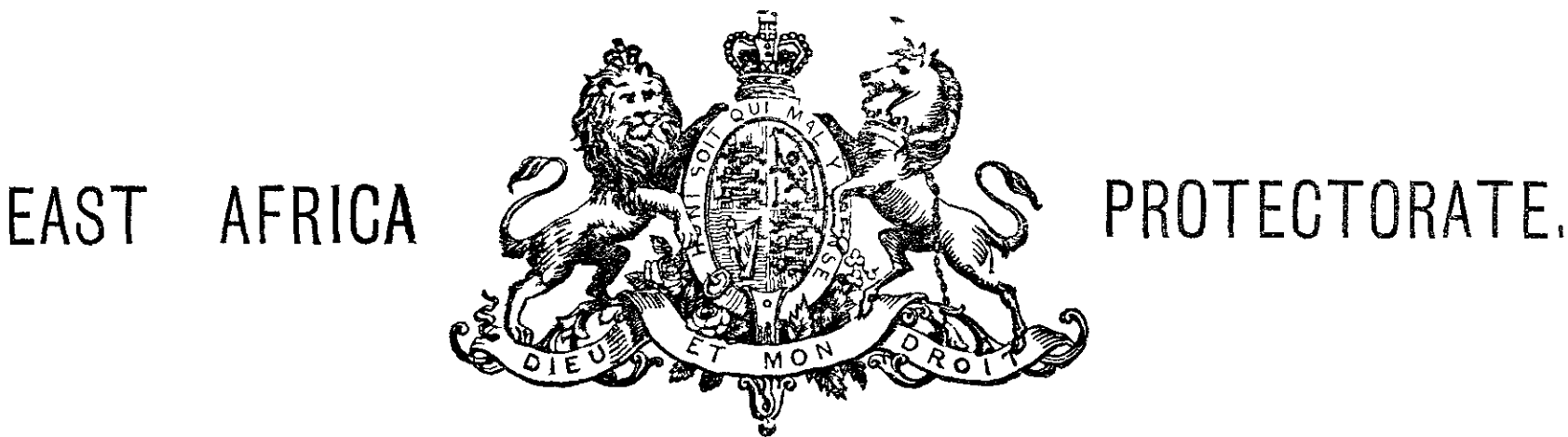


S U P P L E M E N T
TO
O F F I C I A L G A Z E T T E
O F T H E



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

Vol XXI—Supplement No 1] NAIROBI, January 29, 1919

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

*C. E. SPENCER,
Clerk to the Legislative Council.*

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A Bill

Intituled

An Ordinance to supply a further sum of money for the service of the year ending the 31st of March, 1918.

1 This Ordinance may be cited as “The Supplementary Short title Appropriation Ordinance, 1919”

2 The public revenue for the year 1917-18 and other Public Revenue
funds of the East Africa Protectorate are hereby charged charged
5 towards the service of the year ended 31st day of Maich, 1918,
with a further sum of two hundred and twenty-eight thousand
eight hundred and ninety-one pounds, seventeen shillings
and two pence, in addition to the sums provided by the
Appropriation Ordinance, 1917

10 3 The money granted by this Ordinance shall be applied Application
to the purposes and services expressed in the Schedule annexed of money
hereto granted

4 The Treasurer of the Protectorate is hereby authorised Treasurer's
and required, from time to time, upon warrant or order of the authority for
15 Governor, to pay out of the Revenue and other funds of the payment
Protectorate, for the several services specified in the Schedule,
the said sum of two hundred and twenty-eight thousand eight
hundred and ninety-one pounds, seventeen shillings and two
pence, which have come in course of payment during the year
20 ended on the 31st day of March, 1918

SCHEDULE

HEAD OF SERVICE		AMOUNT		
		£	s	d
2	Pensions and Gratuities	480	6	0
7	Customs Department	517	18	0
18	Military Expenditure	42,127	16	4
18a	Military—Special Expenditure	19,700	9	4
19	Miscellaneous Services	15,508	17	4
20a	Post Office and Telegraphs—Special Expenditure	8,765	8	9
29	Public Works Recurrent	233	16	8
33	Interest	591	4	9
34	Special Expenditure for Magadi	14	18	7
35	Protectorate share of War Expenses	140,951	1	5
Total £		228,891	17	2

A Bill

Intituled

An Ordinance to amend the East Africa Police Ordinance, 1911

1 This Ordinance may be cited as 'The East Africa Short title
Police (Amendment) Ordinance, 1919,' and shall be read
together with the East Africa Police Ordinance, 1911, hereinafter
referred to as the Principal Ordinance

5 2 Every Asiatic and African Non-Commissioned Officer Corporal punishment
and Constable who —

(a) strikes, or uses or offers any violence against his
superior officer, or uses threatening or insubordinate
language to his superior officer, or

10 (b) wilfully disobeys any lawful command, or

(c) malingers, or feigns or produces any disease or
infirmity, or

(d) resists an escort whose duty it is to apprehend him
or to have him in charge, or

15 (e) is guilty of any act, conduct, disorder, or neglect
to the prejudice of good order and discipline, or

(f) who has been previously convicted of any offence
under the Principal Ordinance,

may, in addition to any other punishment to which he may
20 be liable under section 49 of the Principal Ordinance, be
punished with corporal punishment not exceeding 15 lashes to
be inflicted only as prescribed by this Ordinance. Provided
that no sentence of corporal punishment shall be imposed by
a Police Officer below the rank of an Assistant Superintendent
25 and every such sentence shall be confirmed by the Commis-
sioner before being carried into execution

3 No sentence of corporal punishment shall be carried Restriction as to corporal punishment
out until a period of twenty-four hours has elapsed from the
time of such sentence nor unless under the superintendence
30 of a Medical Officer, or, in case no Medical Officer is available,
of a European Officer in the service of the Administration
nor until such Medical Officer or European Officer shall certify
as to the physical fitness of the offender to undergo the same,
and in relation thereto the said Medical Officer or European
35 Officer may give and shall have carried out such orders for
preventing injury to health as he may deem necessary, and in
case the said Medical Officer or European Officer shall order
the punishment to be discontinued, it shall be discontinued
immediately

40 4 No sentence shall be carried out except with an instru- The instrument to be used
ment approved by the Governor

A Bill

Intituled

An Ordinance to amend the Registration of Business Names Ordinance, 1918

1 This Ordinance may be cited as The Registration of Short title
Business Names Amendment Ordinance, 1919 and shall be
construed and read as one with "The Registration of Business
Names Ordinance, 1918" (hereinafter referred to as "The
5 Principal Ordinance")

2 The provisions of the Principal Ordinance shall be and Amendments of section
are hereby amended in the following particulars that is to say 12 (1) and section 19 of
the Principal Ordinance

(a) The word "form" occurring after the word
'maternal' in section 12 sub-section (1) of the Principal
10 Ordinance is deleted and the word 'particular' substituted
therefor

(b) The figure (1) in brackets in section 19 of the
Principal Ordinance, purporting to create a sub-section
(1), is deleted

A Bill

Intituled

An Ordinance to amend "The Administrator General's Ordinance, 1909"

1 This Ordinance may be cited as "The Administrator General's Amendment Ordinance, 1919," and shall be construed as one with "The Administrator General's Ordinance, 1909" (hereinafter referred to as "The Principal Ordinance")

Short title

5 2 Section 2 of the Principal Ordinance shall be and is hereby amended as follows that is to say —

Amendment of section 2 of the Principal Ordinance

10 (1) After the words "East Africa Protectorate" in the interpretation of the term "Court" in the said section, there shall be added the words "and shall include a District Delegate"

15 (2) After the words "and things attached to the earth" in the interpretation of the term "Immoveable property" in the said section, there shall be added the words "but shall not include native huts or houses not exceeding Rs 100/- in value, where the owner or owners lessee or lessees of such hut or house is or are not the owner or owners lessee or lessees of the land on which such hut or house is built or erected"

20 3 Section 4 of the Principal Ordinance is hereby repealed and the following section substituted in lieu thereof that is to say —

Repeal of section 4 of the Principal Ordinance and re enactment thereof with amendments

25 Section 4 "Subject as hereinafter provided the District Commissioner of every district shall furnish the Administrator General with a notice of the death of every person (other than of a native dying within a Native Reserve or other area set apart for natives) in his district and on receipt of such notice or on otherwise being notified of or becoming acquainted with such death the Administrator General shall

30 cause enquiry to be made as to the estates of all such deceased persons possessed of or entitled to any property immoveable or moveable within this Protectorate and after ascertaining

(a) that any such person died intestate, or

35 (b) that the deceased having made a will devising or bequeathing his estate or any part thereof, has omitted to appoint an executor, or

(c) that the person or persons named as executor or executors in the will are dead or have renounced probate thereof or otherwise are unable or unwilling to act, or

40 (d) that probate or letters of administration with the will annexed has or have not been obtained within 3 months from the death of the testator, or

(e) that the testator has appointed the Administrator General the sole executor of his will

the Administrator General may apply to the High Court for an order authorising him to administer the estate of such deceased person

5

Provided always, and notwithstanding anything in this Ordinance contained, it shall and may be lawful for the Administrator General, in the case of an estate consisting only of moveable property of an estimated gross value not exceeding Rs 300/- of a deceased person dying intestate or in the case of an estate consisting solely of moveable property of an estimated gross value not exceeding Rs 300/- of a deceased person dying leaving a will under such circumstances that the Administrator General may apply for leave to administer as hereinbefore provided, in either of such cases to take possession of and administer in accordance with the provisions of the Principal Ordinance and of any Ordinance amending the same, so far as the same are applicable, the estate of such deceased person without making any such application to the High Court as is hereinbefore mentioned and no Court fees shall be chargeable or payable in respect of any such estate as aforesaid

10

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Amendment of section 5 of the Principal Ordinance

4 Section 5 of the Principal Ordinance shall be and is hereby amended as follows —

25

(1) After the words “published in the “Official Gazette” in the said section contained, there shall be added the following words “or in one weekly newspaper or both at the discretion of the Administrator General ”

(2) At the end of the said section 5 there shall be added the further following proviso that is to say —

30

And provided further that it shall not be necessary for the Administrator General to serve such notice as is in this section mentioned in any case where the Administrator General shall have obtained the consent in writing of the executors (if any) or of all parties interested in the estate (other than creditors), as the case may be, to make such application to the Court as in this section is provided for

35

Amendment of section 6 of the Principal Ordinance

5 Section 6 of the Principal Ordinance shall be and is hereby amended as follows —

40

Before the words “The Administrator General may” there shall be inserted the words “subject and without prejudice to the right of the Administrator General to take possession of and administer any estate consisting solely of moveable property not exceeding the gross value of Rs 300/- as hereinbefore provided ”

45

Amendment of section 8 of the Principal Ordinance

6 Section 8 of the Principal Ordinance shall be and is hereby amended as follows —

the words “ a merchant” in the said section shall be deleted and the words “ any person” substituted therefor

50

Amendment of section 9 of the Principal Ordinance

7 Section 9 of the Principal Ordinance shall be and is hereby amended as follows —

At the end of the said section, there shall be added the following further proviso “And provided further that in the case of all estates consisting solely of moveable property not exceeding in gross value Rs 300/-, no such petition as in this section is mentioned shall be presented to the Court, but it may and shall be lawful for the Administrator General to decide all disputes, matters, claims and demands arising out of or in respect of or in connection with all such estate as aforesaid and to make such orders as he shall think fit touching the collection, sale, investment, disposal or administration of such estate and the decision and order of the Administrator General in respect of any of the matters aforesaid shall be final and without appeal ”

55

60

65

8 (1) Section 11 shall be and is hereby amended as follows — Amendment of section
11 of the Principal
Ordinance

At the end of sub-section 1 of the said section there shall be added the following proviso — “Provided always that if all parties interested in the said immoveable property consent in writing to its conversion into money by the Administrator General, the consent of the Court as hereinafore provided shall be unnecessary ”

(2) At the end of sub-section 2 of the said section there shall be added the following proviso — “Provided always that in the event of the Administrator General being unable to trace the parties beneficially entitled to the residue of such estate as aforesaid, or any of them, he shall transfer such residue or a proportionate part thereof as the case may be to “The Unclaimed Property Account ”

(3) The words “20 years” in sub-section 3 of the said section shall be deleted and the words “12 years computed from the date of the final completion of the account whether such account shall have been completed before or after the passing of this Amending Ordinance” shall be substituted therefor

9 Section 12 of the Principal Ordinance shall be and is hereby amended as follows — Amendment of section
12 of the Principal
Ordinance

There shall be added at the end of the said section the following proviso — “Provided that searches for and copies of all such deeds, writings and papers of or relating to such estate as aforesaid will on the request of any person interested be made by the Administrator General, on payment of the fees set forth in the scale of fees hereto ”

10 (1) Section 14 of the Principal Ordinance shall be and is hereby amended as follows — Amendment of section
14 of the Principal
Ordinance

After the words “provided that the Administrator General shall” there shall be inserted the words “if the estate prove solvent ”

(2) After the words “forwarded to the Crown Agents for the Colonies” there shall be added the following —

“And if the estate shall prove insolvent such watches, jewellery, letters or other property of the deceased as aforesaid shall only be forwarded by the Administrator General to the Crown Agents for the Colonies on his being satisfied, either by deposit of security or otherwise, that the said legal personal representative will remit the value of such property as aforesaid to the Administrator General within such time as may be prescribed by the Administrator General ”

(3) The words “and request him to notify the Crown Agents that such articles have been despatched for delivery to the legal personal representative of the deceased” and the words “of the vouchers relating thereto” in the said section are hereby repealed

11 Section 16 of the Principal Ordinance shall be and is hereby amended as follows — Amendment of section
16 of the Principal
Ordinance

After the words “who are resident in the Protectorate” there shall be inserted the following words “by inserting a notice in the Official Gazette and by posting notices at the High Court and in a conspicuous place at the offices of the Administrator General ”

12 (1) Section 17 of the Principal Ordinance shall be and is hereby amended as follows — Amendment of section
17 of the Principal
Ordinance

The words “by leave of the Court” and the words “and subject to such terms as to the future administration of the estate as the Court may deem just” in the said section are repealed

(2) Before the word “account” in the said section, there shall be inserted the word “interim ”

Amendment of section
18 of the Principal
Ordinance

12 Section 18 sub-section 3 of the Principal Ordinance shall be and is hereby amended as follows —

After the words “all debts of the deceased” there shall be added the words “save and except funeral expenses ”

Repeal of section 19 of
the Principal
Ordinance

14 Section 19 of the Principal Ordinance is hereby 5 repealed

Special provisions
where deceased leaves
property both in the
East Africa
Protectorate and the
Uganda Protectorate

15 (1) Where a person dies leaving estate in the East Africa Protectorate consisting of personalty only and also estate in the Uganda Protectorate administration whereof is committed to the Administrator General of the Uganda Protec- 10 torate, the Administrator General of the East Africa Protec- torate may, if requested by the Administrator General of the Uganda Protectorate and if satisfied that the interests of creditors in the East Africa Protectorate will not thereby be prejudiced, apply to the High Court for an Order which Order 15 the High Court is hereby empowered to make, authorising him to collect the assets of the estate in the East Africa Protec- torate, and upon the making of such Order the Administrator General shall have the same rights as regards the collection and realisation of the assets of the estate as if administration had 20 been committed to him and shall not be liable therefor to any creditor or claimant, but shall be discharged from all liability upon handing the assets or the proceeds of the realisation thereof over to the Administrator General of the Uganda Protectorate 25

(2) No fees or duties shall be payable in respect of proceedings under this section

Assets received from
outside the East Africa
Protectorate

16 Where the administration of an estate has been com- 30 mitted to the Administrator General and he receives assets which at the time of the death of the deceased were situate outside the Protectorate such assets shall for all purposes be treated in the same manner as assets within the Protectorate at the time of death

Court may appoint
persons to receive
minor's shares in
certain cases

17 Where any person entitled to a share under the Will or otherwise in the distribution of the estate of a deceased 35 person whose estate is being administered by the Administrator General is a minor, the High Court may, upon the application of the Administrator General, appoint the father or mother of such minor or some other suitable person to receive the share of such minor on his behalf and upon such appointment being 40 made the Administrator General may pay the share of such minor to such person on behalf of such minor and the receipt of such person shall be a full and complete discharge to the Administrator General so far as regards such share. Provided 45 always that the amount that may be so paid over as aforesaid under the provisions of this section shall in no case exceed the sum of Rs 300/

Fees

18 The Administrator General shall charge for work done by him in respect of the administration of estates the following fees according to the scale set forth below 50

SCALE OF FEES

			Rs	Cts
Estates under Rs	10/-	Gross	0	50
„ over „	10/- and under Rs 30/-	„	1	00
„ „ „	30/- „ „ „ 50/-	„	2	00
„ „ „	50/- „ „ „ 100/-	„	4	00
„ „ „	100/- „ „ „ 200/-	„	7	50
„ „ „	200/- „ „ „ 300/-	„	12	50
„ „ „	300/- on the gross value	„	5%	
Searches per hour or part thereof			10	0 ^v

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