proper weights or other sufficient balance for weighing loaves of bread of the regulated weights of half a pound, one pound, two pounds and four pounds respectively, and any person who may purchase any such loaf of bread from any such baker or seller of bread may if he shall think proper require the same to be immediately weighed in his presence, and any such baker or seller of bread who shall neglect to fix such beam and scales or to provide and keep for use such regulated weights or other sufficient balance, or who shall refuse to weigh any loaf or loaves purchased in his shop in the presence of the party requiring the same shall on conviction forfeit and pay for every such offence any sum not exceeding Rs. 75/.

Bakers and sellers of bread, etc., delivering by cart, etc., to be provided with scales and weights, etc., for weighing bread.

11. Every baker or seller of bread and every journeyman, servant or other person employed by such baker or seller of bread who shall convey and carry out bread for sale in any cart or other carriage drawn by a horse or other animal, or by any other means howsoever, shall be provided with and constantly carry a correct beam and scale with proper weights or other sufficient balance for weighing loaves of bread of the regulated weights of half a pound, one pound, two pounds and four pounds respectively, and any person who may purchase any such loaf of bread may if he shall think proper require the same to be weighed in his presence, and in case any such baker or seller of bread or his journeyman, servant or other person shall at any time carry out or deliver any bread without being provided with proper weights or other sufficient balance or shall at any time refuse to weigh any bread purchased of him or delivered by his journeyman, servant or other person in the presence of the person purchasing or receiving the same then and in every such case every such baker or seller of bread shall for every such offence forfeit and pay any sum not exceeding Rs. 75/.

Baker's shops may be searched for bread short of weight within twenty-four hours after baking.

12. (1) Any Magistrate, the Inspector of Weights and Measures appointed under "The East Africa Weights and Measures Ordinance, 1912," or any Deputy Inspector duly appointed under the said Ordinance, whenever he sees fit may enter into any house, shop, stall, bakehouse, pastry warehouse, outhouse or other premises, belonging to or in the occupation of any baker or seller of bread, to search for view, weigh and try any bread which may be then and there found, and which has

been baked within twenty-four hours next preceding the time of being so searched for and tried, and, in case of dispute, the proof of such bread not having been baked within twenty-four hours shall lie on the baker or seller, and such bread shall be weighed in sets of four loaves of the same denomination or size, or in any larger or smaller quantity, as may be found most convenient.

- (2) If on weighing such bread any deficiency is found in its due weight, on the average of the whole weight of all the loaves of bread of the same denomination or size, which are then and there found, and which have been baked within twenty-four hours next preceding as aforesaid, and which deficiency appears upon the view of the Magistrate who searches for and tries the same, or is proved before any Magistrate by the oath of the person weighing the same, then the person so offending shall, on conviction, forfeit and pay a sum not exceeding Rs. 5/- for every ounce of bread which is so found deficient, unless it is proved to the satisfaction of the Magistrate that the deficiency arose wholly from some unavoidable accident in baking or otherwise, or was occasioned by or through some contrivance or confederacy to injure the accused person.

Penalty for deficiency.

Exception.

- (3) Any such Magistrate, Inspector, or Deputy Inspector may seize all loaves which are so found deficient, and the Magistrate may dispose thereof as in his discretion he thinks fit, unless such proof is given as last hereinbefore provided.

13. If any person shall put into any corn, meal or flour which shall be ground, dressed, bolted or manufactured for sale either at the time of grinding, dressing, bolting or manufacturing the same or at any other time any ingredient or mixture whatsoever not being the real and genuine produce of the corn or grain which shall be so ground or if any person shall knowingly sell or offer for sale either separately or mixed any meal or flour of one sort of corn or grain as the meal or flour of any other sort of corn or grain or any ingredient whatsoever mixed with the meal or flour so sold or offered or exposed for sale then and in every such case every person so offending shall on conviction forfeit and pay for every offence any sum not exceeding Rs. 300/.

Penalty for adulterating meal or flour or selling flour of one sort of corn as the flour of another.

- Provided that nothing herein contained shall apply to any ingredient article or material employed or used for cleansing or preserving such corn or grain from smut or other disease weevil or other insect or impurity so as that every such ingredient article or material so employed or used be carefully and effectually removed from such corn or grain before the same shall be ground.

14. It shall be lawful for any Magistrate and also for any Police Officer authorised by any warrant under the hand of a Magistrate at seasonable times in the day time to enter into any house, mill, shop, stall, bakehouse, bolting house, pastry warehouse, outhouse or ground of or belonging to any miller, mealman or baker or other person who shall grind, grain or dress or bolt meal or flour or make bread for reward or sale and to search or examine whether any mixture or ingredient not the genuine produce of the grain such meal or flour shall import or ought to be shall have been mixed up with or put into any meal or flour in the possession of such miller, mealman or baker either in the grinding of any grain at the mill or in the dressing, bolting or manufacturing thereof whereby the purity of any meal or flour is or shall be in anywise adulterated or whether any mixture or ingredient other than is allowed by this Ordinance shall have been mixed up with or put into any dough or bread in the possession of any baker or other person whereby any such dough or bread is or shall be in anywise adulterated and also to search for any mixture or ingredient which may be intended to be used in or for any such adulteration or mixture; and if upon any such search it shall appear that any such meal, flour, dough or bread so found shall have been so adulterated by the person in whose possession it shall then be or any mixture or ingredient shall be found which shall seem to have been deposited there in order to be used in the adulteration of meal, flour or bread then and in every such case it shall be lawful for every such Magistrate or Police Officer authorised as aforesaid to seize and take any meal, flour, dough or bread which shall be found in any such search and deemed to have been adulterated and all ingredients and

Baker's shop, etc., may be searched for adulterated flour and bread or ingredients for adulterating the same,

and any found seized.

mixtures which shall be found and deemed to have been used or intended to be used in or for any such adulteration as aforesaid and such part thereof as shall be seized by any Police Officer authorised as aforesaid shall with all convenient speed after seizure be carried to the nearest Magistrate; and if any Magistrate shall make such seizure in pursuance of this Ordinance or to whom anything so seized under the authority of this Ordinance shall be brought shall adjudge upon the evidence of any competent person or persons taken upon oath that any such meal, flour, dough or bread so seized shall have been adulterated by any mixture or ingredient put therein other than is allowed by this Ordinance or shall adjudge that any ingredient or mixture so found as aforesaid shall have been deposited or kept where so found for the purpose of adulterating meal, flour or bread then and in any such case such Magistrate is hereby required to dispose of the same as he in his discretion shall from time to time think proper.

Penalty on persons in whose possession ingredients for the adulteration of bread shall be found.

15. Every miller, mealman or baker in whose house, mill, shop, stall, bakehouse, bolting house, pastry warehouse, outhouse, ground or possession any ingredient or mixture shall be found which shall after due examination be adjudged by any Magistrate to have been deposited there for the purpose of being used in adulterating the purity or wholesomeness of any meal, flour, dough or bread shall on conviction forfeit and pay for every such offence any sum not exceeding Rs. 30/- for the first offence, Rs. 75/- for the second offence, and Rs. 150/- for every subsequent offence unless it shall be made to appear to the satisfaction of any Magistrate that such ingredient or mixture was so deposited without the knowledge or privity of the party accused.

Penalty for obstructing any search authorised by this Ordinance.

16. If any person shall wilfully obstruct or hinder any search as hereinbefore is authorised to be made or the seizure of any meal, flour, dough or bread or of any ingredient or mixture which shall be found on any such search and shall be deemed to have been lodged with an intent to adulterate the purity or wholesomeness of any meal, flour, dough or bread or shall wilfully oppose or resist any search being made or the carrying away any such ingredient or mixture as aforesaid or any meal, flour, dough or bread which shall be seized as being adulterated or as not being made pursuant to this Ordinance the person so offending shall on conviction of every such offence forfeit and pay any sum not exceeding Rs. 150/.

Jurisdiction of offences.

17. All offences against this Ordinance hereinbefore directed to be heard and determined by any Magistrate may be heard and determined by any Magistrate holding a Court of the First or Second class. Provided always that no person shall be convicted for any offence under this Ordinance unless the complaint be made within 48 hours next after the time the offence shall have been committed.

Recovery of penalties.

18. All forfeitures and penalties imposed by this Ordinance may be recovered as a civil debt recoverable summarily.