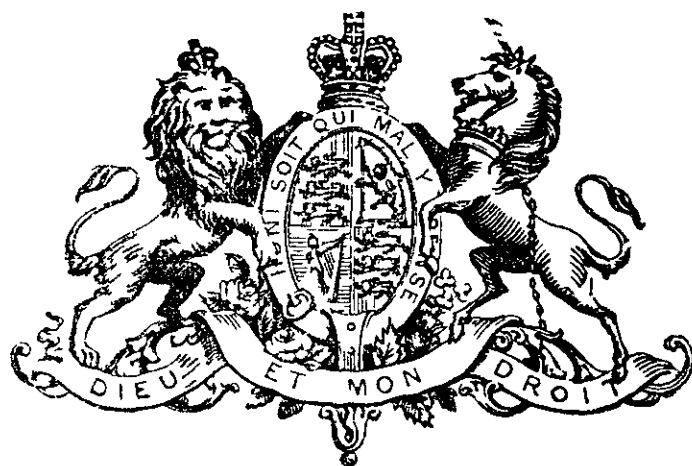


THE OFFICIAL GAZETTE OF THE

EAST AFRICA



PROTECTORATE.

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

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EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 11 of 1912.

An Ordinance to Amend the Customs Tariff Ordinance, 1909.

[25th June, 1912]

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

Short Title

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

Amendment of Table II of the Principal Ordinance

2 On and after the publication of this Ordinance the Table of Export Duties set out in the Principal Ordinance shall be and is hereby amended as follows —

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

Amendment of Table III of the Principal Ordinance

3 From and after the publication of this Ordinance the Table of Exemptions from Import Duties set out in the Principal Ordinance shall be varied by adding thereto the following —

31 Petrol

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

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

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

PROCLAMATION.

Under the Mohamedan Marriage and Divorce Registration Ordinance, 1906

In exercise of the powers conferred upon me by Section 26 of “The Mohamedan Marriage and Divorce Registration Ordinance, 1906” I do hereby direct that the said Ordinance shall apply to all native Mohamedans in the North Kavirondo (Mumias) district in the Nyanza Province and shall commence and have effect in the said District as from the 1st day of May, 1912

Nairobi,

Dated this 21st day of June, 1912

C C BOWRING,

Acting Governor

PROCLAMATION

OF

The Copyright Act, 1911 (1 and 2 Geo 5 Chap. 46)

WHEREAS Section 28 of the Copyright Act 1911, being the Imperial Statute 1 and 2 Geo 5, Chap 46, provides that "His Majesty may, by Order in Council, extend this Act to any territories under his protection and to Cyprus, and, on the making of any such Order, this Act shall, subject to the provisions of the Order, have effect as if the territories to which it applies or Cyprus were part of His Majesty's dominions to which this Act applies," AND WHEREAS His Majesty has been pleased, by Order-in-Council, to extend the said Act to the British East Africa Protectorate, AND WHEREAS by virtue of the said Order-in-Council and of the provisions of the said Act, the said Act will come into operation in the said Protectorate on the proclamation thereof within the Protectorate by the Governor, NOW THEREFORE I, Charles Calvert Bowring, C M G, Acting Governor of the East Africa Protectorate do hereby, on this first day of July 1912, proclaim the aforesaid Act within the said Protectorate and direct that this my Proclamation be published together with a copy of the said Act in the Gazette of the Protectorate

GOD SAVE THE KING

Given under my hand and the public seal of the Protectorate, this first day of July One thousand nine hundred and twelve

C C BOWRING,
Acting Governor.

COPYRIGHT ACT, 1911.

[1 & 2 GEO 5 CH 46.]

ARRANGEMENTS OF SECTIONS

A D 1911

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- 3 Term of copyright
- 4 Compulsory licences
- 5 Ownership of copyright, &c

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SCHEDULES**CHAPTER 46**

An Act to amend and consolidate the Law relating to Copyright

[16th December, 1911]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

PART I**IMPERIAL COPYRIGHT****Rights**

Copyright

- 1 —(1) Subject to the provisions of this Act, Copyright shall subsist throughout the parts of His Majesty's dominions to which this Act extends for the term herein-after mentioned in every original literary dramatic musical and artistic work, if—
- (a) in the case of a published work, the work was first published within such parts of His Majesty's dominions as aforesaid, and
 - (b) in the case of an unpublished work, the author was at the date of the making of the work a British subject or resident within such parts of His Majesty's dominions as aforesaid —
- but in no other works, except so far as the protection conferred by this Act is extended by Orders in Council thereunder relating to self-governing dominions to which this Act does not extend and to foreign countries

- (2) For the purposes of this Act, "copyright" means the sole right to produce or reproduce the work of any substantial part thereof in any material form whatsoever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public, if the work is unpublished, to publish the work or any substantial part thereof, and shall include the sole right,—
- (a) to produce, reproduce, perform, or publish any translation of the work,
 - (b) in the case of a dramatic work, to convert it into a novel or other non-dramatic work,
 - (c) in the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work, by way of performance in public or otherwise,
 - (d) in the case of a literary, dramatic, or musical work, to make any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered,
- and to authorise any such acts as aforesaid
- (3) For the purposes of this Act, publication, in relation to any work, means the issue of copies of the work to the public, and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an architectural work of art, but, for the purposes of this provision, the issue of photographs and engravings of works of sculpture and architectural works of art shall not be deemed to be publication of such works
- 2 —(1) Copyright in a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by this Act conferred on the owner of the copyright. Infringement of copyright Provided that the following acts shall not constitute an infringement of copyright —
- (i) Any fair dealing with any work of the purposes of private study, research, criticism, review, or newspaper summary
 - (ii) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast sketch, plan, model, or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work
 - (iii) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture or artistic craftsmanship, if permanently situate in a public place or building, or the making or publishing of paintings, drawings engravings or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art
 - (iv) The publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for the use of schools, and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists. Provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged
 - (v) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given, and except whilst the building is being used for public worship, in a position near the lecturer but nothing in this paragraph shall affect the provisions in paragraphs (i) as to newspaper summaries
 - (vi) The reading or recitation in public by one person of any reasonable extract from any published work

- (2) Copyright in a work shall also be deemed to be infringed by any person who—
- (a) sells or lets for hire, or by way of trade exposes or offers for sale or hire, or
 - (b) distributes either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright, or
 - (c) by way of trade exhibits in public, or
 - (d) imports for sale or hire into any part of His Majesty's dominions to which this Act extends,
- any work which to his knowledge infringes copyright or would infringe copyright if it had been made within the part of His Majesty's dominions in or into which the sale or hiring, exposure, offering for sale or hire, distribution, exhibition, or importation took place
- (3) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theatre or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright unless he was not aware, and had no reasonable ground for suspecting, that the performance would be an infringement of copyright

m of copyright

3 The term for which copyright shall subsist shall, except as otherwise expressly provided by this Act, be the life of the author and a period of fifty years after his death

Provided that any time after the expiration of twenty-five years, or in the case of a work in which copyright subsists at the passing of this Act thirty years, from the date of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work, and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright royalties in respect of all copies of the work sold by him calculated at the rate of ten per cent on the price at which he publishes the work and, for the purposes of this proviso, the Board of Trade may make regulations prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if they think fit) regulations requiring payment in advance or otherwise securing the payment of royalties

Compulsory licences

4 If at anytime after the death of the author of a literary, dramatic, or musical work which has been published or performed in public a complaint is made to the Judicial Committee of the Privy Council that the owner of the copyright in the work has refused to republish or to allow the republication of the works or has refused to allow the performance in public of the work and that by reason of such refusal the work is withheld from the public, the owner of the copyright may be ordered to grant a licence to reproduce the work or perform the work in public, as the case may be, on such terms and subject to such conditions as the Judicial Committee may think fit

Ownership of copy
right, &c

5 (1) Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein

Provided that—

- (a) where, in the case of an engraving, photograph, or portrait, the plate or other original was ordered by some other person and was made for valuable consideration in pursuance of that order, then, in the absence of any agreement to the contrary, the person by whom such plate or other original was ordered shall be the first owner of the copyright, and
- (b) where the author was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employment by that person, the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner of the copyright, but where the work is an article or other contribution to a newspaper, magazine, or similar periodical, there shall, in the absence of any agreement to the contrary, be deemed to be reserved to the author a right to restrain the publication of the work, otherwise than as part of a newspaper, magazine, or similar periodical

- (2) The owner of the copyright in any work may assign the right, either wholly or partially, and either generally or subject to limitations to the United Kingdom or any self-governing dominion or other part of His Majesty's dominions to which this Act extends, and either for the whole term of the copyright or for any part thereof, and may grant any interest in the right by licence, but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by his duly authorised agent

Provided that, where the author of a work is the first owner of the copyright therein, no assignment of the copyright, and no grant of any interest therein, made by him (otherwise than by will) after the passing of this Act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-five years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void, but nothing in this proviso shall be construed as applying to the assignment to the copyright in a collective work or a licence to publish a work or part of a work as part of a collective work

- (3) Where, under any partial assignment of copyright, the assignee becomes entitled to any right comprised in copyright, the assignee as respects the right so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of the copyright, and the provisions of this Act shall have effect accordingly

Civil Remedies

- 6 — (1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction or interdict, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right Civil remedies for infringement of copyright
- (2) The costs of all parties in any proceedings in respect of the infringement of a copyright shall be in the absolute discretion of the Court
- (3) In any action for infringement of copyright in any work, the work shall be presumed to be a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the copyright, unless the defendant puts in issue the existence of the copyright, or, as the case may be, the title of the plaintiff, and where any such question is in issue, then—
- (a) if a name purporting to be that of the author of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall unless the contrary is proved, be presumed to be the author of the work,
- (b) if no name is so printed or indicated, or if the name so printed or indicated is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of the infringement of copyright therein

7 All infringing copies of any work in which copyright subsists, or of any substantial part thereof, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof Rights of owner against persons possessing or dealing with infringing copies, &c

8 Where proceedings are taken in respect of the infringement of the copyright in any work and the defendant in his defence alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be Exemption of innocent infringer from liability to pay damages, &c

entitled to any remedy other than an injunction or interdict in respect of the infringement if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for suspecting that copyright subsisted in the work

Restriction on remedies in the case of architecture

9 —(1) Where the construction of a building or other structure which infringes or which, if completed would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction or interdict to restrain the construction of such building or structure or to order its demolition

(2) Such of the other provisions of this Act as provide that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose summary penalties, shall not apply in any case to which this section applies

Limitation of actions

10 An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement

Summary Remedies

Penalties for dealing with infringing copies, &c

11 —(1) If any person knowingly—

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists, or
- (b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work, or
- (c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright, or
- (d) by way of trade exhibits in public any infringing copy of any such work, or
- (e) imports for sale or hire into the United Kingdom any infringing copy of any such work

he shall be guilty of an offence under this Act and be liable on summary conviction to a fine not exceeding forty shillings for every copy dealt with in contravention of this section, but not exceeding fifty pounds in respect of the same transaction, or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months

(2) If any person knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be guilty of an offence under this Act, and be liable on summary conviction to a fine not exceeding fifty pounds, or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months

(3) The court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the court may think fit

(4) Nothing in this section shall, as respects musical works, affect the provisions of the Musical (Summary Proceedings) Copyright Act, 1902, or the Musical Copyright Act, 1906

2 Edw 7 c 15
6 Edw 7 c 36

Appeals to quarter sessions

12 Any person aggrieved by a summary conviction of an offence under the foregoing provisions of this Act may in England and Ireland appeal to a court of quarter sessions and in Scotland under and in terms of the Summary Jurisdiction (Scotland) Acts

Extent of provisions as to summary remedies

13 The provisions of this Act with respect to summary remedies shall extend only to the United Kingdom

Importation of Copies.

Importation of copies

14 —(1) Copies made out of the United Kingdom of any work in which copyright subsists which if made in the United Kingdom would

infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or his agent to the Commissioners of Customs and Excise, that he is desirous that such copies should not be imported into the United Kingdom, shall not be so imported, and shall, subject to the provisions of this section, be deemed to be included in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876, and that section shall apply accordingly 39 & 40 Vict c 36

- (2) Before detaining any such copies or taking any further proceedings with a view to the forfeiture thereof under the law relating to the Customs, the Commissioners of Customs and Excise may require the regulations under this section, whether as to information, conditions or other matters, to be complied with, and may satisfy themselves in accordance with those regulations that the copies are such as are prohibited by this section to be imported
- (3) The Commissioners of Customs and Excise may make regulations, either general or special, respecting the detention and forfeiture of copies the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may, by such regulations, determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence
- (4) The regulations may apply to copies of all works the importation of copies of which is prohibited by this section, or different regulations may be made respecting different classes of such works
- (5) The regulations may provide for the informant reimbursing the Commissioners of Customs and Excise all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention, and may provide for notices under any enactment repealed by this Act, being treated as notices given under this section
- (6) The foregoing provisions of this section shall have effect as if they were part of the Customs Consolidation Act, 1876. Provided that, notwithstanding anything in that Act, the Isle of Man shall not be treated as part of the United Kingdom for the purposes of this section
- (7) This section shall with the necessary modifications, apply to the importation into a British possession to which this Act extends of copies of works made out of that possession

Delivery of Books to Libraries

- 15 —(1) The publisher of every book published in the United Kingdom shall, within one month after the publication, deliver at his own expense, a copy of the book to the trustees of the British Museum, who shall give a written receipt for it Delivery of copies to British Museum and other Libraries
- (2) He shall also, if written demand is made before the expiration of twelve months after publication, deliver within one month after receipt of that written demand or, if the demand was made before publication, within one month after publication, to some depot in London named in the demand a copy of the book for, or in accordance with the directions of, the authority having the control of each of the following libraries, namely the Bodleian Library, Oxford, the University Library Cambridge, the Library of the Faculty of Advocates at Edinburgh, and the Library of Trinity College, Dublin, and subject to the provisions of this section the National Library of Wales. In the case of an encyclopædia, newspaper, review, magazine, or work published in a series of numbers or parts, the written demand may include all numbers or parts of the work which may be subsequently published
- (3) The copy delivered to the trustees of the British Museum shall be a copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published, and shall be bound, sewed, or stitched together, and on the best paper on which the book is printed

- (4) The copy delivered for the other authorities mentioned in this section shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the book prepared for sale
- (5) The books of which copies are to be delivered to the National Library of Wales shall not include books of such classes as may be specified in regulations to be made by the Board of Trade
- (6) If a publisher fails to comply with this section, he shall be liable on summary conviction to a fine not exceeding five pounds and the value of the book, and the fine shall be paid to the trustees or authority to whom the book ought to have been delivered
- (7) For the purposes of this section, the expression "book" includes every part or division of a book, pamphlet, sheet of letter-press, sheet of music, map, plan, chart or table separately published, but shall not include any second or subsequent edition of a book unless such edition contains additions or alterations either in the letterpress or in the maps, prints, or other engravings belonging thereto

Special Provisions as to certain Works

Works of joint
authors

- 16 —(1) In the case of a work of joint authorship copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer, and references in this Act to the period after the expiration of any specified number of years from the death of the author shall be construed as references to the period after the expiration of the like number of years from the death of the author who dies first or after the death of the author who dies last, whichever period may be the shorter, and in the provisions of this Act with respect to the grant of compulsory licences a reference to the date of the death of the author who dies last shall be substituted for the reference to the date of the death of the author
- (2) Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Act, the work shall be treated for the purposes of this Act as if the other author or authors had been the sole author or authors thereof

Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions as aforesaid

- (3) For the purposes of this Act, "a work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors
- (4) Where a married woman and her husband are joint authors of a work the interest of such married woman therein shall be her separate property

Posthumous works

- 17 —(1) In the case of a literary dramatic or musical work, or an engraving, in which copyright subsists at the date of the death of the author or, in the case of a work of joint authorship, at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public, nor, in the case of a lecture, been delivered in public, before that date, copyright shall subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of fifty years thereafter, and the proviso to section three of this Act shall, in the case of such a work, apply as if the author had died at the date of such publication or performance or delivery in public as aforesaid
- (2) The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be prima facie proof of the copyright being with the owner of the manuscript

18 Without prejudice to any rights or privileges of the Crown, where any work has, whether before or after the commencement of this Act, been prepared or published by or under the direction or control of His Majesty or any Government department, the copyright in the work shall, subject to any agreement with the author, belong to His Majesty, and in such case shall continue for a period of fifty years from the date of the first publication of the work

Provisions as to
Government pub-
lications

19 —(1) Copyright shall subsist in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical works, but the term of copyright shall be fifty years from the making of the original plate from which the contrivance was directly or indirectly derived, and the person who was the owner of such original plate at the time when such plate was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place or business within such parts

Provisions as to
mechanical instru-
ments

(2) It shall not be deemed to be an infringement of copyright in any musical work for any person to make within the parts of His Majesty's dominions to which this Act extends records, perforated rolls, or other contrivances by means of which the work may be mechanically performed, if such person proves—

- (a) that such contrivances have previously been made by, or with the consent or acquiescence of, the owner of the copyright in the work, and
- (b) that he has given the prescribed notice of his intention to make the contrivances, and has paid in the prescribed manner to, or for the benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him, calculated at the rate herein-after mentioned

Provided that—

- (1) nothing in this provision shall authorise any alterations in or omissions from, the work reproduced, unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner of the copyright or unless such alterations or omission are reasonably necessary for the adaptation of the work to the contrivances in question, and
- (ii) for the purposes of this provision, a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work, but shall not be deemed to include a contrivance by means of which sounds may be mechanically reproduced
- (3) The rate at which such royalties as aforesaid are to be calculated shall—
 - (a) in the case of contrivances sold within two years after the commencement of this Act by the person making the same, be two and one-half per cent, and
 - (b) in the case of contrivances sold as aforesaid after the expiration of that period, five per cent
 on the ordinary retail selling price of the contrivance calculated in the prescribed manner, so however that the royalty payable in respect of a contrivance shall, in no case, be less than a halfpenny for each separate musical work in which copyright subsists reproduced thereon, and where the royalty calculated as aforesaid includes a fraction of a farthing, such fraction shall be reckoned as a farthing

Provided that, if, at any time after the expiration of seven years from the commencement of this Act, it appears to the Board of Trade that such rate as aforesaid is no longer equitable, the Board of Trade may, after holding a public inquiry, make an order either decreasing or increasing that rate to such extent as under the circumstances may seem just, but any order so made shall be provisional only and shall not have any effect unless and until confirmed by Parliament, but where an order revising the rate has been so made and confirmed, no further revision shall be made before the expiration of fourteen years from the date of the last revision

- (4) If any such contrivance is made reproducing two or more different works in which copyright subsists and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be appointed amongst the several owners of the copyright in such proportions as failing agreement, may be determined by arbitration
- (5) When any such contrivances by means of which a musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work shall, in relation to any person who makes the prescribed inquiries, be deemed to have given his consent to the making of such contrivances if he fails to reply to such inquiries within the prescribed time
- (6) For the purposes of this section, the Board of Trade may make regulations prescribing anything which under this section is to be prescribed, and prescribing the mode in which notices are to be given and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, and any such regulations may, if the Board think fit, include regulations requiring payment in advance or otherwise securing the payment of royalties
- (7) In the case of musical works published before the commencement of this Act, the forgoing provision shall have effect, subject to the following modifications and additions —
 - (a) The conditions as to previous making by, or with the consent or acquiescence of, the owner of copyright in the work, and the restrictions as to alterations in or omissions from the work, shall not apply
 - (b) The rate of two and one half per cent shall be substituted for the rate of five per cent as the rate at which royalties are to be calculated, but no royalties shall be payable in respect of contrivances sold before the first day of July, nineteen hundred and thirteen, if contrivances reproducing the same work has been lawfully made or placed on sale, within the parts of His Majesty's dominions to which this Act extends before the first day of July, nineteen hundred and ten
 - (c) Notwithstanding any assignment made before the passing of this Act of the copyright in a musical work, any rights conferred by this Act in respect of the making, or authorising the making, of contrivances by means of which the work may be mechanically performed shall belong to the author or his legal personal representatives and not to the assignee, and the royalties aforesaid shall be payable to and for the benefit of, the author of the work or his legal personal representatives
 - (d) The saving contained in this Act of the rights and interests arising from, or in connexion with, action taken before the commencement of this Act shall not be construed as authorising any person who has made contrivances by means of which the work may be mechanically performed to sell any such contrivances, whether made before or after the passing of this Act, except on the terms and subject to the conditions laid down in this section
 - (e) Where the work is a work on which copyright is conferred by an Order in Council relating to a foreign country, the copyright so conferred shall not, except to such extent as may be provided by the Order, include any rights with respect to the making of records, perforated rolls, or other contrivances by means of which the work may be mechanically performed
- (8) Notwithstanding anything in this Act, where a record, perforated roll, or other contrivance by means of which sounds may be mechanically reproduced has been made before the commencement of this Act, copyright shall, as from the commencement of this Act, subsist therein in like manner and for the like term as if this Act had been in force at the date of the making of the original plate from which the contrivance was directly or indirectly derived

Provided that—

- (1) the person who, at the commencement of this Act, is the owner of such original plate shall be the first owner of such copyright, and
- (11) nothing in this provision shall be construed as conferring copyright in any such contrivance if the making thereof would have infringed copyright in some other such contrivance, if this provision had been in force at the time of the making of the first-mentioned contrivance

20. Notwithstanding anything in this Act, it shall not be an infringement of copyright in an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper Provision as to political speeches

21 The term for which copyright shall subsist in photographs shall be fifty years from the making of the original negative from which the photograph was directly or indirectly derived, and the person who was owner of such negative at the time when such negative was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of his Majesty's dominions to which this Act extends if it has established a place of business within such parts Provisions as to photographs

22 —(1) This Act shall not apply to designs capable of being registered under the Patents and Designs Act, 1907, except designs which, though capable of being so registered, are not used or intended to be used as models or patterns to be multiplied by any industrial process Provisions as to designs registrable under 7 Edw 7 c 29

- (2) General rules under section eighty-six of the Patents and Designs Act, 1907, may be made for determining the conditions under which a design shall be deemed to be used for such purposes as aforesaid

23 If it appears to His Majesty that a foreign country does not give, or has not undertaken to give, adequate protection to the works of British authors, it shall be lawful for His Majesty by Order in Council to direct that such of the provisions of this Act as confer copyright on works first published within the parts of His Majesty's dominions to which this Act extends, shall not apply to works published after the date specified in the Order, the authors whereof are subjects or citizens of such foreign country, and are not resident in His Majesty's dominions, and thereupon those provisions shall not apply to such works Works of foreign authors first published in parts of His Majesty's dominions to which Act extends

- 24 (1) Where any person is immediately before the commencement of this Act entitled to any such right in any work as is specified in the first column of the first Schedule to this Act, or to any interest in such a right, he shall, as from that date, be entitled to the substituted right set forth in the second column of that schedule, or to the same interest in such a substituted right, and to no other right or interest, and such substituted right shall subsist for the term for which it would have subsisted if this Act had been in force at the date when the work was made and the work had been one entitled to copyright thereunder Existing works

Provided that—

- (a) if the author of any work in which any such right as is specified in the first column of the First Schedule to this Act subsists at the commencement of this Act has, before that date, assigned the right or granted any interest therein for the whole term of the right, then at the date when, but for the passing of this Act, the right would have expired the substituted right conferred by this section shall, in the absence of express agreement, pass to the author of the work, and any interest therein created before the commencement of this Act and then subsisting shall determine, but the person who immediately before the date at which the right would so have expired was the owner of the right or interest shall be entitled at his option either—

- (1) on giving such notice as hereinafter mentioned, to an assignment of the right or the grant of a similar interest therein for the remainder of the term or the right for such consideration as, failing agreement, may be determined by arbitration, or
 - (11) without any such assignment or grant, to continue to reproduce or perform the work in like manner as theretofore subject to the payment, if demanded by the author within three years after the date at which the right would have so expired, of such royalties to the author as, failing agreement, may be determined by arbitration, or, where the work is incorporated in a collective work and the owner of the right or interest is the proprietor of that collective work, without any such payment,
- The Notice above referred to must be given not more than one year nor less than six months before the date at which the right would have so expired, and must be sent by registered post to the author, or, if he cannot with reasonable diligence be found, advertised in the London Gazette and in two London newspapers
- (b) where any person has, before the twenty-sixth day of July nineteen hundred and ten, taken any action whereby he has incurred any expenditure or liability in connexion with the reproduction or performance of any work in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the passing of this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interest arising from or in connexion with such action which are subsisting and valuable at the said date, unless the person who by virtue of this section becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration
 - (2) For the purposes of this section, the expression "author" includes the legal personal representatives of a deceased author
 - (3) Subject to the provisions of section nineteen sub-sections (7) and (8) and of section thirty-three of this Act, copyright shall not subsist in any work made before the commencement of this Act, otherwise than under, and in accordance with, the provisions of this section

Application to British Possessions

Application of Act
to British dominions.

- 25 (1) This Act, except such of the provisions thereof as are expressly restricted to the United Kingdom shall extend throughout His Majesty's dominions. Provided that it shall not extend to a self-governing dominion, unless declared by the Legislature of that dominion to be in force therein either without any modifications or additions, or with such modifications and additions relating exclusively to procedure and remedies, or necessary to adapt this Act to the circumstances of the dominion, as may be enacted by such Legislature
- (2) If the Secretary of State certifies by notice published in the London Gazette that any self-governing dominion has passed legislation under which works, the authors whereof were at the date of the making of the works British subjects resident elsewhere than in the dominion or (not being British subjects) were resident in the parts of His Majesty's dominions to which this Act extends, enjoy within the dominion rights substantially identical with those conferred by this Act, then, whilst such legislation continues in force, the dominion shall, for the purposes of the rights conferred by this Act, be treated as if it were a dominion to which this Act extends, and it shall be lawful for the Secretary of State to give such a certificate as aforesaid, notwithstanding that the remedies for enforcing the rights, or the restrictions on the importation of copies of works, manufactured in a foreign country, under the law of the dominion, differ from those under this Act

- 26 (1) The Legislature of any self-governing dominion may, at any time, repeal all or any of the enactments relating to copyright passed by Parliament (including this Act) so far as they are operative within that dominion. Legislative powers of self governing dominions Provided that no such repeal shall prejudicially affect any legal rights existing at the time of the repeal, and that, on this Act or any part thereof being so repealed by the Legislature of a self-governing dominion, that dominion shall cease to be a dominion to which this Act extends.
- (2) In any self-governing dominion to which this Act does not extend, the enactments repealed by this Act shall, so far as they are operative in that dominion, continue in force until repealed by the Legislature of that dominion.
- (3) Where His Majesty in Council is satisfied that the law of a self-governing dominion to which this Act does not extend provides adequate protection within the dominion for the works (whether published or unpublished) of authors who at the time of the making of the work were British subjects resident elsewhere than in that dominion, His Majesty in Council may, for the purpose of giving reciprocal protection, direct that this Act, except such parts (if any) thereof as may be specified in the Order, and subject to any conditions contained therein, shall, within the parts of His Majesty's dominions to which this Act extends, apply to works the authors whereof were, at the time of the making of the work resident within the firstmentioned dominion, and to works first published in that dominion, but, save as provided by such an Order, works the authors whereof were resident in a dominion to which this Act does not extend shall not, whether they are British subject or not, be entitled to any protection under this Act except such protection as is by this Act conferred on works first published within the parts of His Majesty's dominions to which this Act extends.

Provided that no such Order shall confer any rights within a self-governing dominion, but the Governor in Council of any self-governing dominion to which this Act extends, may, by Order, confer within that dominion the like rights as His Majesty in Council is, under the foregoing provisions of this subsection authorised to confer within other parts of His Majesty's dominion.

For the purposes of this subsection, the expression "a dominion to which this Act extends" includes a dominion which is for the purposes of this Act to be treated as if it were a dominion to which this Act extends.

27 The Legislature of any British possession to which this Act extends may modify or add to any of the provisions of this Act in its application to the possession, but, except so far as such modifications and additions relate to procedure and remedies, they shall apply only to works the authors whereof were, at the time of the making of the work, resident in the possession and to works first published in the possession. Power of Legislature of British possessions to pass supplemental legislation

28 His Majesty may, by Order-in-Council, extend this Act to any territories under his protection and to Cyprus, and, on the making of any such Order, this Act shall, subject to the provisions of the Order, have effect as if the territories to which it applies or Cyprus were part of His Majesty's dominions to which this Act extends. Application to protectorates

PART II

International Copyright

- 29 (1) His Majesty may, by Order in Council, direct that this Act (except such parts, if any, thereof as may be specified in the Order) shall apply— Power to extend Act to foreign works
- (a) to works first published in a foreign country to which the Order relates, in like manner as if they were first published within the parts of His Majesty's dominions to which this Act extends,

- (b) to literary, dramatic, musical, and artistic works, or any class thereof, the authors whereof were at the time of the making of the work subjects or citizens of a foreign country to which the order relates, in like manner as if the authors were British subjects,
- (c) in respect of residence in a foreign country to which the Order relates, in like manner as if such residence were residence in the parts of His Majesty's dominions to which this Act extends,

and thereupon, subject to the provisions of this Part of this Act and of the Order, this Act shall apply accordingly

Provided that—

- (i) before making an Order in Council under this section in respect of any foreign country (other than a country with which His Majesty has entered into a convention relating to copyright), His Majesty shall be satisfied that that foreign country has made, or has undertaken to make, such provisions, if any, as it appears to His Majesty expedient to require for the protection of works entitled to copyright under the provisions of Part I of this Act,
- (ii) the Order in Council may provide that the term of copyright within such parts of His Majesty's dominions as aforesaid shall not exceed that conferred by the law of the country to which the Order relates,
- (iii) the provisions of this Act as to the delivery of copies of books shall not apply to works first published in such country, except so far as is provided by the Order,
- (iv) the Order in Council may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities (if any) as may be prescribed by the Order,
- (v) in applying the provision of this Act as to ownership of copyright, the Order in Council may make such modifications as appear necessary having regard to the law of the foreign country,
- (vi) in applying the provisions of this Act as to existing works, the Order in Council may make such modifications as appear necessary, and may provide that nothing in those provisions as so applied shall be construed as reviving any right of preventing the production or importation of any translation in any case where the right has ceased by virtue of section five of the International Copyright Act, 1886

- (2) An Order in Council under this section may extend to all the several countries named or described therein

49 & 50 Vict c 33

Application of Part II to British possessions

30 (1) An Order in Council under this Part of this Act shall apply to all His Majesty's dominions to which this Act extends except self-governing dominions and any other possession specified in the order with respect to which it appears to His Majesty expedient that the Order should not apply

- (2) The Governor in Council of any self-governing dominion to which this Act extends may, as respects that dominion, make the like orders as under this Part of this Act His Majesty in Council is authorised to make with respect to His Majesty's dominions other than self-governing dominions, and the provisions of this Part of this Act shall, with the necessary modifications, apply accordingly
- (3) Where it appears to His Majesty expedient to except from the provisions of any order any part of his dominions not being a self-governing dominion, it shall be lawful for His Majesty by the same or any other Order in Council to declare that such order and this Part of this Act shall not, and the same shall not, apply to such part, except so far as is necessary for preventing any prejudice to any rights acquired previously to the date of such Order

PART III

Supplemental Provisions

31 No person shall be entitled to copyright or any similar right in any literary, dramatic, musical, or artistic work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act, or of any other statutory enactment for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence Abrogation of common law rights

32 (1) His Majesty in Council may make Orders for altering, revoking, or varying any Order in Council made under this Act, or under any enactments repealed by this Act, but any Order made under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the Order comes into operation, and shall provide for the protection of such rights and interests Provisions as to Order in Council

(2) Every Order in Council made under this Act shall be published in the London Gazette and shall be laid before both Houses of Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act

33 Nothing in this Act shall deprive any of the universities and colleges mentioned in the Copyright Act 1775, of any copyright they already possess under that Act, but the remedies and penalties for infringement of any such copyright shall be under this Act and not under that Act Saving of university copyright, 15 Geo 3 c 53

34 There shall continue to be charged on, and paid out of, the Consolidated Fund of the United Kingdom such annual compensation as was immediately before the commencement of this Act payable in pursuance of any Act as compensation to a library for the loss of the right to receive gratuitous copies of books Saving of compensation to certain libraries

Provided that this compensation shall not be paid to a library in any year, unless the Treasury are satisfied that the compensation for the previous year has been applied in the purchase of books for the use of and to be preserved in the library

35 (1) In this Act, unless the context otherwise requires,—

Interpretation

“Literary work” includes maps, charts, plans, tables, and compilations,

“Dramatic work” includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting of which is fixed in writing or otherwise, and any cinematograph production where the arrangement or acting form or the combination of incidents represented give the work an original character,

“Artistic work” includes works of painting, drawing, sculpture and and artistic craftsmanship, and architectural works of art and and engravings and photographs,

“Work of sculpture” includes casts and models,

“Architectural work of art” means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure, provided that the protection afforded by this Act shall be confined to the artistic character and design, and shall not extend to processes or methods of construction,

“Engravings” include etchings, lithographs, wood-cuts, prints, and other similar works, not being photographs,

“Photograph” includes photo-lithograph and any work produced by any process analogous to photography,

“Cinematograph” includes any work produced by any process analogous to cinematography,

“Collective work” means—

- (a) an encyclopædia, dictionary, year book, or similar work,
- (b) a newspaper, review, magazine, or similar periodical, and
- (c) any work written in distinct part by different authors, or in which works or parts of works of different authors are incorporated,

“ Infringing, ” when applied to a copy of a work in which copyright subsists, means any copy, including any colourable imitation, made, or imported in contravention of the provisions of this Act,

“ Performance ” means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument,

“ Delivery, ” in relation to a lecture, includes delivery by means of any mechanical instrument,

“ Plate ” includes any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls or other contrivances for the acoustic representation of the work are or are intended to be made,

“ Lecture ” includes address, speech, and sermon,

“ Self-governing dominion ” means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland

(2) For the purposes of this Act (other than those relating to infringements of copyright), a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public, or delivered in public, without the consent or acquiescence of the author, his executors administrators or assigns

(3) For the purposes of this Act, a work shall be deemed to be first published within the parts of His Majesty's dominions to which this Act extends, notwithstanding that it has been published simultaneously in some other place, unless the publication in such parts of His Majesty's dominions as aforesaid is colourable only and is not intended to satisfy the reasonable requirements of the public, and a work shall be deemed to be published simultaneously in two places if the time between the publication in one such place and the publication in the other place does not exceed fourteen days, or such longer period as may, for the time being, be fixed by Order in Council

(4) Where, in the case of an unpublished work, the making of a work has extended over a considerable period, the conditions of this Act conferring copyright shall be deemed to have been complied with if the author was during any substantial part of that period, a British subject or a resident within the parts of His Majesty's dominions to which this Act extends

(5) For the purposes of the provisions of this Act as to residence, an author of a work shall be deemed to be a resident in the part of His Majesty's dominions to which this Act extends if he is domiciled within any such part

Repeal

36 Subject to the provisions of this act the enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule,

Provided that this repeal shall not take effect in any part of His Majesty's dominions until this Act comes into operation in that part

Short title and commencement

37 (1) This act may be cited as the Copyright Act, 1911

(2) This Act shall come into operation —

(a) in the united Kingdom, on the first day of July nineteen hundred and twelve or such earlier date as may be fixed by Order in Council

(b) in a self-governing dominion to which this Act extends, at such date as may be fixed by the Legislature of that dominion,

(c) in the Channel Islands, at such date as may be fixed by the States of those islands respectively,

(d) in any other British possession to which this Act extends, on the proclamation thereof within the possession by the Governor

SCHEDULES.

FIRST SCHEDULE

Section 24

EXISTING RIGHTS

Existing Right	Substituted Right
<i>(a) In the case of Works other than Dramatic and Musical Works</i>	
Copyright	Copyright as defined by this Act *
<i>(b) In the case of Musical and Dramatic Works</i>	
Both copyright and performing right	Copyright as defined by this Act *
Copyright, but not performing right-	Copyright as defined by this Act, except the sole right to perform the work or any substantial part thereof in public
Performing right, but not copyright-	The sole right to perform the work in public, but none of the other rights comprised in copyright as defined by this Act

For the purposes of this Schedule the following expressions, where used in in the first column thereof, have the following meanings —

- “Copyright,” in the case of a work which according to the law in force immediately before the commencement of this Act has not been published before that date and statutory copyright wherein depends on publication, includes the right at common law (if any) to restrain publication or other dealing with the work ,
- “Performing right,” in the case of a work which has not been performed in public before the commencement of this Act, includes the right at common law (if any) to restrain the performance thereof in public

* In the case of an essay, article, or portion forming part of and first published in a review, magazine, or other periodical or work of a like nature, the right shall be subject to any right of publishing the essay, article, or portion in a separate form to which the author is entitled at the commencement of this Act, or would, if this Act had not been passed, have become entitled under section eighteen of the Copyright Act, 1842

SECOND SCHEDULE

Enactments Repealed

Session and Chapter	Short Title	Extent of Repeal
8 Geo 2 c 13	The Engraving Copyright Act, 1734	The whole Act
7 Geo 3 c 38	The Engraving Copyright Act, 1767	The whole Act
15 Geo 3 c 53	The Copyright Act, 1775	The whole Act
17 Geo 3 c 57	The Prints Copyright Act, 1777	The whole Act
54 Geo 3 c 56	The Sculpture Copyright Act, 1814	The whole Act
3 & 4 Will 4 c 15	The Dramatic Copyright Act, 1833	The whole Act
5 & 6 Will 4 c 65	The Lectures Copyright Act 1835	The whole Act
6 & 7 Will 4 c 59	The Prints and Engravings Copyright (Ireland) Act, 1836	The whole Act
6 & 7 Will 4 c 110	The Copyright Act, 1836	The whole Act
5 & 6 Vict c 45	The Copyright Act, 1842	The whole Act
7 & 8 Vict c 12	The International Copyright Act, 1844	The whole Act
10 & 11 Vict c 95	The Colonial Copyright Act, 1847	The whole Act
15 & 16 Vict c 12	The International Copyright Act, 1852	The whole Act
25 & 26 Vict c 68	The Fine Arts Copyright Act, 1862	Sections one to six In section eight the words "and pursuant to any Act for the protection of "copyright engravings," "and and in any such Act "as aforesaid " Sections nine to twelve
38 & 39 Vict c 12	The International Copyright Act, 1875	The whole Act
39 & 40 Vict c 36	The Customs Consolidation Act, 1876	Section forty-two, from "Books wherein" to "such copyright will expire" Sections forty-four, forty-five, and one hundred and fifty-two
45 & 46 Vict c 40	The Copyright (Musical Compositions) Act, 1882	The whole Act
49 & 50 Vict c 33	The International Copyright Act, 1886	The whole Act
51 & 52 Vict c 17	The Copyright (Musical Compositions) Act, 1888	The whole Act
52 & 53 Vict c 42	The Revenue Act, 1889	Section one, from "Books first published" to "as provided in that section "
6 Ddw 7 c 36	The Musical Copyright Act, 1906	In section three the words "and which has been "registered in accordance "with the provisions of "the Copyright Act, 1842, "or of the International "Copyright Act, 1844, "which registration may "be effected notwith- "standing anything in the "International Copyright "Act, 1886 "

PROCLAMATION.**The Forest Ordinance, 1911.**

In pursuance of the powers conferred upon me by Section 3 of the Forest Ordinance, 1911, I hereby declare the areas hereinafter defined to be Forest Areas for the purposes of the aforementioned Ordinance, namely —

The banks of the Tana River between high and low water mark below Ngao and the banks of the Ozi River and all Creeks in the neighbourhood of the Ozi River between high and low water mark

Paragraph 3 of the Proclamation under the Forestry Regulations, 1902, dated the 4th August, 1909, is hereby cancelled

Mombasa,

Dated this 23th day of June, 1912

C C BOWRING,

Acting Governor

NOTICE

In exercise of the powers conferred upon me by the East Africa Marriage Ordinance, 1902, I hereby appoint the District Commissioner, Kisumu, to be a Deputy Registrar of Marriages for the Nyanza Province to act during the absence of the Registrar of the Province.

Mombasa,

Dated this 23rd day of June, 1912

C C BOWRING,

Acting Governor

RULE**The Forest Ordinance, 1911**

Rule made by His Excellency the Acting Governor under the powers conferred by the Forest Ordinance, 1911, Section 4

Mombasa,

Dated this 23rd day of June, 1912

C C BOWRING,

Acting Governor.

No person shall cut for export any Boriti or other Mangrove pole, or shall export or attempt to export any Boriti or other Mangrove pole cut on the banks of the Tana River between high and low water mark below Ngao or the banks of the Ozi River or in any Creek on or between high and low water mark of any Creek in the neighbourhood of the Ozi River except the Boriti or other Mangrove pole shall be 6 inches or more in diameter at the largest part thereof

NOTICE.**NYANZA PROVINCE.**

The following Headman is hereby appointed under the Village Headmen Ordinance, 1902

Name	Rank	Location	District	Remarks
Arap Kiboit	Headman	2, 3, 4, and 5	Nandi	In place of Arap Cheno, deceased.

Kisumu,

June 17th, 1912

JOHN AINSWORTH,

Provincial Commissioner.

NOTICE

The next Law Examination

The next Law Examination will be held on the 29th, 30th and 31st July, 1912. The Lower Standard Swahili Examination will be held on August 2nd, 1912. The Higher Standard Swahili Examination will not be held until January, 1913.

Intending candidates should submit their names through the usual channel as soon as possible.

Nairobi,
June 26th, 1912

A C HOLLIS,
Acting Chief Secretary

SECRETARIAT,
NAIROBI,
July 1st, 1912

APPOINTMENTS.

His Excellency the Acting Governor has been pleased to make the following appointments —

- To be Town Magistrate, Nairobi,
E R LOGAN, to date June 17th, 1912
- To be Town Magistrate, Nakuru and to act as District Commissioner, Nakuru, in non-judicial matters,
R DONALD, to date June 17th, 1912
- To be Town Magistrate, Mombasa,
F Y SIANGER, to date June 20th, 1912
- To be Second in Command of the 3rd Battalion King's African Rifles,
CAPTAIN L H HICKSON, to date April 22nd, 1912
- To be an Assistant Game Ranger,
C W WOODHOUSE, to date April 1st, 1912
- To be Acting Chief Accountant, Uganda Railway,
H E GOODSHIP, to date June 18th, 1912
- To be Company Commanders, 3rd Battalion King's African Rifles,
CAPTAIN A C SAUNDERS,
LIEUTENANT M CRAWLEY-BOVEY,
LIEUTENANT H B W MALING, to date April 22nd, May 30th, and May 30th, 1912,
respectively
- To be Acting Assistant District Commissioner, Moyale,
The Officer Commanding the detachment of the K A R, at Moyale
- To be Acting Deputy Treasurer,
C F HICKIL, to date June 24th, 1912

A C HOLLIS,
Acting Chief Secretary

NOTICE.

The Customs Tariff (Amendment) Ordinance, No. VII of 1912.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

W J MONSON,
Secretary

NOTICE.

Notice is hereby given that from the date hereof and until further notice the following places in Nairobi are by order of His Excellency the Acting Governor reserved for the use of foot passengers only, viz —

- (a) In Station Road, from its junction with Whitehouse Road to the Railway Station —
- (1) The strip of land lying between the line of the row of trees on the east side of the roadway and a line running parallel to and 12 feet east of the said row
 - (2) The strip of land lying between the line of the row of trees on the west side of the roadway and a line running parallel to and 12 feet west of the said row
- (b) In Government Road from its junction with River Road to the South corner of Mr St Rose's shop
The strip of land lying between the stone drain on the N E side of the Road and the buildings on the said N E side, except in so far as fronting the Town Magistrate's Court
- (c) In Government Road from the North corner of Messrs Howse & McGeorge's shop to the East corner of the shop of Nyama Limited —

The strip of land lying between the stone drain on the S W side of the Road and the line of buildings on the said S W side

By Order

Nairobi,
June 25th 1912

W J MONSON,
Secretary

NOTICE

In consequence of the length of time taken to land cargo ex the undermentioned vessels, I hereby give notice that under the powers given me by law I have granted an extension of time for the free storage of goods from 8 days to 15 days

Persons who have paid rent on packages landed and cleared within the extended time of 15 days will obtain refunds on presentation of the necessary vouchers at the Custom House Mombasa

Vessels

" Gascon "	30th December, 1911
" Guelph "	14th March 1912
" Muistan "	22nd " "
" Gascon "	20th April "
" Serbistan "	27th " "
" Gaika "	18th May "

Custom House,
Mombasa, 14th June, 1912

F W MAJOR,
Chief of Customs

NOTICE.**East Africa Protectorate Volunteer Reserve**

His Excellency the Acting Governor has approved of the following appointments to date as stated below —

Nairobi Unit

- To be Acting Deputy President—A G REHM,
VICE THE REV W M FALLOON, on leave, to date 1st June, 1912
- To be Acting Assistant Deputy President—A J BARRY,
VICE C UDALL, on leave, to date 1st June, 1912

Uganda Railway Unit

- To be Acting Deputy President—G A STANLEY,
VICE THE HON H A F CURRIE, on leave to date 22nd April, 1912
- To be Acting Assistant Deputy President—H E GOODSHIP,
VICE MR A E CRICKSHANK, to date 22nd April, 1912

LT COL G. R. BREADING,
President E A P Volunteer Reserve.

EAST AFRICA PROTECTORATE.

Public Works Department.

NOTICE.

Tenders are invited for the erection of the following buildings:—

Bonded Warehouse, with masonry walls, at Nairobi.

Police Station, with brick walls, at Mombasa.

Contractors wishing to tender either for one or both of these buildings must send their names to the undersigned not later than July 8th, 1912, when the Bills of Quantities will be sent to them.

Nairobi,

June 20th, 1912

W MCGREGOR ROSS,

Director of Public Works.

CORRIGENDUM

“Official Gazette” June 15th, 1912, page 443, in section 1 of the Order dated the 13th day of June, 1912, under the Fees of Royalties Ordinance 1903 for 1902 read 1903, and in section 2 for “on and after the 1st day of July 1904” read “on and after the 1st day of July, 1912”

“Official Gazette” June 1st, 1912, page 377, Capt A K H O'Brien's appointment as Aide-de-Camp to His Excellency Sir E P C Girouard, should date from December 27th, 1911, and not as stated

HIS MAJESTY'S COURT OF APPEAL FOR EASTERN AFRICA

A special Session of His Majesty's Court of Appeal for Eastern Africa has been fixed to be holden at Entebbe and to commence on Tuesday the 9th day of July, 1912, at 10 a m, or as soon thereafter as cases can be heard

Mombasa,
29th May, 1912

W S WRIGHT,
Registrar, H M Court of Appeal
for Eastern Africa

JURORS AND ASSESSORS.

NOTICE IS HEREBY GIVEN that the list of Jurors and Assessors who are hable to seive during 1912-13 Sittings of the High Court at Nairobi is now posted on the NOTICE BOARD of the Town Magistrate's Court at Nairobi and that TUESDAY the 30th July, 1912, at 10 a m, has been fixed for hearing objections to the Nairobi list which must be made in Court

Dated this 21st day of June, 1912

W S WRIGHT,
Registrar, High Court

IN H M HIGH COURT OF EAST AFRICA AT MOMBASA**PROBATE AND ADMINISTRATION****CAUSE No 42 OF 1912**

NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF RUKIYA BINTI RASHID BIN ALI,
LATE OF MOMBASA, DECEASED

Take notice, that application having been made in this Court by Rashid bin Saleh bin Said of Mombasa for probate of the Will of RUKIYA BINTI RASHID, late of Mombasa who died at Mombasa on the 2nd day of June 1912, this Court will proceed to make a decree in the same unless cause be shown to the contrary and appearance in this respect entered on or before the 12th day of July 1912

Mombasa,
June 15th, 1912

J W BARTH,
Acting Chief Justice

NOTE—The Will above named is now deposited and open to inspection at the Court

PROBATE AND ADMINISTRATION**CAUSE No 136 OF 1911**

IN THE MATTER OF NANJI KHIMJI, DECEASED

To all to whom it may concern

Take notice that the account of the estate of the above-named NANJI KHIMJI deceased, has been lodged with the Registrar of the High Court at Mombasa and that he has appointed the 2nd day of August, 1912, at 2 o'clock in the afternoon for passing of such account

Mombasa,
June 20th, 1912

J F ST A FAWCETT,
Acting Administrator General

PROBATE AND ADMINISTRATION

IN THE MATTER OF AHMED ABDULLA, DECEASED

To all to whom it may concern

Take notice that all persons having any claims against the estate of the above-named AHMED ABDULLA, who died at Mombasa on the 25th day of April, 1912, are required to prove such claims before me the undersigned on or before the 1st day of September, 1912, after which date the claims so proved will be paid, and the estate distributed according to law

Mombasa,
June 18th, 1912

J F ST A FAWCETT,
Acting Administrator General

PROBATE AND ADMINISTRATION

IN THE MATTER OF GULAM MOHAMED S/O SHER MOHAMED, DECEASED

To all to whom it may concern

Take notice that all persons having any claims against the estate of the above-named GULAM MOHAMED S/O SHER MOHAMED who died at Nakuru on the 18th day of March, 1912, are required to prove such claims before me the undersigned on or before the 1st day of September, 1912, after which date the claims so proved will be paid, and the estate distributed according to law

Mombasa,
June 18th, 1912

J F ST A FAWCETT,
Acting Administrator General

IN HIS MAJESTY'S HIGH COURT OF EAST AFRICA AT MOMBASA

INSOLVENCY JURISDICTION

CAUSE No 3 OF 1912

Re HARIDAS DAMODAR

Take notice that the application filed by the Central African Trading Company to allow their claim against the above Insolvent to be filed in this matter out of time, will be heard in the Law Courts at Mombasa on the 24th day of July, 1912, at 10 o'clock in the forenoon or as soon thereafter as the application can be heard

Mombasa,
20th June, 1912

W S WRIGHT,
Registrar, High Court

IN THE TOWN MAGISTRATE'S COURT OF EAST AFRICA AT NAIROBI

INSOLVENCY JURISDICTION

CAUSE No 4 OF 1910

Re LALOO SAGRAM

To all to whom it may concern

Notice is hereby given that by an order of the Court made herein and dated the 2nd day of February, 1911, the above-named Laloo Sagram, was declared an Insolvent under the Provincial Insolvency Act 1907 (Act III of 1907) and that by an order dated the 29th day of May, 1912, Nanharam of the Government Road, Nairobi was appointed Receiver of the said Insolvent's property. All property of the said Insolvent vests in the Receiver as from the date 17th December, 1910. All persons claiming to be creditors of the above-named Insolvent and wishing to participate in any dividend must file particulars of their claim in writing supported by affidavit together with any documents on which they rely in proof of their claims in the Town Magistrate's Court on or before the 1st day of August, 1912. And any persons having in their possession any property belonging to or money due to the said Insolvent should forthwith hand over or pay the same to the said Receiver

Nairobi,
Dated this 4th day of June, 1912

G H. PICKERING,
Town Magistrate

IN THE HIGH COURT OF EAST AFRICA AT MOMBASA

INSOLVENCY JURISDICTION

CAUSE No 5 OF 1912

Re AKBARALLI DAWOODBHAI

Take notice that the High Court of East Africa by an order dated the 11th day of June, 1912, adjudicated the above-named Akbaralli Dawoodbhai insolvent and made a receiving order against him and appointed the undersigned Receiver of his property

Further take notice that all property of the insolvent (save and except that exempted by the Code of Civil Procedure) is vested in the undersigned as Receiver. All persons indebted to the said insolvent are required to pay the respective amounts due by them to the undersigned, and all creditors are required to prove their claims before the undersigned by affidavit as required by the Provincial Insolvency Act on or before 31st day of July, 1912

Mombasa,
19th June, 1912

J F S A FAWCETT,
Ag Official Receiver,
Seindie Province

IN HIS MAJESTY'S HIGH COURT OF EAST AFRICA AT MOMBASA

INSOLVENCY JURISDICTION

CAUSE No 6 OF 1912

Re MOLOO TEJPAN, FAZAL TEJPAN AND ABDULLA TEJPAN TRADING AS MOLOO
TEJPAN AND COMPANY

Whereas the above-named Moloo Tejpar and Abdulla Tejpar partners of Moloo Tejpar and Company have filed a Petition in the Court that Moloo Tejpar and Company be adjudged Insolvents

Notice is hereby Given that the hearing of the said Petition has been fixed for the 1st day of August, 1912, at 10 o'clock in the forenoon or so soon thereafter as it can be heard at the Law Courts at Mombasa

Mombasa,
June 19th, 1912

W S WRIGHT
Registrar, High Court

NOTICE**Re Sitzings of the High Court.**

Mr Justice Baith, will proceed on circuit and hold sittings of the High Court at the places and dates hereinafter set out —

CAUSE LIST

Kisumu, Friday, 19th July, 1912.

Criminal Case No	29/12	Crown	v	Mohan Odhawji
"	30/12	"	v	Nurmahomed Manji Kanji & Jamal Kasam
"	33/12	"	v	Odhawji Nathoo
"	38/12	"	v	Kioko s/o Nveketha
"	39/12	"	v	1 Nyambok s/o Ochnodo
				2 Owuni s/o Amongo
				3 Orega s/o Ogala
				4 Omurdi s/o Amongo

Nakuru, Friday, 26th July, 1912

Criminal Case No	25/12	Crown	v	C S Leza
"	31/12	"	v	Kazimoto wa Karanja alias Kamao

Nairobi, Tuesday, 30th July, 1912.

The list of Jurors and Assessors will be settled

Criminal Case No	32/12	Crown	v	Wagana wa Gatoria
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Nairobi District Registry.

Criminal Case No	9/12	Crown	Allayat v Chowdhry Mahomed Hussein
			Magakhan
"	13/12	"	Hukam Singh v Ganeshi Lall Guindatta
			s/o Hazaoia
"	14/12	"	The Premier v Haji Manda & Co
			Timber Co

Nandi:—Date will be fixed later on.

Criminal Case No	35/12	Crown	v Gimutai Arap Sojgep Nandi
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Mombasa,
26th June, 1912

W S WRIGHT,
Registrar High Court

ARRIVALS.

Name	Rank	From leave or on 1st Appointment	Date of leaving England	Date of Embarkat on	Date of arrival at Mombasa or Kilindini,
S Jos Lovegrove	Lieut 3rd King's African Rifles	1st Appointment	May 23rd, 1912	May 24th, 1912	June 14th, 1912
A G Doherty	Veterinary Officer	Leave	" 23rd "	" 24th "	" 14th "
A B Percival	Senior Asst Game, Ranger	do	" 23rd "	" 24th "	" 14th "
J Doherty	Customs Storekeeper and Baggage Examiner	1st Appointment	" 23rd "	" 24th "	" 14th "
G A S Mure	Asst District Commissioner	Leave	" 23rd "	" 24th "	" 14th "
D D Waller	Director of Transport	do	" 23rd "	" 24th "	" 14th "
F L Moon	Forester	do	" 17th "	" 17th "	" 14th "

DEPARTURES.

Name	Rank	On leave or termination of appointment	Date of Departure
Lieut H C R Saunders (1)	Subaltern 3rd King's African Rifles	Leave	June 20th, 1912
J Patterson	Assistant Treasurer	do	" 20th "
B Eastwood	Chief Accountant	do	" 17th "

(1) Leave prior to reversion to his British Regiment

NOTICE.

Raphael Ltd., in Liquidation

A special general meeting of Shareholders is called at the Offices of The Hon B G Allen, Friday August 16th at 3 p m, at which the following resolution will be submitted That the Liquidators accounts be passed (Signed) T A Wood, Liquidator

Creditors are hereby notified that a final dividend of 1% making 88½% is payable at the Office of the Liquidator

T A WOOD,
Liquidator

Subscription to the East Africa Gazette.

All Applications or Remittances should be sent to the Editor
The rates of subscription are as follows

	One year		Six months		Three months		Single Copy	
	Rs	Cents	Rs	Cents	Rs	Cents	Rs	Cents
Subscription (Including Postage)	5	50	2	75	1	25	0	25
" (Exclusive of Postage)	4		2		1		0	20
Price of one Copy one month old							0	37
" six months old							0	75
" one year old							1	50

Licences and Permits issued at Kyambu during the month of February, 1912

To whom issued	Date of issue	Residence	Remarks
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RESIDENT'S LICENCE

Capt P Mollel	Feb 1st, 1912	Kyambu	14 days' Licence
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Kyambu,
March 1st, 1912

C S HEMSTED,
District Commissioner

Game Licences issued at Fort Hall during the month of February 1912

No	To whom issued	Date of issue	Residence	Remarks
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TRAVELLER'S LICENCE

13	W Godwin	Feb 26th, 1912	Nairobi	Fortnight
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LANDHOLDER'S LICENCE

14	T R Swift	Feb 13th, 1912	Punda Milia	For one year
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Fort Hall,
March 1st, 1912

R G STONE,
for District Commissioner

Game Licences issued at Ngongo Bagas during the month of February, 1912

No	To whom issued	Date of issue	Residence	Remarks
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RESIDENT'S GAME LICENCES

3903	J E Walton	Feb 10th, 1912	Govt House Nairobi	14 days Expires 23rd, Feb 1912
3904	Capt R M Booth	" 15th "	3rd K A R "	One year
3905	Mrs Browne	" 19th "	Ngongo Bagas	14 days Expires 3rd March, 1912

Ngongo Bagas,
February 29th, 1912

E D BROWNE,
Acting District Commissioner

Licences and Permits issued at Kismayu during the quarter ending 31st March, 1912

To whom issued	Date of issue	Residence	Remarks
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BIRD LICENCES

Carl Knutson	Jan 3rd, 1912	Kismayu	
Lundini	" 3rd "	"	
Hon A E Atkinson	" 3rd "	Burgow	
J Vaz	Mar 1st "	Kismayu	
G Argyropoulo	" 11th "	Halwalud	
C W Haywood	" 18th "	Kismayu	
R E Salkeld	" 18th "	"	

Licences and Permits issued at Kismayu District—Contd

To whom issued	Date of issue		Residence	Remarks
GUN TAX LICENCES				
Rev M Engdhal	Jan	3rd, 1912	Kismayu	D B S gun
Carl Knutson	"	3rd "	do	D B Combination
Abdullah Mohd	"	3rd "	do	N R B 25 E M
Benjamin Kamoie	"	3rd "	Yonte	Magazine 256
Abdi Osman	"	9th "	Kismayu	Govt M li
B E Remedios	"	16th "	do	Browning Patent No 227375
Hon A E Atkinson	"	1st "	Elburgaw	303 M H
do	"	1st "	do	D B shot gun
H Rayne	"	31st "	Bulamarera	S B Automatic shot gnn
do	"	31st "	do	Mamlicks Sckoxner
do	"	31st "	do	Mauser
do	"	31st "	do	do 380
do	"	31st "	do	do 3478
do	"	31st "	do	Magazine 3495
do	"	31st "	do	Rook rifle S B 44
do	"	31st "	do	Magazine rifle 22/31
do	"	31st "	do	S B rifle 442
do	"	31st "	do	S B rifle 32
do	"	31st "	do	404 Winchester M
do	"	31st "	do	D B shot gun
do	"	31st "	do	23 B 16
do	"	31st "	do	Mauser No 441
do	"	31st "	do	280 Rousely
do	"	31st "	do	22 Bolt revolver
C S Reddie	Feb	8th "	Kismayu	Express D B rifle
do	"	8th "	do	Webley automatic
do	"	8th "	do	do
J Vaz	Mar	1st "	do	D B shot gun
G Argyropoulo	"	11th "	Halwalud	12 bore shot gun
do	"	11th "	do	4469 bore revolver
do	"	11th "	do	M Pistol
do	"	11th "	do	Revolver No 44824
do	"	11th "	do	W J Jeffery R
do	"	11th "	do	Mannlicher rifle
do	"	11th "	do	" " No 2
H A Sergeant	"	11th "	do	W revolver bore 450
Capt R E Salkeld	"	11th "	Kismayu	Shot gun D B
do	"	11th "	do	do
do	"	11th "	do	303 Rifle
do	"	11th "	do	do
C W Haywood	"	11th "	do	do
do	"	11th "	do	Rifle 350
BROKER'S				
Esa Ali	Jan	1st, 1912	Kismayu	
Abdulla Haji Mursal	Oct	29th "	do	
PAWN BROKER'S				
Merali Banji	Jan	6th, 1912	Mismayu	
Khoja Mohd Bana	Feb	6th "	do	
OFFICIAL BROKER				
Ahmed Haji	Jan	8th, 1912	Kismayu	
Abdullah Bareis	"	9th "	do	
Moti bin Osman	"	10th "	do	
Ahmed bin Mahomed	Feb	5th "	do	
Orsamali Fara	"	12th "	do	

May 29th, 1912

C W HAYWOOD,
District Commissioner.

Licences and Permits issued at North Kavirondo during the month of May, 1912

To whom issued	Date of issue	Residence	Remarks
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BIRD LICENCES

Mumia b Shundu	May 31st, 1912	Mumias	No 6410 (Licence)
Mulama b Shundu	„ 31st „	Marama	No 6411 „

GUN TAX LICENCES

Mulama b Shundu	May 31st, 1912	Marama	No 4322 450 Cordite (Receipt)
do	„ 31st „	do	L M 303 No 4323 „
Mumia b Shundu	„ 31st „	Mumias	No 4324 D B shot gun „
do	„ 31st „	do	L M 303 No 4325 „
do	„ 31st „	do	No 4326 L M 303 „
Mulama b Shundu	„ 31st „	Marama	No 4327 D B shot gun „

O F WATKINS,

Acting District Commissioner

May 31st, 1912

UGANDA RAILWAY.**Rate for Hides and Skins**

Notice is hereby given that on and from the 1st August next, the rate for Hides and Skins (Cattle) will be increased from 1st class R R and Special Class O R, to 2nd Class R R, and 1st Class O R

Traffic Manager's Office,

Nairobi 2nd May, 1912

G A STANLEY,

*Traffic Manager***UGANDA RAILWAY.**

NOTICE

Sale of Lost and Unclaimed Property.

Under Section 56 of the East African Railways Ordinance, 1910, public notice is hereby given that a sale of lost and unclaimed property will be held outside the goods shed at Nairobi Railway Station at 10 a m on Friday the 13th July, 1912

A detailed list of articles can be seen on application to the District Station Master, Nairobi, or to the undersigned

Traffic Manager's Office,

Nairobi, June 20th, 1912

G A STANLEY,

*Traffic Manager.***TENDERS.****Uganda Protectorate**

Tenders are invited for the conveyance of Government loads for six months commencing on 1st August, 1912, between —

“A” Mbale and Iganga and vice versa

“B” Mbale and Jinja and vice versa

Quotations must be for 50 lbs loads

Tenders will be received up to noon on 16th July, 1912, by the President of the Tender Board, Treasury, Entebbe

Tenders must be enclosed in properly sealed and registered envelopes marked Mbale Transport

The Tender Board do not bind themselves to accept the lowest or any tender

The Treasury, Entebbe,

5th June, 1912

A E BOOTY,

President, Tender Board.