

THE OFFICIAL GAZETTE

OF THE

EAST AFRICA



AND UGANDA

PROTECTORATES.

Published under the authority of His Majesty's Commissioners.

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MOMBASA, OCTOBER 1, 1906.

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EAST AFRICA PROTECTORATE.

AN ORDINANCE

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

Nairobi,

J. HAYES SADLER

Dated this 10th day of September, 1906.

His Majesty's Commissioner.

No. 18 of 1906.

Short title.

1. THIS Ordinance may be cited as "The East African Rivers Ordinance 1906."

Interpretation of terms.

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

"River" means a River specified in the first Schedule to this Ordinance, or added thereto in the manner hereinafter provided.

"Vessel" means and includes any ship, boat, or canoe, or other description of vessel used in navigation however propelled.

"Steam Vessel" includes every description of vessel so constructed as to be propelled otherwise than by sails, oars, paddles or poles.

Rivers may be added to schedule.

3. It shall be lawful for the Commissioner to add to the rivers specified in the first Schedule the name of any other running water provided that no such addition shall be deemed to be part of the said Schedule until the expiration of two months from the publication thereof in the Gazette.

Extent of rivers may be defined.

4. It shall be lawful for the Commissioner to define the extent of any river to which this Ordinance shall apply. Any part of a river outside the portion so defined shall not be deemed to be a river for the purposes of this Ordinance.

DREDGING.

Dredging in river to be licensed.

5. It shall not be lawful to dredge in any river without a license from the Commissioner which shall be in one of the forms in the second Schedule to this Ordinance. Any person dredging in a river without a license or contrary to the terms on the face of his license shall be guilty of an offence and shall be liable to a penalty not exceeding Rs. 750/- for every day during which the offence continues.

Security may be required.

6. Before any license to dredge is granted security shall be given in such terms and to such amount as the Commissioner may in each particular case direct.

Regulation on dredging license.

7. On every license to dredge the regulations set forth in the third Schedule to this Ordinance shall be endorsed : provided that the Commissioner may in his discretion require such further regulations to be endorsed in any particular case as he may think fit.

Contravening dredging regulations.

8. Any person who shall act in contravention of any of the regulations endorsed upon the license under which he dredges shall be guilty of an offence and shall be liable to a penalty not exceeding Rs. 1,500/- and the holder of the license shall be liable for any damage which may have arisen in consequence of such contravention. In this and the following section non-compliance with any lawful order, direction or notice given under the regulations endorsed upon a license shall be deemed a contravention of such regulations.

Contravention of dredging license may entail cancellation.

9. Where in any prosecution under this Ordinance it is proved that the terms on the face of or the regulations endorsed on a dredging license have been contravened it shall be lawful for the Court subject to the approval of the Commissioner, to cancel such license in addition to imposing any penalty prescribed by the Ordinance.

STEAM VESSELS.

10. (1) The master of every steam vessel on a river shall take out a license for such vessel. Steam vessels on rivers to be licensed.

(2) Steamer licenses shall be in the form B. in the second Schedule to this Ordinance and shall be granted by the Commissioner or such officer as he shall appoint. Every such license shall commence on the day on which it is granted and shall terminate on the 31st day of December following.

(3) The master of any steam vessel who fails to comply with this section shall be guilty of an offence and shall be liable to a penalty not exceeding Rs. 75/-

(4) In this section "Master" shall include "owner" and "agent for the owner."

11. The Commissioner may from time to time make, amend and revoke rules

- (a) with respect to steam vessels on any river.
- (b) with respect to the use of any river for the transport of floating timber.
- (c) for regulating the traffic on any river, and
- (d) generally for the purpose of protecting and improving the navigability of any river ;

and may for the breach of any such rule impose a penalty not exceeding Rs. 75/-.

Any such rules, amendments or revocations shall come into force on their publication in the Gazette or on such later date as may be therein declared.

12. For every license taken out under this Ordinance there shall be payable the fee prescribed therefor in the fourth Schedule hereto. Fees.

Schedule I.

Rivers to which this Ordinance applies :—The Juba and its Tributaries.

The Ozi.

The Tana.

Schedule II.

LICENSES.

A—(Dredging License.)

The East African Rivers Ordinance 1906.

License to dredge

License is hereby granted to (1) river to dredge in the (1) State river.

within the following limits, that is to say ; (2) (2) State limits within which license applies.

This license does not empower the licenses to dredge for minerals or precious stones.

This license is in force for one year from the date hereof.

Dated at this day of 190 .

B—(Steamer license.)

The East African Rivers Ordinance 1906.

Steamer License.

The (1) (2) owned by of (1) Name of vessel
is hereby licensed for the (2) launch or tug
river. or yacht, as the
case may be.

This license expires on the 31st day of December, 190 .

Commissioner.

Schedule III.**REGULATIONS.****TO BE ENDORSED ON DREDGING LICENSES.**

1. In these Regulations "Inspector" shall mean some officer appointed by the Commissioner to inspect dredging.

2. The Licensee shall give due notice to the Inspector stating when he wishes to commence dredging and at what part of the river.

No dredging or operations connected therewith shall be commenced until the consent of the Inspector is given in writing.

The licensee shall give every facility to the Inspector to examine such plans and documents relating to the dredging or operations connected therewith and to make copies of the same and to take such soundings and measurements, as he may think fit.

3. The licensee shall not move his dredging operations from one part of the river to another without the consent of the Inspector in writing; he shall, as far as possible, conduct operations continuously along and across the bed of the river from the starting point to the limits to which his license applies so as not to form isolated holes or deep places.

4. The licensee shall arrange his dredgers, barges, boats, posts, chains, anchors and all other apparatus appertaining thereto, so that they in no way obstruct or interfere with the navigation of the river.

5. The dredgers shall be constructed and shall have such additional apparatus that the tailings therefrom shall not be deposited in such a manner as to form groins or shoals in the bed of the river.

6. If in the opinion of the Inspector the dredging or any operations connected therewith have caused any groin, shoal, deposit or other obstruction to be formed either at or near the site of such operations or in any other part of the river which causes or tends to cause erosion or other danger to the stability of the bed of the river, or to the navigation, such groin, shoal, deposit or other obstruction shall be removed immediately upon the receipt of a written notice from the Inspector.

7. If in the opinion of the Inspector the dredging or any other operations connected therewith have caused, or tend to cause erosion or other damage or danger to the bed or banks of the river or to the navigation the licensee shall construct and fix such temporary timber groins, sheet piling, fascines or other works to the satisfaction of the Inspector as may be necessary to remedy or prevent such damage, and, if necessary, dredging operations shall be suspended until such works are completed and proved satisfactory. Such works shall be carried out, moved and removed immediately upon the receipt of a written notice from the Inspector.

8. If the river in which the dredging operations are being carried on be a tributary of another river, and in the opinions of the Inspector the carrying on of such operations has caused silt, mud, or other material to be washed down the tributary stream into the main river and has there caused shoals or other obstructions to navigation to be formed, or damage, or danger to the bed or banks of the river, the licensee shall be held responsible and regulations 6 and 7 shall apply to such main river as if it was the river in which the licensee was carrying on dredging operations.

9. The licensee shall be liable for and shall indemnify the Government and every officer thereof against all accidents, injuries, damages, trespass and losses caused or arising either directly or indirectly by reason of or in connection with the dredging operations or works pertaining thereto.

10. In case, and so often as any question, difference or dispute shall arise as to the true intent and meaning of these Regulations or any part thereof every such question, difference or dispute shall be referred to the sole arbitration and award of the Commissioner and his decision shall be binding and final.

Schedule IV.

| | | | | |
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J. HAYES SADLDR
His Majesty's Commissoner.

AN ORDINANCE

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

Nairobi,

Dated the 18th day of September, 1906.

J. HAYES SADLER

His Majesty's Commissioner.

No. 19 of 1906.

The Legal Practitioners' Ordinance 1906.

IT is hereby enacted as follows:—

1. This Ordinance may be cited as "The Legal Practitioners' Ordinance 1906."

2. Every person who (not being an enrolled Pleader, or a Notary Public) for or in expectation of any fee, gain, or reward, either direct or indirect, draws or prepares any instruments relating to immovable property shall be guilty of an offence and shall be liable to a fine not exceeding 750 rupees.

Provided as follows:—

(1) This section does not extend to—

- (a) Any public officer drawing or preparing instruments in the course of his duty; or
- (b) Any person employed merely to engross any instrument.

(2) The expression "instrument" in this section includes every document which confers, or purports to confer, declare, limit, or extinguish any right, title, or interest, whether vested or contingent to in or over immovable property other than

- (a) a will or other testamentary instrument;
- (b) documents relating to immovable property of less value than 500 rupees;
- (c) a lease for a term not exceeding three years;

3. Every instrument drawn or prepared by a Pleader or a Notary Public shall be endorsed with the name of the Pleader or of the Notary Public by whom such instrument shall have been drawn or prepared.

4. In this Ordinance

The term "Enrolled Pleader" shall mean a person enrolled as a pleader of the High Court of the East Africa Protectorate and holding a certificate then in force.

The term "Notary Public" shall mean a person enrolled under the Notaries Public Ordinance 1906 or any Ordinance amending the same and holding a certificate then in force.

J. HAYES SADLER

His. Majesty's Commissioner.

AN ORDINANCE

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

Nairobi,

Dated this 21st day of September, 1906.

J. HAYES SADLER

His Majesty's Commissioner.

No. 20 of 1906.

The Book and Newspaper Registration Ordinance 1906.

IT is hereby enacted as follows:—

1. This Ordinance may be cited as "The Newspaper Registration Short title. Ordinance 1906."

2. In this Ordinance, unless there is anything in the context repugnant thereto, Interpretation.
 "Registrar" means the Chief Registrar of the High Court;
 "Registry Office" means the principal office for the time being of the Registrar;
 "Newspaper" means any paper containing public news or occurrences, or any remarks or observation thereon printed for sale and published periodically or in parts or numbers at intervals not exceeding two months between the publication of any two such papers, parts, or numbers.

"Book" includes every volume, part or division of a volume, pamphlet, sheet of letterpress, newspaper, sheet of music, map, chart, or plan separately produced, but does not include price lists, annual reports, trade circulars, trade advertisements, or other legal or business documents.

"Occupation" when applied to any person means his trade or following, and if none, then his rank or usual title ;

"Proprietor" shall mean and include as well the sole proprietor of any newspaper, as also in the case of a divided proprietorship the persons who, as partners or otherwise, represent and are responsible for any share or interest in the newspaper as between themselves and the persons in like manner representing or responsible for the other shares or interests therein, and no other person.

3. A register of the proprietors of newspapers shall be established.

4. (1) It shall be the duty of the printers and publishers for the time being of every newspaper to make or cause to be made to the Registry Office within one month after the commencement of this Ordinance, or in the case of a newspaper first published after the commencement of this Ordinance, within one month after the first publication, and thereafter annually in the month of January in every year a return of the following particulars according to the Form A in the Schedule hereto annexed, namely :—

- (a) the title of the newspaper.
- (b) the names of all the proprietors of the newspaper, with their respective occupations, places of business, if any, and places of residence, and
- (c) the total and average (according to the dates of publication) circulation thereof for the year.

(2) When any newspaper is the property of a limited liability company or other joint stock company then in addition to the names of the company and the registered office of the company the name and address of the manager or other chief officer and of each of the directors resident in the Protectorate shall be entered in the return to be made under the foregoing subsection.

5. If such return be not made by any newspaper within the period aforesaid, then each printer and publisher of such newspaper shall be liable to a fine of 300 rupees and also to be directed by a summary order to make a return within a specified time.

6. Any party to a transfer or transmission of or dealing with any share or interest in any newspaper whereby any person ceases to be a proprietor, or any new proprietor is introduced, may at any time make or cause to be made to the Registry Office a return according to Form B in the schedule hereto annexed and containing the particulars therein set forth.

7. If any person shall knowingly or wilfully make or cause to be made any return by this Ordinance required or permitted to be made in which shall be inserted the name of any person as a proprietor of a newspaper who shall not be a proprietor thereof, or in which there shall be any misrepresentation or from which there shall be any omission in respect of any of the particulars by this Ordinance required to be contained therein, whereby such return shall be misleading ; or if any proprietor of a newspaper shall knowingly and wilfully permit any such return to be made which shall be misleading as to any of the particulars with reference to his own name, occupation or place of business or residence ; then and in every such case every offender shall be liable to a fine of 1,500 rupees.

8. It shall be the duty of the Registrar to forthwith register every such return in a book to be called "the register of newspaper proprietors." Any person may search and inspect the said book from time to time during the hours of business at the Registry Office : and any person may, on payment of a fee of one rupee, require a copy of an entry in or an extract from the book to be certified by the Registrar.

9. Every copy of an entry in and every extract from the register purporting to be certified by the Registrar shall be received as conclusive evidence of the contents of the register so far as the same appear in such copy or extract without proof of the signature thereto ; and every such certified copy or extract shall in all proceedings, civil or criminal, be accepted as sufficient *prima facie* evidence of all matters thereby appearing, unless and until the contrary thereof be shown. A certificate purporting to be signed by the Registrar that he has received no return, or no return before a certain date, with regard to a particular newspaper shall in all proceedings, civil or criminal, be accepted as sufficient *prima facie* evidence of the fact of such non receipt.

Register of newspaper proprietors to be established.

Annual returns to be made.

Penalty for omission to make returns.

Power to party to make return.

Penalty for wilful misrepresentation in or omission from return.

Registrar to enter returns in register. Power to search register etc.

Certified copies in and extract from register to be evidence.

PART II.

REGISTRATION OF BOOKS.

10. Printed or lithographed copies of the whole of every book which shall be printed or lithographed in the British East Africa Protectorate after this Ordinance shall come into force, together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same, shall notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered by the printer at such place and to such officer as the Commissioner shall, by notification in the "Official Gazette," from time to time direct, and free of expense to the Government as follows, that is to say:—

Copies of books printed after commencement of Ordinance to be delivered gratis to Government.

- (a) in any case, within one calendar month after the date on which any such book shall first be delivered out of the press, one such copy, and
- (b) if within one year from such day the Commissioner shall require the printer to deliver other such copies not exceeding two in number then within one calendar month after the day on which any such requisition shall be made by the Commissioner on the printer, another such copy, or two other such copies as the Commissioner may direct, the copies so delivered being bound, sewed, or stitched together and upon the best paper on which any copies of the books shall be printed or lithographed.

The publisher or other person employing the printer shall, at a reasonable time before the expiration of the said month, supply him with all maps, prints, and engravings, finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid.

Nothing in the former part of this section shall apply to any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, prints, or other engravings belonging to the book have been made, provided that a copy of the first or some preceding edition of such book has been delivered under this Ordinance.

11. The Officer to whom a copy of a book is delivered under the last foregoing section shall give to the printer a receipt in writing therefor.

Receipt for copies delivered under last foregoing section.

12. The copy delivered pursuant to clause (a) of the first paragraph of section 10 of this ordinance shall be disposed of as the Commissioner shall from time to time determine.

Disposal of copies delivered under section 10.

Any copy or copies delivered pursuant to clause (b) of the said paragraph shall be transmitted to the British Museum or His Majesty's Principal Secretary of State for the Colonies, or to the British Museum and the said His Majesty's Principal Secretary of State for the Colonies as the case may be.

13. If any printer of any such book as is referred to in section 10 of this Ordinance shall neglect to deliver copies of the same pursuant to that section, he shall, for every such default, forfeit to the Government such sum, not exceeding fifty rupees, as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the Officer to whom the copies should have been delivered, or of any person authorised by that officer in this behalf, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered.

Penalty for not delivering books or not supplying printer with maps.

If any publisher or other person employing any such printer shall neglect to supply him, in the manner prescribed in the second paragraph of section 10 of this Ordinance, with the maps, prints or engravings, which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall, for every such default, forfeit to the Government such sum, not exceeding, fifty rupees, as such a Magistrate as aforesaid may, on such an application as aforesaid, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum such further sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.

Recovery of forfeitures and disposal thereof and of fines.

14. Any sum forfeited to the Government under the last foregoing section may be recovered under the warrant of the Magistrate determining the sum, or of his successor in office, in the manner authorised by the Code of Criminal Procedure for the time being in force, and within the period prescribed by the Indian Penal Code for the levy of a fine.

All fines or forfeitures under this Part of this Ordinance shall, when recovered be disposed of as the Commissioner shall from time to time direct.

Registration of memoranda of books.

15. There shall be kept at such office, and by such officer as the Commissioner shall appoint in this behalf, a book to be called a Catalogue of books printed in the British East Africa Protectorate wherein shall be registered a memorandum of every book which shall have been delivered "pursuant to clause (a) of the first paragraph of section 10" of this Ordinance.

Contents of memorandum.

Such memorandum shall (so far as may be practicable) contain the following particulars (that is to say);

(1) the title of the book and the contents of the title page, with a translation into English of such title and contents when the same are not in the English language.

(2) the language in which the book is written :

(3) the name of the author, translator or editor of the book, or any part thereof :

(4) the subject :

(5) the place of printing, and the place of publication :

(6) the name or firm of the printer, and the name or firm of the publisher :

(7) the date of issue from the press or of the publication :

(8) the number of sheets, leaves or pages :

(9) the size :

(10) the first, second, or other number of the edition :

(11) the number of copies of which the edition consists :

(12) whether the book is printed or lithographed :

(13) the price at which the book is sold to the public : and

(14) the name and residence of the proprietor of the copyright or of any portion of such copyright.

Registration of memorandum.

Such memorandum shall be made and registered in the case of each book as soon as practicable after the delivery of the "copy thereof pursuant to clause (a) of the first paragraph of section 10".

Publication of memoranda registered sending copies.

16. The memoranda registered during each quarter in the said catalogue shall be published in the Official Gazette as soon as may be after the end of such quarter, and a copy of the memoranda so published shall be sent to the said Secretary of State.

PART III.

MISCELLANEOUS.

Printer's name to be printed on all books printed & the publisher's name to be printed in all books published.

17. (1) The printer of every book shall print on the first and last page of it his name and the place of printing, and (if the book be published) the name and address of the publisher.

(2) Whoever shall print any book without complying with the requirements of the last preceding sub-section, and whoever shall sell or publish or disperse, or assist in publishing or dispersing any book on which the name of the printer and the place of printing or the name and address of the publisher shall not be printed as aforesaid, shall for every copy printed, sold, published or dispersed be liable to a fine of 75 rupees.

Recovery of fines and enforcement of order.

18. All fines under this Ordinance may be recovered before a Magistrate of the first class. Summary orders under this Ordinance may be made by a Magistrate of the first class and may be enforced in the manner provided by the Civil Procedure Code for enforcing a decree.

19. This Ordinance does not apply to any book printed by or on behalf of the Government.

Power to make rules.

20. The Commissioner shall have power to make such rules as may be necessary or desirable for carrying out the objects of this Ordinance.

Power to exclude any class of books from operation of Ordinance.

21. The Commissioner may, by notification in the Official Gazette, exclude any class of books from the operation of the whole or any part or parts of this Ordinance.

J. HAYES SADLER
His Majesty's Commissioner.

THE SCHEDULE.

RETURN MADE PURSUANT TO THE NEWSPAPER REGISTRATION
ORDINANCE 1906.

A.

| Title of newspaper. | Name of proprietors. | Occupations of proprietors. | Places of business of proprietors. | Places of residence of proprietors. | Period of publication. | Total circulation. | Average circulation. |
|---------------------|----------------------|-----------------------------|------------------------------------|-------------------------------------|------------------------|--------------------|----------------------|
| | | | | | | | |

This return was received by me on the day of 190 .

Registrar.

B.

| Title of newspaper. | Name of persons who cease to be proprietors. | Name of person who become proprietors. | Occupation of new proprietors. | Places of business of new proprietors. | Places of residence of new proprietors. |
|---------------------|--|--|--------------------------------|--|---|
| | | | | | |

This return was received by me on the day of 190 .

Registrar.

AN ORDINANCE

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

Nairobi,

Dated this 20th day of September, 1906.

J. HAYES SADLER

His Majesty's Commissioner

No. 21 of 1906.

IT is hereby enacted as follows:—

1. This Ordinance may be cited as "The Notaries Public Amendment Short title. Ordinance 1906" and shall be read as one with the "Notaries Public Ordinance 1906," hereinafter referred to as the Principal Ordinance.

2. The Commissioner shall have power to direct the Registrar of the Notaries Public of England, Scotland or Ireland may be licensed to practise in the Protectorate. High Court to grant a license under the Principal Ordinance to a person who has proved to the satisfaction of the Commissioner that he is entitled to practise as a Notary Public in England, Scotland or Ireland.

J. HAYES SADLER

His Majesty's Commissioner.

Notice.

The Game Ordinance 1906.

License holders are warned that shooting is prohibited within the Uganda Railway Zone i.e., one mile on either side of the Uganda Railway, between the Tsavo River and the bridge across the Ngong River, near Nairobi as the whole of that area is within the Southern Game Reserve.

Nairobi,

Dated this 27th day of September, 1906.

J. HAYES SADLER

His Majesty's Commissioner.

Notice.

Under the Diseases of Animals Ordinance 1906.

Notice is hereby given that so much of the Proclamation Dated December 23rd 1905 and made under the Diseases of Animals Ordinance 1906, as prohibits the importation of sheep and goats from any place situate in Africa South of 10° South Latitude is from this date withdrawn.

Nairobi,

Dated this 27th day of September, 1906.

J. HAYES SADLER

His Majesty's Commissioner.

Notice.

Under the Crown Lands Ordinance 1902.

Notice is hereby given that a breach of one of the Lessees' covenants implied by virtue of the Crown Lands Ordinance 1902 in a lease of land situate within the British East Africa Protectorate made on the 1st day of July 1904 BETWEEN CHARLES WILLIAM HOBLEY C.M.G., His Britannic Majesty's Acting Commissioner for the East Africa Protectorate of the one part and the EAST AFRICAN ESTATES COMPANY, Limited, of 68 to 74 Palmerston house, Old Broad Street, London E. C. (hereinafter called the Company) of the other part has been committed by the said Company in that the Company has failed to use and develop the natural resources of the land leased with all reasonable speed, as is required by the covenant on that behalf implied by virtue of Section 14 (e) of the said Ordinance.

Nairobi,

Dated this 26th day of September, 1906.

J. HAYES SADLER

His Majesty's Commissioner.

Notice.

The public are informed that in future the Protectorate S. S. Juba will remain for not less than 6 hours at Shimoni and Kismayu and for not less than 2 hours at Kilifi, Malindi, Kipini and Lamu.

Mombasa,

October 1st, 1906.

H. PIDCOCK

Acting Chief of Customs and Shipping.

HIS MAJESTY'S HIGH COURT OF EAST AFRICA.

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

No. 3 of 1906.

1. The fees specified in the Schedule hereto annexed shall henceforth be leviable by the High Court of East Africa and the Courts subordinate thereto in respect of the several matters and proceedings mentioned therein.

2. (i) In the Schedule to the East Africa Court Fees Rules 1902 the fees numbered 1—19 inclusive and 38—73 inclusive are hereby annulled.

(ii) The Amendment Rules 1906 of the East Africa Court Fee Rules 1902 are hereby annulled.

3. These Rules may be cited as "Rules of Court (Fees) No. 3 of 1906."

Mombasa,
The 1st day of September, 1906.

J. W. BARTH
A. T. B. CARTER
Judges of the High Court.

Approved :

J. HAYES SADLER
His Majesty's Commissioner.

Schedule.

I.—CIVIL

| | | | | | Rs. a. p. |
|-----|---|--|-----|-----|---------------------|
| 1. | For taking particulars of plaint | ... | ... | ... | 0 8 0 |
| 2. | In all suits unless otherwise specified— | | | | |
| | Where the amount involved is— | | | | |
| | (a) Not exceeding ten rupees | ... | ... | ... | 0 8 0 |
| | (b) Not exceeding 50 " " | ... | ... | ... | 1 0 0 |
| | (c) Exceeding 50 rupees and not exceeding 100 rupees | ... | ... | ... | 2 0 0 |
| | (d) Exceeding 100 rupees | An additional fee of 2 rupees for every 100 rupees or part thereof up to 1,000 rupees, and an additional fee of 1 rupee for every 100 rupees in excess of 1,000 rupees. The whole fee levied not to exceed 1,000 rupees. | | | |
| 3. | On submission of special case, to include hearing | ... | ... | ... | Rs. a. p. 30 0 0 |
| 4. | In every suit where it is impossible to estimate the subject-matter at a money value, and with regard to which no special fee is prescribed, unless in any class of cases the Judge otherwise orders | ... | ... | ... | 10 0 0 |
| | Provided that in every case where by reason of any finding or order of the Court a declaration of ownership of any money or property is made an <i>ad valorem</i> fee at the same rate as in fee 2 shall at once become payable, less the fee already paid. | | | | |
| 5. | In a suit for arrears of rent by landlord against tenant where an order for the possession of the property occupied is sought from the tenant. | An <i>ad valorem</i> fee of 5 per cent on the yearly rental of the property in addition to the fee leviable for recovery of rent under fee 2. | | | |
| 6. | Where no rent is claimed but order for possession only. | An <i>ad valorem</i> fee of 5 per cent on the yearly rental value of the property. | | | |
| 7. | On every interlocutory application, including the filing of an affidavit in support | ... | ... | ... | Rs. a. p. 3 0 0 |
| 8. | On every order made thereon | ... | ... | ... | 2 0 0 |
| 9. | On application for a mandamus or final prohibitory injunction unless the Judge otherwise orders | ... | ... | ... | 50 0 0 |
| 10. | On every summons, motion, application or demand taken out, made or filed (not particularly charged) | ... | ... | ... | 5 0 0 |
| 11. | On every decree or order (not particularly charged) | ... | ... | ... | 2 8 0 |
| 12. | On order of adjournment of hearing rendered necessary by default of either party (to be paid by that party) | Such sum as the Judge may order, not exceeding | | | 10 0 0 |
| 13. | On every warrant of execution against property— | | | | |
| | (a) Not exceeding 100 rupees | To include | | | 2 0 0 |
| | (b) Exceeding 100 rupees and not exceeding 500 rupees | keeping possession | | | 5 0 0 |
| | (c) Exceeding 500 rupees and not exceeding 1,000 rupees | for 15 days unless the | | | 10 0 0 |
| | (d) Exceeding 1,000 rupees and upwards | Court otherwise orders. | | | 20 0 0 |
| 14. | On taking or passing an account by an officer of the Court, otherwise than in Court, unless the Judge otherwise orders. | ... | ... | ... | 10 0 0 |
| | And in addition for every hour or part thereof after the first spent in taking or passing such account | ... | ... | ... | 5 0 0 |

II.—CRIMINAL.

| | Rs. | a. | p. |
|--|-----|----|-----|
| 15. On every summons or warrant issued at the instance of a private individual unless specially directed by the Court to be issued free of charge ... | 2 | 0 | 0 ✓ |
| 16. For service— | | | |
| (a) Within 2 miles (English) of the Court issuing the same ... | 1 | 0 | 0 ✓ |
| (b) Beyond that distance } Such fees as will cover the cost of service, but not less than 2 rupees. ✓ | | | |
| 17. On hearing unless specially directed by the Court to be free ... | 2 | 0 | 0 ✓ |
| 18. On warrant of commitment ... | 1 | 0 | 0 ✓ |
| 19. On every recognizance or bail bond... .. | 1 | 0 | 0 ✓ |
| 20. On any proceedings taken at the instance of private individuals in respect of offences under Chapter XXI of the Indian Penal Code fees shall be charged as far as possible upon the same scale as in a civil action for damages unless the Judge otherwise orders. ✓ | | | |

III.—BANKRUPTCY AND LIQUIDATION BY ARRANGEMENT OR COMPOSITION.

| | Rs. | a. | p. |
|--|-----|----|----|
| 21. On declaration by a debtor of inability to pay his debts ... | 4 | 0 | 0 |
| 22. On application under Chapter XX of the Code of Civil Procedure ... | 4 | 0 | 0 |
| 23. On bankruptcy petition... .. | 80 | 0 | 0 |
| 24. On petition for arrangement or composition ... | 15 | 0 | 0 |
| 25. On order of adjudication ... | 15 | 0 | 0 |
| 26. On meeting or adjournment of meeting... .. | 15 | 0 | 0 |
| 27. On order of discharge ... | 30 | 0 | 0 |
| 28. On notice to creditors (each) ... | 0 | 4 | 0 |
| 29. On preparing advertisement ... | 4 | 0 | 0 |
| Provided that if, on account of the small value of the estate, the Judge thinks fit to reduce any of the above fees (numbered 21 to 29), he may do so. | | | |

IV.—MISCELLANEOUS.

| | | | |
|---|--|---|---|
| 30. For service of summons, petition, answer, motion-paper notice, warrant, decree, order, or other document on a party, witness, assessors, or other person under any branch whatever of the civil jurisdiction— | | | |
| (a) Within 2 miles (English) of the Court issuing the same ... | 1 | 0 | 0 |
| (b) Beyond that distance. } Such fees as will cover the cost of service, but not less than 2 rupees. | | | |
| 31. On the issue of every witness summons ... | 1 | 0 | 0 |
| 32. For attending to view, in addition to all expenses incurred, unless the Judge otherwise orders ... | 10 | 0 | 0 |
| 33. On taxation of any bill of costs, for every ten folios ... | 5 | 0 | 0 |
| 34. On deposit of any document ... | 15 | 0 | 0 |
| 35. For taking an affidavit ... | 1 | 0 | 0 |
| 36. For every exhibit to an affidavit or declaration ... | 0 | 8 | 0 |
| 37. For attending to administer an oath or affirmation, or to take a declaration elsewhere than at the offices of the Court, in addition to the ordinary fee thereon ... | 5 | 0 | 0 |
| 38. On every deposition taken by the Judge before trial ... | 5 | 0 | 0 |
| 39. On evidence taken on commission— | | | |
| (a) To be charged by the officer taking the evidence ... | 10 | 0 | 0 |
| (b) And in addition for every hour or part thereof after the first ... | 5 | 0 | 0 |
| 40. On balances of estate of deceased persons paid into Court ... | 2½ per cent on the amount of value up to 1,000 rupees and 1 per cent above, in no case exceeding a total fee of 50 rupees. | | |
| 41. For superintending or taking an inventory ... | | | |
| 42. On deposit of any money or valuables in Court ... | 1 per cent not exceeding a total fee of 25 rupees. | | |
| 43. On payment of money into Court in an action ... | | | |
| 44. On filing in the High Court any document for the filing whereof no other special fee is prescribed under the present Schedule ... | 2 | 0 | 0 |
| 45. On filing in any Court, other than the High Court, any document for the filing whereof no other special fee is prescribed under the present Schedule ... | 1 | 0 | 0 |
| 46. For certifying signature or seal ... | 4 | 0 | 0 |
| 47. Certifying documents for use in Judicial proceedings— | | | |
| (a) For first folio of 100 words ... | 2 | 0 | 0 |
| (b) For each subsequent folio or part thereof ... | 1 | 0 | 0 |
| (c) All certificates not otherwise provided for ... | 2 | 0 | 0 |
| 48. For attendance of an officer of the Court at a sale ... | 10 | 0 | 0 |
| And in addition for every hour or part thereof after the first ... | 5 | 0 | 0 |
| 49. On reference to the archives ... | 2 | 0 | 0 |
| 50. For certified copy of any document in the archives— | | | |
| (a) For first folio of 100 words ... | 2 | 0 | 0 |
| (b) For each subsequent folio ... | 1 | 0 | 0 |
| 51. For uncertified copy of any document in the archives— | | | |
| (a) For first four folios or part thereof ... | 1 | 0 | 0 |
| (b) For each subsequent folio ... | 0 | 4 | 0 |
| 52. For an official certified translation of any document— | | | |
| (a) For first folio ... | 8 | 0 | 0 |
| (b) For each subsequent folio ... | 4 | 0 | 0 |
| (c) For certifying translation tendered by a party— | | | |
| For first folio ... | 4 | 0 | 0 |
| Each subsequent folio or part thereof ... | 2 | 0 | 0 |
| 53. For communication with another Tribunal out of the jurisdiction of the Court ... | 8 | 0 | 0 |
| 54. For communication with another Tribunal within the jurisdiction of the Court ... | 2 | 0 | 0 |

| | | Rs. | as. | p. |
|-----|--|-----|-----|-----|
| 55. | On every recognizance or bail bond | ... | ... | ... |
| 56. | On a reference to the High Court other than an appeal unless the Judge otherwise orders | ... | ... | ... |
| 57. | Reference to Archives | ... | ... | ... |
| | Inspection of files of pending cases may at discretion of the Judge be granted free to parties directly interested subject to this exception | ... | ... | ... |
| | | 2 | 0 | 0 |

V.—APPEAL.

(A) On Appeals from any Court within the Protectorate to any other Court within the Protectorate.

(i).—IN CIVIL MATTERS.

58. On filing a memorandum of appeal } An *ad valorem* fee of 4 rupees for every 100 rupees or part thereof, such fee not to exceed 40 rupees.
 Provided that, if the appeal be abandoned, half the fee shall be returned.
59. On every appeal where it is not possible to estimate the subject matter at a money value } A fee not to exceed twice the fee charged in the lower Court.
 Provided that, if the appeal be abandoned, half the fee shall be returned.

| | | Rs. | as. | p. |
|-----|---|-----|-----|-----|
| 60. | (a) On every appeal from a Special Native Court under Ordinance 31 of 1902 when amount in dispute does not exceed Rs. 1,000/- an inclusive fee of | ... | ... | ... |
| | (b) In other cases such fee as is provided in Article 58. | ... | ... | ... |
| 61. | On every security for cost | ... | ... | ... |
| | | 5 | 0 | 0 |

(ii).—CRIMINAL MATTERS.

62. On filing a memorandum of appeal
- Provided that the Judge may reduce this fee at his discretion.
63. On every appeal from a Special Native Court under Ordinance 31 of 1902 an inclusive fee of

(B)—On Appeal from the High Court to the Court of Appeal for Eastern Africa.

(i).—IN CIVIL MATTERS.

64. On filing memorandum of appeal against decree
65. " " " " interlocutory order
66. On every security for costs
67. On record of appeal (including expenses of transmission.) { Such sum as the Court may direct.

(ii).—IN CRIMINAL MATTERS.

68. On the appeal
- 10 0 0 or such lesser sum as the Court may direct.

VI.—ON ADMISSION OF LEGAL PRACTITIONERS.

69. On certificate of admission to practice
70. On each annual renewal of such certificate

The following fees are published for general information :—

I. FEES leviable under the Divorce Ordinance 1904 Section 43, vide Divorce Rules 1906.

- (1) On a petition for a dissolution or declaration of nullity of marriage, or for a Judicial separation or restitution of conjugal rights:

| | | Rs. | a. | p. |
|-----|---------------------|-----|-----|-----|
| (a) | In non native cases | ... | ... | ... |
| (b) | In native cases | ... | ... | ... |
| | | 75 | 0 | 0 |
| | | 15 | 0 | 0 |

- (2) Where a protection order is prayed for. } a fee calculated upon the estimated value of the property to be protected according to the ordinary scale for civil actions.

- (3) In all other cases the ordinary schedule of fees for civil actions shall apply.

II. FEES payable under the Notaries Public Ordinance 1906:

| | | Rs. | a. | p. |
|--------|--|-----|-----|-----|
| I. | On appointment as a Notary Public for a license to practise until 31st December after such appointment | ... | ... | ... |
| | Annual renewal of such certificate | ... | ... | ... |
| | | 100 | 0 | 0 |
| | | 30 | 0 | 0 |
| II. 1. | For noting a Marine Protest and furnishing one certified copy if required | ... | ... | ... |
| 2. | For filing a request for survey and issuing order of survey | ... | ... | ... |
| 3. | For receiving report of survey, filing original in archives (if not exceeding 200 words) and furnishing, if required, one certified copy of request, order, and report of survey | ... | ... | ... |
| 4. | For extending Marine Protest, if not exceeding 200 words, filing original and furnishing one certified copy if required. This is to be exclusive of any fee for oaths or declarations or for drawing if required the body of the protest | ... | ... | ... |
| 5. | For any other Protest, if not exceeding 200 words, filing the original and furnishing one certified copy if required. This is to be exclusive of any fee for drawing if required the body of the protest | ... | ... | ... |
| 6. | If the Protest or report of survey exceed 200 words for every additional 100 words or fraction thereof | ... | ... | ... |
| | | 15 | 0 | 0 |
| | | 15 | 0 | 0 |
| | | 2 | 0 | 0 |

| | Rs. | a. | p. |
|--|-----|----|----|
| 7. For administering an oath, or receiving a declaration or affirmation, without attestation of signature | 1 | 0 | 0 |
| 8. For administering an oath, or receiving a declaration of affirmation, with attestation of signature | 5 | 0 | 0 |
| 9. For each signature attested by a Notary Public in any document not otherwise provided for | 5 | 0 | 0 |
| 10. For certifying to a copy of any document or part of a document, if not exceeding 100 words | 5 | 0 | 0 |
| 11. For uniting documents and attaching Notary Seal to the fastening | 2 | 0 | 0 |
| 12. For directing search for, or obtaining, from public Record Office or elsewhere, extracts from local registers, or copies of wills, deeds, or other matters, in addition to expenses incurred and any fees for attestation | 5 | 0 | 0 |
| 13. For affixing Notary signature, and seal if required, to any document not otherwise provided for by this table | 5 | 0 | 0 |
| 14. For each Notary Public seal affixed to a document packet or article, when no signature is required | 5 | 0 | 0 |
| 15. Any other Notarial act not specified above | 5 | 0 | 0 |

Rules.

Rules made by His Majesty's Commissioner for the East Africa Protectorate in pursuance of the powers conferred upon him by Section 46 of the Indian Post Office Act 1898 (Act VI of 1898).

Mombasa,
Dated this 26th September, 1906.

J. HAYES SADLER
His Majesty's Commissioner.

Post Office Rules relating to Imperial Postal Orders.

1. On and after the 1st day of October 1906 Imperial Postal Orders will be issued at certain Offices in British East Africa.

2. The following are the amounts for which Postal Orders will be issued together with the poundage payable.

| | |
|------|---------|
| 1/- | 2 annas |
| 1/6 | 2 " |
| 2/- | 2 " |
| 2/6 | 2 " |
| 3/- | 2 " |
| 3/6 | 2 " |
| 4/- | 2 " |
| 5/- | 2 " |
| 7/6 | 3 " |
| 10/- | 3 " |
| 10/6 | 3 " |
| 15/- | 4 " |
| 20/- | 4 " |

3. On and after the 1st day of October 1906 Imperial Postal Orders issued in British Possessions and Other Places Abroad will be payable at certain Offices in British East Africa.

4. The rate of exchange for Imperial Postal Orders paid and purchased in rupee currency in British East Africa shall be Rs. 15/- to the pound sterling.

J. HAYES SADLER
His Majesty's Commissioner.

Notice.

It is hereby notified for general information that on and after October 1st arrangements have been made for the issue of Imperial Postal Orders at the undermentioned Offices.

Nairobi
Mombasa.

Imperial Postal Orders issued in British Possessions and other Places Abroad will be paid at the Offices mentioned, where a list of the countries who have adopted the Imperial Postal Order scheme may be seen.

General Post Office Mombasa,
26th September, 1906.

S. B. GOSLING
Acting Postmaster General.

COMMISSIONER'S OFFICE,

MOMBASA,

October 1st 1906.

Appointments.

I hereby appoint Rupert William Hemsted Esquire an Assistant Collector for the District of Kisumu and to be a Magistrate of the first class within the District of Kisumu and confer upon him all the powers ordinary and additional with which a Magistrate of the first class may be invested under the provisions of the Criminal Procedure Code 1898, Indian Act V of 1898, as applied to the East Africa Protectorate other than No. 12 of Schedule IV to the aforesaid Act.

And I also direct the said Rupert William Hemsted to hold an additional Special Court within the said District of Kisumu under the provisions of the East Africa Native Courts Amendment Ordinance 1902 Section 5 sub-section 1.

Nairobi,

The 18th day of September, 1906.

J. HAYES SADLER

His Majesty's Commissioner.

In exercise of the power vested in me by the Bombay Civil Court Act (No. XIV of 1869) as applied to the East Africa Protectorate, I hereby direct that the ordinary jurisdiction of Mr. Rupert W. Hemsted in Civil matters be limited to cases in which the subject matter of litigation does not exceed Rs. 750.

Mombasa.

The 10th day of September, 1906.

J. W. BARTH

Acting Principal Judge

In exercise of the powers conferred upon the High Court by the Indian Succession Act 1865 Section 235.A and by the Probate and Administration Act 1881 (Indian Act No. V of 1881) Section 52 as respectively applied to the East Africa Protectorate and with the consent of His Majesty's Commissioner, I hereby appoint Ewen Reginald Logan Esquire to act as a District Delegate for the grant of Probate and letters of Administration in non contentious cases relating to non-natives within the Province of Kisumu during the absence of Robert Emilius Noble Esquire.

Mombasa,

The 15th day of September 1906

J. W. BARTH

Judge, H. M. High Court of East Africa.

Approved

J. HAYES SADLER

His Majesty's Commissioner

20th September, 1906.

I hereby appoint Lt. C. V. C. de Crespigny to act as an Assistant Collector for the Nandi District of the Province of Kisumu and direct him to hold an additional special Court under the provisions of the East Africa Native Courts Amendment Ordinance 1902 in such District.

Nairobi,

This 27th day of September, 1906.

J. HAYES SADLER

His Majesty's Commissioner.

To be Temporary Principal Immigration Officer to date October, 1st 1906

D. J. Wilson, Esq.,

To be an Assistant Auditor to date September, 1st 1906

W. A. Kempe, Esq.,

To be Acting Paymaster 1st Bn. K. A. Rifles to date September 28th 1906

R. G. Stone, Esq.,

Promotion.

To be an Assistant District Superintendent of Police

F. D. Tyssen, Esq., to date July 1st 1906.

CAUSE No. 25 OF 1906.

A. T. B. CARTER
Ag. Judge H. M. High Court of E. A.

CAUSE No. 29 OF 1906.

SINDI ABDURREHMAN OSMAN
Administrator of the above estate.

| No. | Name. | Description of Arms. |
|------|---------------|--------------------------|
| 1720 | H. A. Cameron | D. B. .12 bore shot gun. |
| 1721 | H. A. Cameron | .303 Lee Enfield. |
| 1722 | W. O. Reid | .303 Lee Enfield. |

| No. | Name. | Date of Issue. |
|------|-----------------------|------------------|
| 1603 | Captain Noel Monekton | 19th July, 1906. |

N. MONCKTON Capt.
Assistant Collector.

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