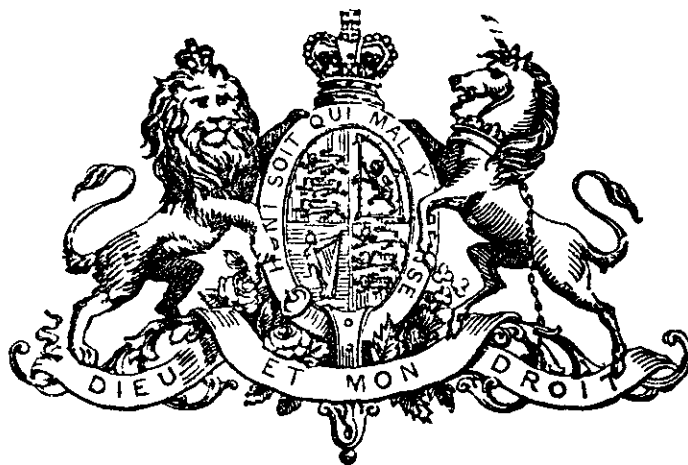


THE OFFICIAL GAZETTE OF THE

EAST AFRICA



PROTECTORATE

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

Vol XIV —No 313]

NAIROBI, NOVEMBER 15th, 1912

[PRICE 20 CENTS.

Legislative Council.



By order of His Excellency the Governor the next meeting of the Legislative Council will be held at Government House Nairobi, on Monday the 25th of November, 1912, at 10 a m

Nairobi,
November 4th, 1912

E P EVANS,
Clerk to the Legislative Council

TABLE OF CONTENTS.

	Nos. 1—5 For Legislative Council Meeting November 25th, 1912	Page.
1	A Bill intituled An Ordinance to make provision for Procedure in Criminals Courts	791
2	„ „ An Ordinance to apply a sum of money for the service of the yearending 31st day of March, 1914	923
3	„ „ An Ordinance to make further and better Provision for the Prevention of the Theft of Stock and Produce	924
4	„ „ An Ordinance to enable the Governor to issue Commissions of enquiry with special powers	926
5	„ „ An Ordinance to Prevent the Introduction of Disease into the East Africa Protectorate	928
	Proclamation under the East Africa Townships Ordinance, 1903	929
	Rules under the East Africa Townships Ordinance, 1903	929
	Rule under the East Africa Volunteer Reserve Ordinance, 1910	929
	Order under the Vaccination Ordinance, 1912	929
	Rules under the Non-Native Poll Tax Ordinance, 1912	930
	Rule under the Land Titles Ordinance, 1908	931
	Rules under the East Africa Townships Ordinance, 1903	931
	Rule under the Diseases of Animals Ordinance, 1906	931
	Appointment under the Justice of the Peace Ordinance, 1910	932
	Corrigenda	932
	Notice under the Infectious Diseases Ordinance, 1903	932
	Appointments	932
	Notices under the Liquor Ordinance, 1909	933
	Auction of Opium Licences at Mombasa, Notice <i>re</i>	933
	Extension of time for free storage of goods, S S “Clan Menzies” Notice <i>re</i>	933

Part III

General Provisions

CHAPTER IV

Of Aid and Information to Magistrate, the Police and Persons making Arrests.

	SECTIONS
Public when to assist Magistrate and Police	26
Aid to person other than Police Officer executing a warrant	27
Public to give information of certain offences	28
Village headmen to report certain matters	29

CHAPTER V

Of Arrests, Escape and Retaking

A—Arrest Generally

Making arrest	30
Resisting arrest	
Search of place entered by person sought to be arrested	31
Breaking open to obtain ingress to such place	32
Power to break open doors and windows for purposes of liberation	33
No unnecessary restraint	34
Search of arrested persons	35
Mode of searching women	36
Power to seize offensive weapons	37

B—Without Warrants

When police may arrest without warrants	38
Arrest of vagabonds, habitual robbers, etc	39
Procedure when police officer deposes a subordinate to arrest without warrant	40
Refusal to give name and residence	41
Pursuit of offenders into other jurisdictions	42
Arrest by private persons Procedure	43
Person arrested to be taken before Magistrate or officer in charge of a Police station	44
Person arrested not to be detained for more than 24 hours	45
Police to report apprehensions to Magistrate	46
Discharge of person apprehended	47
Offence committed in Magistrate's presence	48
Arrest by or in presence of Magistrate	49
Power to pursue and retake on escape	50
Provisions of Sections 31, 32 and 33 to apply to arrests under Section 50	51

CHAPTER VI

Of Processes to Compel Appearances.

A—Summons

Form of Summons	52
Summons how served Signature of receipt for summons	53
Service when person summoned cannot be found	54
Procedure when service cannot be effected as before provided	55
Service on servant of Government or of Railway Company	56
Service of summons outside local limits	57
Proof of service in such cases and when serving officer is not present	58

B—Warrant of Arrest

SECTIONS.

Form of warrant of arrest	59
Continuance of warrant of arrest	
Court may direct security to be taken	60
Recognizance to be forwarded	
Warrants to whom directed	61
Warrant to several persons	
Warrant may be directed to landholders, etc	62
Warrant directed to police-officer	63
Notification of substance of warrant	64
Persons arrested to be brought before Court without delay	65
Where warrant may be executed	66
Warrant forwarded for execution outside jurisdiction	67
Warrant directed to police-officer for execution outside jurisdiction	68
Procedure on arrest of person against whom warrant issued	69
Procedure by Magistrate before whom person arrested is brought	

C—Proclamation and Attachment

Proclamation for person absconding	70
Attachment of property of person absconding	71
Restoration of attached property	72

D—Other Rules regarding Processes

Issue of warrant in lieu of, or in addition to, summons	73
Power to take bond for appearance	74
Arrest on breach of bond for appearance	75
Provisions of this chapter generally applicable to summonses and warrants of arrest	76

CHAPTER VII

**Of Processes to compel the Production of Documents
and other Moveable Property and for the Discovery
of persons wrongfully confined**

A—Summons to produce

Summons to produce document or other thing	77
Procedure as to letters and telegrams	78

B—Search-warrants

When search-warrant may be issued	79
Power to restrict warrant	80
Search of house suspected to contain stolen property, forged documents, &c	81
Disposal of things found in search beyond jurisdiction	82

C—Discovery of Persons wrongfully confined

Search for persons wrongfully confined	83
--	----

D—General Provisions relating to searches

Directions, &c, of search-warrants	84
Persons in charge of closed place to allow search	85
Search to be made in presence of witnesses	86
Occupant of place searched may attend	

E—Miscellaneous

Power to impound document, &c, produced	87
Magistrate may direct search in his presence	88

Part IV.

Prevention of Offences

CHAPTER VIII

Of Security for Keeping the Peace and for Good Behaviour.

A—Security for keeping the Peace on conviction

SECTIONS

Security for keeping the peace on conviction	89
--	----

B—Security for keeping the Peace in other Cases and security for Good Behaviour

Security for keeping the peace in other cases	90
Procedure of Magistrate, not empowered to act under sub-section (1)	
Security for good behaviour from persons disseminating seditious matter	91
Security for good behaviour from vagrants and suspected persons	92
Security for good behaviour from habitual offenders	93
Proviso as to European vagrants	94
Order to be made	95
Procedure in respect of person present in Court	96
Summons or warrant in case of person not so present	97
Copy of order under section 95 to accompany summons or warrant	98
Power to dispense with personal attendance	99
Inquiry as to truth of information	100
Order to give security	101
Discharge of person informed against	102

C—Proceedings in all Cases subsequent to Order to furnish security

Commencement of period for which security is required	103
Contents of Bond	104
Power to reject sureties	105
Imprisonment in default of security	106
Proceeding when to be laid before High Court or Court of Session	
Kind of imprisonment	
Power to release persons imprisoned for failing to give security	107
Power of District Magistrate to cancel any bond for keeping the peace or good behaviour	108
Discharge of sureties	109

CHAPTER IX

Unlawful Assemblies

Assembly to disperse on command of Magistrate or Police-officer	110
Use of civil force to disperse	111
Use of military force	112
Duty of officer commanding troops required by Magistrate to disperse assembly	113
Power of commissioned military officers to disperse assembly	114
Protection against prosecution for acts done under this chapter	115

CHAPTER X

Preventive Action of the Police

Police to prevent cognizable offences	116
Information of design to commit such offences	117
Arrest to prevent such offences	118
Prevention of injury to public property	119
Inspection of weights and measures	120

Part V

Information to the Police and their Powers to Investigate

CHAPTER XI

	SECTIONS
Information in cognizable cases	121
Information in non-cognizable cases	122
Investigation into non-cognizable cases	
Investigation into cognizable cases	123
Procedure where cognizable offence suspected, where local investigation dispensed with, where police-officer in charge sees no sufficient ground for investigation	124
Reports under Section 124 how submitted	125
Power to hold investigation or preliminary inquiry	126
Police-officer's power to require attendance of witnesses	127
Examination of witnesses by police	128
Statements to Police not to be signed or admitted in evidence	129
No inducement to be offered	130
Power to record statements and confessions	131
Search by police-officer	132
When officer in charge of police-station may require another to issue search-warrant	133
Procedure when investigation cannot be completed in twenty-four hours	134
Report of investigation by subordinate police-officer	135
Release of accused when evidence deficient	136
Case to be sent to Magistrate when evidence is sufficient	137
Complainants and witnesses not to be required to accompany police-officer	138
Complainants and witnesses not to be subjected to restraint	
Recusant complainant or witness may be forwarded in custody	
Diary of proceedings in investigation	139
Report of police-officer	140
Police to inquire and report on suicide, etc	141
Power to summon persons	142
Inquiry by Magistrate into cause of death	143
Power to disinter corpses	
Power to arrest	

Part VI.

Proceedings in Prosecutions.

On the Jurisdiction of the Criminal Courts in Inquiries and Trials

A—Place of Inquiry or Trial

Ordinary place of inquiry or trial	144
Accused triable in district where act is done, or where consequence ensues	145
Place of trial where act is offence by reason of relation to other offence	146
Being a thug or belonging to a gang of dacoits, escape from custody, &c	147
Criminal misappropriation and criminal breach of trust	
Stealing	
Kidnapping and abduction	
Place of inquiry or trial where scene of offence is uncertain, or not in one district only, or where offence is continuing, or consists of several acts	148
Offence committed on a journey	149
High Court to decide, in case of doubt, district where inquiry or trial shall take place	150
Power to issue summons or warrant for offence committed beyond local jurisdiction	151
Magistrate's procedure on arrest	

B—Conditions requisite for Initiation of Proceedings

	SECTIONS
Cognizance of offences by Magistrates	152
Transfer or commitment on application of accused	153
Transfer of cases by Magistrates	154
Transfer of cases by High Court	155
Cognizance of offences by High Court	156
Informations by Attorney General	
Prosecution for contempts of lawful authority of public servants	157
Prosecution for certain offences against public justice	
Prosecution for certain offences relating to documents given in evidence	
Nature of sanction necessary	
Prosecution for offences against the State	158
Prosecution of Judges and public servants	159
Power of Government as to prosecution	
Prosecution for breach of contract, defamation and offences against marriage	160
Prosecution for adultery or enticing a married woman	161

CHAPTER XIII

Of Complaints to Magistrate

Examination of complainant	162
Procedure by Magistrate not competent to take cognizance of the case	163
Postponement of issue of process	164
Dismissal of complaint	165

CHAPTER XIV

Of the Commencement of Proceedings before Magistrates

Issue of process	166
Magistrate may dispense with personal attendance of accused	167

CHAPTER XV

Inquiry into Cases triable by the Court of Session or High Court

Power to commit for trial	168
Procedure in inquiries preparatory to commitment	169
Taking of evidence produced	170
Process for production of further evidence	
When accused person to be discharged	171
When charge is to be framed	172
Charge to be explained, and copy furnished, to accused	
List of witnesses for defence on trial	173
Further list	
Order of commitment	164
Summons to witnesses for defence when accused is committed	175
Refusal to summon unnecessary witness unless deposit made	
Bond of complainants and witnesses	176
Detention in custody in case of refusal to attend or to execute bond	
Commitment when to be notified	177
Charge, &c, to be forwarded to High Court	
Power to summon supplementary witnesses	178
Custody to accused pending trial	179

CHAPTER XVI

**Of the Charge
Form of Charges**

Charge to state offence	180
Specific name of offence sufficient description	
How stated where offence has no specific name	
What implied in charge	
Language of charge	
Previous conviction when to be set out	
Particulars as to time, place and person	181

	SECTIONS
When manner of committing offence must be stated	182
Words in charge taken in sense of law under which offence is punishable	183
Effect of errors	184
Procedure on commitment without charge or imperfect charge	185
Court may alter charge	186
When trial may proceed immediately after alteration	187
When new trial may be directed, or trial suspended	188
Stay of proceedings if prosecution of offence in altered charge requires previous sanction	189
Recall of witnesses when charge altered	190
Effect of material error	191

Joinder of Charges

Separate charges for distinct offences	192
Three offences of same kind within year may be charged together	193
Trial for more than one offence	194
Offence falling within two definitions	
Acts constituting one offence, but constituting when combined a different offence	
Where it doubtful what offence has been committed	195
When a person is charged with one offence, he can be convicted of another	196
When offence proved included in offence charged	197
What persons may be charged jointly	198
Withdrawal of remaining charges on conviction of one of several charges	199

CHAPTER XVII

Of the Trial of Summons-Cases by Magistrates

Procedure in summons-cases	200
Substance of accusation to be stated	201
Conviction on admission of truth of accusation	202
Procedure when no such admission is made	203
Acquittal	204
Sentence	
Finding not limited by complaint or summons	205
Non-appearance of complainant	206
Withdrawal of complaint	207
Power to stop proceedings when no complainant	208

Frivolous Accusations in Summons and Warrant Cases

Frivolous or vexatious accusations	209
------------------------------------	-----

CHAPTER XVIII

Of the Trial of Warrant-Cases by Magistrates

Procedure in warrant-cases	210
Evidence for prosecution	211
Discharge of accused	212
Charge to be framed when offence appears proved	213
Plea	214
Defence	215
Process for compelling production of evidence at instance of accused	216
Acquittal	217
Conviction	
Absence of complainant	218

CHAPTER XIX

Of Summary Trials.

Power to try summarily	219
Procedure for summons and warrant-cases applicable	220
Limit of imprisonment	
Record in cases where there is no appeal	221
Record in appealable cases	

CHAPTER XX

Of Trials before High Courts and Courts of Session*A—Preliminary*

	SECTIONS.
Trials before High Court to be by jury or with assessors	222
Governor may order trials before High Court to be by jury	223
Cases to be tried by assessors	

B—Commencement of Proceedings

Commencement of trial	224
Plea of guilty	
Refusal to plead or claim to be tried	225
Trial by same jury or assessors of several offenders in succession	
Entry on unsustainable charges	226
Effect of entry	

C—Choosing a Jury

Jurors to be chosen by lot	227
Existing practice maintained, persons not summoned when eligible, number of jurors	
Name of jurors to be called	228
Objection to jurors	
Grounds of objection	229
Decision of objection	230
Supply of place of juror against whom objection allowed	
Foreman of jury	231
Swearing of jurors	232
Procedure when juror ceases to attend, &c	233
Discharge of jury in case of sickness of prisoner	234

D—Choosing Assessors

Assessors how chosen	235
Procedure when assessor is unable to attend	236

E—Trial to close of Cases for Prosecution and defence

Opening case for prosecution	237
Examination of witnesses	
Examination of accused before Magistrate to be evidence	238
Evidence given at preliminary inquiry admissible	239
Procedure after examination of witnesses for prosecution	240
Defence	241
Right of accused as to examination and summoning of witnesses	242
Prosecutor's right of reply	243
View by jury or assessors	244
When juror or assessor may be examined	245
Jury or assessors to attend at adjourned sitting	246
Locking up jury	247

F—Conclusion of Trial in Cases tried by jury

Charge to jury	248
Duty of Judge	249
Duty of Jury	250
Retirement to consider	251
Delivery of verdict	252
Procedure where jury differ	253
Verdict to be given on each charge	254
Judge may question jury	
Questions and answers to be recorded	
Amending verdict	255
Verdict when to prevail	256
Discharge of jury in other cases	
Retrial of accused after discharge of jury	257

G—Conclusion of Trial in Cases tried with Assessors

Delivery of opinions of assessors	258
Judgment	...

H—Procedure in cases of Previous Conviction

	SECTIONS
Procedure in case of previous conviction	259
When evidence of previous conviction may be given	260

I—List of Jurors for High Court, and summoning Jurors for that Court

Lists of jurors and assessors	261
Liability to serve as jurors or assessors	262
Exemptions	263
Publication of list	264
Objections to list	
Revision of list	265
Annual revision of list	
Magistrate to summon jurors or assessors	266
Form and contents of summons	267
When Government or Railway servant may be excused	268
Court may excuse attendance of juror or assessor	269
Court may relieve special jurors from liability to serve again as jurors for twelve months	
List of jurors and assessors attending	270
Penalty for non-attendance of juror or assessor	271

J—Special Provisions

Power of Attorney General to stay proceedings	272
Time of holding sittings	273
Place of holding sittings	
Notice of sittings	

CHAPTER XXI

General Provisions as to Inquiries and Trials

Tender of pardon to accomplice	274
Power to direct tender of pardon	275
Commitment of person to whom pardon has been tendered	276
Right of accused to be defended	277
Procedure where accused does not understand proceedings	278
Power to examine the accused	279
No influence to be used to induce disclosures	280
Power to postpone or adjourn proceedings	281
Remand	
Reasonable cause for remand	
Compounding offences	282
Procedure when, after commitment of inquiry or trial, Magistrate finds the case should be committed	283
Conviction or commitment on evidence partly recorded by one Magistrate and partly by another	284
Detention of offenders attending Court	285
Courts to be open	286

CHAPTER XXII

Of the Mode of Taking and Recording Evidence in Inquiries and Trials

Evidence to be taken in presence of accused	287
Manner of recording evidence	288
Record in summons-cases	
Record in other cases	
Memorandum when evidence not taken down by the Magistrate or Judge himself	
Mode of recording evidence under section 288	289
Procedure in regard to such evidence when completed	290
Interpretation of evidence to accused or his Advocate	291
Remarks respecting demeanour of witness	292
Examination of accused how recorded	293
Record of evidence in High Court	294

CHAPTER XXIII.

Of the Judgment.

Mode of delivering judgment	295
Language of Judgment	296
Contents of Judgment	...

	SECTIONS
Judgment in alternative	
Sentence of death	297
Sentence of transportation	
Court not to alter judgment	298
Judgment to be explained and copy given to accused	299
Case of person sentenced to death	

CHAPTER XXIV

Of Execution

Execution of sentence of death	300
Postponement of capital sentence on pregnant woman	301
Execution of sentences of transportation or imprisonment in other cases	302
Direction of warrant for execution	303
Warrant with whom to be lodged	
Warrant for levy of fine	304
Effect of such warrant	305
Suspension of execution of sentence of imprisonment	306
Who may issue warrant	307
Execution of sentence of whipping only	308
Execution of sentence of whipping, in addition to imprisonment	309
Mode of inflicting punishment	310
Limit of number of stripes	
Not to be executed by instalments	311
Exemptions	
Whipping not to be inflicted if offender not in fit state of health	312
Stay of execution	
Procedure if punishment cannot be inflicted under section 312	313
Execution of sentences on escaped convicts	314
Sentence on offender already sentenced for another offence	315
Saving as to sections 314 and 315	316
Return of warrant on execution of sentence	317

CHAPTER XXV

Of Previous Acquittals or Convictions.

Person once convicted or acquitted not to be tried for same offence	318
---	-----

Part VII.

Of Appeal and Revision

CHAPTER XXVI

Of Appeals and Revision

Unless otherwise provided, no appeal to lie	319
Appeals from convictions by High Court to His Majesty's Court of Appeal for Eastern Africa	320
Appeal from order rejecting application for restoration of attached property	321
Appeal from order requiring security for good behaviour	322
Appeal to High Court	323
No appeal in petty cases	324
No appeal in certain cases when accused pleads guilty	
No appeal from certain summary convictions	325
Proviso to sections 324 and 325	326
Appeal on behalf of Government in case of acquittal by High Court	327
Appeal on behalf of Government in case of acquittal by Subordinate Court	328
Petition of appeal	329
Procedure when appellant in jail	330
Summary dismissal of appeal	331
Notice of appeal	332
Power of Appellate Court in disposing of appeal	333
Powers of His Majesty's Court of appeal for Eastern Africa	334
Order by High Court on appeal to be certified to Lower Court	335
Suspension of sentence pending appeal	336
Release of appellant on bail	
Arrest of accused in appeal from acquittal	337
Appellate Court may take further evidence or direct it to be taken	338
Number of Judges to form Court	339

	SECTIONS
Procedure where Judges of Court of Appeal are equally divided	
Abatement of appeals	340
Power to call for records of inferior Courts	341
Power of Subordinate Courts to call for records of inferior Courts and report to High Court	342
High Court's power of revision	343
Optional with Court to hear parties	344
Number of Judges in revision	345
Procedure if equally divided	
High Court's order to be certified to Lower Court or Magistrate	346

Part VIII.

Special Proceedings

CHAPTER XXVII

Trial of Europeans

Method of trial of certain offences committed by Europeans	347
Offences committed by Europeans triable by Magistrates	348
Nature of imprisonment	349
When accused to be asked if he is a European	350
When claim to be tried as a European is deemed to have been relinquished	
Europeans committed for trial to be tried by jury of Europeans	351
European tried jointly with non European	352
Grounds of claim to be dealt with as a European to be stated and inquired into	353
Saving of proceedings when a non European is dealt with as a European	354
Accused and husband or wife to be competent witnesses	355
Procedure when accused is the only witness for the defence	356
Right of reply	357
Cases in which a husband or wife can be called without the consent of the person charged	358
Procedure on trial of European	359

CHAPTER XXVIII

Lunatics

Procedure in case of accused being lunatic	360
Procedure in case of person committed before High Court being lunatic	361
Release of lunatic pending investigation or trial	362
Custody of lunatic	
Resumption of inquiry or trial	363
Procedure on accused appearing before Magistrate or Court	364
When accused appears to have been insane	365
Judgment of acquittal on ground of lunacy	366
Person acquitted on such ground to be kept in safe custody	367
Power of Governor in Council to order criminal lunatics confined by order of Government to be removed from one place to another in the Protectorate	
Lunatic prisoners to be visited	368
Procedure where lunatic prisoner is reported capable of making his defence	369
Procedure where lunatic confined under section 362 or 367 is declared fit to be discharged	370
Delivery of lunatic to care of relative	371

CHAPTER XXIX

Proceedings in case of certain Offences affecting the Administration of Justice

Procedure in cases mentioned in section 157	372
Power of High Court as to such offences committed before itself	
Procedure in certain cases of contempt	373
Record in such cases	374
Discharge of offender on submission apology	375
Procedure where Court considers that case should not be dealt with under section 373	376
Imprisonment or committal of person refusing to answer or produce document	377
Appeals from convictions in contempt cases	378
Certain Judges and Magistrates not to try offences referred to in section 157 when committed before themselves	379

CHAPTER XXX.

Directions of the Nature of a Habeas Corpus and Writs

	SECTIONS
Power to issue directions of the nature of a habeas corpus	380
Power of High Court to issue writs	381

Part IX.**Supplementary Provisions**

CHAPTER XXXI

Of the Public Prosecutor

Power to appoint Public Prosecutors	382
Public Prosecutor may plead in all Courts in cases under his charge	
Advocates privately instructed to be under his direction	383
Effect of withdrawal from prosecution	384
Permission to conduct prosecution	385

CHAPTER XXXII

Of Bail.

In what cases bail to be taken	386
When bail may be taken in case of non-bailable offence	387
Power to direct admission to bail or reduction of bail	388
Bond of accused and sureties	389
Discharge from custody	390
Power to order sufficient bail when that first taken is insufficient	391
Discharge of sureties	392

CHAPTER XXXIII

Of Commissions for the Examination of Witnesses

When attendance of witness may be dispensed with	393
Issue of commission, and procedure thereunder	
Parties may examine witnesses	394
Power of Magistrate to apply for issue of commission	395
Return of commission	396
Adjournment of inquiry or trial	397

CHAPTER XXXIV

Special Rules of Evidence.

Deposition of medical witness	398
Power to summon medical witness	
Report of Chemical Examiner	399
Previous conviction or acquittal how proved	400
Record of evidence in absence of accused	401
Record of evidence when offender unknown	

CHAPTER XXXV

Provisions as to Bonds

Deposit instead of recognizance	402
Procedure on forfeiture of bond	403
Appeal from, and revision of, orders under section 403	404
Power to direct levy of amount due on certain recognizances	405

CHAPTER XXXVI

Of the Disposal of Property

Order for disposal of property regarding which offence committed	406
Payment to innocent purchaser of money found on accused	407
Destruction of libellous and other matter	408
Power to restore possession of immoveable property	409
Procedure by Police upon seizure of property taken under section 35 or stolen	410
Procedure where owner of property seized unknown	
Procedure where no claimant appears within six months	411
Power to sell perishable property	412

CHAPTER XXXVII

Of Irregular Proceedings

	SECTIONS
Irregularities which do not vitiate proceedings	413
Irregularities which vitiate proceedings	414
Proceedings in wrong place	415
When irregular commitment may be validated	416
Non-compliance with provisions of section 131 or 293	417
Effect of omission to prepare charge	418
Trial by jury of offence triable with assessors	419
Trial with assessors of offence triable by jury	
Finding or sentence when reversible by reason of error or omission in charge or other proceedings	420
Distress not illegal nor distainer a trespasser for defect or want of form in proceedings	421

CHAPTER XXXVIII

Miscellaneous

Courts and persons before whom affidavits may be sworn	422
Power to summon material witness, or examine person present	423
Power to appoint place of imprisonment	424
Power of Magistrate to order prisoner in jail to be brought up for examination	425
Interpreter to be bound to interpret truthfully	426
Expenses of complainants and witnesses	427
Power of Court to pay expenses or compensation out of fine	428
Payments to be taken into account in subsequent suit	429
Moneys ordered to be paid recoverable as fines	430
Copies of proceedings	431
Delivery to military authorities persons liable to be tried by Court-martial	432
Apprehension of such persons	
Powers to Police to seize property suspected to be stolen	433
Powers of superior officers of Police	434
Power to compel restoration of abducted females	435
Compensation to person groundlessly given in charge	436
Forms	437
Power of High Court to inspect records of subordinate Courts	438
Subordinate Courts to furnish returns to High Court	439
Case in which Judge or Magistrate is personally interested	440
Officers concerned in sales, not to purchase or bid for property	441
Language of Courts	442

First Offenders

Power of Court to release upon probation of good conduct instead of sentencing to punishment	443
Provision in case of offender failing to observe conditions of his recognizances	444
Conditions as to abode of offender	445

Previously convicted Offenders

Order for notifying address of previously convicted offender	446
Reference by Magistrate holding Subordinate Court of the first class	447
Disposal of case according to the decision of the High Court	448
Power to reserve questions arising in original jurisdiction of High Court	449

Schedules.

- I —Enactments repealed
- II —Tabular Statement of Offences
- III —Ordinary Powers of Magistrates
- IV —Additional Powers with which Magistrates may be invested

A Bill

Intituled

An Ordinance to make provision for Procedure in Criminal Courts.

PART I

Preliminary.

Chapter I.

- 1 (1) This Ordinance may be cited as "The Criminal Procedure Ordinance, 1912" and shall come into operation on such date as the Governor by notification in the Gazette shall determine Short Title
Commencement.
- (2) This Ordinance shall be read with the Courts Ordinance, 1907, and any Ordinance amending or substituted for the same Read with
Courts
Ordinance
- (3) This Ordinance shall extend to the whole of the East Africa Protectorate, but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special or local law or Ordinance or rules thereunder now in force, or any special jurisdiction or power conferred or any special form or procedure prescribed by any other law or Ordinance for the time being in force Extent
- 2 (1) On the coming into operation of this Ordinance, the enactments mentioned in the first schedule hereto shall be repealed to the extent therein specified but not so as to restore any jurisdiction or form of procedure not then existing or followed, or to render unlawful the continuance of a confinement which is then lawful Repeal of
Enactments
- (2) All notifications published, proclamations issued, powers conferred, forms prescribed, local limits defined, sentences passed and orders, rules and appointments made under any enactment hereby repealed, or under any enactment repealed by any such enactment, and which are in force immediately before the coming into operation of this Ordinance, shall be deemed to have been respectively published, issued, conferred, prescribed, defined, passed and made under the corresponding sections of this Ordinance Notifications, etc.
under repealed
Enactments
- (3) The Provisions of this Ordinance shall apply to all Criminal proceedings instituted after the commencement of this Ordinance, and, so far as may be, to all cases pending in a Criminal Court when this Ordinance comes into force Pending Cases
3. In every enactment passed before this Ordinance came into operation, in which reference is made to, or to any chapter or section of, any enactment repealed by this Ordinance, such reference shall, so far as may be practicable, be taken to be made to this Ordinance, or to its corresponding chapter or section References to
Code of criminal
Procedure and
other repealed
Enactments
4. (1) In this Ordinance the following words and expressions have the following meanings, unless a different intention appears from the subject or context — Definitions.

Advocates	(a) "Advocate" used with reference to any proceeding in any Court, means an Advocate authorised under any law for the time being in force to practise in such Court
Bailable Offence	(b) "Bailable Offence" means an offence shewn as bailable in the second schedule hereto or which is made bailable by any other law for the time being in force, and "non-bailable offence" means any other offence
Non-bailable Offence	
Charge	(c) "Charge" includes any head of charge when the charge contains more heads than one
Cognizable Offence	(d) "Cognizable Offence" means an offence for, and "cognizable case" means a case in, which a Police Officer may, in accordance with the second schedule hereto or under any law for the time being in force, arrest without warrant
Complaint	(e) "Complaint" means the allegation made orally or in writing to a Magistrate, with a view to his taking action under this Ordinance, that some person, whether known or unknown, has committed an offence, but complaint does not include the report of a Police Officer
European	(f) "European" means a person of European origin or descent
High Court	(g) "High Court" means His Majesty's High Court of East Africa as constituted by the East Africa Order in Council, 1902.
Inquiry	(h) "Inquiry" includes every inquiry other than a trial conducted under this Ordinance by a Magistrate or Court
Investigation	(i) "Investigation" includes all the proceedings under this Ordinance for the collection of evidence conducted by a Police Officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf
Judicial Proceeding	(j) "Judicial Proceeding" includes any proceeding in the course of which evidence is or may be legally taken on oath or affirmation
Native	(k) "Native" means any native of Africa not of European or Asiatic extraction but includes any Arab and Somali and also any Beluchi born in Africa
Non-cognizable Offence	(l) "Non-cognizable Offence" means an offence for, and "non-cognizable case" means a case in, which a Police Officer may not arrest without warrant
Non cognizable Case	
Offence	(m) "Offence" means any act or omission made punishable by any law for the time being in force
Officer in charge of a Police-Station	(n) "Officer in charge of a Police Station" includes, when the Officer in charge of the Police Station is absent from the station-house or unable from illness or other cause to perform his duties, the Police Officer present at the station-house who is next in rank to such Officer and is above the rank of constable, or, when the Governor so directs, any other Police Officer so present For the purposes of this clause a European Constable shall be deemed to be above the rank of Constable
Penal Code	(o) "Penal Code" means the Indian Penal Code as applied to the East Africa Protectorate at the coming into operation of this Ordinance and any amendment thereof or addition thereto hereafter applied or made by Ordinance and any codification of the criminal law hereafter substituted therefor
Place	(p) "Place" includes also a house, building, tent and vessel
Police Station	(q) "Police Station" means a post or place declared, generally or specially, by the Governor to be a Police-station, and includes any local area specified by the Governor in this behalf
Public Prosecutor	(r) "Public Prosecutor" means any person appointed under Section 382 and includes the Attorney General and any person acting under the directions of the Attorney General and any person conducting a prosecution on behalf of His Majesty in the High Court in the exercise of its original criminal jurisdiction
Registrar	(s) "Registrar" means any person appointed to be a Registrar of the High Court and includes Deputy Registrar and District Registrar
Subordinate Court	(t) "Subordinate Court" includes a Subordinate Native Court.

- (u) "Summons-case" means a case relating to an offence and not Summons-case being a warrant-case and
- (v) "Warrant-case" means a case relating to an offence punishable Warrant-case with death, transportation, penal servitude or imprisonment for a term exceeding six months
- (2) Words which refer to acts done extend also to illegal omissions, Words referring and all words and expressions used herein and defined in the to Acts Penal Code and not hereinbefore defined shall be deemed to Words to have have the meanings respectively attributed to them by that Code the same meaning as in Penal Code
- 5 (1) All offences under the Penal Code shall be investigated, inquired Trial of Offences into, tried and otherwise dealt with according to the provisions under Penal Code hereinafter contained
- (2) All offences under any other law shall be investigated, inquired Trial of Offences into, tried, and otherwise dealt with according to the same against other provisions, but subject to any enactment for the time being in laws force regulating the manner or place of investigating, inquiring into, trying or otherwise dealing with such offences
- (3) Provided, however, and notwithstanding anything in this Ordinance Saving power of contained, the High Court may, subject to the provisions High Court of any law for the time being in force in the Protectorate, in exercising its criminal jurisdiction in respect of any matter or thing to which the proceeding prescribed by this Ordinance is inapplicable, exercise such jurisdiction according to the course of procedure and practice observed by, and before, His Majesty's High Court of Justice in England on the coming into operation of this Ordinance

PART II

Constitution and Powers of Criminal Courts

Chapter II.

Of the constitution of Criminal Courts.

6 Beside the High Court and the Courts, if any, constituted under any law Subordinate for the time being in force, there shall be six classes of Subordinate Criminal Courts Courts in the Protectorate, that is to say —

- (1) Subordinate Courts of the 1st Class
- (2) Subordinate Courts of the 2nd Class
- (3) Subordinate Courts of the 3rd Class
- (4) Liwali's Courts
- (5) Cadi's Courts
- (6) Mudir's Courts

The last three Classes of Subordinate Criminal Courts herein mentioned shall be known as native Subordinate Courts

7 The Magistrate in the respective Courts shall be by virtue of his office — By whom held
In a Subordinate Court of the 1st Class—A Provincial Commissioner or a Resident Magistrate

- | | | | |
|---|----------------|---|---|
| „ | „ | „ | 2nd Class—A District Commissioner |
| „ | „ | „ | 3rd Class—An Asst District Commissioner |
| „ | Liwali's Court | | —A Liwali |
| „ | Cadi's „ | | —A Cadi |
| „ | Mudir's „ | | —A Mudir |

- 8 (1) The Governor may for any good and sufficient reason by Special Courts appointment in the Gazette confer upon any person all or any of the powers conferred or conferable by or under this Ordinance on a Subordinate Court of the 1st, 2nd or 3rd Class in respect of particular cases or to a particular class or particular classes of cases or in regard to cases generally

- (2) Such appointments shall define the local area in which the powers conferred thereby shall be exercised
- (3) Such appointments shall continue in force until revoked by notice in the Gazette
- (4) Each such appointments shall direct the person appointed thereby to hold a Subordinate Court of the 1st, 2nd or 3rd Class as the case may be and shall specify the powers to be exercised thereunder

Special Native Courts 9 The Governor may appoint any native to hold a Native Subordinate Court

Limits of jurisdiction of Subordinate Courts 10 The local limits within which Subordinate Courts shall ordinarily exercise their jurisdiction shall be as follows —

A Subordinate Court of the 1st Class	Within the Province in which it is situated
" " 2nd Class	" District "
" " 3rd Class	" " " "
A Liwali's Court	In the Coast Districts within the District in which it is situated
A Cadi's Court	In the Coast Districts within the District in which it is situated
A Mudir's Court	In the Coast Districts within the District in which it is situated

Provided that where there is more than one Subordinate Court in the same District the High Court may direct the distribution of business between such Courts

Place of Sitzings 11 Subordinate Courts shall ordinarily be held at such places as the Governor may direct but may be held at any other place within the local limits of their jurisdiction

In the absence of any such direction, Subordinate Courts shall continue to be held at such places as Courts of a similar character have hitherto been held

Chapter III

Powers of Courts

Offences under Penal Code 12 Subject to the other provisions of this Ordinance, any offence under the Penal Code may be tried —

- (a) by the High Court, or
- (b) by any other Court by which such offence is shewn in the eighth column of the Second Schedule hereto to be triable, or by any Court with greater powers

Offences under other laws 13 (1) Any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court
(2) When no Court is so mentioned, it may, subject to the other provisions of this Code, be tried by the High Court or by any Subordinate Court by which such offence is shewn in the eighth column of the second schedule to be triable

High Court sentence 14 The High Court may pass any sentence authorized by law

Subordinate Courts sentences 15 (1) Subordinate Courts of the 1st, 2nd and 3rd Class, subject to the provisions of Chapter XXVII of this Ordinance, may, when the Accused is a non-native, pass the following sentences, namely —

Subordinate Courts of the 1st Class	{ Imprisonment for a term not exceeding two years including such solitary confinement as is authorized by law
	{ Fine not exceeding Rs 3,000/-
	{ Whipping
Subordinate Courts of the 2nd Class	{ Imprisonment for a term not exceeding six months including such solitary confinement as is authorized by law
	{ Fine not exceeding Rs 750/-
	{ Whipping (if specially empowered)
Subordinate Courts of the 3rd Class	{ Imprisonment for a term not exceeding one month
	{ Fine not exceeding Rs 150/-

Provided that Magistrates holding Subordinate Courts of the 3rd Class shall not have jurisdiction to try Europeans under Chapter XXVII, but may take cognizance of an offence committed by a European in any case in which they could take cognizance of a like offence if committed by another person, but so that if

- any such Magistrate issue process for the purpose of compelling the appearance of any European accused of an offence, such process shall be made returnable before a Magistrate having jurisdiction to enquire into or try the case
- (2) A Subordinate Court may pass any lawful sentence combining any of the sentences which it is authorised by law to pass
- 16 (1) Liwals and Cadis Courts shall have the same powers in all matters with respect to natives only as a Subordinate Court of the 2nd class with respect to non-natives Subordinate Native Courts powers and sentences
- (2) Mudirs Courts shall have the same powers in all matters with respect to natives only as a Subordinate Court of the 3rd class with respect to non natives
- 17 (1) Notwithstanding any other provision herein contained Subordinate Courts of the 1st, 2nd and 3rd Class may try natives for any offence under the Penal Code or in the absence of any provision to the contrary any other law other than offences under Chapter VI, of the Penal Code, any offence punishable with death, culpable homicide not amounting to murder, and attempt and abetment of such offences Powers over natives of 1st, 2nd and 3rd Class Subordinate Courts
- (2) Subordinate Courts of the 1st and 2nd Class may pass on any native so tried any sentence authorised by the Penal Code or any other law
- (3) Subordinate Courts of the 3rd class may pass on any native so tried a sentence of imprisonment for a term not exceeding six months or a fine not exceeding Rs 200/- or both
- 18 The High Court and Subordinate Courts of the 1st and 2nd Class and Liwali's Courts may, when the Accused is a native, impose a sentence of whipping not exceeding 24 lashes in addition to or in lieu of any other punishment authorized by law Power to whip Natives
- 19 (1) No sentence imposed on a native by a Subordinate Court exceeding six months imprisonment or 12 lashes shall be carried into effect and no fine exceeding Rs 500/- shall be levied until the record of the case or a certified copy thereof has been transmitted to and the sentence has been confirmed by the High Court Sentences needing confirmation
- (2) The High Court may exercise the same powers in confirmation as are conferred upon it in Revision by Chapter XXVI of this Ordinance Powers in Confirmation
- 20 (1) The Magistrate of any Subordinate Court may award such term of imprisonment in default of payment of fine as is authorised by law in case of such default Power of Magistrates to sentence to imprisonment in default of fine
- Provided that
- (a) the term is not in excess of the Magistrate's powers
- (b) in any case decided by a Magistrate where imprisonment has been awarded as part of the substantive sentence, the period of imprisonment awarded in default of payment of the fine shall not exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine Proviso as to certain cases
- (2) The imprisonment awarded under this Section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate
- 21 (1) When a person is convicted at one trial of two or more distinct offences the Court may sentence him, for such offences, to the several punishments prescribed therefore which such Court is competent to inflict, such punishments when consisting of imprisonment to commence the one after the expiration of the other in such order as the Court may direct unless the Court directs that such punishments shall run concurrently Sentence in cases of conviction of several offences at one trial
- (2) In the case of consecutive sentences, it shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court

Provided as follows —

Maximum term
of punishment

- (a) in no case shall such person be sentenced to imprisonment for a longer period than fourteen years —
- (b) if the case is tried by a Subordinate Court, the aggregate punishment shall not exceed twice the amount of punishment which the Court is, in the exercise of its ordinary jurisdiction, competent to inflict
- (3) For the purposes of appeal or confirmation aggregate sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence

Explanation — Separable offences which come within the provisions of section 71 of the Penal Code are not distinct offences within the meaning of this section

Illustration

- A breaks into a house with intent to commit theft and steals property therein A has not committed distinct offences
- Ordinary Powers of Magistrates 22 All Magistrates of Subordinate Courts of the First, Second and Third Class and of Subordinate Native Courts shall have the powers respectively conferred upon them and specified in the Third Schedule Such powers shall be called their “Ordinary Powers”
- Over Natives Provided that Magistrates empowered to hold Subordinate Courts of the 2nd or 3rd Class may subject to the provisions of this or any other Ordinance exercise over natives the ordinary powers exercisable under this Ordinance by a Magistrate empowered to hold a Subordinate Court of the 1st Class
- Additional powers conferrable on a Magistrate 23 In addition to his ordinary powers, any Magistrate of a Subordinate Court of the first, second or third class may be invested by the Governor with any powers specified in the Fourth Schedule hereto as powers with which he may be invested by the Governor
- Mode of conferring powers 24 (1) In conferring powers under this Ordinance the Governor may by order empower persons specially by name, or by virtue of their office, or classes of officials generally by their Official titles
- (2) Every such order shall take effect from the date on which it is communicated to the persons so empowered
- Powers may be cancelled 25 The Governor may withdraw all or any of the powers conferred under this Ordinance on any person by him or by an officer of the Government

PART III

General Provisions.

Chapter IV.

Of aid and Information to the Magistrates, the Police and Persons making Arrests.

Public when to
assist Magist-
rates and Police

26 Every person is bound to assist a Magistrate or Police Officer reasonably demanding his aid —

- (a) in the taking or preventing the escape of any other person whom such Magistrate or Police Officer is authorised to arrest,
- (b) in the prevention or suppression of a breach of the peace, or in the prevention of any injury attempted to be committed to any railway, canal, telegraph or public property

Aid to person
other than Police
Officer, executing
warrant

27 When a Warrant is directed to a person other than a Police Officer, any other person may aid in the execution of such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

28 (1) Every person aware of the commission of, or of the intention of any other person to commit any offence punishable under any of the following sections of the Penal Code (namely), 121, 121 A, 122, 123, 124, 124 A, 126, 130, 143, 144, 145, 147, 148, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 and 460, shall, in the absence of any reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to the nearest Magistrate or Police Officer of such commission or intention Public to give information of certain offences

(2) For the purposes of this section the term "offence" includes any act committed at any place out of the Protectorate which would constitute an offence if committed in the Protectorate

29 Every Headman appointed by or Chief recognised by the Government shall forthwith communicate to the nearest Magistrate or to the officer in charge of the nearest police-station, whichever is nearer, any information which he may obtain respecting — Headmen to report

- (a) the permanent or temporary residence of any notorious thief, receiver or vendor of stolen property in any area of which he is headman or chief
- (b) The resort to any place within or the passage through such area of any person whom he knows or reasonably suspects to be a robber, escaped convict, or proclaimed offender
- (c) the occurrence in or near such area of any sudden or unnatural death under suspicious circumstances
- (d) any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which a Magistrate by general or special order has directed him to communicate information

Chapter V.

Of Arrest, Escape and Retaking

(A) Arrest Generally

- 30 (1) In making an arrest the Police Officer or other person making the same shall actually touch or confine the body of person to be arrested, unless there be a submission to the custody by word or action Arrest how made
- (2) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such Police Officer or other person may use all means necessary to effect the arrest Resisting endeavour to arrest
- (3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with penal servitude or transportation for life

31 If any person acting under a warrant of arrest, or any Police Officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such Police Officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein Search of place entered by person sought to be arrested

32 If ingress to such place cannot be obtained under Section 31, it shall be lawful in any case for a person acting under a warrant and in any case in which a warrant may issue, but cannot be obtained without affording the person to be arrested an opportunity to escape, for a Police Officer to enter such place and search therein, and, in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance Procedure where ingress not obtainable

Breaking open
Zenana

Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public, such person or Police Officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it

Power to break
open doors and
windows for
purposes of
liberation

33 Any Police Officer or other person authorised to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein

No unnecessary
restraint

34 The person arrested shall not be subjected to more restraint than is necessary to prevent his escape

Search of arrested
persons

35 Whenever a person is arrested by a Police Officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail, the Officer making the arrest, or, when the arrest is made by a private person, the Police Officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing apparel, found upon him

Mode of
searching women

36 Whenever it is necessary to cause a woman to be searched the search shall be made by another woman with strict regard to decency

Power to seize
offensive
weapons

37 The Officer or other person making any arrest may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or Officer before which or whom the Officer or person making the arrest is required by law to produce the person arrested

(B) *Arrest without Warrant*

When Police
may arrest with-
out warrant

38 Any Police Officer may, without an order from a Magistrate and without a warrant, arrest

firstly—any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned,

secondly—any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking,

thirdly—any person who has been proclaimed as an offender either under this Ordinance or by order of the Governor,

fourthly—any person in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to such thing,

fifthly—any person who obstructs a Police Officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody,

sixthly—any person reasonably suspected of being a deserter from His Majesty's Army or Navy,

seventhly—any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of the Protectorate, which, if committed in the Protectorate, would have been punishable as an offence, and for which he is, under the Fugitive Criminal Surrender Ordinance, 1908, or under the Fugitive Offenders' Act, 1881, or otherwise, liable to be apprehended or detained in custody in the Protectorate, and

eighthly—any released convict committing a breach of any rule made under Section 446

Arrest of
vagabonds,
habitual robbers,
etc

39 Any Officer in charge of a Police Station may, in like manner, arrest or cause to be arrested —

(a) any person found taking precautions to conceal his presence within the limits of such station under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence, or

(b) any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

- (c) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it be stolen or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury

40 When any Officer in charge of a Police Station requires any Officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant he shall deliver to the Officer required to make the arrest an order in writing, specifying the person to be arrested and the offence or other cause for which the arrest is to be made

Procedure when Police Officer deputed subordinate to arrest without warrant

- 41 (1) When any person who in the presence of a Police Officer has committed or has been accused of committing a non-cognizable offence, refuses on demand of such Officer, to give his name and residence, or gives a name or residence which such Officer has reason to believe to be false, he may be arrested by such Officer in order that his name or residence may be ascertained

Refusal to give name and residence

- (2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required

Provided that, if such person is not resident in the Protectorate the bond shall be secured by a surety or sureties resident in the Protectorate

- (3) Should the true name and residence of such person not be ascertained within twenty four hours from the time of arrest or should he fail to execute the bond or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction

42 A Police Officer may, for the purpose of arresting without warrant any person whom he is authorised to arrest under this chapter, pursue such person into any place in the Protectorate

Pursuit of offenders into other jurisdictions

- 43 (1) Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence, or who has been proclaimed as an offender,

Arrest by private persons

and shall, without unnecessary delay, make over any person so arrested to a Police Officer, or, in the absence of a Police Officer, take such person to the nearest Police Station.

Procedure on such arrest

- (2) If there is reason to believe that such person comes under the provisions of section 58, a Police Officer shall re-arrest him

- (3) If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a Police Officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 41. If there is no sufficient reason to believe that he has committed any offence, he shall be at once released

44 A Police Officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a Police Station

Person arrested to be taken before Magistrate or Officer in charge of Police Station.

45 No Police Officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 134, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court

Person arrested not to be detained more than twenty-four hours

46 Officers in charge of Police Stations shall report to the nearest Magistrate the cases of all persons arrested without warrant within the limits of their respective stations whether such persons have been admitted to bail or otherwise

Police to report apprehensions

47 No person who has been arrested by a Police Officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate

Discharge of person apprehended

48 When any offence is committed in the presence of a Magistrate within the local limits of his jurisdiction, he may himself arrest or order any person to arrest the offender, and may, thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Offence committed in Magistrate's presence

Arrest by or in presence of Magistrate	49	Any Magistrate may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant
Power, on escape, to pursue and retake	50	If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued, may immediately pursue and arrest him in any place in the Protectorate
Provisions of Sections 31, 32 and 33 to apply to arrests under Section 50	51	The provisions of Sections 31, 32 and 33 shall apply to arrests under Section 50, although the person making any such arrest is not acting under a warrant and is not a Police Officer having authority to arrest

Chapter VI.

Of Processes to Compel Appearance.

(A) Summons

Form of summons	52	(1) Every summons issued by a Court under this Ordinance shall be in writing, in duplicate, signed and sealed by the presiding officer of such Court, or by such other officer as the High Court may from time to time, by rule, direct
Summons by whom served	(2)	Such summons shall be served by a Police Officer or by an officer of the Court issuing it or other public servant
Summons how served	53	(1) The summons shall, if practicable, be served personally on the person summoned by delivering or tendering to him one of the duplicates of the summons
Signature of receipt for summons	(2)	Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate
	(3)	Service of a summons on an incorporated company or other body corporate may be effected by serving it on the secretary, local manager or other principal officer of the corporation or by registered post letter addressed to the chief officer of the corporation in the Protectorate. In such case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post
Service when person summoned cannot be found	54	Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family, or with his servant residing with him, and the person with whom the summons is so left, shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate
Procedure when service cannot be effected as before provided	55	If service in the manner mentioned in Sections 53 and 54 cannot by the exercise of due diligence be effected, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides, and thereupon the summons shall be deemed to have been duly served
Service on servant of Government or of Railway Company	56	(1) Where the person summoned is in the active service of the Government or of a Railway Company, the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed, and such head shall thereupon cause the summons to be served in manner provided by Section 53, and shall return it to the Court under his signature with the endorsement required by that section
	(2)	Such signature shall be evidence of the service
Service of summons outside Local limits	57	When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served
Proof of service in such cases, and when serving Officer not present	58	(1) When a summons issued by a Court is served outside the local limits of its jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in manner provided by Section 53

or Section 54) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved

- (2) The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court

(B) *Warrant of Arrest*

- 59 (1) Every warrant of arrest issued by a Court under this Ordinance shall be in writing, signed in the case of the High Court by a Judge and in the case of a Subordinate Court by the presiding officer and shall bear the seal of the Court

- (2) Every such warrant shall remain in force until it is cancelled by the Court which issued it or until it is executed

- 60 (1) Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person executes a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the Officer to whom the warrant is directed shall take such security and shall release such person from custody

- (2) The endorsement shall state

(a) the number of sureties,

(b) the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound, and

(c) the time at which he is to attend before the Court

- (3) Whenever security is taken under this Section the Officer to whom the warrant is directed shall forward the bond to the Court

- 61 (1) A warrant of arrest shall ordinarily be directed to one or more Police Officers, but any Court issuing such a warrant may, if its immediate execution is necessary and no Police Officer is immediately available, direct it to any other person or persons, and such person or persons shall execute the same

- (2) When a warrant is directed to more Officers or persons than one, it may be executed by all, or by any one or more, of them

- 62 (1) A Magistrate empowered to hold a first class subordinate Court may direct a warrant to any landholder, farmer or manager of land within the local limits of his jurisdiction for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit

- (2) Such landholder, farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued is in, or enters on, his land or farm, or the land under his charge

- (3) When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest Police Officer, who shall cause him to be taken before a Magistrate having jurisdiction in the case, unless security is taken under Section 60

63 A warrant directed to any Police Officer may also be executed by any other Police Officer whose name is endorsed upon the warrant by the Officer to whom it is directed or endorsed

64 The Police Officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant

65 The Police Officer or other person executing a warrant of arrest shall (subject to the provisions of the Section 60 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person

66. A warrant of arrest may be executed at any place in the Protectorate

67. (1) When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a Police Officer, forward the same by post or otherwise to any Magistrate within the local limits of whose jurisdiction it is to be executed.

- Warrant directed to Police Officer for execution outside jurisdiction
- 68 (2) The Magistrate to whom such warrant is so forwarded shall endorse his name thereon and, if practicable, cause it to be executed in manner hereinbefore provided within the local limits of his jurisdiction
- (1) When a warrant directed to a Police Officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement to a Magistrate within the local limits of whose jurisdiction the warrant is to be executed
- (2) Such Magistrate shall endorse his name thereon, and such endorsement shall be sufficient authority to the Police Officer to whom the warrant is directed to execute the same within such limits, and the local police shall, if so required, assist such officer in executing such warrant
- (3) Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate within the local limits of whose jurisdiction the warrant is to be executed will prevent such execution, the Police Officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it
- Procedure on arrest of person against whom warrant issued
69. (1) When a warrant of arrest is executed outside the local limits of the jurisdiction of the Court by which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles of the place of arrest, or is nearer than the Magistrate within the local limits of whose jurisdiction the arrest was made, or unless security is taken under Section 60, be taken before the Magistrate within the local limits of whose jurisdiction the arrest was made
- (2) Such Magistrate shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court
- Procedure by Magistrate before whom person arrested is brought
- Provided that, if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate, or a direction has been endorsed under Section 60 on the warrant and such person is ready and willing to give the security required by such direction, the Magistrate shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant
- (3) Nothing in this section shall be deemed to prevent a Police Officer from taking security under Section 60
- (C) *Proclamation and Attachment*
- Proclamation for person absconding.
- 70 (1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation
- (2) The proclamation shall be published as follows —
- (a) it shall be publicly read in some conspicuous place of the town or village or district in which such person ordinarily resides, or, if such person has no ordinary place of residence in the Protectorate, in which he was last known to be residing,
- (b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village or district, and
- (c) a copy thereof shall be affixed to some conspicuous part of the Court house
- (3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day

- 71 (1) The Court issuing a proclamation under Section 70 may at any time order the attachment of any property, moveable or immovable, or both, belonging to the proclaimed person Attachment of property of person absconding
- (2) Such order shall authorize the attachment of any property belonging to such person within the local limits of the jurisdiction of the Court by which it is made, and it shall authorize the attachment of any property belonging to such person without such local limits when endorsed by a Judge of the High Court
- (3) If the property ordered to be attached is a debt or other movable property, the attachment under this section shall be made —
- (a) by seizure, or
 - (b) by the appointment of a receiver, or
 - (c) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf, or
 - (d) by all or any two of such methods, as the Court thinks fit
- (4) If the property ordered to be attached is immovable, attachment under the Section shall be made —
- (e) by taking possession, or
 - (f) by the appointment of a receiver, or
 - (g) by an order in writing prohibiting the payment of rent or delivery of property to the proclaimed person or to any one on his behalf, or
 - (h) by all or any two of such methods, as the Court thinks fit
- (5) If the property ordered to be attached consists of live-stock or is of a perishable nature, the Court may, if it thinks it expedient, order immediate sale thereof, and in such case the proceeds of the sale shall abide the order of the Court
- (6) The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under Chapter XXXVI of the Code of Civil Procedure.
- (7) If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of Government, but it shall not be sold until the expiration of six months from the date of attachment, unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the Court may cause it to be sold when it shall think fit

72 If within two years from the date of the attachment, any person whose property is or has been at the disposal of the Government, under Sub-section (7) of Section 71, appears voluntarily or is apprehended and brought before the Court by whose order the property was attached, or the High Court, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the nett proceeds of the sale, or, if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him Restoration of attached property

(D) Other Rules Regarding Processes

73 A Court may, in any case in which it is empowered by this Ordinance to issue a summons for the appearance of any person other than a juror or assessor, issue, after recording its reasons in writing, a warrant for his arrest— Issue of warrant in lieu of, or in addition to summons

- (a) If, either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or
- (b) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure

74 When any person for whose appearance or arrest the Officer presiding in any Court is empowered to issue a summons or warrant is present in such Court, such Officer may require such person to execute a bond, with or without sureties, for his appearance in such Court Power to take bond for appearance

Arrest on breach
of bond for
appearance

75. When any person, who is bound by any bond taken under this Ordinance to appear before a Court, does not so appear, the Officer presiding in such Court may issue a warrant directing that such person be arrested and produced before him

Provisions of
this Chapter
generally
applicable to
summonses and
warrants of
arrest

76 The provisions contained in this Chapter relating to a summons and warrant, and their issue, service and execution, shall, so far as may be, apply to every summons and every warrant of arrest issued under this Ordinance or by a Justice of the Peace, and save in so far as the same may be inconsistent with any other law, the powers of a Magistrate or Court in relation to the issuing or endorsing of a summons or warrant may be exercised by a Justice of the Peace

Chapter VII.

Of Processes to compel the Production of Documents and other moveable Property, and for Discovery of Persons wrongfully confined

(A) Summons to Produce

Summons to
produce
document or
other thing

77. (1) Whenever any Court or any Officer in charge of a Police Station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Ordinance by or before such Court or Officer, such Court may issue a summons, or such Officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order
- (2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with requisition if he causes such document or thing to be produced instead of attending personally to produce the same
- (3) Nothing in this section shall be deemed to affect the Indian Evidence Act, 1872, Sections 123 and 124, or to apply to a letter, post-card, telegram or other document or any parcel or thing in the custody of the Postal or Telegraph authorities

Procedure as to
letters and
telegrams

- 78 (1) If any document, parcel or thing in the custody of the Postal or Telegraph Authorities is, in the opinion of the High Court or a Subordinate Court of the 1st class, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Ordinance, such Court may require the Postal or Telegraph authorities, as the case may be, to deliver such document, parcel or thing to such person as such Court directs
- (2) If any such document, parcel or thing is, in the opinion of any other Magistrate, or of the Commissioner of Police, or any Superintendent of Police, or Assistant Superintendent of Police wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to cause search to be made for and to detain such document, parcel or thing pending the orders of the High Court or a Subordinate Court of the 1st class

(B) Search-Warrants

When search-
warrant may be
issued

- 79 (1) Where any Court has reason to believe that a person to whom a summons or order under Section 77 or a requisition under Section 78 Sub-section (1), has been or might be addressed, will not or would not produce the document or thing as required by such summons or requisition,
- or where such document or thing is not known to the Court to be in the possession of any person,
- or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Ordinance will be served by a general search or inspection,
- it may issue a search-warrant, and the person to whom such warrant is directed, may search or inspect in accordance therewith and the provisions hereinafter contained.

- (2) Nothing herein contained shall authorize any Court other than the High Court or a Subordinate Court of the 1st class to grant a warrant to search for a document, parcel or other thing in the custody of the Postal or Telegraph authorities

80 The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend, and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified

81 If a Magistrate, empowered to hold a Subordinate Court of the 1st or 2nd class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property, or for the deposit or sale or manufacture of forged documents, false seals or counterfeit stamps or coin, or instruments or material for counterfeiting coin or stamps or for forging,

or that any forged documents, false seals or counterfeit stamps or coin, or instruments or material used for counterfeiting coin or stamps or for forging are kept or deposited in any place,

he may by his warrant authorize any Police Officer above the rank of a constable—

- (a) to enter, with such assistance as may be required, such place, and
- (b) to search the same in manner specified in the warrant, and
- (c) to take possession of any property, documents, seals, stamps or coin therein, found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also of any such instruments and materials as aforesaid, and
- (d) to convey such property, documents, seals, stamps, coins, instruments or materials before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate or otherwise to dispose thereof in some place of safety, and
- (e) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments or materials knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or stamps or for forging

82 When, in the execution of a search warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, any of the things for which search is made are found, such things, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Court issuing the warrant, unless such place is nearer to the Magistrate having jurisdiction therein than to such Court, in which case the list and things shall be immediately taken before such Magistrate, and unless there be good cause to the contrary, such Magistrate shall make an order authorizing them to be taken to such Court

(C) *Discovery of Persons Wrongfully Confined*

83 If any Magistrate empowered to hold a Subordinate Court of the first class has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search warrant, and the person to whom such warrant is directed may search for the person so confined, and such search shall be made in accordance therewith, and the person, if found, shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper

(D) *General Provisions Relating to Searches*

84 The provisions of Sections 27, 59, 61, 63, 66, 67 and 68 shall, so far as may be, apply to all search warrants issued under Sections 79, 81 or Section 83

Persons in charge
of closed place to
allow search

85 (1) Whenever any place liable to search or inspection under this Chapter is closed, any person residing in, or being in charge of, such place shall, on demand of the Officer or other person executing the warrant, and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein

(2) If ingress into such place cannot be so obtained, the Officer or other person executing the warrant may proceed in manner provided by Section 32

(3) Where any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched. If such person is a woman, the directions of Section 36 shall be observed

Search to be
made in presence
of witnesses

86 (1) Before making a search under this Chapter, the Officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search

(2) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such Officer or other person and signed by such witnesses, but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it

Occupant of
place searched
may attend

(3) The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request

(4) When any person is searched under Section 85 Sub-Section (3), a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such person at his request

The search warrant should, except under special circumstances, be executed between sunset and sunrise

(E) Miscellaneous

Power to
impound
document &c
produced

87 Any Court may, if it thinks fit, impound any document or thing produced before it under this Ordinance

Magistrate may
direct search in
his presence

88 Any Magistrate may direct a search to be made in his presence of any place for the search of which he is competent to issue a search warrant

PART IV

Prevention of Offences.

Chapter VIII.

Of Security for Keeping the Peace and for good Behaviour.

A — Security for Keeping the Peace and for good Behaviour

Security for
keeping the peace
on conviction

89 (1) Whenever any person accused of rioting, assault or other offence involving a breach of the peace or of abetting the same, or of assembling armed men or taking other unlawful measures with the evident intention of committing the same, or any person accused of committing criminal intimidation, is convicted of such offence before a High Court or a Subordinate Court of the first class,

and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace,

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period, not exceeding three years, as it thinks fit to fix

- (2) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void
- (3) An order under this section may also be made by the High Court when exercising its powers of appeal or revision

B—Security for Keeping the Peace in other Cases and Security for good Behaviour

- 90 (1) Whenever a Magistrate empowered to hold a Subordinate Court of the first class is informed that any person is likely to commit a breach of the peace or disturb the public tranquillity, or to do any wrongful act that may probably occasion a breach of the peace, or disturb the public tranquillity, the Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding one year as the Magistrate thinks fit to fix
- (2) Proceedings shall not be taken under this section unless either the person informed against, or the place where the breach of the peace or disturbance is apprehended, is within the local limits of such Magistrate's jurisdiction
- (3) When any Magistrate not empowered to proceed under Sub-Section (1) has reason to believe that any person who is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturbance cannot be prevented otherwise than by detaining such person in custody, such Magistrate may, after recording his reasons, issue a warrant for his arrest (if he is not already in custody or before the Court), and may send him before a Magistrate empowered to deal with the case, together with a copy of his reasons
- (4) A Magistrate before whom a person is sent under this section, may in his discretion detain such person in custody until the completion of the inquiry hereinafter prescribed

91 Whenever a Magistrate empowered to hold a Subordinate Court of the first class has information that there is within the limits of his jurisdiction any person who, within or without such limits, either, orally or in writing, disseminates or attempts to disseminate, or in anywise abets the dissemination of —

- (a) any seditious matter, that is to say, any matter the publication of which is punishable under Section 124A of the Penal Code, or
- (b) any matter the publication of which is punishable under Section 153A of the Penal Code, or
- (c) any matter concerning a Judge which amounts to criminal intimidation or defamation under the Penal Code,

such Magistrate may (in manner hereinafter provided) require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit to fix

No proceedings shall be taken under this Section against the editor, proprietor, printer or publisher of any newspaper the proprietor of which is duly registered under the Newspaper's Registration Ordinance, 1906, except by the Order or under the authority of the Governor

92 Whenever a Magistrate empowered to hold a Subordinate Court of the first class receives information —

- (a) that any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing any offence, or
- (b) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit to fix

Security for good
behaviour from
habitual offenders

93 Whenever a Magistrate empowered to hold a Subordinate Court of the first class receives information that any person within the local limits of his jurisdiction —

- (a) is by habit a robber, house-breaker or thief, or
- (b) is by habit a receiver of stolen property, knowing the same to have been stolen, or
- (c) habitually protects or harbours thieves or aids in the concealment or disposal of stolen property, or
- (d) habitually commits mischief, extortion or cheating or counterfeiting coin, currency notes or stamps, or attempts so to do, or
- (e) habitually commits, or attempts to commit, or abets the commission of, offences involving a breach of the peace, or
- (f) is so desperate and dangerous as to render his being at large without security hazardous to the community,

such Magistrate may in manner hereinafter provided, require such person to shew cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit to fix

Proviso as to
European vagrants

94 The provisions of Sections 92 and 93 shall not apply to Europeans in cases where they may be dealt with under the Vagrancy Regulations 1900 or any Ordinance hereafter substituted for such Regulations

Order to be made

95 When a Magistrate acting under Section 90, Section 91, Section 92 or Section 93, deems it necessary to require any person to shew cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required

Procedure in respect
of person present
in Court

96 If the person in respect of whom such order is made, is present in Court, it shall be read over to him, or, if he so desires, the substance thereof shall be explained to him

Summons or
warrant in case of
person not so
present

97 If such person is not present in Court, the Magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the Officer in whose custody he is, to bring him before the Court

Provided that whenever it appears to such Magistrate, upon the report of a Police Officer or upon other information (the substance of which report or information shall be recorded by the Magistrate), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest

Copy of order under
Section 95 to
accompany
summons or
warrant

98 Every summons or warrant issued under Section 97 shall be accompanied by a copy of the order made under Section 95 and such copy shall be delivered by the Officer serving or executing such summons or warrant to the person served with, or arrested under, the same

Power to dispense
with personal
attendance

99 The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon to show cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by an Advocate

Inquiry as to truth
of information

100 (1) When an order under Section 95 has been read or explained under Section 96 to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant issued under Section 97 the Magistrate shall proceed to inquire into the truth of the information upon which action has been taken, and to take such further evidence as may appear necessary

(2) Such inquiry shall be made, as nearly as may be practicable where the order requires security for keeping the peace, in the manner hereinafter prescribed for conducting trials and recording evidence in summons-cases, and, where the order requires security for good behaviour, in the manner hereinafter prescribed for conducting trials and recording evidence in warrant-cases, except that no charge need be framed

- (3) For the purposes of this Section the fact that a person is an habitual offender may be proved by evidence of general repute or otherwise
- (4) Where two or more persons have been associated together in the matter under inquiry they may be dealt with in the same or separate inquiries as the Magistrate may think just

101 If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, with or without sureties, the Magistrate shall make an order accordingly Order to give security

Provided—

First, that no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under Section 95

Secondly, that the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive

Thirdly, that, when the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his sureties

102 If, on an inquiry under Section 100 it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, the Magistrate shall make an entry on the record to that effect, and, if such person is in custody only for the purposes of the inquiry, shall release him, or, if such person is not in custody, shall discharge him Discharge of person informed against

C—Proceedings in all Cases Subsequent to Order to Furnish Security

- 103 (1) If any person in respect of whom an order requiring security is made under Section 95 or Section 101 is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment, the period for which such security is required shall commence on the expiration of such sentence Commencement of period for which security is required

- (2) In other cases such period shall commence on the date of such order unless the Magistrate, for sufficient reason, fixes a later date

104 The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit, or the abetment of any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond Contents of bond

105 A Magistrate may refuse to accept any surety offered under this chapter on the ground that for reasons to be recorded by the Magistrate such surety is an unfit person Power to reject sureties

- 106 (1) If any person ordered to give security under Section 89 or Section 101 does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison be detained in prison until such period expires or until within such period he gives the security to the Court or Magistrate who made the order requiring it Imprisonment in default of security

- (2) When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained in prison, pending the orders of the High Court, and the proceedings shall be laid, as soon as conveniently may be, before such Court Proceedings when to be laid before High Court

- (3) Such Court, after examining such proceedings and requiring from the Magistrate any further information or evidence which it thinks necessary, may pass such order on the case as it thinks fit

Provided that the period (if any) for which any person is imprisoned for failure to give security, shall not exceed three years

- (4) If the security is tendered to the Officer in charge of the Jail, he shall forthwith refer the matter to the Court or Magistrate who made the order, and shall await the orders of such Court or Magistrate

Kind of
imprisonment

- (5) Imprisonment for failure to give security for keeping the peace shall be simple
- (6) Imprisonment for failure to give security for good behaviour may be rigorous or simple as the Court or Magistrate in each case directs

Power to release
persons imprisoned
for failure to give
security

107 Whenever a Magistrate empowered to hold a Subordinate Court of the first class is of opinion that any person imprisoned for failing to give security under this Chapter may be released without hazard to the community, such Magistrate shall make an immediate report of the case for the orders of the High Court and such Court may, if it thinks fit, order such person to be discharged

Power of High
Court to cancel any
bond for keeping
the peace or good
behaviour

108 The High Court may at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace or for good behaviour executed under this Chapter by order of any Court

Discharge of
sureties

- 109
- (1) Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a Magistrate empowered to hold a Subordinate Court of the first class to cancel any bond executed under this chapter within the local limits of his jurisdiction
 - (2) On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him
 - (3) When such person appears or is brought before the Magistrate, such Magistrate shall cancel the bond, and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of Sections 104, 105, 106 and 107 be deemed to be an order made under Section 89 or Section 101 as the case may be

Chapter IX

Unlawful Assemblies

Assembly to
disperse on
command of
Magistrate or Police
Officer

110 Any Magistrate or Officer in charge of a Police Station may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse and it shall thereupon be the duty of the members of such assembly to disperse accordingly

Use of Civil force
to disperse

111 If, upon being so commanded, such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or Officer in charge of a Police Station may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an Officer or Soldier in His Majesty's Army and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law

Use of military force

112 If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by armed force

Duty of officer
commanding troops
required by
Magistrate to
disperse assembly

- 113
- (1) When a Magistrate determines to disperse any such assembly by armed force, he may require any Commissioned or Non-Commissioned Officer or Police Officer in command of any members of an armed force belonging to the Protectorate to disperse such assembly by armed force, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law
 - (2) Every such Officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons

114 When the public security is manifestly endangered by any such assembly, and when no Magistrate can be communicated with, any Commissioned Officer of His Majesty's Army or a Police Officer not below the rank of an Assistant Superintendent may disperse such assembly by armed force, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law, but if, while he is acting under this section, it becomes practicable for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action

Power of
commissioned
military officers to
disperse assembly

115 No prosecution against any person for any act purporting to be done under this chapter shall be instituted in any Criminal Court, except with the sanction of the Governor, and—

Protection against
prosecution for acts
done under this
chapter

(a) no Magistrate or Police Officer acting under this chapter in good faith,

(b) no Officer acting under Section 114 in good faith,

(c) no person doing any act in good faith, in compliance with a requisition under Section 111 or Section 113 and,

(d) no inferior Officer or Soldier, or Police Officer, doing any act in obedience to any order which he was bound to obey,

shall be deemed to have thereby committed an offence

Chapter X

Preventive Action of the Police

116 Every Police Officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent, the commission of any cognizable offence

Police to prevent
cognizable offences

117 Every Police Officer receiving information of a design to commit any cognizable offence shall communicate such information to the Police Officer to whom he is subordinate, and to any other Officer whose duty it is to prevent or take cognizance of the commission of any such offence

Information of
design to commit
such offences

118 A Police Officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such Officer that the commission of the offence cannot be otherwise prevented.

Arrest to prevent
such offences

119 A Police Officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immoveable, or the removal or injury of any public landmark or buoy or other mark used for navigation

Prevention of injury
to public property

120 (1) Any Officer in charge of a Police Station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are false

Inspection of
weights and
measures

(2) If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to a Magistrate having jurisdiction

PART V

Information to the Police and their Powers to Investigate.

Chapter XI.

121 Every information relating to the commission of a cognizable offence if given orally to an Officer in charge of a Police Station, shall be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such Officer in such form as the Governor may prescribe in this behalf

Information in
cognizable cases

Information in non
cognizable case

122 (1) When information is given to an Officer in charge of a Police Station of the commission within the limits of such station of a non-cognizable offence he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate

(2) No Police Officer shall investigate a non-cognizable case without the order of a Magistrate empowered to hold a Subordinate Court of the first or second class having power to try such case or commit the same for trial

(3) Any Police Officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an Officer in charge of a Police Station may exercise in a cognizable case

Investigation into
cognizable cases

123 (1) Any Officer in charge of a Police Station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XII relating to the place of inquiry or trial

(2) No proceeding of a Police Officer in any such case shall at any stage be called in question on the ground that the case was one which such Officer was not empowered under this section to investigate.

(3) Any Magistrate may order such an investigation as above mentioned

Procedure where
cognizable offence
suspected

124 (1) If, from information received or otherwise, an Officer in charge of a Police Station has reason to suspect the commission of an offence which he is empowered under section 123 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report, and shall proceed in person, or shall depute one of his subordinate officers to proceed, to the spot, to investigate the facts and circumstances of the case and to take such measures as may be necessary for the discovery and arrest of the offender —

Provided as follows

Where local
investigation
dispensed with

(a) When any information as to the commission of any such offence is given against any person by name and the case is not of a very serious nature, the Officer in charge of a Police Station need not proceed in person or depute a subordinate Officer to make an investigation on the spot

(b) If it appear to the Officer in charge of a Police Station that there is no sufficient ground for entering on an investigation, he shall not investigate the case

(2) In each of the cases mentioned in Clauses (a) and (b) of the proviso to Sub-section (1), the Officer in charge of the Police Station shall state in his said report his reasons for not fully complying with the requirements of that Sub-section

Report under
Section 124 how
submitted

125 (1) Every report sent to a Magistrate under Section 124 shall, if the Governor so directs, be submitted through such superior Officer of Police as the Governor by general or special order, appoint in that behalf

(2) Such superior Officer may give such instructions to the Officer in charge of the Police Station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate

Power to hold
investigation or
preliminary inquiry

126 Such Magistrate, on receiving such report, may direct an investigation or, if he thinks fit, at once proceed, to hold a preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Ordinance

Police Officer's
power to require
attendance of
witnesses

127 Any Police Officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case, and such person shall attend as so required

128. (1) Any Police Officer making an investigation under this Chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case Examination of witnesses by Police
- (2) Such person shall be bound to answer all questions relating to such case put to him by such Officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture
- 129 (1) No statement made by any person to a Police Officer in the course of an investigation under this Chapter shall, if taken down in writing, be signed by the person making it, nor shall such writing be used as evidence Statements to Police not to be signed or admitted in evidence
- Provided that, when any witness is called for the prosecution whose statement has been taken down in writing as aforesaid, the Court shall, on the request of the accused, refer to such writing and may then, if the Court thinks it expedient in the interest of justice, direct that the accused be furnished with a copy thereof, and such statement may be used to impeach the credit of such witness in manner provided by the Indian Evidence Act, 1872
- (2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of Section 32, Clause (1), of the Indian Evidence Act, 1872
- 130 (1) No Police Officer or person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Indian Evidence Act, 1872, Section 24 No inducement to be offered
- (2) But no Police Officer or other person shall prevent by any caution or otherwise, any person from making in the course of any investigation under this Chapter any statement which he may be disposed to make of his own free will
- 131 (1) Every Magistrate not being a Police Officer may record any statement or confession made to him in the course of an investigation under this Chapter or at any time afterwards before the commencement of the inquiry or trial Power to record statements and confessions
- (2) Such statement shall be recorded in such of the manners hereinafter prescribed for recording evidence as is, in his opinion, best fitted for the circumstances of the case Such confessions shall be recorded and signed in the manner provided in Section 293 and such statements or confessions shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried
- (3) No Magistrate shall record any such confessions unless, upon questioning the person making it, he has reason to believe that it was made voluntarily, and, when he records any confession, he shall make a memorandum at the foot of such record to the following effect:—
- “I believe that this confession was voluntarily made It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him

Magistrate

Explanation —It is not necessary that the Magistrate receiving and recording a confession or statement should be a Magistrate having jurisdiction in the case

- 132 (1) Whenever an officer in charge of a Police Station, or a Police Officer making an investigation, considers that the production of any document or thing is necessary to the conduct of an investigation into any offence which he is authorised to investigate, and there is reason to believe that a person to whom a summons or order under Section 77 has been or might be issued will not or would not produce such document or thing according to the directions of the summons or order, or when such document or thing is not known to be in the possession of any person, such Officer may search, or cause search to be made, for the same, in any place within the limits of the station of which he is in charge, or to which he is attached Search by Police Officer

- (2) Such Officer shall, if practicable, conduct the search in person
- (3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may require any Officer subordinate to him to make the search, and he shall deliver to such subordinate Officer an order in writing, specifying the document or thing for which search is to be made, and the place to be searched, and such subordinate Officer may thereupon search for such thing in such place
- (4) The provisions of this Ordinance as to search-warrants shall, so far as may be, apply to a search made under this section

When Officer in charge of Police Station may require another to issue search warrant

133 (1) An Officer in charge of a Police Station may require an Officer in charge of another Police Station, whether in the same or a different district, to cause a search to be made in any place, in any case in which the former Officer might cause such search to be made within the limits of his own station

- (2) Such Officer, on being so required, shall proceed according to the provisions of section 132, and shall forward the thing found, if any, to the Officer at whose request the search was made.

Procedure when investigation cannot be completed in twenty four hours

134 (1) When it appears that any investigation under this Chapter cannot be completed within the period of twenty-four hours fixed by Section 45, and there are grounds for believing that the accusation or information is well founded, the Officer in charge of the Police Station shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused (if any) to such Magistrate

- (2) The Magistrate to whom an accused person is forwarded under this Section may, whether he has or has not jurisdiction to try the case, from time to time authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole. If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction

- (3) A Magistrate authorizing under this Section detention in the custody of the Police shall record his reasons for so doing

Report of investigation by Subordinate Police Officer

135 When any Subordinate Police Officer has made any investigation under this Chapter, he shall report the result of such investigation to the Officer in charge of the Police Station

Release of accused when evidence deficient

136 If, upon an investigation under this Chapter, it appears to the Officer in charge of the Police Station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such Officer shall if such person is in custody, release him on his executing a bond, with or without sureties, as such Officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a Police report and to try the accused or commit him for trial

Case to be sent to Magistrate when evidence is sufficient

137 (1) If, upon an investigation under this Chapter, it appears to the Officer in charge of the Police Station that there is sufficient evidence or reasonable ground as aforesaid, such Officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police-report and to try the accused or to commit him for trial, or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed for his attendance from day to day before such Magistrate until otherwise directed

- (2) When the Officer in charge of a Police Station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this Section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant (if any) and so many of the persons who appear to such Officer to be acquainted with the circumstances of the

case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence (as the case may be) in the matter of the charge against the accused

Provided that in the case of a native security other than that of a bond may be taken

- (3) The day fixed under this section shall be the day whereon the accused person is to appear, if security for his appearance has been taken, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody
- (4) The Officer in whose presence the bond is executed, shall deliver a copy thereof to one of the persons who executed it and shall then send to the Magistrate the original with his report

138 No complainant or witness on his way to the Court of the Magistrate shall be required to accompany a Police Officer, or shall be subject to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond

Complainants and witnesses not to be required to accompany Police Officer
Complainants and witnesses not to be subjected to restraint

Provided that, if any complainant or witness refuses to attend or to execute a bond or to give other security as directed in section 137, the Officer in charge of the Police Station may forward him in custody to the Magistrate who may detain him in custody until he executed such bond or given other security, or until the hearing of the case is completed

Recusant complainant or witness may be forwarded in custody

139 (1) Every Police Officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation

Diary of proceedings in investigation

- (2) Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial. Neither the accused nor his agent shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court, but if they are used by the Police Officer who made them, to refresh his memory, or if the Court uses them for the purpose of contradicting such Police Officer, the provisions of the Indian Evidence Act, 1872, Section 161 or Section 145, as the case may be, shall apply

140 (1) Every investigation under this Chapter shall be completed without unnecessary delay, and, as soon as it is completed, the Officer in charge of the Police Station shall forward to a Magistrate empowered to take cognizance of the offence on a police-report, a report in the form prescribed by the Governor, setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused person has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties

Report of Police Officer

- (2) Where a superior Officer of Police has been appointed under Section 125, the report shall, in any case in which the Governor by general or special order so directs, be submitted through that Officer, and he may, pending the orders of the Magistrate, direct the Officers in charge of the Police Station to make further investigation
- (3) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit

141 (1) The Officer in charge of a Police Station, or some other Police Officer specially empowered by the Governor in that behalf, on receiving information that a person —

- (a) has committed suicide, or

Police to inquire and report on suicide, &c

- (b) has been killed by another, or by an animal or by machinery, or by an accident, or
 - (c) has died under circumstances raising a reasonable suspicion that some other person has committed an offence, shall immediately give intimation thereof to the nearest Magistrate empowered to hold inquests and unless otherwise directed by any rule prescribed by the Governor, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted
 - (2) The report shall be signed by such Police Officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the nearest Magistrate empowered to hold inquests
 - (3) When there is any doubt regarding the cause of death, or when for any other reason the Police Officer considers it expedient so to do, he shall, subject to such rule as the Governor may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Medical Officer or other person appointed by the Governor in this behalf, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless
 - (4) The following Magistrates are empowered to hold inquests namely any Magistrate empowered to hold a subordinate Court of the first or second class and any Magistrate specially empowered in this behalf by the Governor
- Power to summon persons 142 (1) A Police Officer proceeding under Section 141 may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation and any other person who appears to be acquainted with the facts of the case
- Every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture
- (2) If the facts do not disclose a cognizable offence to which Section 137 applies, such persons shall not be required by the Police Officer to attend a Magistrate's Court
- Inquiry by Magistrate into cause of death 143 (1) When any person dies when undergoing a sentence of imprisonment or while in the custody of the Police, the nearest Magistrate empowered to hold inquests shall, and, in any other case mentioned in Section 141 Clauses (a), (b) and (c) of Sub-section (1), any Magistrate so empowered may, hold an inquiry into the cause of death, either instead of, or in addition to the investigation held by the Police Officer, and, if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence
- (2) Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined
- Power to disinter corpses (3) If before or at the termination of the inquiry the Magistrate is of opinion that the commission by some known person or persons of an offence has been disclosed, he shall issue a summons or a warrant for his or their arrests, as the case may be, or take such other steps as may be necessary to secure his or their attendance to answer the charge
- Power to issue summons or warrant of arrest (4) If at the termination of the inquiry the Magistrate is of opinion that an offence has been committed by some person or persons unknown, he shall record his opinion and forthwith send a copy thereof to the Commissioner of Police
- Information to Police

- (5) If at the termination of the inquiry the Magistrate is of opinion that no offence has been committed he shall record his opinion accordingly
- No offence
Committed

PART VI

Proceedings in Prosecutions

Chapter XII.

OF THE JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS

A —Place of Inquiry or Trial

144 Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed

Ordinary place of
inquiry and trial

145 When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued

Accused triable in
district where the
act is done or where
consequence ensues

Illustrations

(a) A is wounded within the local limits of the jurisdiction of Court X, and dies within the local limits of the jurisdiction of Court Z. The offence of the culpable homicide of A may be inquired into or tried either by X or Z.

(b) A is wounded within the local limits of the jurisdiction of Court X, and is, during ten days within the local limits of the jurisdiction of Court Y, and during ten days more within the local limits of the jurisdiction of the Court Z, unable in the local limits of the jurisdiction of either Court Y or Court Z to follow his ordinary pursuits. The offence of causing grievous hurt to A may be inquired into or tried by X, Y or Z.

(c) A is put in fear of injury within the local limits of the jurisdiction of Court X, and is thereby induced, within the local limits of the jurisdiction of Court Y, to deliver property to the person who put him in fear. The offence of extortion committed on A may be inquired into or tried either by X or Y.

146 When an act is an offence by reason of its relation to any other act which is also an offence or which would be an offence of the doer were capable of committing an offence, a charge of the first-mentioned offence, may be inquired into or tried by a Court within the local limits of whose jurisdiction either act was done

Place of trial where
act is offence by
reason of relation to
other offence

Illustrations

(a) A charge of abetment may be inquired into or tried either by the Court within the local limits of whose jurisdiction the abetment was committed, or by the Court within the local limits of whose jurisdiction the offence abetted was committed.

(b) A charge of receiving or retaining stolen goods may be inquired into or tried either by the Court within the local limits of whose jurisdiction the goods were stolen, or by any Court within the local limits of whose jurisdiction any of them were at any time dishonestly received or retained.

(c) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into or tried by the Court within the local limits of whose jurisdiction the wrongful concealing, or by the Court within the local limits of whose jurisdiction the kidnapping, took place.

- 147 (1) The offence of dacoity, of dacoity with murder, of having belonged to a gang of dacoits, or of having escaped from custody, may be inquired into or tried by a Court within the local limits of whose jurisdiction the person charged is
- Belonging to a gang
of dacoits, escape
from custody, etc
- (2) The offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within the local limits of whose jurisdiction any part of the property which is the subject of the offence was received or retained by the accused person, or the offence was committed
- Criminal
misappropriation
and criminal breach
of trust
- (3) The offence of stealing any thing may be inquired into or tried by a Court within the local limits of whose jurisdiction such thing was stolen or was possessed by the thief or by any person who received or retained the same knowing or having reason to believe it to be stolen
- Stealing

Kidnapping and
abduction

- (4) The offence of kidnapping or abduction may be inquired into or tried by a Court within the local limits of whose jurisdiction the person kidnapped or abducted was kidnapped or abducted or was conveyed or concealed or detained

Place of inquiry or
trial where scene of
offence is uncertain
not in one district
only, or where
offence is continuing
or consists of several
acts

148 When it is uncertain in which of several local areas an offence was committed, or

where an offence is committed partly in one local area and partly in another, or

where an offence is a continuing one, and continues to be committed in more local areas than one, or

where it consists of several acts done in different local areas, it may be inquired into or tried by a Court having jurisdiction over any of such local areas

Offence committed
on a journey

149 An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into or tried by a Court through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage

High Court to
decide, in case of
doubt, district
where inquiry or
trial shall take place

150 Whenever any doubt arises as to the Court by which any offence should under the preceding provisions of this Chapter be inquired into or tried, the High Court may decide by which Court the offence shall be inquired into or tried

Powers to issue
summons or warrant
for offence
committed beyond
local jurisdiction

- 151 (1) When a Magistrate empowered to hold a subordinate court of the first class sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits (whether within or without the Protectorate) an offence which cannot, under the provisions of Section 144 to 149 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under some law for the time being in force triable in the Protectorate, such Magistrate may inquire into the offence as if it had been committed within such local limits, and compel such person in manner herebefore provided to appear before him, and send such person to the Magistrate having jurisdiction to inquire into or try such offence, or, if such offence is bailable, take a bond with or without sureties for his appearance before such Magistrate
- (2) Where there are more Magistrates than one having such jurisdiction, and the Magistrate acting under this section cannot satisfy himself as to the Magistrate to or before whom such person should be sent, or bound to appear, the case shall be reported for the orders of the High Court

(B) Conditions requisite for Initiation of Proceedings

Cognizance of
offences by
Magistrates

- 152 (1) A Magistrate competent to try an offence or commit for trial in respect of it may, except as hereinafter provided, take cognizance of any offence —
- (a) upon receiving a complaint of facts which constitute such offence,
- (b) upon a police report of such facts,
- (c) upon information received from any person other than a Police Officer, or upon his knowledge or suspicion, that such offence has been committed
- (2) A magistrate holding a subordinate court of the third class may, except as hereinafter provided, take cognizance of an offence which he is not competent to try or to commit for trial
- (a) upon receiving a complaint of facts which constitute such offence,
- (b) upon a police report of such facts

Provided that if any such Magistrate shall issue process for compelling the appearance of any person accused of such offence such process shall be made returnable before a Magistrate having jurisdiction to try such offence or to commit for trial in respect of it

153 If, when a Magistrate takes cognizance of an offence under sub-section (1) Clause (c) of the preceding section, the accused, or any of the accused if there be more than one, objects before any evidence is taken, to being tried by such Magistrate, the case shall, instead of being tried by such Magistrate, be committed to the High Court or transferred to another Magistrate

Transfer or commitment on application of accused

154 (1) Any Magistrate holding a subordinate court of the first class may transfer any case of which he has taken cognizance for inquiry or trial to any Magistrate holding a subordinate court empowered to hold an inquiry in or try such case within the local limits of such first class subordinate court's jurisdiction, and

Transfer of cases by Magistrates

(2) may direct or empower any Magistrate holding a subordinate court of the second or third class or any native Subordinate Court who has taken cognizance of any case to transfer it for inquiry or trial to himself or any other specified Magistrate within the local limits of his jurisdiction who is competent to try the accused or commit him for trial and such Magistrate may dispose of the case accordingly

155 (1) Whenever it is made to appear to the High Court

High Court may transfer case or itself try it

- (a) that a fair and impartial inquiry or trial cannot be had in any criminal court subordinate thereto, or
- (b) that some question of law of unusual difficulty is likely to arise, or
- (c) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same, or
- (d) that an order under this section will tend to the general convenience of the parties or witnesses, or
- (e) that such an order is expedient for the ends of justice, or is required by any provision of this Ordinance, it may order
 - (i) that any offence be inquired into or tried by any court not empowered under Sections 144 to 149 (both inclusive) but in other respects competent to inquire into or try such offence,
 - (ii) that any particular criminal case or class of such cases, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction,
 - (iii) that an accused person be committed for trial to itself
- (2) The High Court may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative
- (3) Every application for the exercise of the power conferred by this section shall be made by motion which shall, except when the applicant is the Attorney General, be supported by affidavit or affirmation
- (4) When an accused person makes an application under this section, the High Court may direct him to execute a bond, with or without sureties, conditioned that he will, if convicted, pay the cost of the prosecutor

(5) Every accused person making any such application shall give to the Attorney General notice in writing of the application, together with a copy of the grounds on which it is made, and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application

Notice to Attorney General of application under this section

(6) Nothing in this section shall be deemed to effect any order made under section 159

(7) If, in any criminal case, before the commencement of the hearing, the Attorney General, the complainant or the accused notifies to the Court before which the case is pending his intention to make an application under this section in respect of the case, the Court shall exercise the powers of postponement or adjournment given by Section 251 in such manner as will afford a reasonable time for the application being made and an order being obtained thereon, before the accused is called on for his defence

Adjournment on application under this section

156 (1) The High Court may take cognizance of any offence upon a commitment made to it in manner hereinafter provided.

Cognizance of offences by High Court

Nothing herein shall be deemed to affect any other provisions of this Ordinance or the jurisdiction of the High Court under any other law

Informations by
Attorney General

(2) (a) Notwithstanding anything in this Ordinance contained the Attorney General may, with the previous sanction of the Governor in Council, exhibit to the High Court, against persons subject to the jurisdiction of the High Court, informations for all purposes for which His Majesty's Attorney-General may exhibit informations on behalf of the Crown in the High Court of justice in England

(b) Such proceedings may be taken upon every such information as may lawfully be taken in the case of similar informations filed by His Majesty's Attorney-General so far as the circumstances of the case and the practice and procedure of the said High Court will admit

(c) The High Court may make rules for carrying into effect the provisions of this section

Prosecution for
contempts of
lawful authority of
public servants

157 (1) No Court shall take cognizance—

(a) of any offence punishable under Sections 172 to 188 (both inclusive) of the Penal Code, except with the previous sanction, or on the complaint, of the public servant concerned or of some public servant to whom he is subordinate,

(b) of any offence punishable under Sections 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the same Code, when such offence is committed in, or in relation to, any proceeding in any Court, except with the previous sanction or on the complaint of such Court, or of the High Court

(c) of any offence described in Section 463 or punishable under Sections 471, 475 or 476 of the same Code, when such offence has been committed by a party to any proceedings in any Court in respect of a document produced or given in evidence in such proceeding except with the previous sanction or on the complaint of such Court, or of the High Court

Prosecution for
certain offences
against public
justice

Prosecution for
certain offences
relating to
documents given
in evidence

(2) In Clauses (b) and (c) of Sub-section (1) the term "Court" means a Civil or Criminal Court

(3) The provisions of sub-section (1) with reference to the offences named therein, apply also to the abetment of such offences, and attempts to commit them

(4) The sanction referred to in this section may be expressed in general terms, and need not name the accused person, but it shall, so far as practicable, specify the Court or other place in which, and the occasion on which the offence was committed

(5) When sanction is given in respect of any offence referred to in this section, the Court taking cognizance of the case may frame a charge of any other offence so referred to which is disclosed by the facts

(6) Any sanction given or refused by a Subordinate Court under this section may be revoked or granted by the High Court and no sanction shall remain in force for more than six months from the date on which it was given provided that the High Court may, for good cause shown, extend the time

Nature of sanction
necessary

Prosecutions for
offences against the
State

158 No Court shall take cognizance of any offence punishable under Chapter VI of the Penal Code (except Section 127), or punishable under Section 108 A, or Section 153A, or Section 294A, or Section 505 of the same Code, unless upon complaint made by order of, or under authority from, the Governor in Council

Prosecution of
Judges and public
servants

159 (1) When any Judge, or any public servant who holds office during His Majesty's pleasure, is accused as such Judge or public servant of any offence, no Court shall take cognizance of such offence, except with the previous sanction of the Governor in Council

Power of Govern-
ment as to
prosecution

(2) The Governor in Council may determine the person by whom, the manner in which, the offence or offences for which, the prosecution of such Judge or public servant is to be conducted, and may specify the Court before which the trial is to be held

160 No Court shall take cognizance of an offence failing under Chapter XIX or Chapter XXI of the Penal Code or under Sections 493 to 496 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence Prosecution for breach of contract, defamation and offences against Marriage

161. No Court shall take cognizance of an offence under Section 497 or Section 498 of the Penal Code, except upon a complaint made by the husband of the woman, or, in his absence, by some person who had care of such woman on his behalf at the time when such offence was committed Prosecution for adultery or enticing a married woman

CHAPTER XIII

Of Complaints to Magistrates.

162 Subject to the provisions of Section 372 a Magistrate taking cognizance of an offence on complaint shall at once examine the complainant upon oath, and the substance of the examination shall be reduced to writing and shall be signed by the complainant, and also by the Magistrate Examination of complainant

Provided as follows —

- (a) when the complaint is made in writing, nothing herein contained shall be deemed to require a Magistrate to examine the complainant before transferring the case under Section 154
 - (b) when the case has been transferred under Section 154 and the Magistrate so transferring it or issuing process has already examined the complainant, the Magistrate to whom it is so transferred shall not be bound to re-examine the complainant
- 163 (1) If the complaint has been made in writing to a Magistrate who is not competent to take cognizance of the case, he shall return the complaint for presentation to the proper Court with an endorsement to that effect Procedure by Magistrate not competent to take cognizance of the case
- (2) If the complaint has not been made in writing, such Magistrate shall direct the complainant to the proper Court
- 164 (1) If any Magistrate empowered to hold a Subordinate Court of the first, second or third class is not satisfied as to the truth of a complaint of an offence of which he is authorised to take cognizance, he may, when the complainant has been examined, record his reasons, and may then postpone the issue of process for compelling the attendance of the person complained against, and either inquire into the case himself or direct a previous local investigation to be made by any Officer subordinate to such Magistrate, or by a Police Officer, or by such other person, not being a Magistrate or Police Officer, as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint Postponement of issue of process
- (2) If such investigation is made by some person not being a Magistrate or a Police Officer, he shall exercise all the powers conferred by this Ordinance on an Officer in charge of a Police Station, except that he shall not have power to arrest without warrant

165 The Magistrate before whom a complaint is made or to whom it has been transferred, may dismiss the complaint, if, after examining the complainant and considering the result of the investigation (if any) made under Section 164 there is in his judgment no sufficient ground for proceeding. In such case he shall briefly record his reasons for so doing Dismissal of complaint

CHAPTER XIV

Of the Commencement of Proceedings before Magistrates.

- 166 (1) If, in the opinion of a Magistrate taking cognizance of an offence, there is sufficient ground for proceeding, and the case appears to be one in which according to the second Schedule hereto a summons should issue in the first instance, he shall issue his summons for the attendance of the accused. If the case appears to be one in which according to such Schedule, a warrant should issue Issue of process

in the first instance, he may issue a warrant, or, if he thinks fit a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or (if he has not jurisdiction himself) some other Magistrate having jurisdiction

- (2) Nothing in this section shall be deemed to affect the provisions of Section 73
- (3) When by any law for the time being in force any process fees or other fees are payable, no process shall be issued until the fees are paid, and, if such fees are not paid within a reasonable time, the Magistrate may dismiss the complaint

Magistrate may dispense with personal attendance of accused

- 167 (1) Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader
- (2) But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided

CHAPTER XV

Of inquiry into cases triable by the High Court.

Power to commit for trial

168 Any Magistrate empowered to hold a subordinate court of the first second or third class may commit any person for trial to the High Court for any offence triable by such court

Provided that it shall not be competent for a Magistrate empowered to hold a subordinate court of the third class to commit a European for trial to the High Court

Procedure in inquiries preparatory to commitment

169 The following procedure shall be adopted in inquiries before Magistrates where the case is triable exclusively by the High Court, or in the opinion of the Magistrate, ought to be tried by such court

Taking of evidence produced

- 170 (1) The Magistrate shall, when the accused appears or is brought before him, proceed to hear the complainant (if any), and take in manner hereinafter provided all such evidence as may be produced in support of the prosecution or in behalf of the accused, or as may be called for by the Magistrate
- (2) The accused shall be at liberty to cross-examine the witnesses for the prosecution, and in such case the prosecutor may re-examine them
- (3) If the complainant or Officer conducting the prosecution or the accused applies to the Magistrate to issue process to compel the attendance of any witness or the production of any document or thing, the Magistrate shall issue such process unless, for reasons to be recorded, he deems it unnecessary to do so

Process for production of further evidence

When accused person to be discharged

- 171. (1) When the evidence referred to in Section 170, sub-sections (1) and (3), has been taken, and he has (if he deem necessary) examined the accused for the purpose of enabling him to explain any circumstances appearing in the evidence against him, such Magistrate shall, if he finds that there are not sufficient grounds for committing the accused person for trial, record his reasons and discharge him, unless it appears to the Magistrate that such person should be tried before himself or some other Magistrate, in which case he shall proceed accordingly
- (2) Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless

When charge is to be framed

- 172. (1) When upon such evidence being taken, and such examination (if any) being made, the Magistrate is satisfied that there are sufficient grounds for committing the accused for trial, he shall frame a charge under his hand, declaring with what offence the accused is charged

- (2) As soon as the charge has been framed, it shall be read and explained to the accused, and a copy thereof shall, if he so require, be given to him free of cost Charge to be explained and copy furnished to accused
- 173 (1) The accused shall be required at once to give in, orally or in writing, a list of the persons (if any) whom he wishes to be summoned to give evidence on his trial List of witnesses for defence on trial
- (2) Nothing in this section shall be deemed to preclude the accused from giving, at any time before his trial, to the Registrar a further list of the persons whom he wishes to be summoned to give evidence on such trial
- (3) The Magistrate may, in his discretion, summon and examine any witnesses named in any list given to him under Sub-section (1) of this Section
- 174 (1) When the accused, on being required to give in a list under Section 173, has declined to do so, or when he has given in such list and the witnesses (if any) included therein whom the Magistrate desires to examine have been summoned and examined under Sub-section (3) of Section 173 the Magistrate may make an order committing the accused for trial by the High Court and shall also record briefly the reasons for such commitment Order of commitment
- (2) If the Magistrate after hearing the witnesses for the defence, is satisfied that there are not sufficient grounds for committing the accused, he may cancel the charge and discharge the accused
- 175 When the accused has given in any list of witnesses under Section 173 and has been committed for trial, the Magistrate shall summons such of the witnesses included in the list as have not appeared before him to appear before the High Court Summons to witnesses for defence when accused is committed
- Provided that the Magistrate may, in his discretion, leave such witnesses to be summoned by the Registrar, and such witnesses shall be summoned accordingly
- Provided also that if the Magistrate or Registrar think that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice, the Magistrate or Registrar may require the accused to satisfy him that there are reasonable grounds for believing that the evidence of such witness is material, and, if he is not so satisfied, may refuse to summon the witness (recording his reasons for such refusal), or may before summoning him require such sum to be deposited as such Magistrate or Registrar think necessary to defray the expense of obtaining the attendance of the witness and all other proper expenses
- 176 (1) Complainants and witnesses for the prosecution and defence, whose attendance before the High Court is necessary and who appear before the Magistrate, shall execute before him bonds binding themselves to be in attendance when called upon at the High Court to prosecute or to give evidence, as the case may be Bond of complainants and witnesses
- (2) If the complainant or witness refuses to attend before the High Court, or execute the bond above directed, the Magistrate may detain him in custody, until he executes such bond, or until his attendance at the High Court is required, when the Magistrate shall send him in custody to the High Court Detention in custody in case of Refusal to attend or to execute bond
- (3) The Magistrate may take such steps for securing the attendance of native complainants and witnesses before the High Court as may seem to him necessary Native complainants and witnesses
- 177 When the accused is committed for trial, the Magistrate shall forthwith notify the Attorney General, stating the offence in the same words as the charge and shall send the charge, the record of the inquiry and any weapon or other thing which is to be produced in evidence, to the Registrar of the High Court Commitment when to be notified
- 178 (1) The Magistrate may, if he thinks fit, summon and examine supplementary witnesses after the commitment and before the commencement of the trial, and bind them over in manner hereinbefore provided to appear and give evidence Charge etc to be forwarded to High Court
- (2) Such examination shall, if possible, be taken in the presence of the accused or his advocate and a copy of the evidence of such witnesses shall, if the accused so require, be given to him free of cost Power to summon supplementary witnesses

Custody of accused
pending trial

179 Until and during the trial the Magistrate shall, subject to the provision of this Ordinance regarding the taking of bail commit the accused by warrant to custody

Chapter XVI.

Of the Charge

Charge to state
offence

180 (1) Every charge under this Ordinance shall state the offence with which the accused is charged

Specific name of
offence sufficient
description

(2) If the law which creates the offence gives it any specific name the offence may be described in the charge by that name only,

How stated where
offence has no
specific name

(3) If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

(4) The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge

What implied in
charge

(5) The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case

Language of charge

(6) The charge shall be written either in English or in any other language of the Court

Previous conviction
when to be set out

(7) If the accused has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court is competent to award, the fact, date and place of the previous convictions shall be stated in the charge. If such statement is omitted, the Court may add it at any time before sentence is passed

Particulars as to
time, place and
person

181 (1) The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or the thing (if any) in respect of which, it was committed, as are reasonably sufficient, to give the accused notice of the matter with which he is charged

(2) When the accused is charged with criminal breach of trust or dishonest misappropriation of money, it shall be sufficient to specify the gross sum in respect of which the offence is alleged to have been committed, and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of Section 193

Provided that the time included between the first and last of such dates shall not exceed one year

When manner of
committing offence
must be stated

182 When the nature of the case is such that the particulars mentioned in Sections 180 and 181 do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

Illustrations.

(a) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected

(b) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B

(c) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false

(d) A is accused of obstructing B, a public servant, in the discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions

(e) A is accused of the murder of B at a given time and place. The charge need not set out the manner in which A murdered B

(f) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

Words in charge
taken in sense of
law under which
offence is punishable

183 In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable.

184 No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was in fact misled by such error or omission, and it has occasioned a failure of justice

Effect of errors

185 When any person is committed for trial without a charge, or with an imperfect or erroneous charge, the High Court may frame a charge, or add to or otherwise alter the charge, as the case may be, having regard to the rules contained in this Ordinance as to the form of charges

Procedure on commitment without charge or with imperfect charge

186 (1) Any Court may alter or add to any charge at any time before judgment is pronounced, or, in the case of trials before the High Court before the verdict of the jury is returned or the opinions of the assessors expressed

Court may add to or alter charge

(2) Every such alteration or addition shall be read and explained to the accused

187 If the charge framed or alteration or addition made under Section 185 or Section 186 is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence or the prosecutor in the conduct of the case, the Court may, in its discretion, after such charge or alteration or addition has been framed or made, proceed with the trial as if the new or altered charge had been the original charge

When trial may proceed immediately after alteration

188 If the new or altered or added charge is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused or the prosecutor as aforesaid, the Court may either direct a new trial or adjourn the trial for such period as may be necessary

When new trial may be directed, or trial suspended

189 If the offence stated in the new or altered or added charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the new or altered charge is founded

Stay of proceedings if prosecution of offence in altered charge requires previous sanction

190 Whenever a charge is altered or added to by the Court after the commencement of the trial, the prosecutor and the accused shall be allowed to re-call or re-summon, and examine with reference to such alteration or addition, any witness who may have been examined, and also to call any further witness whom the Court may think to be material

Recall of witnesses when charge altered

191 (1) If the High Court in the exercise of its powers of revision or on appeal is of opinion that any person convicted of an offence was misled in his defence by the absence of a charge or by an error in the charge, it shall direct a new trial to be had upon a charge framed in whatever manner it thinks fit

Effect of material error

(2) If the Court is of opinion that the facts of the case are such that no valid charge could be preferred against the accused in respect of the facts proved, it shall quash the conviction

Joinder of Charges.

192 For every distinct offence of which any person is accused there shall be a separate charge, and every such charge shall be tried separately except in the cases mentioned in Sections 193, 194, 195 and 198

Separate charges for distinct offences

193 (1) When a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences, he may be charged with, and tried at one trial for, any number of them not exceeding three

Three offences of same kind within year may be charged together

(2) Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Penal Code or of any Ordinance or other law

194 (1) If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence

Trial for more than one offence

(2) If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with, and tried at one trial for, each of such offences

Offence falling within two definitions

Acts constituting one offence, but constituting when combined a different offence

- (3) If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with, and tried at one trial for, the offence constituted by such acts, when combined and for any offence constituted by any one, or more of such acts
- (4) Nothing contained in this section shall affect the Penal Code, Section 71

Illustrations.

to sub-section (1)

(a) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be charged with, and convicted of, offences under sections 225 and 333 of the Indian Penal Code

(b) A commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with B's wife. A may be separately charged with, and convicted of, offences under section 454 and 497 of the Indian Penal Code

(c) A entices B, the wife of C, away from C, with intent to commit adultery with B and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 497 of the Indian Penal Code

(d) A has in his possession several seals, knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 466 of the Indian Penal Code. A may be separately charged with, and convicted of, the possession of each seal under section 473 of the Indian Penal Code

(e) With intent to cause injury to B, A institutes a criminal proceeding against him knowing that there is no just or lawful ground for such proceeding, and also falsely accuses B of having committed an offence, knowing that there is no just or lawful ground for such charges. A may be separately charged with, and convicted of, two offences under sections 211 of the Indian Penal Code

(f) A, with intent to cause injury to B, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, A gives false evidence against B, intending thereby to cause B to be convicted of a capital offence. A may be separately charged with, and convicted of, offences under sections 211 and 194 of the Indian Penal Code

(g) A, with six others commits the offences of rioting, grievous hurt and assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. A may be separately charged with, and convicted of, offences under sections 147, 325 and 152 of the Indian Penal Code

(h) A threatens B, C and D, at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with, and convicted of, each of the three offences under section 506 of the Indian Penal Code

The separate charges referred to in illustrations (a) to (h) respectively may be tried at the same time

to sub-section (2)

(i) A wrongly strikes B with a cane. A may be separately charged with, and convicted of offences under sections 352 and 323 of the Indian Penal Code

(j) Several stolen sacks of corn are made over to A and B, who know they are stolen property for the purpose of concealing them. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a gram-pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414 of the Indian Penal Code

(k) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with, and convicted of, offences under sections 317 and 304 of the Indian Penal Code

(l) A dishonestly uses a forged document as genuine evidence in order to convict B, a public servant, of an offence under section 167 of the Indian Penal Code. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the same Code

to sub-section (3)

(m) A commits robbery on B, and in doing so voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code

Where it is doubtful which offence has been committed

195 If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once, or he may be charged in the alternative with having committed some one of the said offences

Illustrations.

(a) A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust or cheating.

(b) A states on oath before the Magistrate that he saw B hit C with a club. Before the Sessions Court A states on oath that B never hit C. A may be charged in the alternative and convicted of intentionally giving false evidence, although it cannot be proved which of these contradictory statements was false.

196 (1) If, in the case mentioned in section 195, the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

When a person is charged with one offence, he can be convicted of another.

(2) When the accused is charged with an offence, he may be convicted of having attempted to commit that offence, although the attempt is not separately charged.

197 (1) When a person is charged with an offence consisting of several particulars a combination of some only of which constitutes a complete minor offence, and such combination is proved, but the remaining particulars are not proved, he may be convicted of the minor offence, though he was not charged with it.

When offence proved included in offence charged

(2) When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence, although he is not charged with it.

(3) Nothing in this section shall be deemed to authorise a conviction of any offence referred to in section 160 or section 161 when no complaint has been made as required by such sections.

Illustrations.

(a) A is charged, under section 407 of the Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(b) A is charged, under section 325 of the Indian Penal Code, with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of that Code.

198 When more persons than one are accused of the same offence or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together or separately as the Court thinks fit, and the provisions contained in the former part of this Chapter shall apply to all such charges.

What persons may be charged jointly

Illustrations.

(a) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(b) A and B are accused of a robbery, in the course of which A commits murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the murder.

(c) A and B are both charged with a theft, and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge, charging both with the one theft, and B alone with the two other thefts.

199 When a charge containing more heads than one is framed against the same person, and when a conviction has been had on one or more of them, the complainant, or the Officer conducting the prosecution, may with the consent of the Court, withdraw the remaining charge or charges, or the Court of its own accord may stay the inquiry into, or trial of such charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges, unless the conviction be set aside, in which case the said Court (subject to the order of the Court setting aside the conviction) may proceed with the inquiry into or trial of the charge or charges so withdrawn.

Withdrawal of remaining charges on conviction on one of several charges

Chapter XVII

Of the Trial of Summons Cases by Magistrates

Procedure in Summons cases	200	The following procedure shall be observed by Magistrates in the trial of summons-cases
Substance of accusation to be stated	201	When the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he be asked if he has any cause to show why he should not be convicted, but it shall not be necessary to frame a formal charge
Conviction on admission of truth of accusation	202	If the accused admits that he has committed the offence of which he is accused, his admission shall be recorded as nearly as possible in the words used by him, and, if he shows no sufficient cause why he should not be convicted, the Magistrate shall convict him accordingly
Procedure when no such admission is made	203	(1) If the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence (2) The Magistrate may, if he thinks fit, on the application of the complainant or accused, issue process to compel the attendance of any witness or the production of any document or other thing (3) The Magistrate may, before summoning any witness on such application, require that his reasonable expenses, incurred in attending for the purposes of the trial, be deposited in Court
Acquittal	204	(1) If the Magistrate upon taking the evidence referred to in section 203 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal (2) If he finds the accused guilty, he shall pass sentence upon him according to law
Sentence		
Finding not limited by complaint or summons	205	A Magistrate may, under section 202 or section 204, convict the accused of any offence triable under this Chapter which from the facts admitted or proved he appears to have committed, whatever may be the nature of the complaint or summons
Non appearance of complainant	206	If the summons has been issued on complaint, and upon the day appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for any reason he thinks proper he adjourns the hearing of the case to some other day Provided that where the complainant is a public servant and his personal attendance is not required, the Magistrate may dispense with his attendance and proceed with the case
Withdrawal of complaint	207	If a complaint, at any time before a final order is passed in any case under this Chapter, satisfies the Magistrate there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused
Power to stop proceedings when no complainant	208	In any case instituted otherwise than upon complaint, a Magistrate empowered to hold a Subordinate Court of the first class, or, with the previous sanction of the High Court, any other Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction, and may thereupon release the accused
Frivolous or vexatious accusations	209	(1) If, in any case instituted by complaint as defined in this Ordinance, or upon information given to a Police Officer or to a Magistrate, a person is accused before a Magistrate of any offence triable by a Magistrate, and the Magistrate by whom the case is heard discharges or acquits the accused and is satisfied that the accusation against him was frivolous or vexatious, the Magistrate may, in his discretion, by his order of discharge or acquittal, direct the person upon whose complaint or information the accusation was made to pay to the accused or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit

Provided that, before making any such direction, the Magistrate shall,

- (a) record and consider any objection which the complainant or informant may urge against the making of the direction, and
- (b) if the Magistrate directs any compensation to be paid, state in writing, in his order of discharge or acquittal, his reasons for awarding the compensation
- (2) Compensation of which a Magistrate has awarded payment under sub-section (1) shall be recoverable as if it were a fine
 Provided that, if it cannot be recovered the imprisonment to be awarded shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs
- (3) A complainant or informant who has been ordered under sub-section (1) by a Magistrate of the second or third class to pay compensation to an accused person may appeal from the order, in so far as the order relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate
- (4) Where an order for payment of compensation to an accused person is made in a case which is subject to appeal under sub-section (3), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or if an appeal is presented, before the appeal has been decided
- (5) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any compensation paid or recovered under this section

Chapter XVIII.

Trial of Warrant Cases by Magistrates

210 The following procedure shall be observed by Magistrates in the trial of warrant cases Procedure in warrant cases

211 (1) When the accused appears or is brought before a Magistrate, such Magistrate shall proceed to hear the complainant (if any) and take all such evidence as may be produced in support of the prosecution Evidence for prosecution

(2) The Magistrate shall ascertain, from the complainant or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon to give evidence before himself such of them as he thinks necessary

212 (1) If, upon taking all the evidence referred to in section 211, and making such examination (if any) of the accused as the Magistrate thinks necessary, he finds that no case against the accused has been made out which, if unrebutted, would warrant his conviction, the Magistrate shall discharge him Discharge of accused

(2) Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless

213 If, when such evidence and examination have been taken and made, or at any previous stage of the case, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this chapter, which such Magistrate is competent to try, and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused Charge to be framed when offence appears proved

214 (1) The charge shall then be read and explained to the accused, and he shall be asked whether he is guilty or has any defence to make Plea

(2) If the accused pleads guilty, the Magistrate shall record the plea, and may in his discretion convict him thereon

Defence

215. (1) If the accused refuses to plead, or does not plead, or claims to be tried he shall be required to state whether he wishes to cross-examine any, and, if so, which, of the witnesses for the prosecution whose evidence has been taken. If he says he does so wish, the witnesses named by him shall be re-called and, after cross-examination and re-examination (if any), they shall be discharged. The evidence of any remaining witnesses for the prosecution shall next be taken, and, after cross-examination and re-examination (if any), they also shall be discharged. The accused shall then be called upon to enter upon his defence and produce his evidence.

(2) If the accused puts in any written statement, the Magistrate shall file it with the record.

Process for compelling production of evidence at instance of accused

216. (1) If the accused, after he has entered upon his defence, applies to the Magistrate to issue any process for compelling the attendance of any witness for the purpose of examination or re-examination, or the production of any document or other thing, the Magistrate shall issue such process unless he considers that such application should be refused on the ground that it is made for the purpose of vexation or delay or for defeating the ends of justice. Such ground shall be recorded by him in writing. Provided that, when the accused has cross-examined, or had the opportunity of cross-examining any witness after the charge is framed, the attendance of such witness shall not be compelled under this section unless the Magistrate is satisfied that it is necessary for the purposes of justice.

(2) The Magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

Acquittal

217. (1) If in any case under this Chapter in which a charge has been framed the Magistrate finds the accused not guilty, he shall record an order of acquittal.

Conviction

(2) If in any such case the Magistrate finds the accused guilty, he shall pass sentence upon him according to law.

Absence of Complainant

218. When the proceedings have been instituted upon complaint, and upon any day fixed for the hearing of the case the complainant is absent, and the offence may be lawfully compounded, the Magistrate may, in his discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused.

Chapter XIX.

Of Summary Trials.

Power to try summarily

219. (1) Notwithstanding anything contained in this Ordinance any Magistrate holding a first class Subordinate Court specially empowered in this behalf by the Governor may if he thinks fit try in a summary way all or any of the following offences,—

- (a) offences not punishable with death, transportation or imprisonment for a term exceeding six months,
- (b) offences against the East Africa Weights and Measures Ordinance 1912,
- (c) hurt, under section 323 of the same Code,
- (d) theft, under section 379, 380 or 381 of the same Code, where the value of the property stolen does not exceed fifty rupees,
- (e) dishonest misappropriation of property under section 403 of the same Code, where the value of the property misappropriated does not exceed fifty rupees,
- (f) receiving or retaining stolen property, under section 411 of the same Code, where the value of such property does not exceed fifty rupees,
- (g) assisting in the concealment or disposal of stolen property, under section 414 of the same Code, where the value of such property does not exceed fifty rupees,
- (h) mischief, under section 427 of the same Code,
- (i) house trespass, under section 448 and offences under sections 451, 453, 454, 456 and 457 of the same Code,

- (i) insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, under section 506, of the same Code,
- (h) abetment of any of the foregoing offences,
- (l) an attempt to commit any of the foregoing offences, when such attempt is an offence,
- (2) When in the course of a summary trial it appears to the Magistrate that the case is one which is of a character which renders it undesirable that it should be tried summarily, the Magistrate shall recall any witnesses who may have been examined and proceed to re-hear the case in manner provided by this Ordinance
- 220 (1) In trials under this Chapter, the procedure prescribed for summons-cases, shall be followed in summons-cases, and the procedure prescribed for warrant-cases shall be followed in warrant-cases, except as hereinafter mentioned Procedure for summons and warrant cases applicable
- (2) No sentence of imprisonment for a term exceeding three months shall be passed in the case of any conviction under this Chapter
- 221 (1) In cases where no appeal lies, the Magistrate need not record the evidence of the witnesses or frame a formal charge, but he shall enter in such form as the High Court may direct the following particulars —
 - (a) the serial number,
 - (b) the date of the commission of the offence,
 - (c) the date of the report or complaint,
 - (d) the name of the complaint (if any),
 - (e) the name, parentage and residence of the accused,
 - (f) the offence complained of and the offence (if any) proved, and in cases coming under clause (d), clause (e), clause (f), or clause (g), of sub-section (1) of section 219 the value of the property in respect of which the offence has been committed,
 - (g) the plea of the accused and his examination (if any),
 - (h) the finding, and, in the case of a conviction, a brief statement of the reasons therefor,
 - (i) the sentence or other final order, and
 - (j) the date on which the proceedings terminated
- (2) In every case where an appeal lies the Magistrate shall in addition to the particulars mentioned in Sub-Section (1) before passing sentence record a judgment embodying the substance of the evidence Record in case where there is an appeal

Chapter XX.

Of Trials Before the High Court

A Preliminary

222 All trials before the High Court shall, save where otherwise provided, be by jury or with the aid of assessors Trial before High Court

- 223 (1) The Governor in Council may by order in the "Official Gazette" direct that the trial of all offences or of any particular class of offences before the High Court shall be by jury and may revoke or alter such order Trial by assessors
- (ii) When the accused is tried at the same trial with several offences of which some are and some are not triable by jury he shall be tried by jury for such offences as are triable by jury and with the aid of the jurors as assessors for such of them as are not triable by jury
- (iii) In the absence of any such order and subject to the other provisions of this Ordinance or any other law, trials before the High Court shall be with the aid of assessors

(B) Commencement of Proceedings

- 224 (1) When the High Court is ready to commence the trial, the accused shall appear or be brought before it, and the charge shall be read out in Court and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried Commencement of trial

- Plea of guilty (2) If the accused pleads guilty, the plea shall be recorded, and he may be convicted thereon
- Refusal to plead or claim to be tried 225 If the accused refuses to, or does not plead, or if he claims to be tried, the Court shall proceed to choose jurors or assessors, as hereinafter directed and to try the case
- Trial by same jury or assessors of several offenders in succession Provided, that, subject to the right of objection hereinafter mentioned, the same jury may try, or the same assessors may aid in the trial of, as many accused persons successively as the Court think it
- Entry on unsustainable charges 226 (1) In trials before the High Court, when it appears to the High Court, at any time before the commencement of the trial of the person charged, that any charge or any portion thereof is clearly unsustainable, the Judge may make on the charge an entry to that effect
- Effect of entry (2) Such entry shall have the effect of staying proceedings upon the charge or portion of the charge, as the case may be

(C) *Choosing a Jury*

- Number of jury 227 (1) The jury shall consist of nine persons
- Juror to be chosen by lot (2) The jurors shall be chosen by lot from the persons summoned to act as such in such manner as the High Court may from time to time by rule direct

Provided that —

- Existing practice maintained *first*—pending the issue under this section of rules, the practice now prevailing in such Court in respect to the choosing of jurors shall be followed,
- Persons not summoned when eligible *secondly*—in case of a deficiency of persons summoned, the number of jurors required may, with the leave of the Court, be chosen from such other persons as may be present,

- Names of jurors to be called 228 (1) As each juror is chosen, his name shall be called aloud, and upon his appearance, the accused shall be asked if he objects to be tried by such juror

- Objection to jurors (2) Objection may then be taken to such juror by the accused or by the prosecutor, and the grounds of objection shall be stated

- Grounds of objection 229 Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed —

- (a) some presumed or actual partiality in the juror,
- (b) some personal ground, such as alienage, deficiency in the qualification required by any law or rule having the force of law for the time being in force or being under the age of twenty-one or above the age of sixty years,
- (c) his having by habit or religious vows relinquished all care of worldly affairs,
- (d) his holding any office in or under the Court,
- (e) his executing any duties of Police or being entrusted with police-duties,
- (f) his having been convicted of any offence which, in the opinion of the Court, renders him unfit to serve on the jury,
- (g) his inability to understand the language in which the evidence is given or when such evidence is interpreted the language in which it is interpreted,
- (h) any other circumstances which, in the opinion of the Court, renders him improper as a juror

- Decision of objection 230 (1) Every objection taken to a juror shall be decided by the Court, and such decision shall be recorded and be final

- Supply of place of juror against whom objection allowed (2) If the objection is allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons and chosen in manner provided by section 227, or if there is no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury,

Provided that no objection to such juror or other person is taken under section 229 and allowed

- Foreman of jury 231 (1) When the jurors have been chosen, they shall appoint one of their number to be foreman

- (2) The foreman shall preside in the debates of the jury, deliver the verdict of the jury, and ask any information from the Court that is required by the jury or any of the jurors
- (3) If a majority of the jury do not, within such time as the Judge thinks reasonable, agree in the appointment of a foreman, he shall be appointed by the Court

232 When the foreman has been appointed, the jurors shall be sworn

Swearing of jurors

233 (1) If, in the course of a trial by jury, at any time before the return of the verdict, any juror, from any sufficient cause, is prevented from attending throughout the trial, or if any juror absents himself, and it is not practicable to enforce his attendance, or if it appears that any juror is unable to understand the language in which the evidence is given, or, when such evidence is interpreted, the language in which it is interpreted, a new juror shall be added or the jury shall be discharged and a new jury chosen

Procedure when juror ceases to attend etc,

- (2) In each of such cases the trial shall commence anew

234 The Judge may also discharge the jury whenever the prisoner becomes incapable of remaining at the bar

Discharge of jury in case of sickness of prisoner

(D) *Choosing Assessors*

Choosing Assessors

235 When the trial is to be held with the aid of assessors three shall be chosen from the persons summoned

236 (1) If, in the course of a trial with the aid of assessors, at any time before the finding, any assessor is, from any sufficient cause, prevented from attending throughout the trial, or absents himself, and it is not practicable to enforce his attendance, the trial shall proceed with the aid of the other assessors

Procedure when assessor is unable to attend

- (2) If, two or more of the assessors are prevented from attending, or absent themselves, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh assessors

(E) *Trial to close of cases for Prosecution and Defence*

237 (1) When the jurors or assessors have been chosen, the prosecutor shall open his case by stating the description of the offence charged, and stating shortly by what evidence he expects, to prove the guilt of the accused

Opening case for prosecution

- (2) The prosecutor shall then examine his witnesses

Examination of witnesses

238 (1) The examination and statement, if any, of the accused duly recorded by or before the committing Magistrate shall be tendered by the prosecutor and read as evidence

Examination of accused before Magistrate to be evidence

- (2) The evidence on oath of an accused competent to give evidence on oath, duly recorded by or before the Committing Magistrate, may be tendered by the prosecutor and read as evidence

Evidence on oath Evidence given at preliminary inquiry admissible

239 The evidence of a witness duly taken in the presence of the accused before the committing Magistrate may in the discretion of the presiding Judge, if such witness is produced and examined, be treated as evidence in the case

Procedure after examination of witnesses for prosecution

240 (1) When the evidence of the witnesses for the prosecution and examination (if any) of the accused are concluded, the accused shall be asked whether he means to adduce evidence

- (2) If he says that he does not, the prosecutor may sum up his case, and if the Court considers that there is no evidence that the accused committed the offence, it may then in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict of not guilty

- (3) If the accused, or any one of several accused, says that he means to adduce evidence and the Court considers that there is no evidence that the accused committed the offence, the Court may then, in a case tried with the aid of assessors, record a finding, or in a case tried by a jury direct the jury to return a verdict, of not guilty

- (4) If the accused, or any one of several accused, says that he means to adduce evidence and the Court considers that there is evidence, that he committed the offence, or if, on his saying that he does not mean to adduce evidence, the prosecutor sums up his case and the Court considers that there is evidence, that the accused committed the offence, the Court shall call on the accused to enter on his defence

Defence

241 The accused or his pleader may then open his case, stating the facts or law on which he intends to rely, and making such comments as he thinks necessary on the evidence of the prosecution. He may then examine his witnesses (if any) and after their cross-examination and re-examination (if any) may sum up his case.

Right of accused as to examination and summoning of witnesses

242 The accused shall be allowed to examine any witness not previously named by him, if such witness is in attendance, but he shall not, except as provided in sections 173 and 190 be entitled of right to have any witness summoned, other than the witnesses named in the list delivered to the Magistrate by whom he was committed for trial.

Prosecutor's right of reply

243 If the accused, or any of the accused, adduces any evidence, the prosecutor shall be entitled to reply.

View by jury or assessors

244 (1) Whenever the Court thinks that the jury or assessors should view the place in which the offence charged is alleged to have been committed, or any other place in which any other transaction material to the trial is alleged to have occurred, the Court shall make an order to that effect, and the jury or assessors shall be conducted in a body, under the care of an Officer of the Court, to such place, which shall be shown to them by a person appointed by the Court.

(2) Such Officer shall not, except with the permission of the Court, suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and unless the Court otherwise directs, they shall, when the view is finished, be immediately conducted back to Court.

When juror or assessor may be examined

245 If a juror or assessor is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be sworn, examined, cross-examined and re-examined in the same manner as any other witness.

Jury or assessors to attend at adjourned sitting

246 If a trial is adjourned, the jury or assessors shall attend at the adjourned sitting and at every subsequent sitting until the conclusion of the trial.

Locking up jury

247 The High Court may, from time to time, make rules as to keeping the jury together during a trial before such Court lasting for more than one day, and subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an Officer of the Court, or whether they shall be allowed to return to their respective homes.

(F) Conclusion of Trials in Cases Tried by Jury

Charge to jury

248 In cases tried by jury, when the case for the defence and the prosecutor's reply (if any) are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

Duty of Judge

249 (1) In such cases it is the duty of the Judge—

- (a) to decide all questions of law arising in the course of the trial, and especially all questions as to the relevancy of facts which it is proposed to prove, and the admissibility of evidence or the propriety of questions asked by or on behalf of the parties, and, in his discretion, to prevent the production of inadmissible evidence whether it is or is not objected to by the parties,
- (b) to decide upon the meaning and construction of all documents given in evidence at the trial,
- (c) to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given,
- (d) to decide whether any question which arises is for himself or for the jury, and upon this point his decision shall bind the jurors.

(2) The Judge may, if he thinks proper, in the course of his summing up, express to jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Duty of jury

250 It is the duty of the jury—

- (a) to decide which view of the facts is true and then to return the verdict which under such view ought, according to the direction of the Judge, to be returned,

- (b) to determine the meaning of all technical terms (other than terms of law) and words used in an unusual sense which it may be necessary to determine, whether such words occur in documents or not,
- (c) to decide all questions which according to law are to be deemed question of fact,
- (d) to decide whether general indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning

251 In cases tried by jury, after the Judge has finished his charge, the jury may retire to consider their verdict Retirement to consider

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury

252 When the jury have considered their verdict the foreman shall inform the Judge what is their verdict, or that they are not unanimous Delivery of verdict

253 If the jury are not unanimous, the Judge may require them to retire for further consideration After such period as the Judge considers reasonable, the jury may deliver their verdict, or state that they are not unanimous Procedure where jury differ

254 (1) Unless otherwise ordered by the Court the jury shall return a verdict on all the charges on which the accused is tried, and the Judge may ask them such questions as are necessary to ascertain what their verdict is Verdict to be given on each charge

(2) Such questions and the answers to them shall be recorded Judge may question jury

255 When by accident or mistake a wrong verdict is delivered, the jury may, before or immediately after it is recorded, amend the verdict, and it shall stand as ultimately amended Questions and answers to be recorded

256 (1) (a) When the jury are unanimous in their opinion the Judge shall give judgment in accordance with that opinion Amending verdict

(b) If the accused is found not guilty the Judge shall record a judgment of acquittal If the accused is found guilty the Judge shall pass sentence on him according to law Verdict

(2) If the Jury are not unanimous in this opinion, the Judge shall after the lapse of such time as he thinks reasonable, discharge the jury.

257 Whenever the jury is discharged, the accused shall be detained in custody or on bail, (as the case may be) and shall be tried by another jury unless the Judge considers that he should not be retried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal Retrial of accused after discharge of jury

(G) *Conclusion of trial in cases tried by Assessors*

258 (1) When, in a case tried with the aid of assessors, the case for the defence and the prosecutor's reply (if any) are concluded, the Court may sum up the evidence for the prosecution and defence, and shall then require each of the assessors to state his opinion orally, and shall record such opinion Delivery of opinions of assessors

(2) The Judge shall then give judgment but in doing so shall not be bound to conform to the opinions of the assessors Judgment

(3) If the accused is convicted, the Judge shall pass sentence on him according to law

(H) *Procedure in case of Previous Conviction*

259 In the case of a trial by jury or with the aid of assessors, where the accused is charged, with an offence committed after a previous conviction for any offence, the procedure laid down in sections 224, 237, 256 and 258 shall be modified as follows — Procedure in case of previous conviction

(a) the part of the charge stating the previous conviction shall not be read out in Court, nor shall the accused be asked whether he has been previously convicted as alleged in the charge unless and until he has either pleaded guilty to, or been convicted of, the subsequent offence

(b) if he pleads guilty to, or is convicted of, the subsequent offence, he shall then be asked whether he has been previously convicted as alleged in the charge

- (c) if he answers that he has been so previously convicted, the Judge may proceed to pass sentence on him accordingly but if he denies that he has been so previously convicted, or refuses to, or does not, answer such question, the jury, or the Court and the assessors (as the case may be), shall then hear evidence concerning such previous conviction, and in such case (where the trial is by jury) it shall not be necessary to swear the jurors again

When evidence of previous conviction may be given

260 Notwithstanding anything in the last foregoing section, evidence of the previous conviction may be given at the trial, for the subsequent offence, if the fact of the previous conviction is relevant under the provisions of the Indian Evidence Act, 1872

(I) *List of Jurors and Summoning Jurors*

Preparation of list of jurors and assessors

261 The Registrar of the High Court shall before the first day of March in each year, and subject to such rules as the High Court may from time to time prescribe, prepare a list of all persons in East Africa other than natives of African extraction liable to serve as jurors or assessors

Liability to serve

262 All male persons between the ages of 21 and 60 shall be liable to serve as assessors and all male persons of European extraction between the ages of 21 and 60 shall be liable also to serve as jurors, at any trial held within the Protectorate

Exemptions

Provided that the High Court may from time to time make rules regulating the area within which a person may be summoned to serve as a juror or assessor

263 The following persons are exempt from liability to serve as jurors or assessors, namely —

- (a) Members of the Executive Council
- (b) salaried Judges,
- (c) Police Officers and persons engaged in the Preventive Service in the Customs Department,
- (d) persons engaged in the collection of the revenue whom the District Commissioner thinks fit to exempt on the ground of official duty,
- (e) persons actually officiating as priests or ministers of their respective religions,
- (f) surgeons and others who openly and constantly practise the medical profession,
- (g) legal practitioners in actual practise,
- (h) persons employed in the Post Office and Telegraph Department,
- (i) persons exempted from personal appearance in Court under the provisions of the Code of Civil Procedure
- (j) other persons exempted by the Governor from liability to serve as jurors or assessors

Publication of lists

264 (1) A copy of the list made by the Registrar of persons liable to serve as jurors or assessors shall be published in the "Official Gazette" of the first day of March, and extracts therefrom containing the names of the persons liable to serve as jurors or assessors residing in each Province shall be exposed to public inspection at the Offices of the Provincial Commissioner of each Province respectively

(2) To every such copy or extract shall be subjoined a notice stating that objections to the list will be heard and determined by a Judge of the High Court and such Magistrate as the High Court may appoint at a time and place to be mentioned in such notice

Revision of list

265 (1) For the hearing of such objections a Judge shall sit with the Magistrate, and shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not suitable in their judgment to serve as a juror or as an assessor, or who may establish his right to any exemption from service given by section 263 and insert the name of any person omitted from the list whom they deem qualified for such service

- (2) In the event of a difference of opinion between the Judge and the Magistrate, the name of the proposed juror or assessor shall be omitted from the list
- (3) A copy of the revised list shall be signed by the Judge and Magistrate and sent to the High Court
- (4) Any order of the Judge and Magistrate as aforesaid in preparing and revising the list shall be final
- (5) Any exemption not claimed under this section shall be deemed to be waived until the list is next revised
- (6) The list so prepared and revised shall be again revised once in Annual revision of list. every year
- (7) The list so revised shall be deemed a new list, and shall be subject to all the rules hereinbefore contained as to the list originally prepared

- 266 (1) The Registrar shall ordinarily, seven days at least before the day which from time to time may be fixed for holding a Sessions of the High Court send a letter to a Magistrate holding a Subordinate Court of the first class having jurisdiction in the Province in which such Sessions are to be held requesting him to summon as many persons named in the said revised list as seem to the Judge to be needed for trials by jury and trials with the aid of assessors at the said Sessions Magistrate to summon jurors and assessors
- (2) The names of the persons to be summoned shall be drawn by lot by such Magistrate in open Court, excluding those who have served within six months unless the number cannot be made up without them

267 Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor, as the case may be, at a time and place to be therein specified Form and contents of summons

268 When any person summoned to serve as a juror or assessor is in the service of Government or of a Railway Company, the Court to serve in which he is so summoned may excuse his attendance if it appears on the representation of the head of the office in which he is employed that he cannot serve as a juror or assessor, as the case may be, without inconvenience to the public When Government or Railway servant may be excused

- 269 (1) The High Court may, for reasonable cause excuse any juror or assessor from attendance at any particular sessions, and Court may excuse attendance of juror or assessor
- (2) The High Court may, if it shall think fit, at the conclusion of any trial, direct that the jurors or assessors who have served at such trial shall not be summoned to serve again as jurors or assessors for a period of twelve months Court may relieve special jurors from liability to serve again as jurors for twelve months

- 270 (1) At each session the High Court shall cause to be made a list of the names of those who have attended as jurors and assessors at such session List of jurors and assessors attending
- (2) Such list shall be kept with the list of the jurors and assessors as revised under section 265
- (3) A reference shall be made in the margin of the said revised list of each of the names which are mentioned in the list prepared under this section

- 271 (1) Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the High Court, or fails to attend after an adjournment of the High Court after being ordered to attend, shall be liable by order of the High Court to a fine not exceeding two hundred rupees Penalty for non attendance of juror or assessor
- (2) Such fine shall be levied by a Magistrate empowered to hold a Subordinate Court of the first class by attachment and sale of any moveable property belonging to such juror or assessor within the local limits of the jurisdiction of such Magistrate

- (3) For good cause shewn, the High Court may remit or reduce any fine so imposed
- (4) In default of recovery of the fine by attachment and sale, such juror or assessor may, by order of the High Court be imprisoned as a civil prisoner for the term of 15 days, unless such fine is paid before the end of the said term

(J) *Special Provisions*

Power of Attorney
General to stay
prosecution

272 At any stage of any trial before the High Court under this Ordinance, before the return of the verdict, the Attorney General may, if he thinks fit, inform the Court on behalf of His Majesty that he will not further prosecute the defendant upon the charge, and thereupon all proceedings on such charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal unless the presiding Judge otherwise directs

Place of sitting of
High Court

- 273 (1) For the exercise of its original criminal jurisdiction the High Court shall hold sittings at such places and on such days as the Chief Justice may direct
- (2) The Registrar shall ordinarily give notice beforehand in the "Official Gazette" of all such sittings

Chapter XXI.

General Provisions as to Inquiries and Trials

Tender of pardon to
accomplice

- 274 (1) In the case of any offence triable exclusively by the High Court any Magistrate empowered to hold a Subordinate Court of the first class or any other Magistrate with the sanction of such Magistrate, may, with the view of obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, the offence under inquiry, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to such offence, and to every other person concerned, whether as principal or abettor, in the commission thereof
- (2) In the case of offences not triable exclusively by the High Court but which are punishable with more than three years imprisonment a Magistrate empowered to hold a Subordinate Court of the first or second class may tender a pardon with the previous sanction of the High Court
- (3) Every person accepting a tender under this section shall be examined as a witness in the case
- (4) Such person, if not on bail, shall be detained in custody until the termination of the trial by the High Court
- (5) Every Magistrate, who tenders a pardon under this section, shall record his reasons for so doing, and, when any Magistrate has made such tender and examined the person to whom it has been made, he shall not try the case himself, although the offence which the accused appears to have committed may be triable by such Magistrate

Power to direct
tender of pardon

275 At any time after commitment, but before judgment is passed, the High Court may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, any such offence, tender, or order the committing Magistrate to tender, a pardon on the same condition as specified in section 274 to such person

276. (1) Where a pardon has been tendered under section 274 or section 275, any person who has accepted such tender has, either by wilfully concealing anything essential or by giving false evidence, not complied with the conditions on which the tender was made, he may be tried for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the same matter.

Commitment of person to whom pardon has been tendered

(2) The statement made by a person who has accepted a tender of pardon may be given in evidence against him when the pardon has been forfeited under this section.

(3) No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the High Court

277 Every person accused before the High Court or any Criminal Court constituted under this Ordinance may of right be defended by an Advocate

Right of accused to be defended

278 If the accused, though not insane, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and, in the case of a Court other than a High Court, if such inquiry results in a commitment, or if such trial results in a conviction, the proceeding shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit

Procedure when accused does not understand proceedings

279. (1) For the purpose of enabling the accused to explain any circumstances appearing in the evidence against him, the Court may, at any stage of any inquiry or trial, without previously warning the accused, put such questions, to him as the Court considers necessary.

Power to examine the accused

(2) The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them, but the Court and the jury (if any) may draw such inference from such refusal or answers as it thinks just

(3) The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed

(4) No oath shall be administered to the accused, except as hereinafter provided by Chapter XXVII

280 Except as provided in sections 274 and 275, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge

No influence to be used to induce disclosure

281 (1) If, from the absence of a witness, or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn any inquiry or trial, the Court may, if it thinks fit, by order in writing, stating the reasons therefor, from time to time, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody

Power to postpone or adjourn proceedings

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time

Remand

(2) Every order made under this section shall be in writing signed by the presiding Magistrate

EXPLANATION — If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand

Reasonable cause for remand

Compounding offences

- 282 (1) The offences punishable under the sections of the Penal Code described in the first two columns of the table next following may be compounded by the persons mentioned in the third column of that table

Offence	Sections of Penal Code applicable	Person by whom offence may be compounded
Uttering words, etc., with deliberate intent to wound the religious feelings of any person	298	The person whose religious feelings are intended to be wounded
Causing hurt	323, 334	The person to whom the hurt is caused
Wrongfully restraining or confining any person	341, 342	The person restrained or confined
Assault or use of criminal force	352, 355, 358	The person assaulted or to whom criminal force is used
Unlawful compulsory labour	374	The person compelled to labour
Mischief, when the only loss or damage caused is loss or damage to a private person	426, 427	The person to whom the loss or damage is caused
Criminal trespass	447	The person in possession of the property trespassed upon
House trespass	448	
Criminal breach of contract or service	490, 491, 492	The person with whom the offender has contracted
Adultery	497	The husband of the woman
Enticing or taking away or detaining with a criminal intent a married woman	498	
Defamation	500	The person defamed
Printing or engraving matter knowing it to be defamatory	501	The person defamed
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter	502	
Insult intended to provoke a breach of the peace	504	The person insulted
Criminal intimidation, except when the offence is punishable with imprisonment for seven years	506	The person intimidated

- (2) The offences of causing hurt and grievous hurt, punishable under section 324, section 325, section 335, section 337, or section 338, of the Penal Code, may with the permission of the Court before which any prosecution for such offence is pending, be compounded by the person to whom the hurt has been caused
- (3) When any offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner
- (4) When the person who would otherwise be competent to compound an offence under this section is a minor, an idiot or a lunatic, any person competent to contract on his behalf may compound such offence
- (5) When the accused has been committed for trial or when he has been convicted and an appeal is pending, no composition for the offence shall be allowed without the leave of the Court to which he is committed, or as the case may be, before which the appeal is to be heard
- (6) The composition of an offence under this section shall have the effect of an acquittal of the accused
- (7) No offence shall be compounded except as provided by this section

283 (1) If in any inquiry before a Magistrate, or in any trial before a Magistrate before signing judgment, it appears to him at any stage of the proceedings that the case is one which ought to be tried by the High Court, and if he is empowered to commit for trial, he shall stop further proceedings and commit the accused under the provisions hereinbefore contained

Procedure when after commitment of inquiry or trial Magistrate finds case should be omitted

(2) If such magistrate is not empowered to commit for trial, he shall proceed under section 154

284 Whenever any Magistrate, after having heard and recorded the whole or any part of the evidence in an inquiry or a trial, ceases to exercise jurisdiction therein, and is succeeded by another Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself, or he may re-summon the witnesses and re-commence the inquiry or trial —

Conviction or commitment on evidence partly recorded by one Magistrate and partly by another

Provided as follows —

(a) in any trial the accused may, when the second Magistrate commences his proceedings, demand that the witnesses or any of them be re-summoned and re-heard,

(b) the High Court may, whether there be an appeal or not, set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was held, if it is of opinion that the accused has been materially prejudiced thereby, and may order a new inquiry or trial

285 (1) Any person attending a Criminal Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of inquiry into or trial of any offence of which such Court can take cognizance and which, from the evidence, may appear to have been committed, and may be proceeded against as though he had been arrested or summoned

Detention of offenders attending court

(2) When the detention takes place in the course of an inquiry under Chapter XV or after a trial has been begun, the proceedings in respect of such person shall be commenced afresh, and the witnesses re-heard

286 The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed an open Court, to which the public generally may have access, so far as same can conveniently contain them

Courts to be open

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into or trial of any particular case that the public generally, or any particular person, shall not have access to, or be, or remain in, the room or building used by the Court

Chapter XXII.

Of the Mode of taking and recording evidence in Inquiries and Trials.

287 Except as otherwise expressly provided, all evidence taken under Chapters XV, XVII, XVIII, XIX and XX shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in presence of his advocate

Evidence to be taken in presence of accused

288 In inquiries and trials (other than summary trials) under this Ordinance by or before a Magistrate, the evidence of the witnesses shall be recorded in the following manner —

Manner of recording evidence

(1) In summons-cases tried before a Magistrate and in all proceedings under section 403 (if not in the course of a trial) the Magistrate shall make a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds

Record in summons cases

(2) Such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record

Record in other cases	(3) In all other trials before Magistrates and in all inquiries under Chapter XV the evidence of each witness shall be taken down in writing in the language of the Court by the Magistrate, or in his presence and hearing and under his personal direction and superintendence, and shall be signed by the Magistrate (4) If the Magistrate is prevented from making a memorandum or taking down the evidence or record of evidence as above required, he shall record the reason of his inability to do so, and shall as the examination of each witness proceeds cause such memorandum or record of evidence to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum or record of evidence shall form part of the record
Mode of recording evidence under section 288	289 (1) Evidence taken under section 288 shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative (2) The Magistrate may, in his discretion take down, or cause to be taken down, any particular question and answer
Procedure in regard to such evidence when completed	290 (1) As the evidence of each witness taken down under section 288 is completed, it shall be read over to him in the presence of the accused if in attendance or his pleader, if he appears by pleader, and shall, if necessary, be corrected (2) If the witness denies the correctness of any part of the evidence when the same is read over to him, the Magistrate may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary (3) If the evidence is taken down in a language different from that in which it has been given, and the witness does not understand the language in which it is taken down the evidence so taken down shall be interpreted to him in the language in which it was given, or in a language which he understands
Interpretation of evidence to accused or his advocate	291 (1) Whenever any evidence is given in a language not understood by the accused, and he is present in person, it shall be interpreted to him in open Court in a language understood by him (2) If he appears by advocate and the evidence is given in a language other than the language of the Court, and not understood by the advocate, it shall be interpreted to such advocate in the language of the Court (3) When documents are put in for the purpose of formal proof, it shall be in the discretion of the Court to interpret as much thereof, as appears necessary
Remarks respecting demeanour of witness	292 When a Magistrate has recorded the evidence of a witness he shall also record such remarks (if any) as he thinks material respecting the demeanour of such witness whilst under examination
Examination of accused how recorded	293 (1) Whenever the accused is examined by any Magistrate the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full in the language of the Court and such record shall be shown or read to him, or, if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands and he shall be at liberty to explain or add to his answers (2) When the whole is made conformable to what the accused declares is the truth, the record shall be signed by the Magistrate, and such Magistrate shall certify under his own hand that the examination was taken in his presence and hearing, and that the record contains a full and true account of the statement made by the accused (3) In cases in which the examination of the accused is not recorded by the Magistrate himself, he shall be bound, as the examination proceeds, to make a memorandum thereof in the language of the Court, and such memorandum shall be written and signed by the Magistrate with his own hand, and shall be annexed to the record If the Magistrate is unable to make a memorandum as above required, he shall record the reason of such inability

- (4) Nothing in this section shall be deemed to apply to the examination of an accused person under section 221

294 The High Court may, from time to time, by rule, prescribe the manner in which evidence shall be taken down in cases coming before the Court, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed

Record of evidence
in High Court

Chapter XXIII.

Of the Judgment.

- 295 (1) The judgment in every trial in any Criminal Court or original jurisdiction shall be pronounced, or the substance of such judgment shall be explained,—
- Mode of delivering
Judgment
- (a) in open Court either immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties or their advocates,
- and
- (b) in the language of the Court, or in some other language which the accused or his advocate understands
- Provided that the whole judgment shall be read out by the presiding Judge or Magistrate, if he is requested so to do either by the prosecution or the defence
- (2) The accused shall, if in custody, be brought up, or, if not in custody, be required by the Court to attend, to hear judgment delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only or he is acquitted, in either of which cases it may be delivered in the presence of his advocate
- (3) No judgment delivered by any Criminal Court shall be deemed to be invalid by reason only of the absence of any party or his advocate on the day or from the place notified for the delivery thereof, or of any omission to serve, or defect in serving, on the parties or their advocates, or any of them, the notice of such day and place
- (4) Nothing in this section shall be construed to limit in any way the extent of the provisions of section 420
- 296 (1) Every such judgment shall, except as otherwise expressly provided by this Ordinance be written by the presiding Officer of the Court in the language of the Court, and shall contain the point or points for determination, the decision thereon and the reasons for the decision, and shall be dated and signed by the presiding Officer in open Court at the time of pronouncing it
- Language of Judgment
Contents of Judgments
- (2) It shall specify the offence (if any) of which, and the section of the Penal Code or other law under which, the accused is convicted, and the punishment to which he is sentenced
- (3) When the conviction is under the Penal Code, and it is doubtful under which of two sections, or under which of two parts of the same section, of that Code the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative
- Judgment in
alternative
- (4) If it be a judgment of acquittal, it shall state the offence of which the accused is acquitted and direct that he be set at liberty
- (5) If the accused is convicted of an offence punishable with death, and the Court sentences him to any alternative punishment provided other than death, the Court shall in its judgment state the reason why sentence of death was not passed
- Provided that, in trials by jury, the Court need not write a judgment, but shall record the heads of the charge to the jury
- 297 (1) When any person is sentenced to death the sentence shall direct that he be hanged by the neck till he is dead.
- Sentence of death
- (2) No sentence of transportation shall specify the place to which the person sentenced is to be transported
- Sentence of
transportation

Court not to alter
Judgment

298 No Court, other than a High Court, when it has signed its judgment, shall alter or review the same, except as provided in Sections 313 and 375 or to correct a clerical error

Copy of Judgment etc,
to be given to accused
on application

299 (1) On the application of accused a copy of the judgment, or, when he so desires, a translation in his own language, if practicable, shall be given to him without delay. Such copy shall be given free of costs

(2) In trials by jury, a copy of the heads of the charge to the jury shall, on the application of the accused, be given to him without delay and free of costs

Case of person
sentenced to death

(3) When the accused is sentenced to death by a Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred

Chapter XXIV.

Of Execution.

300 When a sentence of death is passed by the High Court the Court shall on receiving the order of the Appeal Court, if any, thereon and the order of confirmation of sentence or other order by the Governor issue a warrant or take such other steps as may be necessary to carry such order or orders into effect

Postponement of
capital sentence on
pregnant woman

301 If a woman sentenced to death is found to be pregnant, the High Court shall order the execution of the sentence to be postponed

Execution of sentences
of transportation
or imprisonment in
other cases

302 Where the accused is sentenced to transportation or imprisonment in cases other than those provided for by section 300 the Court passing the sentence shall forthwith forward a warrant to the jail in which he is, or is to be, confined, and unless the accused is already confined in such jail, shall forward him to such jail, with the warrant

Direction of warrant
for execution

303 (1) Every warrant for the execution of a sentence of imprisonment shall be directed to the Officer in charge of the jail or other place in which the prisoner is, or is to be, confined

Warrant with whom
to be lodged

(2) When the prisoner is to be confined in a jail, the warrant shall be lodged with the jailor

Warrant for levy of
fine

304 Whenever an offender is sentenced to pay a fine the Court passing the sentence may, in its discretion, issue a warrant for the levy of the amount by distress and sale of any property belonging to the offender, although the sentence directs that, in default of payment of the fine, the offender shall be imprisoned

Effect of such warrant

305 Such warrant may be executed within the local limits of the jurisdiction of such Court, and it shall authorise the distress and sale of any such property without such limits, when endorsed by a Magistrate holding a Subordinate Court of the 2nd Class within the local limits of whose jurisdiction such property is found

Suspension of
execution of sentence
of imprisonment

306 (1) When an offender has been sentenced to fine only and to imprisonment in default of payment of the fine, and the Court issues a warrant under Section 304, it may suspend the execution of the sentence of imprisonment and may release the offender on his executing a bond, with or without sureties, as the Court thinks fit, conditioned for his appearance before such Court on the day appointed for the return to such warrant, such day not being more than fifteen days from the time of executing the bond, and in the event of the fine not having been realised the Court may direct the sentence of imprisonment to be carried into execution at once

(2) In any case in which an order for the payment of money had been made, on non-recovery of which imprisonment may be awarded, and the money is not paid forthwith, the Court may require the person ordered to make such payment to enter into a bond as prescribed in sub-section (1), and in default of his so doing may at once pass sentence of imprisonment as if the money had not been recovered

Who may issue
warrant

307 Every warrant for the execution of any sentence may be issued either by the Judge or Magistrate who passed the sentence or by his successor in office

- 308 When the accused is sentenced to whipping only, the sentence shall be executed at such place and time as the Court may direct Execution of sentence of whipping only
- 309 (1) When the accused is sentenced to whipping in addition to imprisonment exceeding 15 days in a case which is subject to appeal, the whipping shall not be inflicted until fifteen days from the date of the sentence, or, if an appeal is made within that time, until the sentence is confirmed by the Appellate Court, but the whipping shall be inflicted as soon as practicable after the expiry of the fifteen days, or, in case of an appeal, as soon as practicable after the receipt of the order of the Appellate Court confirming the sentence Execution of sentence of whipping in addition to imprisonment
- (2) The whipping shall be inflicted in the presence of the Officer in charge of the jail, unless the Judge or Magistrate orders it to be inflicted in his own presence
- (3) Save as otherwise provided by Section 18 no accused person shall be sentenced to whipping in addition to imprisonment when the term of imprisonment to which he is sentenced is less than three months
- 310 (1) Whipping shall be inflicted in such mode, and on such part of the person and with such instrument as the Governor directs Mode of inflicting punishment
- (2) In no case shall such punishment exceed 24 stripes Limit of number of stripes
- 311 No sentence of whipping shall be executed by instalments and none of the following persons shall be punishable with whipping (namely) — Not to be executed by instalments
- (a) females,
- (b) males sentenced to death,
- (c) males whom the Court considers to be more than forty-five years of age
- 312 (1) The punishment of whipping shall not be inflicted unless a Medical Officer, if present, certifies or, if there is not a Medical Officer present, unless it appears to the Magistrate or Officer present, that the offender is in a fit state of health to undergo such punishment, Provisions relating to medical certificate
- (2) If, during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the Magistrate or Officer present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped Stay of execution
- 313 (1) In any case in which, under Section 312 a sentence of whipping is wholly or partially, prevented from being executed, the offender shall be kept in custody till the Court which passed the sentence, can revise it, and the said Court may, at its discretion, either remit such sentence, or sentence the offender in lieu of whipping or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any term not exceeding twelve months which may be in addition to any other punishment to which he may have been sentenced for the same offence Procedure if punishment cannot be inflicted under section 312
- (2) Nothing in this section shall be deemed to authorise any Court to inflict imprisonment for a term exceeding that to which the accused is liable by law, or that which the said Court is competent to inflict
- 314 (1) When sentence is passed under this Ordinance on an escaped convict, such sentence, if of death, fine or whipping, shall, subject to the provisions hereinbefore contained, take effect immediately, and, if of imprisonment, penal servitude or transportation, shall take effect according to the following rules, that is to say — Execution of sentences on escaped convicts
- (2) if the new sentence is severer in its kind than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately
- (3) When the new sentence is not severer in its kind than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment, penal servitude or transportation, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence

EXPLANATION —For the purposes of this section—

- (a) a sentence of penal servitude shall be deemed severer than a sentence of imprisonment,
- (b) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement, and
- (a) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement

Sentenced offender
already sentenced for
another offence

315 When a person already undergoing a sentence of imprisonment, penal servitude or transportation is sentenced to imprisonment, penal servitude or transportation, such imprisonment, penal servitude or transportation shall commence at the expiration of the imprisonment, penal servitude or transportation to which he has been previously sentenced

Saving as to sections
314 and 315

316 (1) Nothing in section 314 or section 315 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction

- (2) When an award of imprisonment in default of payment of a fine is annexed to a substantive punishment of imprisonment, or to a sentence of transportation or penal servitude for an offence punishable with imprisonment, and the person undergoing the sentence is after its execution to undergo a further substantive sentence, or further substantive sentences of imprisonment, transportation or penal servitude, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences

Return of warrant on
execution of sentence

317 When a sentence has been fully executed, the Officer executing it shall return the warrant to the Court from which it is issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.

Chapter XXV.

Of Previous Acquittals or Convictions.

Person once convicted
or acquitted not to be
tried for same offence

- 318 (1) A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 195 or for which he might have been convicted under section 196
- (2) A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under section 194, sub-section (1)
 - (3) A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last mentioned offence, if the consequences had not happened, or were not known to that Court to have happened, at the time when he was convicted
 - (4) A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction be subsequently charged with, and tried for any other offence constituted by the same acts which he may have committed if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged

EXPLANATION —The dismissal of a complaint, the stopping of proceedings under section 208, the discharge of the accused or any entry made upon a charge under section 226 is not an acquittal for the purposes of this section

Illustrations.

(a) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards while the acquittal remains in force, be charged with theft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

(b) A is tried upon a charge of murder and acquitted. There is no charge of robbery, but it appears from the facts that A committed robbery at the time when the murder was committed, he may afterwards be charged with, and tried for, robbery.

(c) A is tried for causing grievous hurt and convicted. The person injured afterwards dies. A may be tried again for culpable homicide.

(d) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried on the same facts for murder of B.

(e) A is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing hurt to B on the same facts, unless the case comes within paragraph 3 of the section.

(f) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for robbery on the same facts.

(g) A, B and C are charged by a Magistrate of the first class with and convicted by him of robbing D. A, B and C may afterwards be charged with, and tried for, dacoity on the same facts.

PART VII**Of Appeal and Revision.****Chapter XXVI****Of Appeals.**

319 No appeal shall lie from any Judgment or order of a Criminal Court except as provided for by this Ordinance or by any other law for the time being in force. Unless otherwise provided no appeal to lie

320 Any person convicted on a trial held by the High Court may appeal to His Majesty's Court of Appeal for Eastern Africa. Appeals to His Majesty's Court of Appeal for Eastern Africa

(a) against his conviction on any ground of appeal which involves a question of law alone, and

(b) with the leave of such Court of appeal or upon the certificate of the Judge who tried him that it is a fit case for appeal on any ground of appeal which involves a question of fact alone or a question of mixed law and fact or any other ground which appears to the Court to be a sufficient ground of appeal, and

(c) with the leave of such Court of Appeal against the sentence passed on conviction unless such sentence is one fixed by law.

Provided that where the trial was by jury an appeal shall lie on a matter of law only. For the purposes of this proviso the alleged severity of a sentence shall be deemed to be a matter of law.

321 Any person whose application under Section 72 for the delivery of property or the proceeds of the sale thereof has been rejected by any Court, may appeal to the High Court. Appeal from order rejecting application for restoration of attached property

322 Any person ordered by a Magistrate to give security for good behaviour under Section 101 may appeal to the High Court. Appeal from order requiring security for good behaviour

323 (1) Any person convicted on a trial held by any Subordinate Court may appeal to the High Court save as hereinafter provided. Appeal to High Court.

(2) An appeal to the High Court may be on a matter of fact as well as a matter of law.

324 (1) Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which a Magistrate empowered to hold a Subordinate Court of the first class passes sentence of imprisonment not exceeding one month only, or of fine not exceeding fifty rupees only, or of whipping only. No appeal in petty cases

Provided that there shall be no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has also been passed.

No appeal in certain cases where accused has pleaded guilty

(2) Notwithstanding anything hereinbefore contained there shall be no appeal by an accused person who has pleaded guilty and has been convicted on such plea by a Subordinate Court of the first class except as to the extent or legality of the sentence

No appeal from certain summary convictions

325 Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in any case tried summarily in which a Magistrate empowered to act under Section 219 passes a sentence of imprisonment not exceeding three months only or of fine not exceeding two hundred rupees only, or of whipping only

Proviso to Sections 324 and 325

326 An appeal may be brought against any sentence referred to in Section 324 or Section 325 by which any two or more of the punishments therein mentioned are combined, but no sentence which would not otherwise be liable to appeal, shall be appealable merely on the ground that the person convicted is ordered to find security to keep the peace

EXPLANATION — A sentence of imprisonment in default of payment of fine is not a sentence by which two or more punishments are combined within the meaning of this section

Appeal on behalf of Government in case of acquittal by High Court

327 The Governor in Council may direct the Attorney General to present an appeal to His Majesty's Court of Appeal for Eastern Africa from an order of acquittal by the High Court. Such appeal may lie on a matter of fact as well as a matter of law except where the trial was by jury in which case the appeal shall lie on a matter of law only

Appeal on behalf of Government in case of acquittal by Subordinate Court

328 The Governor in Council may direct the Attorney General to present an appeal to the High Court from an order of acquittal passed by any Subordinate Court

Petition of appeal

329 Every appeal to the High Court shall be made in the form of a petition in writing presented by the Appellant or his Advocate, and every such petition shall (unless the High Court otherwise directs) be accompanied by a copy of the Judgment or order appealed against

Procedure when Appellant in Jail

330 If the Appellant is in Jail, he may present his petition of appeal and the copies accompanying the same to the Officer in charge of the jail, who shall thereupon forward such petition and copies to the Registrar of the High Court

Summary dismissal of appeal

331. (1) On receiving the petition and copy under Section 329 or Section 330 the High Court shall peruse the same, and if it considers that there is no sufficient ground for interfering, it may dismiss the appeal summarily

Provided that no appeal presented under Section 329 shall be dismissed unless the Appellant if not in custody or his Advocate has had a reasonable opportunity of being heard in support of the same

(2) Before dismissing an appeal under this Section, the Court may call for the record of the case, but shall not be bound to do so

Notice of appeal

332 If the High Court does not dismiss the appeal summarily, it shall cause notice to be given to the Appellant or his Advocate, and to the Attorney General of the time and place at which such appeal will be heard, and shall, furnish the Attorney General with a copy of the grounds of appeal,

and, in cases of appeals under Section 328 the High Court shall cause a like notice to be given to the Accused

Power of Appellate Court in disposing of appeal

333 The High Court shall then send for the record of the case if such record is not already in Court. After perusing such record, and hearing the Appellant or his Advocate, if he appears, and the Public Prosecutor if he appears, and, in case of an appeal under Section 328 the Accused, if he appears, the Court may, if it considers that there is no sufficient ground for interfering dismiss the appeal, or may —

(a) in an appeal from an order of acquittal reverse such order and direct that further inquiry be made or that the Accused be retried or committed for trial as the case may be or find him guilty and pass sentence on him according to law,

(b) in an appeal from a conviction, (1) reverse the finding and sentence and acquit or discharge the Accused, or order him to be retried by a Court of competent jurisdiction or commit him for trial, or (2) alter the finding, maintaining the sentence, or with or without altering the finding, reduce the sentence, or (3) with or without such reduction and with or without altering the finding, alter the nature of the sentence but subject to the provisions of Section 89 not so as to enhance the same

- (c) in an appeal from any other order alter or reverse such order
- (d) make any amendment or any consequential or incidental order that may be just or proper

334 His Majesty's Court of Appeal for Eastern Africa may exercise in an appeal from the High Court any of the powers conferred by this Ordinance upon the High Court in the exercise of its appellate jurisdiction Powers of High Court of Appeal for Eastern Africa

Provided that nothing shall authorize such Court of Appeal to alter or reverse the verdict of a jury unless it is of opinion that such verdict is erroneous owing to a misdirection by the Judge or to a misunderstanding on the part of the jury of the law as laid down by him

335 (1) Whenever a case is decided on appeal by the High Court under this Chapter, it shall certify its Judgment or order to the Court by which the finding, sentence or order appealed against was recorded or passed Order by High Court on appeal to be certified to lower Court

(2) The Court to which the High Court certifies its judgment or order shall thereupon make such orders as are conformable to the Judgment or order of the High Court, and, if necessary, the record shall be amended in accordance therewith

336 (1) Pending any appeal by a convicted person, the High Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, also, if he is in confinement, that he be released on bail or on his own bond Suspension of sentence pending appeal Release of Appellant on bail

(2) When the Appellant is ultimately sentenced to imprisonment, penal servitude or transportation, the time during which he is so released shall be excluded in computing the term for which he is so sentenced

337 When an appeal is presented under Section 327 or Section 328 the High Court may issue a warrant directing that the Accused be arrested and brought before it or any Subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal, or admit him to bail Arrest of Accused in appeal from acquittal

338 (1) In dealing with any appeal under this Chapter, the High Court, if it thinks additional evidence be necessary, shall record its reasons, and may either take such evidence itself, or direct it to be taken by a Magistrate Appellate Court may take further evidence or direct it to be taken

(2) When the additional evidence is taken by the Magistrate, he shall certify such evidence to the High Court, and such Court shall thereupon proceed to dispose of the appeal

(3) Unless the High Court otherwise directs, the Accused or his Advocate shall be present when the additional evidence is taken

(4) The taking of evidence under this Section shall be subject to the provisions of Chapter XXII as if it were an inquiry

339 All appeals to the High Court shall be heard by not less than two Judges Number of Judges to hear appeal Provided that any interlocutory matter may be heard and disposed of by one Judge if on the hearing of an appeal the Court is equally divided in opinion the appeal shall be dismissed

340 Every appeal under Section 327 or Section 328 shall finally abate on the death of the Accused, and every other appeal under this Chapter (except an appeal from a sentence of fine) shall finally abate on the death of Appellant Abatement of appeals

Revision.

341 The High Court may call for and examine the records of any Criminal proceedings before any Subordinate Court for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed and as to the regularity of any proceeding of such Subordinate Court Power of High Court to call for records

342 (1) Any Magistrate may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of his jurisdiction for the purpose of satisfying himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court Power to call for records of inferior Courts

(2) If any Magistrate acting under sub-section (1) considers that any such finding, sentence or order is illegal or improper, or that any such proceedings are irregular, he shall forward the record, with such remarks thereon as he thinks fit, to the High Court.

High Court's powers
of revision

- 343 (1) In the case of any proceeding in a Subordinate Court the record of which has been called for or which has been reported for orders, or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by Sections 333, 336, 337 and 338 and may enhance the sentence
- (2) No order under this Section shall be made to the prejudice of the Accused unless he has had an opportunity of being heard either personally or by Advocate in his own defence
- (3) Where the sentence dealt with under this Section has been passed by a Subordinate Court, the High Court shall not inflict a greater punishment for the offence which in the opinion of the High Court the Accused has committed than might have been inflicted for such offence by a Magistrate empowered to hold a Subordinate Court of the 1st class
- (4) Nothing in this section shall be deemed to authorize a High Court to convert a finding of acquittal into one of conviction
- (5) Where under this Ordinance an appeal lies and no appeal is brought, no proceeding by way of revision shall be entertained at the instance of the party who could have appealed

Optional with Court to
hear parties

344 No party has any right to be heard either personally or by Advocate before the High Court when exercising its powers of revision

Provided that such Court may, if it thinks fit, when exercising such powers, hear any party either personally or by Advocate and that nothing in this section shall be deemed to affect section 343 sub-section (2)

Number of Judges
in revision

345 All proceedings before the High Court in the exercise of its revisional jurisdiction may be heard and any Judgment or order thereon may be made or passed by one Judge provided that when such Court is composed of more than one Judge and such Court is equally divided in opinion, the sentence or order of the Subordinate Court shall be upheld

Certifying order of
revision

346 When a case is revised by the High Court it shall certify its decision or order to the Court by which the sentence or order so revised was recorded or passed and the Court to which the decision or order is so certified, shall thereupon make such orders as are conformable to the decision so certified and if necessary the record shall be amended in accordance therewith

PART VIII

Special Proceedings.

Chapter XXVII

Trial of Europeans.

Method of inquiry, not
certain offences

347 Save as hereinafter provided every case in which a European shall appear before a Magistrate accused of any offence punishable with imprisonment which may exceed six months shall be enquired into under Chapter XV of this Ordinance as if the offence were one triable exclusively by the High Court and if there are sufficient grounds for committing the accused for trial the Magistrate shall, if he has power to commit, commit him for trial to the High Court

Offences triable by
Magistrate

348 Notwithstanding anything contained in the preceding section a Magistrate holding a Subordinate Court of the 1st and 2nd Class may try and pass sentence according to law upon a European in any of the following cases —

- (a) If the maximum term of imprisonment prescribed by law as a punishment for the offence alleged does not exceed three years and the Magistrate after hearing the evidence for the prosecution is of opinion that the accused would be adequately punished for the offence by a fine or by imprisonment for a term not exceeding six months with or without fine and the person accused shall consent to be tried by such Magistrate

- (b) If after inquiry into any case in which a person is accused of an offence punishable with imprisonment which may exceed six months, the Magistrate considers for reasons to be recorded by him that there is not evidence of the commission of the alleged offence but there is evidence against the accused of a lesser offence, the punishment for which does not exceed imprisonment for six months with or without fine

Provided, however, that in either case a Magistrate shall not impose a sentence of imprisonment for a term exceeding six months or for a term in excess of his powers

- (c) Cases in which, notwithstanding the provisions of this Chapter, a Magistrate is given jurisdiction over Europeans by any other Ordinance or law

349 Imprisonment for the purposes of this Chapter shall mean rigorous or simple imprisonment or imprisonment with or without hard labour Nature of imprisonment

350 (1) Unless the Magistrate has reason to believe that any person brought before him is not a European, the Magistrate shall ask such person if he is a European When Magistrate is to ask if accused is a European

- (2) If a person does not claim to be a European when before the Magistrate by whom he is tried or by whom he is committed for trial, or, if when such claim has been made and disallowed by the committing Magistrate it is not again made before the High Court, he shall be held to have relinquished his right to be dealt with as a European and shall not assert it at any subsequent stage of the same case

351 (1) Every person committed for trial to the High Court under the provisions of this Chapter shall be tried by a jury composed of Europeans Europeans committed to be tried by jury

352 In any case in which a European is accused jointly with a person not being a European and such persons are committed for trial, they shall be tried together and the procedure at the trial shall be the same as it would have been had the European been tried separately European accused jointly with a non European

353 (1) When any person claims to be dealt with under this Chapter he shall state the grounds of such claim to the Magistrate before whom he is brought for the purpose of inquiry or trial and such Magistrate shall if necessary inquire into the truth of such statement and allow the person making it reasonable time within which to prove that it is true and shall then decide whether he is or is not a European. If any such person is convicted by such Magistrate and appeals from such conviction the burden of proving that the Magistrate's decision on such claim was wrong shall lie upon such person Claim to be dealt with as a European

- (2) The question of any person claiming to be dealt with under this Chapter as a European is a question of fact for the Court

354 When a person who is not a European is dealt with under this Chapter and does not object, the inquiry, commitment, trial, finding or sentence as the case may be shall not by reason thereof be invalid Saving of proof when a non European is tried under this Chapter

355 Every European charged with an offence and the wife or husband, as the case may be, of the person so charged shall be a competent witness for the defence at every stage of the proceedings whether the person so charged is charged solely or jointly with any other person Accused wife or husband competent witnesses

Provided as follows —

- (a) A person so charged shall not be called as a witness in pursuance of this Chapter except upon his own application
- (b) The failure of any person charged with an offence or of the wife or husband, as the case may be, of the person so charged to give evidence shall not be made the subject of any comment by the prosecution
- (c) The wife or husband of the person so charged shall not, save as hereinbefore mentioned, be called as a witness except upon the application of the person so charged
- (d) Nothing in this Ordinance shall make a husband compellable to disclose any communication made to him by his wife during the marriage or a wife compellable to disclose any communication made to her by her husband during the marriage

- (e) A person charged and being a witness in pursuance of this Chapter may be asked any questions in cross-examination notwithstanding that it will tend to criminate him as to the offence charged
- (f) A person charged and called as a witness in pursuance of this Chapter shall not be asked and if asked shall not be required to answer any question tending to show that he has committed or been convicted of or been charged with any offence other than that wherewith he is then charged or is of bad character unless —
 - * (i) the proof that he has committed or been convicted of such offence is admissible evidence to show that he is guilty of the offence wherewith he is then charged
 - (ii) He has personally or by his Advocate asked questions of the witnesses for the prosecution with a view to establishing his own good character, or the nature or conduct of the defence is such as to involve imputation on the character of the prosecutor or the witnesses for the prosecution, or
 - (iii) He has given evidence against any other person charged with the same offence
- (g) Every person called as a witness in pursuance of this Chapter shall, unless otherwise ordered by the Court, give his evidence from the witness box or other place from which the other witnesses have given their evidence
- (h) Nothing in this Chapter shall affect the other provisions of this Ordinance with regard to the examination of an accused person or the right of the person charged to make a statement

When accused is only witness for the defence

356 Where the only witness to the facts of the case called by the defence is the person charged he shall be called as a witness immediately after the close of the evidence for the prosecution

Right of reply

357 In a case where the right of reply depends upon the question whether evidence has been called for the defence the fact that the person charged has been called as a witness shall not of itself confer on the prosecution the right of reply

Cases when wife or husband may be called without consent

358 In any inquiry or trial in which the wife or husband of a person accused charged with any offence might be called as a witness for the prosecution under any law in force before the enactment of this Ordinance the wife or husband may be called as a witness for the prosecution or defence and without the consent of the person charged

Procedure to be followed in case of trial of European

359 The procedure otherwise prescribed by this Ordinance shall be followed in every inquiry, trial, finding or sentence in every case in which a European is the person or one of the persons accused except in so far as such procedure is repugnant to the provisions of this Chapter

Chapter XXVIII.

Lunatics

Procedure in case of accused being lunatic

- 360 (1) When a Magistrate holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by a Medical Officer, and thereupon shall examine such medical officer as a witness, and shall reduce the examination to writing
- (2) If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he shall postpone further proceedings in the case

Procedure in case of person committed before High Court being lunatic

- 361 (1) If any person committed for trial before the High Court appears to the Court at his trial to be of unsound mind and consequently incapable of making his defence, the jury, or the Court with the aid of assessors, shall, in the first instance, try the fact of such unsoundness and incapacity, and, if satisfied of the fact, shall pass judgment accordingly, and thereupon the trial shall be postponed

- (2) The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court

362 (1) Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or the High Court, as the case may be, if the case is one in which bail may be taken, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or the High Court or such Officer as the Magistrate or the High Court appoints in this behalf Release of lunatic pending investigation or trial

- (2) If the case is one in which bail may not be taken, or if sufficient security is not given, the Magistrate or the High Court as the case may be shall report the case to the Governor, remanding the accused to custody pending orders, and the Governor may order the accused to be confined in a lunatic asylum, jail or other suitable place of safe custody, and the Magistrate or the High Court shall give effect to such order Custody of lunatic

363 (1) Whenever an inquiry or a trial is postponed under section 360 or section 361 the Magistrate or the High Court, as the case may be, may at any time resume the inquiry or trial, and require the accused to appear or be brought before such Magistrate or High Court Resumption of inquiry or trial

- (2) When the accused has been released under section 362, and the sureties for his appearance produce him to the Officer whom the Magistrate or the High Court appoints in this behalf, the certificate of such Officer that the accused is capable of making his defence shall be receivable in evidence

364 (1) If, when the accused appears or is again brought before the Magistrate or the High Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the inquiry or trial shall proceed Procedure on accused appearing before Magistrate or Court

- (2) If the Magistrate or the High Court considers the accused person to be still incapable of making his defence, the Magistrate or the High Court shall again act according to the provisions of section 360 or section 361, as the case may be

365 When the accused appears to be of sound mind at the time of inquiry or trial, and the Magistrate is satisfied from the evidence given before him that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was, at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Magistrate shall proceed with the case, and, if the accused ought to be committed to the High Court, send him for trial before the High Court When accused appears to have been insane

366 Whenever any person is acquitted upon the ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, the finding shall state specifically whether he committed the act or not Judgment of acquittal on ground of lunacy

367 (1) Whenever such judgment states that the accused person committed the act alleged, the Magistrate or the High Court before whom or which the trial has been held, shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be kept in safe custody in such place and manner as such Magistrate or Court thinks fit, and shall report the case for the orders of the Governor Person acquitted on such ground to be kept in safe custody

- (2) The Governor may order such person to be confined in a lunatic asylum, jail or other suitable place of safe custody

(3) The Governor in Council may, by general or special order, direct that any person who has been ordered under this Chapter to be confined in a lunatic asylum, jail or other place of safe custody, shall be removed from the place where he is confined to any lunatic asylum, jail or other place of safe custody in the Protectorate Power of Governor in Council to order criminal lunatics confined by order of government to be removed from one place to another

Lunatic prisoners to be visited

368 When any person is confined under the provisions of section 362 or section 367 if such person is confined in a jail, the visiting justices of the prison or the visitors of the lunatic asylum, or any two of them, if he is confined in a lunatic asylum, may visit him in order to ascertain his state of mind, and he shall be visited once at least in every six months by two of such visitors as aforesaid and such visitors shall make a special report to the Governor as to the state of mind of such person

Procedure where lunatic prisoner is reported capable of making his defence

369 If such person is confined under the provisions of section 362, and such visitors shall certify that, in their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or High Court as the case may be, at such time as the Magistrate or High Court appoints, and the Magistrate or High Court shall deal with such person under the provisions of section 364 and the certificate of such visitors as aforesaid shall be receivable as evidence

Procedure where lunatic confined under section 362 or 367 is declared fit to be discharged

370 (1) If such person is confined under the provisions of section 362 or section 367 and such visitors shall certify that, in their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Governor may thereupon order him to be discharged, or to be detained in custody, or to be transferred to a public lunatic asylum if he has not been already sent to such an asylum, and, in case it orders him to be transferred to an asylum, may appoint a Commission, consisting of a judicial and two medical officers

(2) Such Commission shall make formal inquiry into the state of mind of such person, taking such evidence as necessary, and shall report to the Governor, who may order his discharge or detention as he thinks fit

Delivery of lunatic to care of relative

371 (1) Whenever any relative or friend of any person confined under the provisions of section 362 or section 367 desires that he shall be delivered over to his care and custody, the Governor upon the application of such relative or friend, and, on his giving security to the satisfaction of the Governor that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order such person to be delivered to such relatives or friends

(2) Whenever such person is so delivered, it shall be upon condition that he shall be produced for the inspection of such Officer and at such times as the Governor directs

(3) The provisions of section 368 and 370 shall, *mutatis mutandis*, apply to persons delivered under the provisions of this section, and the certificate of the inspecting Officer appointed under this section shall be receivable as evidence

Chapter XXIX

Proceedings in case of certain Offences affecting the Administration of Justice.

Procedure in case mentioned in section 157

372 (1) When any Civil or Criminal Court is of opinion that there is ground for inquiring into any offence referred to in section 157 and committed before it or brought under its notice in the course of a judicial proceeding such Court, after making any preliminary inquiry that may be necessary, may send the case for inquiry or trial to the nearest Magistrate empowered to hold a Subordinate Court of the first class, and may send the accused in custody, or take sufficient security for his appearance, before such Magistrate, and may bind over any person to appear and give evidence on such inquiry or trial

(2) Such Magistrate shall thereupon proceed according to law, and as if upon complaint made and recorded under section 162

(3) The High Court may charge a person for any offence referred to in section 157 and committed before it or brought under its notice in the course of a judicial proceeding and may commit or admit to bail and try such person upon its own charge

373 When any such offence as is described in section 175 section 178, Procedure in certain cases of contempt section 179, section 180 or section 228 of the Penal Code is committed in the view or presence of any Civil or Criminal Court, the Court may cause the offender, whether he is a European or not, to be detained in custody, and at any time before the rising of the Court on the same day may, if it thinks fit, take cognizance of the offence and sentence the offender to fine not exceeding two hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid

374 (1) In every case the Court shall record the facts constituting the offence, with the statement (if any) made by the offender, as Record in such cases well as the finding and sentence

(2) If the offence is under section 228 of the Penal Code, the record shall show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult

375 When any Court has under section 373 adjudged an offender to punishment for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may, in its discretion, Discharge of offender on admission or apology discharge the offender or remit the punishment on his submission to the order or requisition of such Court, or an apology being made to its satisfaction

376 (1) If the Court in any case considers that a person accused of any Procedure where Court considers that case should not be dealt with under section 373 of the offences referred to in section 373 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 373, such Court after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try or enquire into the same, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, shall forward such person in custody to such Magistrate

The Magistrate to whom any case is forwarded under this section, shall proceed to hear the complaint against the accused person in manner hereinbefore provided

377 If any witness or person called to produce a document or thing before a Criminal Court refuses to answer such questions as are put to him or to produce any document or thing in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, such Court may, for reasons to be recorded in writing, sentence him to Imprisonment or committal of person refusing to answer or produce document simple imprisonment, or by warrant under the hand of the presiding Magistrate or Judge commit him to the custody of an Officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer, or to produce the document or thing In the event of his persisting in his refusal, he may be dealt with according to the provisions of section 373 or 376, and, in the case of the High Court, shall be deemed guilty of a contempt

378 (1) Any person sentenced by any Court under section 373 or section 377 may, notwithstanding anything hereinbefore contained, Appeals from convictions in contempt-cases. appeal to the Court to which decrees or orders made in such Court are ordinarily appealable

(2) The provisions of Chapter XXVI shall, so far as they are applicable, apply to appeals under this section, and the Appellate Court may alter or reverse the finding, or reduce or reverse the sentence appealed against

379 (1) Except as provided in sections 372, 373 and 377, no Judge of a Criminal Court or Magistrate, other than a Judge of a High Court, shall try any person for any offence referred to in section 157, when such offence is committed before himself or in contempt of his authority, or is brought under his notice as such Judge or Magistrate in the course of a judicial proceeding Certain Judges and Magistrates not to try offences referred to in section 157 when committed before themselves

(2) Nothing in section 372 shall prevent a Magistrate empowered to commit to the High Court from himself committing any case to such Court

Chapter XXX.

Directions of the nature of a Habeas Corpus and Writs.

Power to issue
directions of the
nature of a
habeas corpus

- 380 (1) The High Court may, whenever it thinks fit, direct —
- (a) that a person within the limits of the Protectorate be brought up before the Court to be dealt with according to law,
 - (q) that a person illegally or improperly detained in public or private custody within such limits be set at liberty,
 - (c) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court,
 - (d) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners acting under the authority of any commission from the Governor in Council for trial to be examined touching any matter pending before such Court-martial or Commissioners respectively,
 - (e) that a prisoner within such limits be removed from one custody to another for the purpose of trial, and
 - (r) that the body of a defendant within such limits be brought in on a return of *cepi corpus* to a writ of attachment
- (2) The High Court may, from time to time, frame rules to regulate the procedure in cases under this section

Issue of writs by
High Court

- 381 (1) The High Court may in the exercise of its criminal jurisdiction issue any writ which may be issued by the High Court of Judicature in England
- (2) The High Court may from time to time frame rules to regulate the procedure in cases under this section

PART IX

Supplementary Provisions.

Chapter XXXI

Of the Public Prosecutor.

Power to appoint
Public Prosec-
utors

- 382 (1) The Governor may appoint generally, or in any case, or for any specified class of cases, in any local area, one or more Officers to be called Public Prosecutors
- (2) In any case committed for trial to the High Court the Attorney General may appoint any Advocate of the High Court, or Officer of the administration not being an Officer of Police below the rank of Inspector of Police to be Public Prosecutor for the purpose of such case

Public Pro-
secutors may
plead in all
Courts in cases
under his charge
Pleaders
privately in-
structed to be
under his
direction

383 The Public Prosecutor may appear and plead without any written authority before any Court in which any case of which he has charge is under inquiry, trial or appeal, and, if any private person instructs an Advocate to prosecute in any Court any person in any such case the Public Prosecutor may conduct the prosecution, and the Advocate so instructed shall act therein under his directions

Effect of with-
drawal from
prosecution

384 Any Public Prosecutor may, with the consent of the Court, in cases tried by jury before the return of the verdict, and in other cases before the judgment is pronounced, withdraw from the prosecution of any person, and, upon such withdrawal,—

- (a) if it is made before a charge has been framed, the accused shall be discharged,
- (b) if it is made after a charge has been framed, or when under this Ordinance no charge is required, he shall be acquitted

- 385 (1) Any Magistrate inquiring into or trying any case may permit ^{Permission to} the prosecution to be conducted by any person other than an ^{conduct} Officer of Police below a rank to be prescribed by the Governor ^{prosecution} in this behalf, but no person other than a Public Prosecutor or other Officer generally or specially empowered by the Governor in this behalf shall be entitled to do so without such permission
- (2) Any such Officer shall have the like power of withdrawing from the prosecution as is provided by section 384, and the provisions of that section shall apply to any withdrawal by such Officer
- (3) Any person conducting the prosecution may do so personally or by an Advocate
- (4) An Officer of Police shall not be permitted without the consent of the Magistrate having jurisdiction in the case to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted

Chapter XXXII.

Of Bail.

386 When any person other than a person accused of a non-bailable offence ^{In what cases} is arrested or detained without warrant by an Officer in charge of a Police- ^{bail to be taken} Station, or appears or is brought before a Court, and is prepared at any time while in the custody of such Officer or at any stage of the proceedings before such Court to give bail, such person shall be released on bail, Provided that such Officer or Court if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided

- 387 (1) When any person accused of any non-bailable offence is arrested or detained without warrant by an Officer in charge of a Police- ^{When bail may} Station, or appears or is brought before a Court, he may be ^{be taken in case} released on bail, but he shall not be so released if there appear ^{of non-bailable} reasonable grounds for believing that he has been guilty of the ^{offence} offence of which he is accused

Provided that nothing in this section shall prevent a Magistrate from admitting to bail a person whom he has committed for trial, or shall prevent a convict appellant from being admitted to bail as provided by section 336

- (2) If it appears to such Officer or Court at any stage of the investigation, inquiry or trial as the case may be, that there are not reasonable grounds for believing that the accused has committed such offence, but there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such Officer or Court on the execution by him of a bond without sureties for his appearance as hereinafter provided
- (3) Any Court may, at any subsequent stage of any proceeding under this Ordinance cause any person who has been released under this section to be arrested, and may commit him to custody

388 The amount of every bond executed under this Chapter shall be fixed ^{Power to direct} with due regard to the circumstances of the case, and shall not be excessive, ^{admission to bail} and the High Court may, in any case whether there be an appeal on conviction ^{or reduction} or not, direct that any person be admitted to bail or that the bail required by a ^{of bail} Police Officer or Magistrate be reduced

- 389 (1) Before any person is released on bail or released on his own ^{Bond of accused} bond, a bond for such sum of money as the Police Officer or ^{and sureties} Court, as the case may be, thinks sufficient, shall be executed by such person, and, when he is released on bail, by one or more sufficient sureties conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the Police Officer or Court, as the case may be
- (2) If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court, or other Court to answer the charge

- Discharge from custody 390 (1) As soon as the bond has been executed the person for whose appearance it has been executed shall be released, and when he is in jail, the Court admitting him to bail shall issue an order of release to the Officer in charge of the jail and such Officer on receipt of the order shall release him
- (2) Nothing in this section, section 386 or section 387 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed
- Power to order sufficient bail when that first taken is insufficient 391 If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it and may order him to find sufficient sureties, and on his failing so to do commit him to jail
- Discharge of sureties 392 (1) All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond either wholly or so far as relates to the applicants
- (2) On such application being made the Magistrate shall issue his warrant of arrest directing that the person so released be brought before him
- (3) On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as it relates to the applicants, and shall call upon such person to find other sufficient sureties, and, if he fails to do so, may commit him to custody

Chapter XXXIII.

Of Commissions for the Examinations of Witnesses

- When attendance of witness may be dispensed with 393 (1) Whenever, in the course of an inquiry, a trial or any other proceeding under this Ordinance the High Court is satisfied that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, the Court may issue a commission to any Magistrate, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness
- (2) The Magistrate to whom the commission is issued, shall proceed to the place where the witness is or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Ordinance
- Issue of Commission, and procedure thereunder
- Parties may examine witnesses 394 (1) The parties to any proceeding under this Ordinance in which a commission is issued, may respectively forward any interrogatories in writing which the Court directing the commission may think relevant to the issue, and the Magistrate or Officer to whom the commission is directed, shall examine the witness upon such interrogatories
- (2) Any such party may appear before such Magistrate or Officer by Advocate, or if not in custody, in person, and may examine cross-examine, and re-examine (as the case may be) the said, witness
- Power of Subordinate Magistrate to apply for issue of commission 395 Whenever, in the course of an inquiry or a trial or any other proceeding under this Ordinance before any Magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate shall apply to the High Court, stating the reasons for the application, and the High Court may either issue a commission in the manner hereinbefore provided or reject the application

396 (1) After any commission issued under section 393 or section 395 Return of has been duly executed, it shall be returned, together with the Commission deposition of the witness examined thereunder, to the High Court and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record

(2) Any deposition so taken, if it satisfies the conditions prescribed by section 33 of the Indian Evidence Act, 1872, may also be received in evidence at any subsequent stage of the case before another Court

397 In every case in which a commission is issued under section 393 or Adjournment of section 395 the inquiry, trial or other proceeding may be adjourned for a specified inquiry of trial time reasonably sufficient for the execution and return of the commission

Chapter XXXIV.

Special Rules of Evidence.

398 (1) The deposition of a Civil Surgeon or other medical witness, taken and attested by a Magistrate in the presence of the accused, or Deposition of medical witness taken on commission under Chapter XXXIII may be given in evidence in any inquiry, trial or other proceeding under this Ordinance although the deponent is not called as a witness

(2) The Court may, if it thinks fit, summon and examine each deponent Power to summon medical witness as to the subject matter of his depositions

399 Any document purporting to be a report under the hand of any Report of Chemical Examiner Chemical Examiner or Assistant Chemical Examiner to the Government, upon any matter or thing duly submitted to him, for examination or analysis and report in the course of any proceeding under this Ordinance, may be used as evidence in any inquiry, trial or other proceeding under this Ordinance

400 In any inquiry, trial or other proceeding under this Ordinance, a Previous conviction or acquittal how proved previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force—

(a) by an extract certified, under the hand of the Officer having the custody of the records of the Court in which such conviction or acquittal was had, to be a copy of the sentence or order, or

(b) in case of a conviction, either by a certificate signed by the Officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered,

together with, in each of such cases, evidence as to the identity of the accused person with the Person so convicted or acquitted

A certificate, in the form prescribed by the Governor given under the hand of an Officer appointed by the Governor on that behalf, who shall have compared the finger prints of an accused person with the finger prints of a person previously convicted or acquitted shall be admissible in evidence as to the identity of such accused person with the person previously convicted or acquitted

401 (1) If it is proved that an accused person has absconded, and that Record of evidence in absence of accused there is no immediate prospect of arresting him, the Court competent to try or commit for trial such person for the offence complained of, may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution and record their depositions. Any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into, or trial for, the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience, which, under the circumstances of the case, would be unreasonable

Record of
evidence when
offender un-
known

- (2) If it appears that an offence punishable with death or transportation has been committed by some person or persons unknown, the High Court may direct that any Magistrate empowered to hold a Subordinate Court of the first class shall hold an inquiry and examine any witnesses who give evidence concerning the offence. Any depositions so taken may be given in evidence against any person who is subsequently accused of the offence if the deponent is dead or incapable of giving evidence or beyond the limits of the Protectorate

Chapter XXXV.

Provisions as to Bonds

Deposit instead
of recognizance

402 When any person is required by any Court or Officer to execute a bond, with or without sureties, such Court or Officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government Currency Notes to such amount as the Court or Officer may fix, in lieu of executing such a bond

Procedure on
forfeiture of
bond

- 403 (1) Whenever it is proved to the satisfaction of the Court by which a bond under this Ordinance has been taken, or when the bond is for appearance before a Court, to the satisfaction of such Court, that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid
- (2) If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the property belonging to such person or his estate if he be dead
- (3) Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it, and it shall authorise the distress and sale of any property belonging to such person without such limits, when endorsed by a Magistrate empowered to hold a subordinate court of the first class within the local limits of whose jurisdiction such property is found
- (4) If such penalty is not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment as a Civil prisoner for a term which may extend to six months
- (5) The Court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only
- (6) Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond, but the party who gave the bond may be required to find a new surety

Appeal from,
and revision of
orders under
section 403

404 All orders passed under section 403 by any Magistrate shall be appealable to and may be revised by the High Court

Power to direct
levy of amount
due on certain
recognizances

405 The High Court may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court

Chapter XXXVI.

Of the Disposal of Property.

Order for
disposal of
property regard-
ing which
offence commit-
ted

- 406 (1) When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal of any property or document produced before it or in its custody or regarding which any offence appears to have been committed, or which has been used for the commission of any offence

- (2) When the High Court makes such order and cannot through its own Officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by a Magistrate
- (3) When an order is made under this section in a case in which an appeal lies, such order shall not (except when the property is live-stock or is subject to speedy and natural decay) be carried out until the period allowed for presenting such appeal has passed or if such appeal is presented within such period, until such appeal has been disposed of

Explanation —In this section the term “property” includes in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise

407 When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowledge, or without having reason to believe that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him Payment to innocent purchaser of money found on accused

408. (1) On the conviction under the Penal Code, section 292, section 293, section 501 or section 502, the Court may order the destruction of all the copies of the things in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted Destruction of libellous and other matter

(2) The Court may, in like manner, on a conviction under the Penal Code, section 272, section 273, section 274, or section 275, order the food, drink, drug or medical preparation in respect of which the conviction was had, to be destroyed

409 (1) Whenever a person is convicted of an offence attended by criminal force and it appears to the Court that by such force any person has been dispossessed of any immovable property, the Court may, if it thinks fit order such person to be restored to the possession of the same Power to restore possession of immovable property

(2) No such order shall prejudice any right or interest to or in such immovable property which any person may be able to establish in a civil suit

410 (1) The seizure by any Police-Officer of property taken under section 35 or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or, if such person cannot be ascertained respecting the custody and production of such property Procedure by Police upon seizure of property taken under section 35 or stolen

(2) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation Procedure where owner of property seized unknown

411 (1) If no person within such period establishes claim to such property, and if the person in whose possession such property was found, is unable to show that it was legally acquired by him. Such property shall be at the disposal of the Government of the Protectorate and may be sold under the orders of a Magistrate empowered to hold a subordinate Court of the first class Procedure where no claimant appears within six months

- (2) In the case of every order passed under this section an appeal shall lie to the High Court

Power to sell
perishable prop-
erty

412 If the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay, or the Magistrate to whom its seizure is reported, is of opinion that its sale would be for the benefit of the owner, the Magistrate may at any time direct it to be sold, and the provisions of section 410 and section 411 shall, as nearly as may be practicable, apply to the nett-proceeds of such sale

Chapter XXXVII.

Of Irregular Proceedings

Irregularities
which do not vit-
iate proceedings

413 If any Magistrate not empowered by law to do any of the following things namely —

- (a) to issue a search-warrant under section 81,
- (b) to order, under section 122, the Police to investigate an offence,
- (c) to hold an inquest under section 143,
- (d) to transfer a case under section 154,
- (e) to tender a pardon under section 274 or section 275,
- (f) to sell property under section 411 or section 412,

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered

Irregularities
which vitiate
proceedings

414 If any Magistrate, not being empowered by law in this behalf, does any of the following things, namely —

- (a) attaches and sells property under section 71,
- (b) issues a search-warrant for a letter, parcel or other thing in the Post Office, or a telegram in the Telegraph Department,
- (c) demands security to keep the Peace,
- (d) demands security for good behaviour,
- (e) discharges a person lawfully bound to be of good behaviour,
- (f) cancels a bond to keep the Peace,
- (g) calls, under section 342, for proceedings,
- (h) tries an offender,
- (i) tries an offender summarily, or
- (j) decides an appeal, his proceedings shall be void

Proceedings in
wrong place

415 No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceeding in the course of which it was arrived at or passed, took place in a wrong Province, District or other local area, unless it appears that such error has in fact occasioned a failure of justice

When irregular
commitments
may be validated

416 (1) If any Magistrate or other authority purporting to exercise powers duly conferred which were not so conferred, commits an accused person for trial before the High Court, the High Court may, after perusal of the proceedings, accept the commitment if it considers that the accused has not been injured thereby, unless, during the inquiry and before the order of commitment objection was made on behalf either of the accused or of the prosecution to the jurisdiction of such Magistrate or other authority

(2) If such Court considers that the accused was injured, or if such objection was so made, it shall quash the commitment and direct a fresh inquiry by a competent Magistrate

Non-compliance
with provisions
of section 131 or
293

417 (1) If any Court before which a confession or other statement of an accused person recorded or purporting to be recorded under section 131 or section 293 is tendered or has been received in evidence, finds that any of the provisions of either of such sections have not been complied with by the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded, and notwithstanding anything contained in the Indian Evidence Act, 1872, section 91, such statement shall be admitted, if the error has not injured the accused as to his defence on the merits

- (2) The provisions of this section shall also apply to the High Court as a Court of Appeal and Revision
- 418 (1) No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed, unless, in the opinion of the High Court sitting as a Court of Appeal or Revision, a failure of justice has in fact been occasioned thereby Effect of omission to prepare charge
- (2) If such Court thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge be framed, and that the trial be re-commenced from the point immediately after the framing of the charge
- 419 (1) If an offence triable with the aid of assessors is tried by a jury, the trial shall not on that ground only be invalid Trial by jury of offence triable with assessors
- (2) If an offence triable by a jury is tried with the aid of assessors, the trial shall not on that ground only be invalid, unless the objection is taken before the Court records its finding Trial with assessors of offence triable by jury
- 420 Subject to the provisions hereinafore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered on appeal or revision on account — Finding or sentence when reversible by reason of error or omission in charge or other proceedings

- (a) of any error, omission or irregularity in the complaint, summons, warrant, charge, proclamation, order, judgment or other proceedings before or during trial or in any inquiry or other proceedings under this Ordinance or,
- (b) of the want of or any irregularity in any sanction required by section 157 or any irregularity in proceedings taken under section 372 or,
- (c) of the omission to revise any list of jurors or assessors in accordance with section 265 or,
- (d) of any misdirection in any charge to a jury unless such error, omission, irregularity, want or misdirection has in fact occasioned a failure of justice

Explanation — In determining whether any error, omission or irregularity in any proceeding under this Ordinance has occasioned a failure of justice, the Court shall have regard to the fact whether the objection could and should have been raised at an earlier stage in the proceedings

421 No distress made under this Ordinance shall be deemed unlawful, nor shall any person making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, writ of distress or other proceedings relating thereto Distress not illegal nor distainer a trespasser for defect or want of form in proceedings

Chapter XXXVIII.

Miscellaneous

- 422 Affidavits and affirmations to be used before the High Court may be sworn and affirmed before a Judge of the High Court, or any Magistrate or the Registrar or Deputy Registrar of the High Court Courts and persons before whom affidavits may be sworn
- 423 Any Court may, at any stage of any inquiry, trial or other proceeding under this Ordinance, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or re-call and re-examine any person already examined, and the Court shall summon and examine or re-call and re-examine any such person if his evidence appears to it essential to the just decision of the case Power to summon material witness, or examine person present
- 424 Unless when otherwise provided by any law for the time being in force, the Governor may direct in what place any person liable to be imprisoned or committed to custody under this Ordinance shall be confined Power to appoint place of imprisonment
- 425 (1) Any Magistrate desirous of examining, as a witness or an accused person, in any case pending before him, any person confined, in any jail within the local limits of his jurisdiction, may issue an order to the Officer in charge of the said jail requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Magistrate for examination Power of Magistrate to order prisoner in jail to be brought up for examination

- (2) The Officer so in charge on receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from the jail for the purpose aforesaid

Interpreter to be bound to interpret truthfully 426 When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement

Expenses of complainants and witnesses 427 Subject to any rules made by the Governor, any Criminal Court may, if it thinks fit, order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court under this Ordinance

Power of Court to pay expenses or compensation out of fine 428 (1) Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or a sentence of which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied—

- (a) in defraying expenses properly incurred in the prosecution,
- (b) in compensation for the injury caused by the offence committed, where substantial compensation is, in the opinion of the Court, recoverable by civil suit

- (2) If the fine is imposed in a case which is subject to appeal no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal

Payments to be taken into account in subsequent suit 429 At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under section 428

Moneys ordered to be paid recoverable as fines 430 Any money payable by virtue of any order made under this Ordinance otherwise than as a fine shall be recoverable as if it were a fine

Copies of proceedings 431 If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of the Judge's charge to the jury or of any order or deposition or other part of the record, he shall, on applying for such copy, be furnished therewith

Provided that he pays for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost

Delivery to military authorities of persons liable to be tried by Court-martial 432 (1) The Governor may make rules, consistent with this Ordinance and the Army Act or any similar law for the time being in force as to the cases in which persons subject to military law shall be tried by a Court to which this Ordinance applies, or by Court-martial, and when any person is brought before a Magistrate and charged with an offence for which he is liable, under the Army Act, section 41, to be tried by a Court-martial, such Magistrate shall have regard to such rules, and shall in proper cases deliver him, together with a statement of the offence of which he is accused to the Commanding Officer of the regiment, corps or detachment to which he belongs, or to the Commanding Officer of the nearest military station, for the purpose of being tried by Court-martial

Apprehension of such persons (2) Every Magistrate shall, on receiving a written application for that purpose by the Commanding Officer of any body of troops stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence

Powers to Police to seize property suspected to be stolen 433 Any Police-Officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence. Such Police Officer, if subordinate to the Officer in charge of a police station, shall forthwith report the seizure to that Officer

Powers of superior Officers of Police 434 Police-Officers superior in rank to an Officer in charge of a police-station may exercise the same powers throughout the local area to which they are appointed, as may be exercised by such Officer within the limits of his station

Power to compel restoration of abducted females 435 Upon complaint made to a Magistrate empowered to hold a Subordinate Court of the first class on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any unlawful

purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian, or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary

436 (1) Whenever any person causes a Police-Officer to arrest another person, if it appears to the Magistrate by whom the case is heard the there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding fifty rupees, to be paid by the person so causing the arrest to the person so arrested, for his loss of time and expenses in the matter, as the Magistrate thinks fit

(2) In such cases, if more persons than one are arrested, the Magistrate may, in like manner, award to each of them such compensation, not exceeding fifty rupees, as such Magistrate thinks fit

(3) All compensation awarded under this section may be recovered as if it were a fine, and, if it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the Magistrate directs, unless such sum is sooner paid

347 Such forms as the High Court may from time to time approve with such variation as the circumstances of each case require, may be used for the respective purposes therein mentioned, and if used shall be sufficient

438 A Judge of the High Court shall periodically inspect the records of all Subordinate Courts and may give such instructions and advice thereon as may be deemed necessary

439 Subordinate Courts shall furnish returns of cases tried by them to the High Court in such manner as the High Court may from time to time direct

440 No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from his Court, try or commit for trial any case to or in which he is a party, or personally interested

Explanation—A Judge or Magistrate shall not be deemed to be a party, or personally interested, within the meaning of this section, to or in any case by reason only that he is a Municipal Commissioner or otherwise concerned therein in a public capacity, or by reason only that he has viewed the place in which an offence is alleged to have been committed, or any other place in which any other transaction material to the case is alleged to have occurred, and made an inquiry in connection with the case

441 A public servant having any duty to perform in connection with the sale of any property under this Ordinance shall not purchase or bid for the property

442 (1) The language of the High Court shall be English

(2) The language of Subordinate Courts shall be English or Swahili

First Offenders

443 In any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, cheating, or any other offence under the Penal Code punishable with not more than two years' imprisonment before any Court, and no previous conviction is proved against him, if it appears to the Court before whom he is so convicted, that, regard being had to the youth, character and antecedents of the offender, to the trivial nature of the offence and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond with or without sureties, and during such period, (not exceeding one year) as the Court may direct, to appear and receive sentence when called upon, and in the mean-time to keep the peace and be of good behaviour

444 (1) If the Court which convicted the offender, is satisfied that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension

- (2) An offender, when apprehended on any such warrant, shall be brought forthwith before the Court issuing the warrant, and such Court may either remand him in custody until the case is heard or admit him to bail with a sufficient surety conditioned on his appearing for sentence. Such Court may, after hearing the case, pass sentence.

Condition as to
abode of offender

445 The Court, before directing the release of an offender under section 443, shall be satisfied that the offender or his surety (if any) has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely to live during the period named for the observance of the condition.

Previously Convicted Offenders

Order for
notifying address
of previously
convicted
offender

- 446 (1) When any person, having been convicted of any offence punishable under Chapter XII or Chapter XVII of the Penal Code with imprisonment for a term of three years or upwards, is again convicted of any offence punishable under either of those Chapters with imprisonment for a term of three years or upwards the Court or Magistrate may, if it or he thinks fit, at the time of passing sentence of transportation or imprisonment on such person, also order that his residence and any change of residence after release be notified, as hereinafter provided, for a term not exceeding five years from the date of the expiration of such sentence.
- (2) If such conviction is set aside on appeal or otherwise, such order shall become void.
- (3) The Governor may make rules to carry out the provisions of this section relating to the notification of residence by released convicts.
- (4) Any person refusing or neglecting to comply with any rule so made shall be punishable as if he had committed an offence under section 176 of the Penal Code.

Reference

Reference by
Magistrate
holding
Subordinate
Courts of the
First Class

447 Any Magistrate empowered to hold a Subordinate Court of the first class may, if he thinks fit, refer for the opinion of the High Court any question of law which arises in the hearing of any case pending before him, or may give judgment in any such case subject to the decision of the High Court on such reference and, pending such decision, may either commit the accused to jail, or release him on bail to appear for judgment when called upon.

Disposal of case
according to
decision of the
High Court

- 448 (1) When a question has been so referred, the High Court shall pass such order thereon as it thinks fit, and shall cause a copy of such order to be sent to the Magistrate by whom the reference was made, who shall dispose of the case conformably to the said order.
- (2) The High Court may order by whom the costs of such reference be paid.

Power to reserve
questions arising
in original
jurisdiction of
High Court

449. (1) When any person has, in a trial before a judge of the High Court, acting in the exercise of its original criminal jurisdiction, been convicted of an offence, the Judge, if he thinks fit, may reserve and refer for the decision of a Court consisting of two or more Judges of the High Court any question which has arisen in the course of the trial of such person, and the determination of which would affect the event of the trial.
- (2) If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail, or, if the Judge thinks fit, be admitted to bail, and the High Court shall have power to review the case, or such part thereof as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original Jurisdiction, and to pass such Judgment or order as the High Court thinks fit.

SCHEDULE I.

Enactments Repealed.

ACT OR ORDINANCE.	EXTENT OF REPEAL.
The Code of Criminal Procedure, 1898 (Indian Act 5 of 1898) as applied to the East Africa Protectorate .	The whole
The Criminal Procedure Ordinance, 1906 (No 5 of 1906)	The whole
The Courts Ordinance, 1907 (No 13 of 1907) .	Sections 26-41 inclusive Schedule I (part II), and Schedule II
The Criminal Procedure Ordinance, 1907 (No 14 of 1907)	The whole
The Criminal Procedure Ordinance, 1908 (No 16 of 1908) ..	The whole
The Police Ordinance, 1911 (No 4 of 1911)	Section 25

SCHEDULE II.

Statement of Offences.

EXPLANATORY NOTE—The entries in the second and seventh columns of this Schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code" are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column

Chapter V—Abetment

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment	May arrest without warrant if the offence abetted may be made without warrant, but not otherwise	According as a warrant or summons may issue for the offence abetted	According as the offence abetted is bailable or not	According as the offence abetted is compoundable or not	The same punishment as for the offence abetted	The Court by which the offence abetted is triable
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor	ditto	ditto	ditto	ditto	ditto	ditto
111	Abetment of any offence, when one act is abetted and a different act is done, subject to the proviso	ditto	ditto	ditto	ditto	The same punishment as for the offence intended to be abetted	ditto
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor	ditto	ditto	ditto	ditto	The same punishment as for the offence committed	ditto
114	Abetment of any offence, if abettor is present when offence is committed	ditto	ditto	ditto	ditto	ditto	ditto
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment	ditto	ditto	Not bailable	ditto	Imprisonment of either description for seven years and fine	ditto
	If an act which causes harm be done in consequence of the abetment	ditto	ditto	ditto	ditto	Imprisonment of either description for fourteen years and fine	ditto

116	Abetment of an offence, punishable with imprisonment, if the offence be not committed in consequence of the abetment	May arrest without warrant if the offence abetted may be made without warrant, but not otherwise	According as a warrant or summons may issue for the offence abetted	According as the offence abetted is bailable or not	According as the offence abetted is compoundable or not	Imprisonment extending to a quarter part of the longest term and of any description, provided for the offence, or fine, or both	The Court by which the offence abetted is triable
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence	ditto	ditto	ditto	ditto	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both	ditto
117	Abetting the commission of an offence by the public, or by more than ten persons	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both	ditto
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed	ditto	ditto	Not bailable	ditto	Imprisonment of either description for 7 years and fine	ditto
	If the offence be not committed	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine	ditto
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed	ditto	ditto	According as the offence abetted is bailable or not	ditto	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both	ditto
	If the offence be punishable with death or transportation for life	ditto	ditto	Not bailable	ditto	Imprisonment of either description for 10 years	ditto
	If the offence be not committed	ditto	ditto	According as the offence abetted is bailable or not	ditto	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both	ditto
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed	ditto	ditto	ditto	ditto	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both	The Court by which the offence abetted is triable
	If the offence be not committed	ditto	ditto	ditto	ditto	Imprisonment extending to one eighth part of the longest term, and of the description provided for the offence, or fine, or both	ditto

Chapter VI—Offences against the State.

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable
121	Waging, or attempting to wage war, or abetting the waging of war, against the King	Shall not arrest without warrant	Warrant	Not bailable	Not Compoundable	Death or transportation for life, and forfeiture of property	High Court
121a	Conspiring to commit certain offences against the State	ditto	ditto	ditto	ditto	Transportation for life or any shorter term, or imprisonment of either description for 10 years	ditto
122	Collecting arms, etc., with the intention of waging war against the King	ditto	ditto	ditto	ditto	Transportation for life or imprisonment of either description for 10 years and forfeiture of property	ditto
123	Concealing with intent to facilitate a design to wage war	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine	ditto
124	Assaulting Governor General, Governor, etc., with intent to compel or restrain the exercise of any lawful power	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	ditto
124a	Sedition	ditto	ditto	ditto	ditto	Transportation for life or for any term and fine, or imprisonment of either description for 3 years and fine, or fine	High Court or Subordinate Court of the first class specially empowered by the Governor in that behalf
125	Waging war against any Asiatic Power in alliance or at peace with the King, or abetting the waging of such war	ditto	ditto	ditto	ditto	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine	High Court
126	Committing depredation on the territories of any power in alliance or at peace with the King	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine, and forfeiture of certain property	ditto
127	Receiving property taken by war or depredation mentioned in sections 125 and 126	ditto	ditto	ditto	ditto	ditto	ditto
128	Public servant voluntarily allowing prisoner of State or war in his custody to escape	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine	ditto

129	Public servant negligently suffering prisoner of state or war in his custody to escape	Shall not arrest without warrant,	Warrant	Bailable	Not Compoundable	Simple imprisonment for 3 years and fine	High Court or Subordinate Court of the first class
130	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner	ditto	ditto	Not bailable	ditto	Transportation for life or imprisonment of either description for 10 years and fine	High Court

Chapter VII.—Offences relating to the Army and Navy.

131	Abetting mutiny, or attempting to seduce an officer, soldier or sailor from his allegiance or duty	May arrest without warrant	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine	ditto
132	Abetment of mutiny, if mutiny is committed in consequence thereof	ditto	ditto	ditto	ditto	Death, or transportation for life, or imprisonment of either description for 10 years and fine	ditto
133	Abetment of an assault by an officer, soldier or sailor on his superior officer, when in the execution of his office	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine	High Court or Subordinate Court of the first class
134	Abetment of such assault, if the assault is committed	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	High Court
135	Abetment of the desertion of an officer, soldier or sailor	ditto	ditto	Bailable	ditto	Imprisonment of either description for 2 years, or fine, or both	Subordinate Court of the first and second Class
136	Harbouring such an officer soldier or sailor who has deserted	ditto	ditto	ditto	ditto	ditto	ditto
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof	Shall not arrest without warrant,	Summons	ditto	ditto	Fine of 500 rupees	ditto
138	Abetment of act of insubordination by an officer, soldier or sailor, if the offence be committed in consequence	May arrest without warrant	Warrant	ditto	ditto	Imprisonment of either description 6 months, or fine, or both	ditto
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier	ditto	Summons	ditto	ditto	Imprisonment of either description for 3 months or fine of 500 rupees, or both	Any Magistrate

Chapter VIII—Offences against the Public Tranquillity.

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable
143	Being member of an unlawful assembly	May arrest without warrant	Summons	Bailable	Not Compoundable	Imprisonment of either description for 6 months, or fine, or both	ditto
144	Joining an unlawful assembly armed with any deadly weapon	ditto	Warrant	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	ditto
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	Any Magistrate
147	Rioting	ditto	ditto	ditto	ditto	ditto	ditto
148	Rioting, armed with a deadly weapon	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both	High Court or Subordinate Court of the first class
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence	According as arrest may be made without warrant for the offence or not	According as a warrant or summons may issue for the offence	According as the offence is bailable or not	ditto	The same as for the offence	The Court by which the offence is triable
150	Hiring, engaging or employing persons to take part in an unlawful assembly	May arrest without warrant	According to the offence committed by the person hired, engaged or employed	ditto	ditto	The same as for a member of such assembly, and for any offence committed by any member of such assembly	ditto
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse	ditto	Summons	Bailable	ditto	Imprisonment of either description for 6 months, or fine, or both	Any Magistrate
152	Assaulting or obstructing public servant when repressing riot, etc	ditto	Warrant	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both	High Court or Subordinate Court of the first class

153	Wantonly giving provocation with intent to cause riot, if rioting be committed	ditto	ditto	ditto	ditto	Imprisonment of either description for 1 year, or fine, or both	Any Magistrate
	If not committed	ditto	Summons	ditto	ditto	Imprisonment of either description for 6 months, or fine, or both	ditto
153a	Promoting enmity between classes	Shall not arrest without warrant	Warrant	Not bailable	ditto	Imprisonment of either description for 2 years, or fine, or both	Subordinate Court of the first class
154	Owner or occupier of land not giving information of riot, etc	ditto	Summons	Bailable	ditto	Fine of 1,000 rupees	Subordinate Court of the first and second Class
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it	ditto	ditto	ditto	ditto	Fine	ditto
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it	ditto	ditto	ditto	ditto	ditto	ditto
157	Harboring persons hired for an unlawful assembly	May arrest without warrant	Summons	Bailable	Not Compoundable	Imprisonment of either description for 6 months, or fine, or both	Subordinate Court of the first and second Class
158	Being hired to take part in an unlawful assembly or not	ditto	ditto	ditto	ditto	ditto	ditto
159	Or to go armed	ditto	Warrant	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	ditto
160	Committing affray	Shall not arrest without warrant	Summons	ditto	ditto	Imprisonment of either description for 1 month, or fine, or both	Any Magistrate

Chapter IX—Offences by or relating to Public Servants

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both	High Court or Subordinate Court of the first class
162	Taking a gratification in order by corrupt or illegal means to influence a public servant	ditto	ditto	ditto	ditto	ditto	ditto
163	Taking gratification for the exercise of personal influence with a public servant	ditto	ditto	ditto	ditto	Simple imprisonment for 1 year, or fine, or both	Subordinate Court of the first class

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself	Shall not arrest without warrant	Summons	Bailable	Not Compoundable	Imprisonment of either description for 3 years, or fine, or both	High Court or Subordinate Court of the first class
165	Public servant obtaining any valuable thing, without consideration from a person concerned in any proceeding or business transacted by such public servant	ditto	ditto	ditto	ditto	Simple imprisonment for 2 years, or fine, or both	Subordinate Court of the first class
166	Public servant disobeying a direction of the law with intent to cause injury to any person	ditto	ditto	ditto	ditto	Simple imprisonment for 1 year, or fine, or both	ditto
167	Public servant framing an incorrect document with intent to cause injury	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both	High Court or Subordinate Court of the first class
168	Public servant unlawfully engaging in trade	ditto	ditto	ditto	ditto	Simple imprisonment for 1 year, or fine, or both	Subordinate Court of the first class
169	Public servant unlawfully buying or bidding for property	ditto	ditto	ditto	ditto	Simple imprisonment for 2 years, or fine, or both and confiscation of property, if purchased	Subordinate Court of the first class
170	Personating a public servant	May arrest without warrant	Warrant	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	Any Magistrate
171	Wearing garb or carrying token used by public servant with fraudulent intent	ditto	Summons	ditto	ditto	Imprisonment of either description for 3 months, or fine of 200 rupees, or both	Any Magistrate

Chapter X.—Contempts of the Lawful Authority of Public Servants.

172	Abseonding to avoid service of summons or other proceeding from a public servant If summons or notice require attendance in person, etc., in a Court of Justice	Shall not arrest without warrant ditto	Summons ditto	Bailable ditto	Not Compoundable ditto	Simple imprisonment for 1 month, or fine of 500 rupees, or both, Simple imprisonment for 6 months, or a fine of 1,000 rupees, or both	Any Magistrate ditto
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed or preventing a proclamation If summons, etc., require attendance in person, etc., in a Court of Justice	ditto	ditto	ditto	ditto	Simple imprisonment for 1 month, or fine of 500 rupees, or both Simple imprisonment for 6 months, or a fine of 1,000 rupees, or both	Subordinate Court of the first and second Class ditto
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority In the order require personal attendance, etc., in a Court of Justice	ditto	ditto	ditto	ditto	Simple imprisonment for 1 month, or fine of 500 rupees, or both Simple imprisonment for 6 months, or a fine of 1,000 rupees, or both	Any Magistrate ditto
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document If the document is required to be produced in or delivered to a Court of Justice	ditto	ditto	ditto	ditto	Simple imprisonment for 1 month, or fine of 500 rupees, or both Simple imprisonment for 6 months, or a fine of 1,000 rupees, or both	The Court in which the offence is committed subject to the provisions of Chapter XXIX or, if not committed in a Court, a Subordinate Court of the first or second class ditto
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information If the notice or information required respects the commission of an offence, etc	ditto	ditto	ditto	ditto	Simple imprisonment for 1 month, or fine of 500 rupees, or both Simple imprisonment for 6 months, or a fine of 1,000 rupees, or both	Subordinate Court of the first or second class Subordinate Court of the first and second Class
177	Knowingly furnishing false information to a public servant If the information required respects the commission of an offence, etc	ditto	ditto	ditto	ditto	ditto Imprisonment of either description for 2 years, or fine, or both	ditto ditto

November 15, 1912

THE OFFICIAL GAZETTE

838

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable
178	Refusing oath when duly required to take oath by a public servant	Shall not arrest without warrant	Summons	Bailable	Not Compoundable	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both	The Court in which the offence is committed, subject to the provisions of Chapter XXIX, or if not committed in a Court, a Subordinate Court of the first or second class
179	Being legally bound to state truth, and refusing to answer questions	ditto	ditto	ditto	ditto	ditto	ditto
180	Refusing to sign a statement made to a public servant when legally required to do so	ditto	ditto	ditto	ditto	Simple imprisonment for 3 months, or fine of 500 rupees, or both	ditto
181	Knowingly stating to a public servant on oath as true that which is false	ditto	Warrant	ditto	ditto	Imprisonment of either description for 3 years, and fine	High Court or Subordinate Court of the first class
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person	ditto	Summons	ditto	ditto	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both	Subordinate Court of the first or second class
183	Resistance to the taking of property by the lawful authority of a public servant	ditto	ditto	ditto	ditto	ditto	ditto
184	Obstructing sale of property offered for sale by authority of a public servant	ditto	ditto	ditto	ditto	Imprisonment of either description for 1 month, or fine of 500 rupees, or both	ditto
185	Bidding by a person under a legal incapacity to purchase it, for property at a lawfully authorised sale, or bidding without intending to perform the obligation incurred thereby	ditto	ditto	ditto	ditto	Imprisonment of either description for 1 month, or fine of 200 rupees, or both	ditto

186	Obstructing public servant in discharge of his public functions	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 months, or fine of 500 rupees, or both	ditto
187	Omission to assist public servant when bound by Law to give such assistance	ditto	ditto	ditto	ditto	Simple imprisonment for 1 month, or fine of 200 rupees, or both	ditto
	Willfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, etc	ditto	ditto	ditto	ditto	Simple imprisonment for 6 months, or fine of 500 rupees, or both	ditto
188	Disobedience to an order lawfully promulgated by a public servant causes obstruction annoyance or injury to persons lawfully employed	ditto	ditto	ditto	ditto	Simple imprisonment for 1 month, or fine of 200 rupees, or both	ditto
	If such disobedience causes danger to human life, health or safety, etc	ditto	ditto	ditto	ditto	Imprisonment of either description for 6 months, or fine 1,000 rupees, or both	ditto
189	Threatening a public servant with injury to him or one in whom he is interested, to induce him to do or forbear to do any official act	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	ditto
190	Threatening any person to induce him to refrain from making a legal application for protection from injury	ditto	ditto	ditto	ditto	Imprisonment of either description for 1 year, or fine, or both	ditto
193	Giving or fabricating false evidence in a Judicial proceeding	ditto	Warrant	ditto	ditto	Imprisonment of either description for 7 years, and fine	High Court or Subordinate Court of the first class
	Giving or fabricating false evidence in any other case	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine	ditto
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence	ditto	ditto	Not bailable	ditto	Transportation for life or rigorous imprisonment for 10 years and fine	High Court
	If innocent person be thereby convicted and executed	ditto	ditto	ditto	ditto	Death or as above	ditto
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwards	ditto	ditto	Bailable	ditto	The same as for the offence	High Court

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable
196	Using in a judicial proceeding evidence known to be false or fabricated	Shall not arrest without warrant	Warrant	According as the offence of giving such evidence is bailable or not	Not Compoundable	The same as for giving or fabricating false evidence	High Court or Subordinate Court of the first class
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence	ditto	ditto	Bailable	ditto	The same as for giving false evidence	ditto
198	Using as a true certificate one known to be false in a material point	ditto	ditto	ditto	ditto	ditto	ditto
199	False statement made in any declaration which is by law received as evidence	ditto	ditto	ditto	ditto	ditto	ditto
200	Using as true any such declaration known to be false	ditto	ditto	ditto	ditto	ditto	ditto
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	High Court
	If punishable with transportation for life or imprisonment for ten years	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine	High Court or Subordinate Court of the first class
	If punishable with less than ten years' imprisonment	ditto	ditto	ditto	ditto	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both	Subordinate Court of the first class, or Court by which the offence is triable
202	Intentional omission to give information of an offence by a person legally bound to inform	ditto	Summons	ditto	ditto	Imprisonment of either description for 6 months, or fine, or both	Subordinate Court of the first or second class
203	Giving false information respecting an offence committed	ditto	Warrant	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	ditto
204	Secreting or destroying any document to prevent its production as evidence	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	Subordinate Court of the first class

205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both	High Court or Subordinate Court of the first class
206	Fraudulent removal or concealment, etc., of property to prevent seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	Subordinate Court of the first or second class
207	Claiming property without right or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree	ditto	ditto	ditto	ditto	ditto	ditto
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied	ditto	ditto	ditto	ditto	ditto	Subordinate Court of the first class
209	False claim in a Court of Justice	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	ditto
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, and fine	ditto
211	False charge of offence made with intent to injure	ditto	ditto	ditto	ditto	ditto	ditto
212	If offence charged be punishable with imprisonment for seven years or upwards	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	High Court or Subordinate Court of the first class
	If offence charged be capital or punishable with transportation for life	ditto	ditto	ditto	ditto	ditto	High Court
	Harbours an offender, if the offence be capital	May arrest without warrant	ditto	ditto	ditto	Imprisonment of either description for 5 years and fine	High Court or Subordinate Court of the first class
	If punishable with transportation for life or with imprisonment for ten years	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine	High Court or Subordinate Court of the first class
	If punishable with imprisonment for one year and not for ten years	ditto	ditto	ditto	ditto	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both	Subordinate Court of the first class, or Court by which the offence is triable

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable
213	Taking gift, etc., to screen an offender from punishment, if the offence be capital	Shall not arrest without warrant	Warrant	Bailable	Not Compoundable	Imprisonment of either description for 7 years and fine	High Court
	If punishable with transportation for life or with imprisonment of ten years	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine	High Court or Subordinate Court of the first class
	If with imprisonment for less than ten years	ditto	ditto	ditto	ditto	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine or both	Subordinate Court of the first class, or Court by which offence is triable
214	Offering gift or restoration of property in consideration of screening offender, if the offence be capital	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	High Court
	If punishable with transportation for life or with imprisonment for ten years	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine	High Court or Subordinate Court of the first class
	If the imprisonment for less than ten years	ditto	ditto	ditto	ditto	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both	Subordinate Court of the first class, or Court by which the offence is triable
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years or fine, or both	Subordinate Court of the first class
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital	May arrest without warrant	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	High Court or Subordinate Court of the first class
	If punishable with transportation for life, or with imprisonment for ten years	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, with or without fine	ditto
	If with imprisonment for one year, and not for ten years	ditto	ditto	ditto	ditto	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both	Subordinate Court of the first class, or Court by which the offence is triable
216a	Harbouring robbers or dacoits	ditto	ditto	ditto	ditto	Rigorous imprisonment for 7 years and fine	High Court or Subordinate Court of the first class

217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture	Shall not arrest without warrant	Summons	Bailable	Not Compoundable	Imprisonment of either description for 2 years or fine, or both	Subordinate Court of the first or second class
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture	ditto	Warrant	ditto	ditto	Imprisonment of either description for 5 years, or fine, or both	High Court
219	Public servant in a judicial proceeding corruptly making and pronouncing an order, report verdict or decision which he knows to be contrary to law	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years or fine, or both	ditto
220	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law	ditto	ditto	ditto	ditto	ditto	ditto
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years, with or without fine	High Court
	If punishable with transportation for life or imprisonment or ten years	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, with or without fine	High Court or Subordinate Court of the first class
	If imprisonment for less than ten years	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years with or without fine	Subordinate Court of the first or second class
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death	ditto	ditto	Not bailable	ditto	Transportation for life, or imprisonment of either description for 14 years with or without fine	High Court
	If under sentence of transportation or penal servitude for life, or transportation, imprisonment or penal servitude for ten years or upwards	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years, with or without fine	ditto
	If under sentence of imprisonment for less than ten years or lawfully committed to custody	ditto	ditto	Bailable	ditto	Imprisonment of either description for 3 years, or fine, or both	High Court or Subordinate Court of the first class
223	Escape from confinement negligently suffered by a public servant	ditto	Summons	ditto	ditto	Simple imprisonment for 2 years, or fine, or both	Subordinate Court of the first or second class
224	Resistance or obstruction by a person to his lawful apprehension	May arrest without warrant	Warrant	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	ditto

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable
225	Resistance or obstruction to the lawful apprehension of another person or rescuing him from lawful custody	May arrest without warrant	Warrant	Not bailable	Not Compoundable	Imprisonment of either description for 2 years or fine, or both	Subordinate Court of the first or second class
	If charged with an offence punishable with transportation for life or imprisonment for ten years	ditto	ditto	Not bailable	ditto	Imprisonment of either description for 3 years and fine	High Court or Subordinate Court of the first class
	If charged with a capital offence	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	High Court
	If the person is sentenced to transportation for life, or to transportation, penal servitude or imprisonment for ten years or upwards	ditto	ditto	ditto	ditto	ditto	ditto
	If under sentence of death	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine	ditto
225a	Omission to apprehend, or suffering of escape, on part of public servant, in cases not otherwise provided for — (a) In case of intentional omission, or suffering	Shall not arrest without warrant	ditto	Bailable	ditto	Imprisonment of either description for 3 years, or fine, or both	High Court or Subordinate Court of the first class
	(b) in case of negligent omission or suffering	ditto	Summons	ditto	ditto	Simple imprisonment for 2 years or fine, or both	Subordinate Court of the first or second class
225b	Resistance or obstruction to lawful apprehension, or escape or rescue in cases not otherwise provided for	May arrest without warrant	Warrant	ditto	ditto	Imprisonment of either description for 6 months, or fine, or both	ditto
226	Unlawful return from transportation	ditto	ditto	Not bailable	ditto	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation	High Court
227	Violation of condition of remission of punishment	Shall not arrest without warrant	Summons	ditto	ditto	Punishment of original sentence, or if part of the punishment has been undergone, the residue	The Court by which the original offence was triable

228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding	ditto	ditto	Bailable	ditto	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both	The Court in which the offence is committed subject to the provisions of chapter XXIX
229	Personation of a juror or assessor	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	Subordinate Court of the first class

Chapter XII—Offences relating to Coin and Government Stamps.

231	Counterfeiting or performing any part of the process of counterfeiting coin	May arrest without warrant	Warrant	Not bailable	Not Compoundable	Imprisonment of either description for 7 years and fine	High Court
232	Counterfeiting or performing any part of the process of counterfeiting the Queen's Coin	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine	ditto
233	Making, buying or selling instrument for the purpose of counterfeiting coin	ditto	ditto	ditto	ditto	Imprisonment of either description or 3 years and fine	High Court or Subordinate Court of the first class
234	Making buying or selling instrument for the purpose of counterfeiting Queen's coin	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	High Court
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin	ditto	ditto	ditto	ditto	Imprisonment of either description or 3 years and fine	High Court or Subordinate Court of the first class
	of Queen's coin	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine	High Court
236	Abetting in British India the counterfeiting out of British India of Coin	ditto	ditto	ditto	ditto	The punishment provided for abetting the counterfeiting of such coin within British India	High Court
237	Import or export of counterfeit coin knowing the same to be counterfeit	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine	High Court or Subordinate Court of the first class
238	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine	High Court
239	Having any counterfeit coin known to be such when it came into possession, and delivering, etc., the same to any person	ditto	ditto	ditto	ditto	Imprisonment of either description for 5 years and fine	High Court or Subordinate Court of the first class

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable
240	The same with respect to the Queen's coin	May arrest without warrant	Warrant	Not bailable	Not	Imprisonment of either description for 10 years and fine	High Court or Subordinate Court of the first class
241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit	ditto	ditto	ditto	Compoundable ditto	Imprisonment of either description for 2 years or fine of ten times the value of the coin counterfeited, or both	Subordinate Court of the first or second class
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine	High Court or Subordinate Court of the first class
243	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	High Court
244	Person employed in a Mint causing coin to be of a different weight or composition from that fixed by law	ditto	ditto	ditto	ditto	ditto	ditto
245	Unlawfully taking from a Mint any coming instrument	ditto	ditto	ditto	ditto	ditto	ditto
246	Fraudulently diminishing the weight or altering the composition of any coin	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine	High Court or Subordinate Court of the first class
247	Fraudulently diminishing the weight or altering the composition of Queen's coin	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	ditto
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine	ditto
249	Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	ditto
250	Delivery to another of coin possessed with the knowledge that it is altered	ditto	ditto	ditto	ditto	Imprisonment of either description for 5 years and fine	ditto
251	Delivery of Queen's coin possessed with the knowledge that it is altered	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine	ditto

252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both	ditto	November 15, 1912 THE OFFICIAL GAZETTE 898
253	Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof	ditto	ditto	ditto	ditto	Imprisonment of either description for 5 years, or fine, or both	ditto	
254	Delivery to another of coin as genuine, which, when first possessed, the deliverer did not know to be altered	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine of ten times the value of the coin	Subordinate Court of the first or second class	
255	Counterfeiting a Government stamp	ditto	ditto	Bailable	ditto	Transportation for life, or imprisonment of either description for 10 years and fine	High Court	
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	ditto	
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	ditto	
258	Sale of counterfeit Government stamp	ditto	ditto	ditto	ditto	ditto	ditto	
259	Having possession of a counterfeit Government stamp	ditto	ditto	ditto	ditto	ditto	High Court or Subordinate Court of the first class	
260	Using as genuine a Government stamp known to be counterfeit	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years, or fine, or both	ditto	
261	Issuing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both	ditto	
262	Using a Government stamp known to have been before used	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	Subordinate Court of the first or second class	
263	Erasure of mark denoting that stamp has been used	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both	High Court or Subordinate Court of the first class	
263a	Fictitious stamp	ditto	ditto	ditto	ditto	Fine of 200 rupees	Subordinate Court of the first class	

Chapter XIII—Offences relating to Weights and Measures

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable
264	Fraudulent use of false instrument for weighing	Shall not arrest without warrant	Summons	Bailable	Not Compoundable	Imprisonment of either description for 1 year, or fine, or both	Subordinate Court of the first or second class
265	Fraudulent use of false weight or measure	ditto	ditto	ditto	ditto	ditto	ditto
266	Being in possession of false weights or measures for fraudulent use	ditto	ditto	ditto	ditto	ditto	ditto
267	Making or selling false weights or measures for fraudulent use	ditto	ditto	ditto	ditto	ditto	ditto

Chapter XIV—Offences affecting the Public Health, Safety, Convenience, Decency and Morals

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life	May arrest without warrant	Summons	Bailable	Not Compoundable	Imprisonment of either description for 6 months, or fine, or both	Subordinate Court of the first or second class
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine or both	ditto
271	Knowingly disobeying any quarantine rule	Shall not arrest without warrant	ditto	ditto	ditto	Imprisonment of either description for 6 months, or fine, or both	ditto
272	Adulterating food or drink intended for sale, so as to make the same noxious	ditto	ditto	ditto	ditto	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both	ditto
273	Selling any food or drink as food and drink, knowing the same to be noxious	ditto	ditto	ditto	ditto	ditto	ditto
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious	ditto	ditto	ditto	ditto	ditto	ditto

275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated	ditto	ditto	ditto	ditto	ditto	ditto
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation	ditto	ditto	ditto	ditto	ditto	ditto
277	Defiling the water of a public spring or reservoir	May arrest without warrant	ditto	ditto	ditto	Imprisonment of either description for 3 months, or fine of 500 rupees, or both	Any Magistrate
278	Making atmosphere noxious to health	Shall not arrest without warrant	ditto	ditto	ditto	Fine of 500 rupees	ditto
279	Driving or riding on a public way so rashly or negligently as to endanger human life, etc	May arrest without warrant	ditto	ditto	ditto	Imprisonment of either description for 6 months, or fine 1,000 rupees, or both	ditto
280	Navigating any vessel so rashly or negligently as to endanger human life, etc	ditto	ditto	ditto	ditto	ditto	Subordinate Court of the first and second class
281	Exhibition of a false light, mark or buoy	ditto	Warrant	ditto	ditto	Imprisonment of either description for 7 years, or fine or both	High Court
282	Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life	ditto	Summons	ditto	ditto	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both	Subordinate Court of the first or second class
283	Causing danger, obstruction or injury in any public way or line of navigation	ditto	ditto	ditto	ditto	Fine of 200 rupees	ditto
284	Dealing with any poisonous substance so as to endanger human life, etc	Shall not arrest without warrant	ditto	ditto	ditto	Imprisonment of either description for 6 months or fine of 1,000 Rupees or both	ditto
285	Dealing with fire or any combustible matter so as to endanger human life, etc	May arrest without warrant	ditto	ditto	ditto	ditto	Any Magistrate
286	So dealing with any explosive substance	ditto	ditto	ditto	ditto	ditto	ditto
287	So dealing with any machinery	Shall not arrest without warrant	ditto	ditto	ditto	ditto	Subordinate Court of the first or second class

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable
312	Causing miscarriage If the woman be quick with child	Shall not arrest without warrant ditto	Warrant ditto	Bailable ditto	Not Compoundable ditto	Imprisonment of either description for 3 years or fine or both Imprisonment of either description for 7 years and fine	High Court ditto
313	Causing miscarriage without woman's consent	ditto	ditto	Not bailable	ditto	Transportation for life or imprisonment of either description for 10 years and fine	ditto
314	Death caused by an act done with intent to cause miscarriage If act done without woman's consent	ditto ditto	ditto ditto	ditto ditto	ditto ditto	Imprisonment of either description for 10 years and fine Transportation for life or as above	ditto ditto
315	Act done with intent to prevent a child being born alive or to cause it to die after its birth	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years, or fine, or both	ditto
316	Causing death of a quick unborn child by an act amounting to culpable homicide	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine	ditto
317	Exposure of a child under 12 years of age by parent or person having care of it with intention of wholly abandoning it	May arrest without warrant	ditto	Bailable	ditto	Imprisonment of either description for 7 years, or fine, or both	ditto
318	Concealment of birth by secret disposal of dead body	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	High Court or Subordinate Court of the first or second class
Of Hurt							
323	Voluntarily causing hurt	Shall not arrest without warrant	Summons	Bailable	Compoundable	Imprisonment of either description for 1 year, or fine of 1,000 rupees or both	Any Magistrate
324	Voluntarily causing hurt by dangerous weapons or means	May arrest without warrant	ditto	ditto	Compoundable when permission is given by the Court before which a prosecution is pending	Imprisonment of either description for 3 years, or fine, or both	High Court or Subordinate Court of the first or second class

325	Voluntarily causing grievous hurt	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	ditto
326	Voluntarily causing grievous hurt by dangerous weapons or means	ditto	ditto	Not bailable	ditto	Transportation for life, or imprisonment of either description for 10 years and fine	High Court or Subordinate Court of the first class
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence	ditto	warrant	ditto	ditto	Imprisonment of either description for 10 years and fine	High Court
328	Administering stupefying drug with intent to cause hurt, etc	ditto	ditto	ditto	ditto	ditto	ditto
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine	ditto
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, etc	ditto	ditto	Bailable	ditto	Imprisonment of either description for 7 years and fine	ditto
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, etc	ditto	ditto	Not bailable	ditto	Imprisonment of either description for 10 years and fine	ditto
332	Voluntarily causing hurt to deter public servant from his duty	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years or fine, or both	High Court or Subordinate Court of the first class
333	Voluntarily causing grievous hurt to deter public servant from his duty	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine	High Court
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	Shall not arrest without warrant,	Summons	Bailable	Compoundable	Imprisonment of either description for 1 month, or fine of 500 rupees, or both	Any Magistrate
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	May arrest without warrant	ditto	ditto	Compoundable when permission is given by the Court before which a prosecution is pending	Imprisonment of either description for 4 years, or fine of 2,000 rupees or both	High Court or Subordinate Court of the first or second class

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person	May arrest without warrant	warrant	Not bailable	Not Compoundable	Imprisonment of either description for 7 years and fine	High Court or Subordinate Court of the first class
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, etc	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine	High Court
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc	ditto	ditto	ditto	ditto	ditto	ditto
368	Concealing or keeping in confinement a kidnapped person	ditto	ditto	ditto	ditto	Punishment for kidnapping or abduction	ditto
369	Kidnapping or abducting a child with intent to take property from the person of such child	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	High Court or Subordinate Court of the first class
370	Buying or disposing of any person as a slave	Shall not arrest without warrant	ditto	Bailable	ditto	ditto	High Court
371	Habitual dealing in slaves	May arrest without warrant	ditto	Not bailable	ditto	Transportation for life, or imprisonment of either description for 10 years and fine	ditto
372	Selling or letting to hire a minor for purposes of prostitution, etc	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine	High Court or Subordinate Court of the first class
373	Buying or obtaining possession of a minor for the same purposes	ditto	ditto	ditto	ditto	ditto	ditto
374	Unlawful compulsory labour	ditto	ditto	Bailable	Compoundable	Imprisonment of either description for 1 year, or fine or both	Any Magistrate
Of Rape							
376	Rape —If the sexual intercourse was by a man with his own wife	Shall not arrest without warrant	Summons	ditto	Not Compoundable	Transportation for life or imprisonment of either description for 10 years and fine	High Court
	In any other case	May arrest without warrant	warrant	Not bailable	ditto	ditto	ditto

Of Unnatural Offences

377	Unnatural offences	May arrest without warrant	warrant	Not bailable	Not Compoundable	Transportation for life or imprison- ment of either description for 10 years and fine	High Court or Sub- ordinate Court of the first class
-----	--------------------	-------------------------------	---------	--------------	---------------------	---	--

Chapter XVII—Offences Against Property
Of Theft

379	Theft	ditto	o	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both	Any Magistrate
380	Theft in a building, tent or vessel	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	ditto
381	Theft by clerk or servant of property in possession of master or employer	ditto	ditto	ditto	ditto	ditto	High Court or Sub- ordinate Court of the first or second class
382	Theft, preparation having been made for causing death or hurt, or restraint or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retaking after committing it, or to retaining prop- erty taken by it	ditto	ditto	ditto	ditto	Rigorous imprisonment for 10 years and fine	High Court or Sub- ordinate Court of the first class

Of Extortion

384	Extortion	Shall not arrest without warrant	warrant	Bailable	Not Compoundable	Imprisonment of either description for 3 years, or fine, or both	High Court or Sub- ordinate Court of the first or second class
385	Putting or attempting to put in fear of injury, in order to commit extortion	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	ditto
386	Extortion by putting a person in fear of death or grievous hurt	ditto	ditto	Not bailable	ditto	Imprisonment of either description for 10 years and fine	ditto
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	ditto
388	Extortion by threat of accusation of an offence punishable with death, transporta- tion for life, or imprisonment for ten years If the offence threatened be an unnatural offence	ditto	ditto	ditto	ditto	Imprisonment of either description for 10 years and fine	High Court
		ditto	ditto	ditto	ditto	Transportation for life	ditto

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable
389	Putting a person in fear of accusation of offence punishable with death transportation for life, or with imprisonment for ten years, in order to commit extortion If the offence be an unnatural offence	Shall not arrest without warrant ditto	Warrant ditto	Not Bailable ditto	Not Compoundable ditto	Imprisonment of either description for 10 years and fine Transportation for life	High Court ditto
Of Robbery And Dacoity.							
392	Robbery	May arrest without warrant	ditto	ditto	ditto	Rigorous imprisonment for 10 years and fine	High Court or Subordinate Court of the first class
	If committed on the high way between sunset and sunrise	ditto	ditto	ditto	ditto	Rigorous imprisonment for 14 years and fine	ditto
393	Attempt to commit robbery	ditto	ditto	ditto	ditto	Rigorous imprisonment for 7 years and fine	ditto
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery	ditto	ditto	ditto	ditto	Transportation for life, or rigorous imprisonment for 10 years and fine	ditto
395	Dacoity	ditto	ditto	ditto	ditto	ditto	High Court
396	Murder in dacoity	ditto	ditto	ditto	ditto	Death, transportation for life, or rigorous imprisonment for 10 years and fine	ditto
397	Robbery or dacoity, with attempt to cause death or grievous hurt	ditto	ditto	ditto	ditto	Rigorous imprisonment for not less than 7 years	ditto
398	Attempt to commit robbery or dacoity when armed with deadly weapon	ditto	ditto	ditto	ditto	ditto	ditto
399	Making preparation to commit dacoity	ditto	ditto	ditto	ditto	Rigorous imprisonment for 10 years and fine	ditto
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity	ditto	ditto	ditto	ditto	Transportation for life, or rigorous imprisonment for 10 years and fine	ditto

401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts	ditto	ditto	ditto	ditto	Rigorous imprisonment for 7 years and fine	High Court or Subordinate Court of the first class
402	Being one of five or more persons assembled for the purpose of committing dacoity	ditto	ditto	ditto	ditto	ditto	High Court

Of Criminal Misappropriation of Property

403	Dis honest misappropriation of moveable property or converting it to one's own use	Shall not arrest without warrant	ditto	Bailable	ditto	Imprisonment of either description for 2 years, or fine, or both	Any Magistrate
404	Dis honest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years and fine	High Court or Subordinate Court of the first or second class
405	If by clerk or person employed by deceased	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	ditto

Of Criminal Breach of Trust.

406	Criminal breach of trust	May arrest without warrant	ditto	Not bailable	Compoundable	Imprisonment of either description for 3 years, or fine, or both	High Court or Subordinate Court of the first or second class
407	Criminal breach of trust by a carrier, wharfinger, etc	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	High Court or Subordinate Court of the first class
408	Criminal breach of trust by a clerk or servant	ditto	ditto	ditto	ditto	ditto	High Court or Subordinate Court of the first or second class
409	Criminal breach of trust by public servant or by banker, merchant or agent, etc	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine	High Court or Subordinate Court of the first class

Of the Receiving of Stolen Property.

411	Dis honestly receiving stolen property, knowing it to be stolen	ditto	ditto	ditto	Not Compoundable	Imprisonment of either description for 3 years, or fine, or both	High Court or Subordinate Court of the first or second class
-----	---	-------	-------	-------	------------------	--	--

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity	May arrest with out warrant	Warrant	Not bailable	Not Compoundable	Transportation for life, or rigorous imprisonment for 10 years and fine	High Court
413	Habitually dealing in stolen property	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 10 years and fine	ditto
414	Assisting in concealment or disposal of stolen property knowing it to be stolen	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both	High Court or Subordinate Court of the first or second class

Of Cheating.

417	Cheating	Shall not arrest without warrant	ditto	Bailable	ditto	Imprisonment of either description for 1 year, or fine, or both	Subordinate Court of the first or second class
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years, or fine, or both	High Court or Subordinate Court of the first or second class
419	Cheating by personation	May arrest with out warrant	ditto	ditto	ditto	ditto	ditto
420	Cheating and thereby dishonestly inducing delivery of property, or the making alteration or destruction of a valuable security	ditto	ditto	ditto	ditto	Imprisonment of either description for 7 years and fine	High Court or Subordinate Court of the first class

Of Fraudulent Deeds and Dispositions of Property.

421	Fraudulent removal or concealment of property, etc., to prevent distribution among creditors	Shall not arrest without warrant	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	Subordinate Court of the first or second class
422	Fraudulent preventing from being made available for his creditors a debt or demand due to the offender	ditto	ditto	ditto	ditto	ditto	ditto

423	Fraudulent execution of deed of transfer containing a false statement of consideration	ditto	ditto	ditto	ditto	ditto	ditto
424	Fraudulent removal or concealment of property, of himself, or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled	ditto	ditto	ditto	ditto	ditto	ditto
Of Mischief							
426	Mischief	ditto	Summons	ditto	Compoundable when the only loss or damage caused is loss or damage to a private person	Imprisonment of either description for for 3 months, or fine, or both	Any Magistrate
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards	ditto	warrant	ditto	ditto	Imprisonment of either description for for 2 years, or fine, or both	Subordinate Court of the first or second class
428	Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of 10 rupees or upwards	May arrest without warrant	ditto	ditto	Not Compoundable	ditto	ditto
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, etc., whatever may be its value, or any other animal of the value of 50 rupees or upwards	ditto	ditto	ditto	ditto	Imprisonment of either description for 5 years, or fine or both	High Court or Subordinate Court of the first or second class
430	Mischief by causing diminution of supply of water for agricultural purposes, etc	ditto	ditto	ditto	ditto	ditto	ditto
431	Mischief by injury to public road, bridge navigable river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property	ditto	ditto	ditto	ditto	ditto	ditto
432	Mischief by causing inundation or obstruction to public drainage, attended with damage	ditto	ditto	ditto	ditto	ditto	ditto

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material	Shall not arrest without warrant,	warrant	Bailable	Not Compoundable	Transportation for life or imprisonment of either description for 7 years and fine	High Court
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material	ditto	ditto	Not bailable	ditto	Imprisonment of either description for 7 years and fine	ditto
477	Fraudulently destroying or defacing or attempting to destroy or deface, or secreting a will, etc	ditto	ditto	ditto	ditto	Transportation for life, or imprisonment of either description for 7 years and fine	ditto
477a	Falsification of accounts	ditto	ditto	ditto	ditto	ditto	ditto
Of Trade and Property Marks.							
482	Using a false trade or property mark with intent to deceive or injure any person	ditto	ditto	Bailable	ditto	Imprisonment of either description for 1 year or fine, or both	Subordinate Court of the first or second class
483	Counterfeiting a trade or property mark used by another with intent to cause damage or injury	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years or fine, or both	ditto
484	Counterfeiting a property mark used by a public servant, or any mark used by him to denote the manufacture, quality, etc., of any property	ditto	Summons	ditto	ditto	Imprisonment of either description for 3 years and fine	High Court or Subordinate Court of the first class
485	Fraudulently making or having possession of any die, plate or other instrument for counterfeiting any public or private property or trade mark	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years or fine, or both	ditto
486	Knowingly selling goods marked with a counterfeit property or trade mark	ditto	ditto	ditto	ditto	Imprisonment of either description for 1 year, or fine, or both	Subordinate Court of the first or second class

487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, etc	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 years or fine, or both	High Court or Subordinate Court of the first or second class
488	Making use of any such false mark	ditto	ditto	ditto	ditto	ditto	ditto
489	Removing, destroying or defacing any property mark with intent to cause injury	ditto	ditto	ditto	ditto	Imprisonment of either description for 1 year, or fine or both	Subordinate Court of the first or second class

Chapter XIX—Criminal Breach of Contracts of Service.

490	Being bound by contract to render personal service during a voyage or journey or to convey or guard any property or person and voluntarily omitting to do so	ditto	ditto	ditto	Compoundable	Imprisonment of either description for 1 month, or fine of 100 rupees, or both	ditto
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so	ditto	ditto	ditto	ditto	Imprisonment of either description for 3 months, or fine of 200 rupees, or both	ditto
492	Being bound by contract to render personal service for a certain period at a distant place to which the employe is conveyed at the expense of the employer, and voluntarily deserting the service or refusing to perform the duty	ditto	ditto	ditto	ditto	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both	ditto
493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him and to cohabit with him in that belief	ditto	warrant	Not bailable	Not Compoundable	Imprisonment of either description for 10 years and fine	High Court
494	Marrying again during the life time of a husband or wife	ditto	ditto	Bailable	ditto	Imprisonment of either description for 7 years and fine	ditto
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted	ditto	ditto	Not bailable	ditto	Imprisonment of either description for 10 years and fine	ditto

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not	Whether compoundable or not	Punishment under the Indian Penal Code	By what Court triable

Chapter XX—Offences relating to Marriage

496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married	Shall not arrest without warrant,	warrant	Not bailable	Not Compoundable	Imprisonment of either description for seven years and fine	High Court
497	Adultery	ditto	ditto	Bailable	Compoundable	Imprisonment of either description for 5 years, or fine, or both	High Court or Subordinate Court of the first class
498	Enticing or taking away or detaining with a criminal intent a married woman	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	Subordinate Court of the first and second class

Chapter XXI—Defamation.

500	Defamation	ditto	ditto	ditto	ditto	Simple imprisonment for 2 years, or fine, or both	High Court or Subordinate Court of the first class
501	Printing or engraving matter knowing it to be defamatory	ditto	ditto	ditto	ditto	ditto	ditto
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter	ditto	ditto	ditto	ditto	ditto	ditto

Chapter XXII—Criminal Intimidation, Insult and Annoyance

504	Insult intended to provoke a breach of the peace	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, or fine, or both	Any Magistrate
505	False statement, rumour, etc., circulated with intent to cause mutiny or offence against the public peace	ditto	ditto	Not bailable	Not Compoundable	ditto	Subordinate Court of the first class
506	Criminal intimidation	ditto	ditto	Bailable	Compoundable	ditto	ditto
	If threat be to cause death or grievous hurt, etc	ditto	ditto	ditto	Not Compoundable	Imprisonment of either description for 7 years, or fine, or both	High Court or Subordinate Court of the first class

507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes	ditto	ditto	ditto	ditto	Imprisonment of either description for 2 years, in addition to the punishment under above section	ditto
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure	ditto	ditto	ditto	ditto	Imprisonment of either description for 1 year, or fine, or both	Subordinate Court of the first and second class
509	Uttering any word or making any gesture intended to insult the modesty of a woman, etc	ditto	ditto	ditto	ditto	Imprisonment of either description for 1 year, or fine, or both	Subordinate Court of the first class
510	Appearing in a public place, etc, in a state of intoxication, and causing annoyance to any person	ditto	ditto	ditto	ditto	Simple imprisonment for 24 hours or fine of 10 rupees, or both	Any Magistrate

Chapter XXIII — Attempts to Commit Offences.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence	According as the offence is one in respect of which the police may arrest without warrant or not	According as the offence is one in respect of which a summons or warrant shall ordinarily issue	According as the offence contemplated by the offender is bailable or not	Compoundable when the offence attempted is compoundable	Transportation or imprisonment not exceeding half of the longest term, and of any description provided for the offence, or fine, or both	The Court by which the offence attempted is triable
-----	---	--	---	--	---	--	---

Offences Against other Laws

If punishable with death, transportation or imprisonment for seven years or upwards	May arrest without warrant	Warrant	Not bailable	Not Compoundable	High Court
If punishable with imprisonment for three years and upwards but less than seven	ditto	ditto	ditto	ditto	High Court or Subordinate Court of the first class
			Except in cases under the Indian Arms Act, 1878 section 19 which shall be bailable		
If punishable with imprisonment for one year and upward, but less than three years	Shall not arrest without warrant	Summons	Bailable	ditto	High Court or Subordinate Court of the first or second class
If punishable with imprisonment for less than one year, or with fine only	ditto	ditto	ditto		Any Magistrate

SCHEDULE IV.

ADDITIONAL POWERS WITH WHICH SUBORDINATE COURT OF THE FIRST CLASS MAY BE INVSTED.

- 1 Power to try summarily, Section 219
- 2 Power to try cases under Section 124a of the Indian Penal Code

POWERS WITH WHICH A SUBORDINATE COURT OF THE SECOND CLASS MAY BE INVESTED

Power to Whip, Section 15

POWERS WITH WHICH A SUBORDINATE COURT OF THE THIRD CLASS MAY BE INVESTED

Power to hold inquests, Section 141

A Bill

Intituled

An Ordinance to apply a Sum of Money for the Service of the year ending the 31st day of March, 1914.

- 1 The Public Revenue for the year 1913-14, and other funds of the East Africa Protectorate are hereby chaiged towards the service of the year ending the thirty-first day of March, one thousand nine hundred and fourteen, with a sum of
- 2 The money granted by this Ordinance shall be applied to the purposes and services expressed in the Schedule annexed hereto
- 3 The Treasurer of the Protectorate is hereby authorised and required, from time to time, upon the variant or order of the Governor to pay out of the Revenue and other Funds of the Protectorate, for the several services specified in the Schedule, the said sum of
- which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fourteen
- 4 This Ordinance may be cited as "The Appropriation Ordinance," 1913

Schedule

Division		Amount
		£
1	Rent and Interest to H H the Sultan	17,000
2	Pensions...	2,675
3	His Excellency the Governor	8,116
4	Secretariat	6,058
5	"Official Gazette" and Printing	4,450
6	Provincial Administration	103,612
6a	do do Special Expenditure	2,263
7	Treasury	9,381
8.	Customs Department	16,590
9	Port and Mainne Department	5,278
9a	do do Special Expenditure	2,535
10	Audit Department	4 061
11	Legal Departments	16,724
12	Police	49,209
13	Prisons	13,349
13a	do Special Expenditure	2,385
14	Medical Departments	27,483
15	Hospitals and Dispensaries	17,253
16	Education	8 186
Carried forward		316,608

Division		Amount.
Brought forward		316,608
17	Transport	3,074
18	Military Expenditure	52,143
18a	do Special Expenditure	2,600
19	Miscellaneous Services	9,200
20	Bombay Agency	
21	Post Office and Telegraphs	40,028
21a	do Special Expenditure	5,900
22	Railway Department	308,798
22a	do Special Expenditure	5,000
22b	Busoga Railway	16,500
22c	Uganda Railway Mainline (Busoga Section)	19,332
23	Agricultural Department	32,610
24	Forest Department	9,767
25	Game Department	3,634
26	Immigration Department	378
27	Survey Department	26,138
28	Land Office	7,278
29	Public Works Department	23,394
30	do Recurrent	29,630
31	do Extraordinary	80,238
32	Abolition of Slavery	2,500
33	Coast Land Settlement	11,406
34	Loan Charges	15,240
35	Special Expenditure for Magadi	14,000
Total £		1,035,396

A Bill

Intituled

An Ordinance to make further and better Provision for the Prevention of the Theft of Stock and Produce

1 This Ordinance may be cited as "The Stock and Produce Theft Short Title Ordinance, 1912"

2 (1) Sections 1 to 7 (both inclusive) shall apply to the whole of the Commencement. Protectorate and shall come into operation on the publication of the Ordinance in the Gazette

(2) The Governor may, by notice in the Gazette, direct that the provisions of Section 8 shall apply to any Province, District or area specified in such notice, and may by such notice fix the date on which such section shall come into operation and take effect in such Province, District or area

3 In this Ordinance, unless inconsistent with the context —

Interpretation

The term "District Commissioner" includes an Assistant District Commissioner,

The term "farm" includes also a plantation orchard, and a market or nursery garden,

The term "Native" means a Native of Africa, not being of European or Asiatic race or origin, and includes a Somali,

The term "produce" means agricultural produce and also all skins, hides, horns of stock, wool, mohair and ostrich feathers,

The term "stock" means the male, female, or young, or cross of an animal of any of the following kinds —horse, ass, kine, sheep, goat, swine or domesticated ostrich, and the carcase or portion of the carcase of any slaughtered stock,

The term "sufficient fence" when applied to wire fences shall mean a fence of not fewer than four wires and not less than three feet six inches high, in other cases any fence, wall or hedge through which no stock could pass without breaking, or any natural boundary through or across which no sheep would ordinarily pass, and

The term "theft" includes every offence punishable under any of the sections following of the Indian Penal Code, and includes also an attempt to commit, and an abetment of any such offences —

Sections 379, 380, 381, 382, 384, 386, 387, 392, 394, 395, 396, 403, 406, 408, 411, 412, or 414

Minimum fine to be imposed on Natives convicted of theft of stock or produce

4 Whenever any Court shall convict any Native of the theft of stock or produce the Court shall, in addition to or in lieu of imposing any other punishment authorised by law, sentence the Native convicted to pay a fine which shall in no case be less than ten times the value of the stock or produce in respect of which the offence has been committed. Provided, however, when two or more Natives tried jointly are convicted of such offence as aforesaid, the Court shall sentence each Native convicted to pay a fine of such amount as the Court may deem proper, provided that the total fine payable by all the convicted Natives shall not be less than ten times the value of the stock or produce in respect of which the offence has been committed

Warrant for levy of fine imposed on Native convicted of theft of stock or produce

5 Whenever any Native shall be convicted of the theft of stock or produce and shall be sentenced to pay a fine the Court passing sentence shall, unless the amount of the fine shall be forthwith paid issue a warrant for the levy of the amount of the fine by distress and sale of any moveable property of the offender or of the offender's family, sub-tribe or tribe or of any member of the offender's family, sub-tribe or tribe

Where warrant may be executed

6 A warrant issued under the last preceding section may be executed within the local limits of the jurisdiction of such Court, and it shall authorise the distress and sale of any such property without such limits, when endorsed by a Magistrate within the local limits of whose jurisdiction such property is found

Effect of such warrant

7 Whenever a warrant shall have been issued under Section 5, and no or insufficient moveable property of the offender shall be found to satisfy the fine, the warrant shall be executed against the moveable property, (1) of any member or members of the offender's family (2) of any member or members of the sub-tribe to which the offender belongs, (3) of any member or members of the tribe to which the offender belongs, in the order set out above, until the amount of the fine is levied

Trespass on farm offence

8 (1) Any Native who shall be found within a farm or part of a farm enclosed on all sides with a sufficient fence, or within a stock boma, and who, when so found, was not proceeding along some road or thoroughfare traversing such farm or part of a farm, and who also was on such farm or part of a farm or in such cattle boma without the authority or consent of the owner or occupier or of some one who was entitled, or was by the person so found *bona fide* believed to be entitled to give such authority or consent may be found guilty by the Court by which he is tried, of criminal trespass, unless he shall satisfy the Court that he was not there with intent to commit theft in respect of any stock or produce

Intent

Onus of proof on accused

Penalty

Any Native found guilty of criminal trespass under this section shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both

(2) For the purposes of this section the term "Native" shall include a Swahili.

A Bill

Intituled

An Ordinance to enable the Governor to issue Commissions of inquiry with special powers.

1 This Ordinance may be cited as "The Commissions of Inquiry Short Title Ordinance 1912"

2 It shall be lawful for the Governor, whenever he shall deem it advisable, Power to issue commissions of inquiry into matters of public nature, &c to issue a Commission appointing one or more Commissioners and authorising such Commissioners, or any quorum of them therein mentioned, to inquire into the conduct of any officer in the public service of the Protectorate, the conduct of any native chief or headman, the conduct or management of any department of the public service or of any public or local institution, or into any matter in which an inquiry would, in the opinion of the Governor, be for the public welfare. Each such Commission shall specify the subject of inquiry, and may, in the discretion of the Governor, if there is more than one Commissioner, direct which Commissioner shall be chairman, and direct where and when such inquiry shall be made, and the report thereof rendered, and prescribe how such Commission shall be executed, and may direct whether the inquiry shall or shall not be held in public. In the absence of a direction to the contrary, the inquiry shall be held in public, but the Commissioners shall nevertheless be entitled to exclude any particular person or persons for the preservation of order, for the due conduct of the inquiry, or for any other reason. Particulars of commissions Mode of holding inquiry and as to preservation of order

3 In case any Commissioner shall be or become unable or unwilling to act, or shall die, the Governor may appoint another Commissioner in his place and any Commission issued under this Ordinance may be altered as the Governor may deem fit by any subsequent Commission issued by the Governor, or may be revoked altogether by a notification to that effect published in the Gazette. Power to appoint fresh Commissioners and to alter and revoke commissions

4 No Commission issued under this Ordinance shall lapse by reason of, or be otherwise affected by the death, absence, or removal of the Governor issuing the same. Commissions not affected by change of Governor

5 It shall be the duty of each Commissioner appointed under this Ordinance to make and subscribe an oath that he will faithfully, fully, impartially, and to the best of his ability discharge the trust, and perform the duties devolving upon him by virtue of such Commission, which oath may be taken before the Governor, or before such person as the Governor may appoint and shall be deposited by the Commissioner with the Chief Secretary to the Government. As to oath of office by Commissioners

6 The Governor may appoint a secretary to attend the sittings of the Commission to record their proceedings, to keep their papers, summons and minute the testimony of witnesses, and generally to perform such duties connected with such inquiry as the Commissioners shall prescribe. Power to appoint secretary—his duties

7 It shall be the duty of the Commissioners, after taking such oath to make a full, faithful, and impartial inquiry into the matter specified in such Commission, and to conduct such inquiry in accordance with the direction (if any) in the Commission, and in due course, to report to the Governor, in writing, the result of such inquiry, and also, when required, to furnish to the Governor a full statement of the proceedings of such Commission, and of the reasons leading to the conclusions arrived at or reported. Duties of Commissioners defined

8 If the Commissioners shall, in any case, be equally divided on any question that arises during the proceedings of the Commission, the chairman of the Commission shall have a second or casting vote. Division of opinion of Commissioners

Commissioners' power for regulating proceedings

9 The Commissioner acting under this Ordinance may make such rules for their own guidance, and the conduct and management of proceedings before them, and the hours and times and places for their sittings, not inconsistent with their Commission, as they may from time to time think fit, and may from time to time adjourn for such time and to such place as they may think fit, subject only to the terms of their Commission

Power to summon and examine witnesses and privilege of Commissioner from suit

10 Commissioners acting under this Ordinance shall have the powers of the High Court to summon witnesses, and to call for the production of books, plans, documents and to examine witnesses and parties concerned on oath and no Commissioner shall be liable to any action or suit for any matter or thing done by him as such Commissioner. All summonses for the attendance of witnesses, or other persons, or the production of documents, may be in the form given in the Schedule to this Ordinance, and shall be signed by one of the Commissioners, and oaths may be administered by one of the Commissioners or by their Secretary

Giving of affidavit and this evidence

11 An inquiry under this Ordinance shall be deemed to be a judicial proceeding for the purposes of Section 193 of the Indian Penal Code

Duty of witnesses summoned

12 All persons summoned to attend and give evidence, or to produce books, plans, or documents at any sitting of any such Commission, shall be bound to obey the summons served upon them as fully in all respects as witnesses are bound to obey a summons issued from the High Court, and shall be entitled to like expenses as if they had been summoned to attend at such Court on a criminal trial, if the same shall be allowed by the Commissioners, but the Commissioners may disallow the whole or any part of such expenses in any case if they think fit. Orders for the payment of such witnesses shall be made as nearly as may be as orders are made for the payment of witnesses in the High Court, and shall be paid in such manner as the Governor may direct

Punalty for contumacy, insult or interruption of proceeding

Every person refusing or omitting, without sufficient cause, to attend at the time and place mentioned in the summons served on him, and every person attending, but leaving the Commission without the permission of the Commissioners, or refusing without sufficient cause to answer, or to answer fully and satisfactorily, to the best of his knowledge and belief all questions put to him by or with the concurrence of the Commissioners, or refusing or omitting without sufficient cause to produce any books, plans or documents in his possession or under his control, and mentioned or referred to in the summons served on him, and every person who shall at any sitting of the Commission wilfully insult any Commissioner, or the Secretary, or wilfully interrupt the proceedings of the Commission, shall be liable to a fine not exceeding 750 rupees

Indemnity to witnesses

Provided always, that no person giving evidence before the Commission shall be compellable to criminate himself, and every such person shall, in respect of any evidence given by him before the Commission, be entitled to all the privileges to which a witness giving evidence before the High Court is entitled in respect of evidence given by him before such Court

Appearance of Advocate

13 Any person whose conduct is the subject of inquiry under this Ordinance, or who is in any way implicated or concerned in the matter under inquiry, shall be entitled to be represented by Advocate at the whole of the inquiry, and any other person who may consider it desirable that he should be so represented may, by leave of the Commission, be represented in manner aforesaid

Constables detailed to attend Commissioners their duties

14 The Governor may direct the Commissioner of Police to detail police officers to attend upon any such Commissioners, to preserve order during the proceedings of the Commission, and to serve summonses on witnesses, and to perform such ministerial duties as such Commissioners shall direct

Remuneration to Commissioners, &c

15 Commissioners appointed under this Ordinance shall not be entitled to any remuneration, unless such remuneration shall be specially voted by the Legislative Council, beyond the actual expenses incurred in holding the inquiry, but the Governor may direct what remuneration, if any, shall be paid to the Secretary, and to any other persons employed in or about any such Commission, and may direct payment of any other expenses attendant upon the carrying out of any such Commission, or upon any proceedings for any penalty under this Ordinance. Such sums, so directed to be paid, shall be paid out of the general revenues of the Protectorate, as the case requires, on the warrant of the Governor

16 All Commissions under this Ordinance, and all revocations of any such Commission, shall be published in the Gazette, and shall take effect from the date of such publication Commissions, &c., to be published in Gazette

17 No proceedings shall be commenced for any penalty under this Ordinance except by the direction of the Attorney-General or of the Commissioners. The Commissioners may direct their Secretary, or such other person as they may think fit, to commence and prosecute the proceedings for such penalty As to proceedings for penalties

Schedule

Summons to Witness

To A B (name of person summoned, and his calling and residence, if known)

You are hereby summoned to appear before (here name the Commissioners), appointed by the Governor to inquire (state briefly the subject of inquiry) at (place) upon the day of 191, at o'clock, and to give evidence respecting such inquiry (If the person summoned is to produce any documents add) and you are required to bring with you (specify the books, plans and documents required) Therefore fail not at your peril

Given under the hand of Commissioner, this day of 191

A Bill

Intituled

An Ordinance to Prevent the Introduction of Disease into the East Africa Protectorate

1 This Ordinance may be cited as "The Quarantine Ordinance, 1912"

2 (1) The Governor may, from time to time, make and, when made, may vary or revoke Regulations for the purpose of preventing the introduction of disease into the Protectorate or any part thereof

(2) All Regulations made under this Section shall apply to the whole of the Protectorate or to such part thereof as shall be mentioned in such Regulations

3 The Governor may, from time to time, appoint such fit and proper persons to be Officers as may be necessary to enforce and carry out the provisions of this Ordinance

4 The Governor may, from time to time, provide such sanitary stations, buildings, and equipment, and by any Regulations appoint such sanitary anchorages as he may think necessary for the purposes of this Ordinance. Provided that until other provisions be made the Sanitary Station at Zanzibar shall be a Sanitary Station for the purposes of any Regulations under this Ordinance

5 All Regulations and orders made under this Ordinance and all alterations and revocations thereof shall be published in the Gazette, and have full force and effect upon the publication thereof or from the date named therein, subject to disallowance by His Majesty

6 Any person who shall contravene any Regulations made under this Ordinance shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding 1,500 Rupees or to imprisonment of either description for a term not exceeding six months or to both

7 The East Africa Plague and Cholera Ordinance, 1907, is hereby repealed. Provided, however, that until other provision is made on that behalf the said Ordinance shall be deemed to be and shall have the effect of regulations made under this Ordinance

PROCLAMATION

Under the East Africa Townships Ordinance, 1903

In exercise of the powers conferred upon me by the East Africa Townships Ordinance, 1903, I hereby declare Eldoret within the limits hereinafter set forth to be a Township for the purposes of the aforesaid Ordinance

Eldoret:—Commencing at a point in the Eldare River and the South Easterly corner of Farm 97 thence bounded on the West by Farm 97 bearing $18^{\circ} 56' 30''$ for 20740 feet On the North by Farm 62 bearing $320^{\circ} 29'$ for 82141 feet On the East by Farm 63 bearing $198^{\circ} 34' 30''$ for 15450 feet to the Eldare River On the South by the Eldare River down stream to the point of commencement

Nairobi,

Dated this 14th day of November, 1912

C C BOWRING,

Deputy Governor

RULES

Under the East Africa Townships Ordinance, 1903

Rules issued by His Excellency the Governor under the East Africa Townships Ordinance, 1903

Nairobi,

Dated this 14th day of November, 1912

C C BOWRING,

Deputy Governor

1 The following Rules shall be applied to the Township of Eldoret —

- (1) The Township Rules 1904, except Rules 157, 167, 174 and 175
- (2) The Rules dated 7th June, 1906
- (3) The Rules dated 27th November, 1906
- (4) The Rules dated 23rd August, 1907
- (5) The Rules dated 25th June, 1910
- (6) The Rules dated 23rd August, 1910, except (a) Rules 45, 48, and Camping Ground Fees in Schedule I,
(b) Schedule II

2 In the application of the aforementioned Rules to Eldoret, wherever the term "Medical Officer of Health" occurs in any of the said Rules there shall be substituted therefor the term "District Commissioner"

RULE.

The East Africa Volunteer Reserve Ordinance, 1910

Rule issued by His Excellency the Governor under the powers conferred by the above Ordinance

Nairobi,

Dated this 29th day of October, 1912

H C BELFIELD,

Governor

Whenever a member of the Volunteer Reserve shall import a military rifle of the pattern issued by the Government to members of the Volunteer Reserve and shall produce to the Chief of Customs or other proper officer of Customs a certificate under the hand of the President of the Volunteer Reserve that such rifle is to be used by the importer for the purposes of the Volunteer Reserve, such rifle may be imported free of import duty

ORDER.

The Vaccination Ordinance, 1912

APPLICATION TO THE TOWNSHIPS OF NAIROBI, NAKURU, ELDOMA RAVINE, MACHAKOS,
KITUI AND KYAMBU AND TO CERTAIN AREAS AT MAKINDU AND KIBWEZI

In pursuance of the powers conferred upon me by Section 3 (1) of the above Ordinance, I hereby direct that from the fifteenth day of November, 1912, and until further order all adults and children in the Townships of Nairobi, Nakuru, Naivasha, Eldoma Ravine, Machakos, Kitui, Kyambu and in the area situated within one mile of the Station Master's house at Makindu and Kibwezi Railway Stations who have not been previously inoculated or vaccinated successfully or already had Small-pox shall be vaccinated

Nairobi,

Dated this 15th day of November, 1912

C C BOWRING,

Deputy Governor

RULES**The Non-Native Poll Tax Ordinance, 1912**

Rules issued by His Excellency the Governor under Section 17 of the Non-Native Poll Tax Ordinance, 1912

Nairobi,

Dated this 13th day of November, 1912

C C BOWRING,

Deputy Governor

1 A District Officer shall give to every person paying the tax to him a receipt in the form in the Schedule hereto

2 A District Officer may, if he shall consider it necessary for the purpose of the identification of a payee, require the payee of the tax to sign his name in the spaces allotted both in the receipt or in the counterfoil, or if the payee is unable to sign his name in the characters of some European language, to impress in the spaces allotted the prints of both his right and left thumbs

Any person refusing or neglecting to sign his name or to impress his thumb marks when required by a District Officer, shall be liable to a fine not exceeding thirty rupees

Schedule**Non-Native Poll Tax.**

No

Station

Name of payee

Residence

Amount paid

Signature of payee

No

Date

Station

Received of

Residing at

The sum of Fifteen Rupees, in payment of the Non-Native Poll Tax for the year ending December 31st, 19

Rs

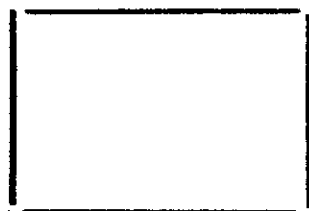
District Commissioner

Signature of payee

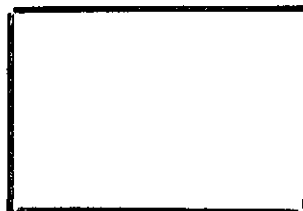
Left Thumb Mark :



Right Thumb Mark:



Left Thumb Mark: Right Thumb Mark:



- NOTE —(1) The signature or thumb marks of the payee may be omitted at the discretion of the District Commissioner
- (2) The thumb marks are only required if the payee is unable to sign his name in the characters of some European language
- (3) If the payee is a Non-European, the particulars on back must be filled in both in receipt and counterfoil

(BACK)

Father's name

Father's name

Nationality

Nationality

Caste

Caste

Age (apparent)

Age (apparent)

General description of
payee including any
special marks, scars,
etc }General description of
payee including any
special marks, scars,
etc }

Occupation

Occupation

NOTE —This receipt must be produced when demanded
by any District Officer

RULE.**The Land Titles Ordinance, 1908**

Rule issued by His Excellency the Governor under the powers conferred by Section 52 of the Land Titles Ordinance, 1908

Nairobi,

C C BOWRING,

Dated this 12th day of November, 1912

Deputy Governor

- 1 The following fee shall be leviable in the Land Registration Court —
For taking an Affidavit .

Re 1

RULES

Issued by His Excellency the Governor of the East Africa Protectorate under the provisions of the East Africa Townships Ordinance, 1903

Nairobi,

C C BOWRING,

Dated this 12th day of November, 1912

Deputy Governor

1 No person shall on any road or street crack any whip which including stock and lash exceeds 14 feet in length all whips exceeding 14 feet in length shall be looped while being carried within the township

2 Any person who shall contravene any of the provisions of the foregoing Rule shall be liable on conviction to a fine not exceeding Rs 50/- and in default of payment thereof to imprisonment for a term not exceeding 14 days

3 Offences against these Rules shall be cognisable by the Police

4 These Rules shall apply to the township of Nairobi and shall come into force on 1st January 1913

RULE**Under the Diseases of Animals Ordinance, 1906**

A permit must be obtained from an authorised Issuer of Permits for the movement of sheep or goats from district to district

C. C BOWRING,

Dated this 15th day of November, 1912

Deputy Governor

NOTICE

In pursuance of the powers conferred upon me by Section 2 of the Justices of the Peace Ordinance, 1910, I, Henry Conway Belfield, C M G, Governor of the East Africa Protectorate do hereby appoint John Wilson Stirling Esq, of Londiani Farm in the Province of Naivasha to be a Justice of the Peace for Londiani in the Province of Naivasha

Given under my hand and the Official Seal this thirtieth day of October, 1912

H C BELFIELD,
Governor

CORRIGENDA.

The Notice published on page 752 of the "Official Gazette" of November 1st conferring Second Class Magisterial Powers on Mr Philip Leslie Deacon, Assistant District Commissioner, while holding his present appointment as Assistant District Commissioner in Charge of Rabai should bear His Excellency's signature as follows —

Nairobi,
October 30th, 1912

H C BELFIELD,
Governor.

The nomination to the Land Board in succession to the late Mr C J Cloete, on page 752 of the "Official Gazette" of November 1st should appear as that of Major G A Swinton Home, and not as shown

NOTICE**The Infectious Diseases Ordinance, 1903**

The Notices dated 5th September and 6th September, 1912 published in the "Official Gazette" of 15th September under the above Ordinance are hereby cancelled

Nairobi,
Dated this 12th day of November, 1912

C C BOWRING,
Chief Secretary

APPOINTMENTS.

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

To be Acting District Commissioner, Fort Hall,

ROBERT GEORGE STONE, to date October 23rd, 1912

To be Assistant District Commissioner, Fort Hall,

LIEUT SYDNEY LIONEL KEKEWICH LAWFORD, R N, to date October 30th, 1912

To be Acting Medical Officer of Health, Mombasa,

DR ROBERT SMALL, to date October 29th, 1912

To be Deputy Director of Surveys,

LIEUT ATHELSTAN MONRO COODE, R E, to date July 17th, 1912

To be District Commissioner, Naivasha,

WILFRED PICKFORD, to date October 11th, 1912

To be a Chief Officer in the Uganda Railway Marine,

LIEUT JOHN ARTHUR PHENIX, R N R, to date August 17th, 1912

To be Provincial Commissioner, Seyidie,

THE HON'BLE CHARLES WILLIAM HOBLEY, C M G, to date November 4th, 1912

To be Members of the Wakf Commission —

SHEIKH SELEMAN bin RASHID ALI MONA vice SHEIKH RASHID bin SOOD, resigned

SHEIKH ALI bin RAFIU vice SHEIKH MAJID bin ALI, resigned

SECRETARIAT, NAIROBI,
November 15th, 1912

W J MONSON,
Secretary.

NOTICE.

Notice is hereby given that the Licensing Court will sit on Monday the 9th December, at the Provincial Commissioner's Office, Nyeri, at 10 o'clock in the forenoon to consider the following application —

Mr A Allidina Visram, Wine Merchants and Grocer's Liquor Licence for his premises in Nyeri Indian Bazaar

Nyeri,
25th October, 1912

C R W LANE,
Provincial Commissioner

NOTICE.**Under the Liquor Ordinance, 1909**

Notice is hereby given that the Licensing Court will sit on Monday the 9th December, 1912, at the District Native Court Nairobi at 10 o'clock in the forenoon

Nairobi,
November 13th, 1912

S L HINDE,
Provincial Commissioner

NOTICE**Under the Liquor Ordinance, 1909**

The following applications have been made for licences under the above Ordinance in the Naivasha Province

A A Ortlepp of farm 80 adjoining Eldoret applies for —

- (1) A General Retail Liquor Licence
- (11) An Hotel Liquor Licence

Messrs T H Drake and N E F Gibbs' application for transfer of (1) General Retail Liquor Licence with midnight privileges (11) An Hotel Liquor Licence held in respect of the Nakuru Hotel premises to Mr T H Drake for the same premises

Messrs Smith Mundell & Co's application for confirmation and renewal of temporary transfer granted under Section 34 of the Ordinance for transfer of Wine Merchants and Grocer's Liquor Licence from the Sergoit Stores, Sergoi, Uasin Gishu Plateau

Naivasha,
November 4th, 1912

W PICKFORD,
for Provincial Commissioner

NOTICE.**Auction of Opium Licences at Mombasa.**

Under instructions from His Excellency the Governor two licences to deal in Opium, Ganja, Bhang, Churus, Poppy-heads, Chandoo and Nation will be auctioned at the District Commissioner's Office, Mombasa, on Wednesday 18th December, 1912, at 2 p m

The licences will be operative during six months dating from 1st day of January, 1913, and will be confined to the Island of Mombasa

The highest or any other bid will not necessarily be accepted

Mombasa,
November 8th, 1912

H R TATE,
for Provincial Commissioner

NOTICE.

It having been reported to me that the landing of cargo ex S S "Clan Menzies" of the 15th October, 1912, was not completed until the 30th October, 1912, I hereby give notice that under the powers given me by law I have granted an extension of time for free storage of goods ex above-named steamer from 8 days to 15 days

Mombasa,
November 1st, 1912

F W. MAJOR,
Chief of Customs

TENDERS.

Tenders are invited for the licence of the Mtwapa (Shimo-la-Tewa) Ferry for the year 1913 or for more than one year

The successful Tenderer will be required to sign an agreement

Tenders should reach the undersigned in sealed covers marked "Ferry" not later than the 15th December 1912

The highest or any tender will not necessarily be accepted.

Mombasa,
November 5th, 1912

H. PIDCOCK,
Port Officer.

IN THE TOWN MAGISTRATE'S COURT AT NAIROBI

PROBATE AND ADMINISTRATION

CAUSE No 6 OF 1912

NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF BIHARILAL S/O
SEVARAM LATE OF FATEHGARH, DECEASED

Take notice, that application having been made in this Court by Wazirchand s/o Ramchand of Nairobi, B E A for probate of the Will of BIHARILAL S/O SEVARAM late of Fatehgarh who died at Dehradun N W P India on the 23rd 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 31st day of November, 1912

Nairobi,
7th November, 1912

E R LOGAN,
District Delegate.

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

IN THE TOWN MAGISTRATE'S COURT AT NAIROBI

PROBATE AND ADMINISTRATION

CAUSE No 7 OF 1912

NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF GEORGE WILLIAM
LESLIE CAINE LATE OF LIMORU, DECEASED

Take notice, that application having been made in this Court by W H A Caine of Limoru for probate of the Will of G W L CAINE, late of Limoru who died at Limoru on the 28th day of August, 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 30th day of November, 1912

Nairobi,
12th November, 1912

E R. LOGAN,
District Delegate

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

PROBATE AND ADMINISTRATION.

CAUSE No 69 OF 1912.

IN THE MATTER OF FRANK NEWTON COOKE, DECEASED

To all to whom it may concern

Take notice that all persons having any claims against the estate of the above-named FRANK NEWTON COOKE, who died at Mombasa on the 29th day of September, 1912, are required to prove such claims before me the undersigned on or before the 15th day of January, 1913, after which date the claims so proved will be paid, and the estate distributed according to law.

Mombasa,
5th November, 1912

J W H. PARKINSON,
Administrator General.

PROBATE AND ADMINISTRATION

CAUSE No 79 OF 1912

IN THE MATTER OF ALEXANDER McMILLAN, DECEASED

To all to whom it may concern

Take notice that all persons having any claims against the estate of the above-named ALEXANDER McMILLAN, who died at Kisumu on the 16th day of October 1912, are required to prove such claims before me the undersigned on or before the 15th day of January, 1913, after which date the claims so proved will be paid, and the estate distributed according to law

Mombasa,
8th November, 1912

J W H PARKINSON,
Administrator General

PROBATE AND ADMINISTRATION

CAUSE No 84 OF 1912

IN THE MATTER OF GOPAL DIAL, DECEASED

Take notice that on or after the 30th day of November, 1912, I intend to apply to the High Court of East Africa at Mombasa for an order to administer the estate of the above-named GOPAL DIAL who died at Nairobi on the 21st day of September 1912

Mombasa,
7th November, 1912

J W H PARKINSON,
Administrator General

IN H M HIGH COURT OF EAST AFRICA AT MOMBASA

PROBATE AND ADMINISTRATION

CAUSE No 96 OF 1912

NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF SALEH MOHAMED
LAKHA LATE OF MOMBASA AND ZANZIBAR, DECEASED

Take notice, that application having been made in this Court by Abdul Rasool Mohamed Lakha of Zanzibar for probate of the Will of SALEH MOHAMED LAKHA, late of Mombasa and Zanzibar, who died at Zanzibar on the 4th day of September, 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 7th day of December, 1912

Mombasa,
8th November, 1912

A T B CARTER,
Judge

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

IN THE TOWN MAGISTRATE'S COURT AT KISUMU

PROBATE AND ADMINISTRATION

CAUSE No 2 OF 1912

RE THE ESTATE OF VASANJI SOMJI, DECEASED

To all to whom it may concern

Pursuant to an order of the above Court granting probate of Will of the late Vasanti Somji, deceased, who died at Maragoli near Kisumu on the 10th day of June, 1912, all creditors and others having claims upon the estate of the above-named deceased are required to send in writing the particulars of their debts, claims or demands to Makanji Ratanji Soni of Kisumu the constituted attorney of Nandoobai, Widow of Vasanti Somji on or before 31st day of December, 1912, after which date the claims so received will be paid and the estate distributed according to law

Kisumu,
November 9th, 1912

MAKANJI RATANJI SONI,
Constituted attorney of Nandoobai, executrix

PROBATE AND ADMINISTRATION

IN THE MATTER OF JOSEPH BONNER HILL, DECEASED

To all to whom it may concern

Take notice that all persons having any claims against the estate of the above-named JOSEPH BONNER HILL, who died at Nairobi on the 12th day of August, 1912, are required to prove such claims before me the undersigned on or before the 15th day of January, 1913, after which date the claims so proved will be paid, and the estate distributed according to law

Mombasa,
November 2nd, 1912

J W H PARKINSON,
Administrator General

PROBATE AND ADMINISTRATION

IN THE MATTER OF MIRAN S/O ABDUNABBI, DECEASED.

To all to whom it may concern

Take notice that all persons having any claims against the estate of the above-named MIRAN S/O ABDUNABBI who died at Malindi on or about the 4th day of August, 1912, are required to prove such claims before me the undersigned on or before the 15th day of January, 1913, after which date the claims so proved will be paid, and the estate distributed according to law

Mombasa,
November 5th, 1912

J W H PARKINSON,
Administrator General

PROBATE AND ADMINISTRATION

IN THE MATTER OF JAMNA D/O GANGARAM, DECEASED

To all to whom it may concern

Take notice that on or after the 30th day of November, 1912, I intend to apply to the High Court of East Africa at Mombasa for an order to administer the estate of the above-named JAMNA D/O GANGARAM who died at Nairobi on the 23rd day of October, 1912

Mombasa,
November 5th, 1912

J W H PARKINSON,
Administrator General

PROBATE AND ADMINISTRATION

IN THE MATTER OF NYAZ ALI S/O RAHIM BUX, DECEASED

To all to whom it may concern

Take notice that on or after the 30th day of November, 1912, I intend to apply to the High Court of East Africa at Mombasa for an order to administer the estate of the above-named NYAZ ALI S/O RAHIM BUX who died at Kisumu on the 15th day of October, 1912

Mombasa,
November 6th, 1912

J W H PARKINSON,
Administrator General

PROBATE AND ADMINISTRATION

IN THE MATTER OF UMEDLAL HARJIWANDAS BAXI, DECEASED

To all to whom it may concern

Take notice that on or after the 16th day of December, 1912, I intend to apply to the High Court of East Africa at Mombasa, for an order to administer the estate of the above-named UMEDLAL HARJIWANDAS BAXI who died at Mombasa, on the 14th day of September, 1912

Mombasa,
November 11th, 1912

J W H PARKINSON,
Administrator General

 IN THE DISTRICT DELEGATES COURT AT NAKURU

 PROBATE AND ADMINISTRATION

 CAUSE No 3 OF 1912

Re THE ESTATE OF GEORGE ALGENY HOWSEN SCROOBY, DECEASED

Pursuant to an order of the above Court granting probate of Will of the late GEORGE ALGENY HOWSEN SCROOBY, deceased, who died at Nakuru on the 1st day of March, 1912, all creditors and others having claims upon the estate of the above-named deceased are required to send in writing the particulars of their debts, claims, or demands, to Emma Louisa Scrooby the executrix named in the Will on or before the 15th day of December, 1912

Nakuru,
11th November, 1912

EMMA LOUISA SCROOBY,
Executrix

 PROBATE AND ADMINISTRATION

IN THE MATTER OF THOMAS BEGBIE, DECEASED

To all to whom it may concern.

Take notice that on or after the 30th day of November, 1912, I intend to apply to the High Court of East Africa at Mombasa for an order to administer the estate of the above-named THOMAS BEGBIE who died at Nairobi on the 27th day of October, 1912

Mombasa,
11th November, 1912

J W H PARKINSON,
Administrator General

NOTICE TO CREDITORS.
J. H. Wolffe late of Nairobi, Agent, Deceased.

All persons claiming to be creditors or otherwise having claims against the estate of the above-named deceased are required to send in writing particulars of their debts, claims, or demands, to the under-mentioned Administrator of deceased's estate on or before the 15th day of December next, after which date the claims so received will be dealt with and the estate distributed according to law

Sixth Avenue, Nairobi,
November 6th, 1912

P A RAPHAEL,

 HIS MAJESTY'S COURT OF APPEAL FOR EASTERN AFRICA.

The next Session of His Majesty's Court of Appeal for Eastern Africa has been fixed to be holden at Mombasa and to commence on Monday, the 18th day of November, 1912, at 10 a m or as soon thereafter as cases can be heard

All appeal papers should be forwarded to the Registrar, His Majesty's Court of Appeal for Eastern Africa at Mombasa not later than the 25th day of October, 1912.

For Hearing on 18th November, 1912

CAUSE LIST

Appeal			Appellant	Respondent	Original Number of case	Appeal from
No	Civil	Criminal				
21 of 1912	Civil	Criminal	Nasoi Kanji	Crown	34 of 1912	H M High Court of East Africa at Mombasa
22 of 1912		„	Gimutai Arab Sorget	„	35 of 1912	H M High Court of East Africa at Kisumu
23 of 1912		„	Kioko s/o Nyeketha	„	38 of 1912	do
24 of 1912		„	Odhavji Nathu	„	33 of 1912	H M High Court of East Africa at Kisumu
25 of 1912		„	Horo wa Thuo	„	51 of 1912	H M High Court of East Africa at Nairobi
3 of 1912			Cavasji Maneckji Dalal and J A C Burke practising as Dalal & Burke	The Official Receiver, Seyidie Province	Insolvency Cause 10 of 1911	H M High Court of East Africa at Mombasa
4 of 1912		„	The Official Receiver Seyidie Province	1 Hajee Jusuf Mithu & Sons 2 Hajee Ismail Mithu & Sons 3 The Cential Africa Trading Co 4 Boustead & Clarke, Ltd 5 Deutsche Ost Africa Gesellschaft 6 Ladak Meghji and Sons 7 Sharif Jiva 8 Gulam Ali Kaum 9 Popat Motichand	2 of 1912	H M High Court of East Africa at Mombasa
5 of 1912		„	Walter Graham	Hamilton Frederick Waid	5 of 1912	District Registry of the High Court at Nairobi
Second Appeal.						
6 of 1912	„		H H The Sultan of Zanzibar's Government	The Crown Advocate (or Attorney General) on behalf of H M Government	Appeal 12 of 1912	H M High Court of East Africa at Mombasa

Mombasa,
23rd September, 1912

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

ARRIVALS.

Name	Rank	From leave or on 1st Appointment	Date of leaving England		Date of Embarkation		Date of arrival at Mombasa or Kilindini,	
C H Chalk	Chief Clerk Survey C B	Leave	Sept	28th 1912	Sept	28th 1912	Nov	2nd 1912
L Brown	Chief Engineer Lake Steamers	do	Oct	9th do	Oct	11th do	Oct	29th do
T E Jones	European Clerk, Customs	1st Appoint	do	10th do	do	11th do	do	29th do
W H Calder	Bridge Foreman P W D	do	do	10th do	do	11th do	do	29th do
J W Johnson	Typist & Sten Veterinary	do	do	10th do	do	11th do	do	29th do
J H Milton	Inspector Police	Leave	do	3rd do	do	3rd do	do	29th do
G W Knapman	Office Supdt Secretariat	do	do	4th do	do	4th do	do	29th do
P E Wolffe	Clerk, Land Office	do	do	10th do	do	11th do	do	29th do
J S Robertson	Storekeeper Medical Dept,	do	do	3rd do	do	3rd do	do	29th do
C E Taylor	Asst Junior Staff Surveyor	do	do	4th do	do	4th do	do	29th do
N E Lower	European Clerk, Customs	1st Appoint	do	10th do	do	11th do	do	29th do
G W Wintersgill	Overseer, P W D	do	do	10th do	do	11th do	do	29th do
J H Williams	Chief Computer Survey Dept	Leave	do	10th do	do	11th do	do	29th do
J W H Parkinson	Administrator General	do	do	4th do	do	4th do	do	29th do
C M Dobbs	District Commissioner	do	do	10th do	do	11th do	do	29th do
Miss A M Maiston	Nursing Sister	do	do	10th do	do	11th do	do	29th do
Miss K E Stollard	Matron	do	do	10th do	do	11th do	do	29th do
H A Young	Assistant Attorney General	do	do	10th do	do	11th do	do	29th do
W H Tanner	Deputy Director, P W D	do	do	10th do	do	11th do	do	29th do
R Edmondson	Veterinary Officer	do	do	10th do	do	11th do	do	29th do
R W Hamilton	Chief Justice	do	do	10th do	do	11th do	do	29th do
Lieut C G Phillips	Subaltern 1st K A R	1st Appoint	do	10th do	do	11th do	do	29th do
Lieut J C Tilly	Subaltern 1st K A R	do	do	10th do	do	11th do	do	29th do
R M Ewart	Superintendent Police	Leave	do	3rd do	do	3rd do	do	29th do
W A F Platts	Asst District Commissioner	do	do	3rd do	do	3rd do	do	29th do
J W Newton	Asst Conservator of Forest	1st Appoint	do	10th do	do	11th do	do	29th do
J E Alexander	Land Ranger	do	do	10th do	do	11th do	do	29th do

DEPARTURES.

Name	Rank	On leave or termination of appointment	Date of Departure	
Lieut Col G R Breeding D S O (1)	Officer Commanding 3rd K A R	Leave	November	5th 1912
F M Lamb	Assistant District Commissioner	do	do	5th do
S, R, Hill	1st Grade, Gaoler	do	do	5th do
R F Ransford	Inspector Police	do	do	5th do
M A Black	Chief Telegraph Inspector	do	do	5th do
R E Montgomery	Veterinary Pathologist	do	do	5th do

(1) Leave prior to his reversion to his British Regiment Proceeded via the Cape

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

EAST AFRICA PROTECTORATE

Comparative Statement of the REVENUE of the East Africa Protectorate
for the period ended 31st July, 1912

Heads of Revenue	Estimates 1912-13	Actual Revenue to 31-7-1912	Revenue for same period of preceding year	Increase	Decrease
	£	£	£	£	£
Customs	95,300	37,075	31,052	6,023	
Port Harbour, &c	1,100	376	440		64
Licences, Excise, &c	173,040	76,444	32,221	44,223	
Fees of Court or Office, &c	19,873	6,965	5,742	1,223	
Re-imbursements by other Governments	11,644	3,230	4,490		1,260
Post and Telegraphs	27,630	10,123	8,982	1,141	
Government Railways	416,800	142,960	112,430	30,530	
Rents	21,405	4,695	4,315	380	
Interest	1,450	2,726	1,181	1,545	
Miscellaneous Receipts	5,400	1,643	1,654		11
Sale of Government Property	3,750	608	540	68	
Land Sales	3,292	2,247	471	1,776	
Total	£ 780,684	289,092	203,518	86,909	1,335
Loan Receipts	£ Nil	Nil			

Nairobi,
November 1st, 1912H A SMALLWOOD,
Treasurer.

EAST AFRICA PROTECTORATE

Statement of Assets and Liabilities as at 31st July, 1912.

LIABILITIES				ASSETS			
Amount				Amount			
£	s	d		£	s	d	
Suspense	6,708	0	0	Advances	10,539	0	0
Subsidiary Silver Coinage	6,140	0	0	General Unallocated Stores	30,149	0	0
„ Nickel & Aluminium Coinage	6,502	0	0	„ „ Trade Goods	921	0	0
General Post Office, London	2,654	0	0	Copper Coinage	7,987	0	0
„ „ „ Union of South Africa	174	0	0	Drafts and Remittances	32,840	0	0
Deposits	55,757	0	0	Investments	84,696	0	0
Excess of Assets over Liabilities	308,435	0	0	Cash	219,215	0	0
				Imprests	23	0	0
Total	£ 386,370	0	0	Total	£ 386,370	0	0

Nairobi,
November 1st, 1912H. A. SMALLWOOD,
Treasurer.

EAST AFRICA PROTECTORATE

Comparative Statement of the EXPENDITURE of the East Africa Protectorate,
for the period ended 31st July, 1912

Heads of Expenditure	Estimates 1912-13	Actual Expenditure to 31-7-1912	Expenditure for same period of preceding year	Increase	Decrease
	£	£	£	£	£
Rent and Interest to H H the Sultan	17,000	8,500	8,500		
Pensions	2,593	936	989		53
His Excellency the Governor	7,204	1,924	3,195		1,271
Secretariat	6,200	1,726	1,513	213	
"Official Gazette" and Printing	3,807	955	1,073		118
Provincial Administration	91,265	28,028	22,690	5,338	
Ditto Special Expenditure	200	522	212	310	
Treasury	9,203	3,067	2,500	567	
Customs Department	15,455	4,551	4,224	327	
Port and Marine Departments	4,745	1,401	1,660		259
Ditto Special Expenditure	3,490	213	12	201	
Audit Department	3,859	872	817	55	
Legal Departments	15,167	4,814	4,020	794	
Police	47,431	13,913	13,416	497	
Prisons	11,590	4,460	4,337	123	
Ditto Special Expenditure	1,586	444		444	
Medical Departments	18,129	5,269	4,155	1,114	
Ditto Special Expenditure	1,177	291	571		280
Hospitals and Dispensaries	14,538	3,898	3,751	147	
Education	7,775	1,035	1,028	7	
Transport	2,961	791	856		65
Military Expenditure	54,287	17,191	16,350	841	
Ditto Special Expenditure	150	2,345	571	1,774	
Miscellaneous Services	5,762	1,749	1,447	302	
Bombay Agency	851	113	113		
Post Office and Telegraphs	35,477	11,134	9,853	1,281	
Ditto Special Expenditure	5,570	693	43	650	
Railway Department	282,132	76,768	68,474	8,294	
Ditto Special Expenditure	43,883	4,124	631	3,493	
Agricultural Department	24,214	6,722	5,578	1,144	
Ditto Special Expenditure	2,184	1,014	1,490		476
Forest Department	9,217	2,721	3,732		1,011
Ditto Special Expenditure			82		82
Game Department	3,490	1,110		1,110	
Immigration Department	440	167	87	80	
Survey Department	24,504	7,317	4,936	2,381	
Land Office	6,653	2,002	1,635	367	
Public Works Department	20,217	4,817	5,631		814
" " Recurrent	24,250	9,528	8,550	978	
" " Extraordinary	46,814	6,461	6,762		301
Abolition of Slavery	1,010	1,260	1,889		629
Coast Land Settlement	10,804	2,160	1,016	1,144	
Loan Charges	2,115				
Special Expenditure for Magadi	68,500	27,385		27,385	
Total	£ 957,899	274,391	218,389	61,361	5,359
Expenditure out of Loans	£ Nil	Nil			

Nairobi,
November 1st, 1912H A SMALLWOOD,
Treasurer.

EAST AFRICA PROTECTORATE.

Currency Board.

(a)

ABSTRACT OF NOTES IN CIRCULATION.

Total amount of Currency Notes in circulation on the tenth day of November, 1912	... Rs 45,26,000
Average daily amount of Currency Notes in circulation during the month ended the tenth day of November, 1912	Rs 45,49,709

(b)

ABSTRACT OF CASH RESERVE.

Amount of the coin portion of the Note Guarantee Fund on the tenth day of November, 1912	}	Gold Rs 10,50,000	00 Cts
		Silver Rs 15,22,497	31 "
	. .	Rs 25,72,497	31 Cts
Average daily amount of the coin portion of the Note Guarantee Fund, during the month ended the tenth day of November, 1912	.	Rs 25,96,206	99 Cts.

(c)

ABSTRACT OF SECURITIES FORMING THE INVESTED PORTION OF THE NOTE GUARANTEE FUND ON THE TENTH DAY OF NOVEMBER, 1912

Nature of Security	Nominal Value	Price paid	Latest known market price
	£ s d	£ s d	
Transvaal 3% Guaranteed Stock	41,414 16 6	40,233 10 3	88 $\frac{3}{4}$
India 3 $\frac{1}{2}$ % Stock	45,641 0 4	43,000 0 0	91 $\frac{1}{2}$
Straits Settlements 3 $\frac{1}{2}$ % Inscribed Stock	35,000 0 0	33,253 8 9	97
Southern Nigeria 3 $\frac{1}{2}$ % Inscribed Stock	14,478 5 7	13,746 11 3	95
Total £	136,534 2 5	130,233 10 3	

Office of the Currency Board,
Mombasa,
November 10th, 1912

F W MAJOR,
One of the Currency Commissioners.

NOTICE*(Continued from last Gazette)*

In pursuance of the East Africa and Uganda (Currency) Order-in-Council, 1905, Regulations par 6 (2) The Currency Commissioners hereby give notice that the following Currency Notes of the undermentioned denominations have been cancelled —

Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-
No $\frac{A}{1}$ 14915	No $\frac{A}{1}$ 15453	No $\frac{A}{1}$ 15956	No $\frac{A}{1}$ 16433	No $\frac{A}{1}$ 16942	No $\frac{A}{1}$ 17471
14939	15460	15970	16434	16944	17483
14975	15461	15981	16437	16948	17488
14990	15474	16006	16438	16949	17491
14992	15485	16007	16441	16951	17506
14995	15488	16019	16444	16964	17508
14998	15489	16022	16463	16970	17509
15012	15491	16029	16465	16972	17521
15018	15496	16037	16489	16993	17532
15028	15497	16041	16494	16994	17533
15033	15513	16043	16495	16995	17541
15036	15516	16060	16497	16997	17544
15046	15532	16061	16505	16999	17546
15049	15537	16067	16506	17001	17548
15052	15544	16078	16507	17003	17560
15058	15550	16080	16510	17006	17566
15064	15552	16087	16516	17011	17571
15066	15557	16096	16524	17018	17592
15087	15567	16098	16537	17039	17598
15095	15568	16100	16538	17046	17602
15105	15573	16102	16539	17063	17604
15119	15575	16123	16540	17066	17613
15122	15583	16124	16558	17071	17615
15123	15603	16140	16576	17096	17617
15135	15608	16143	16588	17103	17623
15136	15610	16158	16591	17132	17639
15140	15615	16167	16594	17135	17647
15146	15634	16168	16595	17137	17648
15147	15650	16169	16599	17152	17655
15148	15671	16172	16604	17167	17656
15153	15683	16181	16605	17171	17659
15170	15685	16185	16606	17176	17660
15175	15687	16205	16607	17182	17662
15183	15698	16218	16621	17197	17666
15184	15703	16229	16639	17199	17671
15186	15707	16230	16644	17203	17695
15188	15714	16238	16647	17205	17699
15206	15717	16244	16649	17209	17709
15209	15733	16246	16678	17219	17719
15213	15740	16265	16681	17229	17723
15218	15742	16270	16694	17267	17736
15221	15743	16272	16696	17275	17739
15229	15754	16288	16703	17276	17741
15232	15758	16289	16711	17283	17749
15236	15764	16291	16726	17284	17762
15261	15769	16292	16730	17291	17765
15262	15770	16293	16736	17296	17778
15268	15771	16295	16751	17304	17782
15279	15777	16309	16759	17306	17786
15280	15785	16326	16762	17310	17788
15282	15788	16327	16772	17318	17808
15290	15796	16328	16777	17326	17809
15296	15802	16329	16781	17330	17814
15304	15823	16331	16792	17331	17819
15305	15827	16332	16793	17332	17822
15313	15829	16335	16806	17334	17827
15324	15835	16337	16814	17337	17857
15336	15840	16344	16816	17348	17858
15338	15844	16346	16817	17349	17863
15341	15855	16350	16818	17357	17864
15345	15865	16351	16821	17363	17867
15351	15867	16353	16828	17371	17877
15363	15868	16362	16829	17376	17880
15368	15872	16366	16844	17386	17881
15373	15890	16367	16851	17394	17886
15378	15899	16369	16857	17399	17887
15410	15901	16371	16859	17402	17900
15419	15906	16379	16861	17405	17902
15421	15911	16385	16871	17415	17912
15424	15926	16386	16876	17419	17920
15429	15929	16409	16881	17422	17921
15430	15933	16415	16900	17434	17938
15432	15936	16423	16905	17444	17955
15433	15942	16429	16915	17445	17959
15449	15944	16432	16929	17458	17962

Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-
No $\frac{A}{1}$ 17967	No $\frac{A}{1}$ 18480	No $\frac{A}{1}$ 19007	No $\frac{A}{1}$ 19498	No $\frac{A}{1}$ 20014	No $\frac{A}{1}$ 20568
17970	18489	19010	19500	20017	20573
17973	18494	19016	19506	20024	20584
17979	18498	19021	19514	20040	20589
17986	18507	19025	19522	20048	20597
17994	18515	19028	19527	20052	20606
17995	18516	19039	19528	20057	20609
18007	18520	19051	19534	20063	20620
18016	18523	19055	19543	20066	20622
18022	18528	19061	19547	20068	20633
18029	18529	19068	19548	20089	20640
18041	18541	19079	19553	20091	20652
18052	18543	19080	19560	20099	20662
18058	18547	19092	19565	20102	20664
18062	18554	19095	19566	20103	20673
18063	18555	19097	19587	20106	20674
18066	18556	19100	19602	20122	20676
18069	18563	19103	19607	20123	20684
18084	18567	19113	19609	20127	20685
18090	18574	19118	19624	20131	20692
18096	18575	19124	19629	20160	20700
18102	18576	19125	19641	20162	20705
18107	18577	19127	19652	20172	20710
18111	18589	19128	19658	20185	20719
18125	18594	19133	19684	20186	20721
18128	18600	19136	19685	20197	20726
18130	18603	19157	19687	20203	20727
18142	18614	19161	19701	20206	20732
18144	18628	19163	19703	20216	20738
18154	18630	19170	19704	20230	20740
18180	18648	19175	19705	20238	20742
18181	18650	19181	19712	20253	20747
18182	18656	19198	19725	20255	20752
18183	18657	19200	19727	20262	20761
18188	18670	19202	19729	20266	20772
18189	18676	19206	19731	20272	20776
18192	18685	19214	19739	20280	20778
18206	18686	19219	19741	20284	20785
18208	18688	19224	19744	20288	20790
18209	18699	19228	19746	20296	20794
18219	18702	19233	19747	20310	20800
18231	18703	19234	19748	20323	20811
18233	18712	19235	19753	20326	20821
18240	18722	19238	19756	20330	20831
18245	18724	19240	19763	20337	20832
18249	18730	19243	19774	20341	20835
18250	18744	19264	19777	20350	20836
18264	18765	19289	19784	20352	20840
18269	18781	19296	19793	20354	20842
18272	18792	19298	19806	20358	20843
18286	18799	19299	19809	20359	20862
18289	18804	19309	19810	20366	20866
18290	18817	19310	19831	20368	20869
18316	18825	19314	19840	20370	20887
18320	18841	19318	19845	20400	20888
18324	18842	19321	19854	20407	20889
18339	18847	19347	19855	20416	20894
18360	18848	19363	19862	20431	20898
18361	18854	19371	19880	20433	20911
18362	18858	19375	19887	20436	20916
18366	18859	19379	19907	20439	20923
18371	18860	19390	19909	20440	20931
18372	18863	19400	19914	20454	20938
18393	18864	19405	19916	20462	20948
18397	18869	19407	19924	20468	20951
18401	18870	19409	19926	20469	20954
18402	18878	19412	19928	20487	20962
18408	18901	19415	19931	20491	20965
18410	18902	19419	19935	20492	20975
18418	18910	19422	19942	20495	20980
18430	18916	19429	19947	20499	20987
18433	18928	19447	19953	20500	20991
18435	18933	19449	19954	20509	21001
18453	18945	19452	19970	20510	21015
18459	18957	19453	19979	20513	21029
18464	18977	19458	19981	20519	21031
18467	18983	19460	19984	20527	21034
18470	18990	19463	19988	20528	21050
18476	18996	19467	19990	20539	21054
18477	19004	19490	19995	20549	21059
18478	19005	19497	20002	20556	21067

Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-
No $\frac{A}{1}$ 21092	No $\frac{A}{1}$ 21633	No $\frac{A}{1}$ 22236	No $\frac{A}{1}$ 22830	No $\frac{A}{1}$ 23400	No $\frac{A}{1}$ 23954
21093	21642	22237	22835	23403	23956
21102	21643	22244	22849	23406	23964
21106	21647	22254	22857	23409	23968
21132	21648	22262	22858	23422	23970
21145	21652	22264	22866	23427	23972
21148	21654	22266	22873	23434	23973
21156	21658	22267	22875	23435	23981
21164	21659	22274	22881	23438	23994
21174	21664	22275	22885	23451	23999
21177	21666	22280	22891	23455	24005
21187	21691	22313	22898	23463	24007
21190	21701	22314	22905	23468	24032
21195	21705	22327	22906	23473	24034
21199	21714	22335	22918	23482	24037
21211	21720	22342	22922	23488	24046
21223	21724	22347	22926	23498	24048
21224	21732	22349	22929	23500	24055
11226	21744	22367	22950	23508	24069
21229	21747	22376	22960	23510	24074
21255	21760	22380	22962	23513	24075
21266	21764	22382	22966	23516	24382
21271	21767	22387	22970	23517	24085
21277	21769	22399	22982	23528	24089
21291	21770	22410	22996	23529	24104
21312	21774	22437	23010	23533	24115
21314	21785	22443	23032	23540	24116
21318	21807	22448	23036	23553	24117
21320	21808	22450	23041	23554	24132
21323	21818	22454	23049	23555	24136
21335	21841	22457	23081	23562	24138
21341	21852	22464	23083	23574	24143
21342	21868	22475	23084	23577	24149
21343	21872	22495	23088	23589	24150
24344	21883	22510	23095	23599	24151
21347	21903	22516	23099	23610	24154
21371	21909	22525	23100	23626	24172
21373	21910	22526	23101	23627	24176
21378	21914	22544	23105	23638	24186
21393	21922	22545	23108	23654	24190
21400	21944	22546	23117	23657	24202
21409	21957	22548	23118	23673	24204
21412	21962	22549	23120	23674	24211
21414	21969	22556	23122	23680	24215
21419	21991	22557	23126	23691	24217
21425	21992	22563	23129	23694	24220
21428	21997	22569	23144	23700	24222
21443	21998	22587	23150	23709	24223
21466	22004	22594	23153	23715	24229
21468	22017	22600	23160	23717	24230
21473	22020	22608	23161	23719	24239
21486	22024	22610	23165	23721	24241
21492	22031	22622	23166	23740	24249
21494	22035	22640	23184	23743	24250
21495	22049	22646	23193	23764	24260
21499	22080	22653	23207	23782	24262
21508	22082	22659	23223	23786	24270
21519	22087	22660	23237	23798	24285
21524	22105	22666	23242	23799	24288
21535	22108	22680	23248	23801	24297
21539	22114	22708	23255	23807	24300
21541	22129	22715	23265	23811	24304
21548	22136	22721	23266	23824	24319
21552	22143	22725	23270	23833	24321
21555	22147	22729	23272	23851	24325
21559	22164	22730	23277	23853	24326
21566	22168	22732	23279	23857	24329
21568	22169	22737	23286	23863	24332
21569	22170	22751	23289	23878	24333
21572	22171	22752	23292	23882	24337
21579	22186	22760	23308	23890	24341
21589	22195	22775	23312	23893	24348
21590	22200	22778	23316	23902	24352
21608	22205	22780	23317	23904	24359
21609	22207	22789	23326	23908	24365
21611	22213	22791	23341	23917	24367
21612	22221	22797	23352	23922	24412
21622	22226	22803	23365	23926	24416
21625	22230	22808	23387	23929	24418
21626	22232	22813	23394	23944	24434

(To be continued next Gazette)

EAST AFRICA PROTECTORATE

Statement showing value in Rupees of Imports made into Mombasa,
from different countries during September, 1912

COUNTRIES	Value in Rupees
United Kingdom ...	934,954
India and Burmah ...	422,461
Ceylon	2,204
Mauritius. ...	10,541
Zanzibar	3,723
South Africa Union	29,660
Other British Possessions	73
Arabia ...	3,964
Austria	24,202
Belgium	9,175
China	6,581
Denmark	275
Egypt	2,866
France	30,191
French Possessions	288
Germany	157,320
German East Africa	19,308
Holland	56,526
Italian East Africa	795
Italy	128,845
Japan . .	6,362
Norway	1,690
Portugal ,	116
Portuguese Possessions	
Russia .	5,926
Spain	1,774
Sweden	13,432
Switzerland	24,454
Miscellaneous Ports of Asia	55,334
Turkey	466
United States of America	262,754
	2,216,260
Goods in Transit and Transhipment	404,451
Total Rupees . .	2,620,711

F W MAJOR,
Chief of Customs.

EAST AFRICA PROTECTORATE.

General Imports into the Port of Mombasa during September, 1912

Articles	Total quantities imported	Value in Rupees	Duty in Rupees
Ale and beer	Galls 1,750	4,099	
Alcohol, Methylic	" 60	137	
Ammunition	Number 65,227	6,309	
Animals, living —			
Horses and mules	" 10	6,200	
Other live-stock imported for breeding purposes	" 155	12,086	
Other sorts, unenumerated	" 8	440	
Arms	" 124	13,655	
Bacon and ham	Cwts 10	806	
Bags and sacks for industrial and agricultural purposes		76,280	
Bags and sacks, other sorts			
Beads	Lbs 52,616	22,469	
Books		1,384	
Building materials, unenumerated		78	
Butter	Lbs 4,000	3,090	
Articles necessary for maintaining telegraphic communication			
Consular goods			
Cups, medals or other trophies imported for presentation or presented as prizes, etc, etc			
Candles of all sorts	Cwts 18	463	
Canvas	Yards 1,817	1,688	
Cement	Cwts 8,370	19,405	
Cheese	Lbs 1,439	948	
Chemicals and chemical manufactures, unenumerated		4,174	
Cigarettes	Lbs 4,324	7,494	
Cigars	" 1,963	4,588	
Coal	Tons 450	10,946	
Coal products		213	
Com admitted to circulation in the Protectorate			
Condensed milk	Cwts 179	5,802	
Cotton yarn	Lbs 1,430	890	
Cotton piece goods, bleached	Yards 194,877	55,016	
" " " unbleached	" 2,326,418	419,497	
" " " printed	" 65,161	15,488	
" " " dyed	" 145,400	54,250	
" blankets	Number 68,249	51,980	
Cotton manufactures, unenumerated		28,962	
Cutlery		6,833	
Drinks, unenumerated		2,083	
Drugs and medicines for sheep and cattle		2,130	
" and medicines, other sorts		5,102	
Electric apparatus		2,425	
Explosives, other sorts			
Fencing materials		7,422	
Food stuffs for animals			
Food stuffs, other sorts, unenumerated		44,277	
Fruit, raw		826	
Furniture		6,652	
Glass plates		5,235	
" manufactures, unenumerated		3,581	
Gold bullion	Ounces 240	15,386	
Goods manufactured, unenumerated		60,723	
Goods unmanufactured, unenumerated		19,030	
Grain —			
Rice	Cwts 4,204	39,522	
Flour and wheat meal	" 7,260	58,813	
Wheat	" 650	4,873	
Dhall	" 471	3,425	
Maize and maize meal	"		
Other sorts	" 1,099	6,826	
Gunpowder	"		
Haberdashery	"	1,321	
Hardware	"	16,349	
Implements, agricultural	"	33,482	
Carried forward		1,175,153	

General Imports into the Port of Mombasa during September, 1912 —(Continued)

Articles	Total quantities imported	Value in Rupees	Duty in Rupees
Brought forward		1,175,153	
Implements, other sorts		5,043	
Instruments, surgical		104	
„ scientific, other sorts		350	
„ pianos		1,808	
„ musical, other sorts		2,376	
Jewellery		106	
Leather, unwrought		3,758	
„ wrought, boots and shoes	Doz pairs 157	10,730	
„ „ saddlery and harness		2,604	
„ manufactures, unenumerated		640	
Linen, hemp and jute manufactures, unenumerated		1,613	
Machinery and parts thereof, agricultural		28,932	
„ „ „ industrial		62,225	
„ „ „ other sorts		5,219	
Manures and insecticides		1,282	
Matches	Gross boxes 6,400	6,492	
Metals —			
Brass and copper manufactures, for use as building materials			
Brass and copper manufactures, other sorts		7,861	
Brass and copper wire	Cwts 413	24,701	
Iron and steel manufactures, unenumerated, to be used as building materials		5,310	
Iron and steel manufactures, unenumerated, other sorts		21,347	
Iron and steel wire	Cwts 237	3,566	
Galvanised iron sheets and plates	„ 7,618	77,574	
Metals, manufactured, unenumerated		12,829	
Metals, unmanufactured, unenumerated			
Mineral and aerated waters	Doz bott 582	1,255	
Miscellaneous including parcel post			
Oils, fats and grease —			
Petroleum-Kerosine	Galls 162,288	63,979	
„ other sorts	„ 3,220	2,512	
Cocoanut			
Ghee	Cwts 18	1,282	
Oslo Margarin			
Turpentine	Galls 75	174	
Other sorts	„ 3,488	6,065	
Perfumery		3,933	
Photographs, engravings, pictures, and maps		977	
Plate and plated ware		542	
Porcelain, china and earthenware		3,410	
Preserved meats		401	
Preserves and tinned or bottled foods and fruits, other sorts unclassified		6,211	
Printed matter		1,326	
Railway, tramway and road material		267,515	
Rope and twine for agricultural and industrial purposes		2,177	
Rope and twine, other sorts		2,208	
Rubber manufactures, unenumerated		3,611	
Salt	Cwts 5,600	4,880	
Ships, boats, launches, lighters and parts		16,293	
Spirits —			
Brandy	Galls 797	7,540	
Whisky	„ 3,485	25,114	
Gin	„ 198	985	
Liqueurs and other sorts	„ 440	5,308	
Silk manufactures, unenumerated		11,602	
„ „ of and other materials			
„ yarn	Lbs 30	175	
Soap	Cwts 1,656	32,244	
Stationery		11,541	
Carried forward		1,944,883	

EAST AFRICA PROTECTORATE

Statement showing number of trade packages and value in Rupees of trade goods re-exported from Mombasa to different countries during September, 1912

Articles	Total quantities re-exported	German East Africa	U King dom	Zan zibar	Italian East Africa	India	United States of America	Portu guese Posses sions	South African Union	Italy	Mau- ritius
Ammunition	Nos 3,600	Rs	Rs 409	Rs 130	Rs 15	Rs	Rs	Rs			
Arms	" 8		1,250					100			
Bags and sacks for industrial and agricultural purposes		75									
Beads	Lbs 9,692	2,488		2,358							
Coal products				26							
Condensed milk	Cwt 2	70									
Cotton yarn	Lbs 114	57									
Cotton piece goods, bleached	Yds 8,118	4,059									
" " " unbleached	" 680,544	113,424									
" " " printed	" 17,352	4,976									
" " " dyed (plain shades)	" 64,788	31,687		707							
" blankets	Nos 5,060	5,060									
" manufactures, unenumerated		390									
Food stuffs, other sorts, unenumerated		414		26	30						
Glass manufactures, unenumerated		178		76	10	250		275			
Goods manufactured, unenumerated		3,129	2,000	450	480		440	200			
Haberdashery		471									
Hardware		399						100			
Implements, agricultural		3,130		1,400							
" other sorts		270									
Instruments, scientific, other sorts			300								
Leather unwrought						100					
" wrought, saddlery and harness manufactures, unenumerated			25			300					
Machinery and parts thereof, other sorts			690		95						
Matches	Gross boxes 50	46									
Metals,—brass and copper manufactures, other sorts		582				335					
" brass and copper wire	Cwt 153	8,592									
" iron and steel manufactures other sorts		683									
" galvanised iron sheets and plates	Cwt 495	4,581									
" Metals manufactured unenumerated		132	450								
Mineral and aerated waters	Doz bots 72			333							
Photographs, engravings, pictures & maps		300									
Porcelain, china and earthenware		238	300								
Railway, tramway and road material					50						
Ships boats launches lighters and parts				500							
Spirits—whisky	Gall 22							280			
Gin	" 2							25			
Soap	Cwt 35	778									
Sugar	" 144	1,604									
Tea	Lbs 291	291									
Tobacco, manufactured	" 1,310	839		176							
Toys and games			700								
Wearing apparel		3,971									
Wooden manufactures, unenumerated				786							
Total Rs		192,914	6,124	6,968	680	985	440	980			

Total value of re-exported goods Rs 209,091

F. W MAJOR,
Chief of Customs.

Liquor Licences issued at Mombasa during the quarter ending September 30th, 1912

No	To whom issued	Premises
----	----------------	----------

GENERAL RETAIL

1005	J B Kanshi Ram	46, Ndia Kuu
1006	C Romeo Antao	Salisbury Street
1008	R M Gonsalves	26, Sheriffbhai Street
1009	J M Fernandes	24 Portuguese Street
1010 (a)	Edgar Rosegger	Grand Hotel
1012 (a)	do	Hotel Metropole
1014 (a)	Georg Goetze	Africa Hotel
1017	J R Mendonca	129, Pigott Market

WINE MERCHANT AND GROCERS

1007	A T P Coutinho	Bomani, Malindi
------	----------------	-----------------

HOTEL LIQUOR LICENCES

1011 (b)	Edgar Rosegger	Grand Hotel
1013 (b)	do	Hotel Metropole
1015 (b)	Georg Goetze	Africa Hotel
1016	Traffic Manager, Uganda Railway	Dak Bungalow, Voi

WHOLESALE LIQUOR LICENCE

1018	B E A Corporation Limited	MacDonald Terrace
------	---------------------------	-------------------

(a) With Midnight Privileges

(b) Free being holder of General Retail Licence

Prospecting Licences issued at Mombasa during the quarter ending September 30th, 1912

To whom issued	Date of issue	Nationality
A G W Anderson	July 2nd, 1912	British
W Zeuner	„ 23rd „	German

Licences issued at Mombasa during the quarter ending 30th September, 1912

To whom issued	Date of issue	Address
----------------	---------------	---------

BROKER'S LICENCES

Nathu Noisi	June 26th, 1912	570 Mji Impia
George Irwin and Sons	August 26th „	Macdonald Terrace

GOLD AND SILVER SMITH'S LICENCES

Purxetom Surjee	June 6th, 1912	63 Ndia Kuu
Muji Govind	July 4th „	45 Kilindini Road

Mombasa,
October 2nd, 1912

E L PEARSON,
District Commissioner

UGANDA RAILWAY.

Tenders are required for the following articles for one year from January 1st, 1913, in quantities shown below —

Flour fine about 1439 lbs per month
 Rice Daudkahana about 1161 lbs per month
 „ Table about 266 lbs per month

Conditions of contract may be obtained from the undersigned

Sealed Tenders to be clearly marked “Flour and Rice Tenders” should be sent to reach the undersigned not later than 16th November, 1912

A WILLIAM REID,
Chief Storekeeper

UGANDA RAILWAY.

**Approximate Statement of Public Coaching and Goods Traffic
 for the month of October, 1912**

Coaching Traffic	.	Rs	121,008
Goods Traffic	..	„	512,162
		Total Rs	<u>633,170</u>

Corresponding month of previous year:—

Coaching Traffic	..	Rs	97,431
Goods Traffic	„	„	315,597
		Total Rs.	<u>413,028</u>
		Increase Rs	<u>220,142</u>
		Decrease Rs	<u>Nil</u>

Nairobi,
 7th November, 1912.

H E GOODSHIP,
Acting Chief Accountant.

UGANDA RAILWAY.**Catering Department****TENDERS FOR THE SUPPLY OF FRESH PROVISIONS**

Tenders are invited for the supply of Fresh Bread, Butter, Eggs (from Imported and Native Stock) Fruit, Meat, Live Sheep, Milk, Potatoes, (Table, Ration or Smalls, and Sweet) Assorted Vegetables and Onions for the Refreshment Rooms for a period of six months from the 1st January 1913

All deliveries to be made to the nearest Railway Station at such times, and in such quantities, as may be required by the Catering Manager

Forms of Contract can be obtained on application to the undersigned who will receive Tenders up to 4 o'clock p.m. on Friday the 6th December 1912

All tenders should be submitted in sealed envelopes marked "Catering"

The lowest or any Tender will not necessarily be accepted

Nairobi,
November 4th, 1912

G. A. STANLEY,
Traffic Manager

UGANDA RAILWAY**Christmas Holidays 1912****EXCURSION FARES**

1 EXCURSION TICKETS will be issued as under in connection with the above Holidays —

(a) First, Second, and Intermediate Class Tickets, between Railway Stations, at Single Fare for the double journey, subject to the following minimum charge —
First Class Rs 9 Second Class Rs 4-50, and Intermediate Class Rs 3

(b) First and Second Class Tickets between Uganda Lake Ports only, and in through Bookings between Railway Stations and Uganda Lake Ports at Single Fare for the double journey, subject to the following minimum Charge —
First Class Rs 9, Second Class Rs 4-50

2 PERIOD OF ISSUE AND AVAILABILITY —

(a) Between Railway Stations tickets will be issued during the period 18th December 1912 to 2nd January 1913, both dates inclusive, the return journey to be completed not later than the 9th January 1913

(b) Between Uganda Lake Ports and in through Bookings between Railway Stations and Uganda Lake Ports tickets will be issued during the period 13th December 1912 to 2nd January 1913, both dates inclusive, the return journey to be completed not later than the 9th January 1913

3 ROUND THE LAKE —By the round trip Steamer booked to leave Kisumu on the 20th December 1912, via Southern Ports, First and Second Class Tickets will be issued for the round trip only *i.e.*, Kisumu to Kisumu, at half the ordinary fare. Passengers for this trip may also be booked through from any Railway Station by the train connecting with the Steamer, returning by the connecting train on arrival Kisumu

4 INTENDING PASSENGERS should give the Station Master at starting Station twelve hours clear notice of their intention to travel so that the necessary accommodation may be arranged. Passengers are also advised to book their luggage well in advance of the starting time of the train by which they travel

5 The First and Second Class accommodation on the Lake Steamers is limited, and bookings can only be arranged if berths are available

6 ADDITIONAL TRAINS will be run during these holidays if the traffic offering warrants same

Nairobi,
November 4th, 1912

G. A. STANLEY,
Traffic Manager

UGANDA MARINE.

TIME TABLE No. 1.

Notice of Sailings, Lake Victoria Service.

PUBLIC notice is hereby given that the present running of this Service will be continued according to the approximate Time Table given below —

ENTEBBE	PORT BELL	JINJA		BUKAKATA	SANGO BAY		MJANJI		JINJA		PORT BELL	BUKAKATA	ENTEBBE
Departure	Arr & Dep	Arr	Dep	Arr & Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr & Dep	Arr & Dep	Arr
1912 Wednesday 1 Nov mbr	Wed 13 Nov	Wed 13 Nov	Thur 14 Nov	Fri 15 Nov	Fri 15 Nov	Sun 17 Nov	Thur 21 Nov	Fri 22 Nov	Fri 22 Nov	Sat 23 Nov	Thur 14 Nov	Sun 17 Nov	Thur 14 Nov
Friday 15 do	Wed 20 do	do 20 do	do 21 do								Sat 23 do		Sat 23 do
Wednesday 20 do	do 27 do	do 27 do	do 28 do	do 29 do	do 29 do	Sun 1 Dec					Thur 28 do	Sun 1 Dec	Thur 28 do
Friday 29 do	Wed 4 Dec	do 4 Dec	do 5 Dec								Thur 5 Dec		Sun 1 Dec
Wednesday 4 December													Thur 5 do

N. B.—Sailings on Wednesdays from Entebbe are in connection with Steamers on Lake Kioga
Sailings from Entebbe and Jinja are at 4 a.m. unless special notice is given
First class accommodation on the steamer is limited and berths can only be reserved if available

TIME TABLE No. 2.

Notice of Sailings, Lake Kioga and Nile Service.

KAKINDU	MASINDI FORT	MAKOMA	LAKE KWANIA	BULULU & BUGONDO	SAMBWE	LALI & KALI	KAKINDU
Departure	Arr & Dep	Arr & Dep	Arr & Dep	Arr & Dep	Arr & Dep	Arr & Dep	Arrival
Thursday 14 November	Friday 15 November	(b) Friday 15 November		Friday 22 November	Saturday 23 November		Monday 18 November
do 21 do				Tuesday 26 do			Sunday 24 do
(a) Monday 25 do	Friday 29 do		(b) Friday 29 November	Sunday 1 December			Wednesday 27 do
Thursday 28 do				Friday 6 do		Friday 6 December	Monday 2 December
do 5 December				Tuesday 10 do			Sunday 8 do
(a) do 9 do							Wednesday 11 do

(a) Sails only when sufficient cargo inducements offer
(b) Steamers run through to these ports only when inducements offer and due notice is given

N. B.—Arrangements will be made to call at all intermediate ports when cargo offers and due notice is given to Marine Office, Kakindu
Sailings from Kakindu on Thursdays are about 3 p.m. or on the arrival of the passenger train from Jinja
First class accommodation on the Steamers is limited and berths can only be reserved if available

Uganda Marine Office,
Entebbe, 25th October, 1912

H HUTCHINSON,
Commander, R.N.R.,
Superintendent of Marine

SHIPPING REPORT.**MOMBASA HARBOUR.
MONTH OF OCTOBER, 1912**

Name of Vessel	Captain	Gross Tons	Cargo	Nationality	To Whom Consigned	From	Date		Bound to
							Arr	Dep	
SS Po	Piazzoni	2261	General	Italian	L Frigenio & Co	Genoa	1912 Sept 30	1912 Oct 4	Genoa
„ Zanzibar	Attschwager	1270	„	German	Wm O'Swald and Co	Hamburg	„ 30	„ 1	Madagascar
„ Kilwa	Fakira	350	„	British	E Jivanjee & Co	Benadu Coast	Oct 2	„ 2	Zanzibar
„ Kilwa	Fakira	350	„	„	„	Zanzibar	„ 5	„ 5	Lamu
„ Purnea	Williams	3306	„	„	S M & Co	Aden	„ 6	„ 6	Zanzibar
„ Somali	Kasch	2550	„	German	Hansing & Co	Bombay via Z bar	„ 6	„ 7	„
„ Kilwa	Fakira	350	„	British	E Jivanjee & Co	Lamu	„ 9	„ 11	„
„ Tuna	Bhair	662	„	„	A A Visram	Benadu Coast	„ 10	„ 11	„
„ Pentakota	Hodgson	3418	„	„	S M & Co	Durban	„ 14	„ 14	Bombay
„ Purnea	Williams	3306	„	„	„	Zanzibar	„ 15	„ 15	Aden
„ Tuna	Bhair	662	„	„	A A Visram	„	„ 15	„ 16	Kismayu
„ President	Schutt	3335	„	German	Hansing & Co	Bombay	„ 16	„ 17	Zanzibar
„ Somali	Kasch	2550	„	„	„	Zanzibar	„ 16	„ 17	Bombay
„ Rovuma	Beck	115	„	„	„	Dues Salaam	„ 18	„ 20	Dues Salaam
„ Palamcotta	Stockwell	3413	„	British	S M & Co	Bombay	„ 20	„ 21	Durban
„ Tuna	Bhair	662	„	„	A A Visram	Kismayu	„ 22	„ 23	Zanzibar
„ Kilwa	Fakira	350	„	„	E Jivanjee & Co	Zanzibar	„ 23	„ 23	Kismayu
„ Tuna	Bhair	662	„	„	A A Visram	„	„ 27	„ 28	Aden
„ Tevere	Tanlongo	2640	„	Italian	L Frigenio & Co	Genoa	„ 28	„ 30	Genoa
„ Kilwa	Fakira	350	„	British	E Jivanjee & Co	Kismayu	„ 29	„ 30	Zanzibar
„ Wissmann	Brown	629	„	„	A A Visram	Aden	„ 31		Still in Harbour

KILINDINI HARBOUR.

SS	Vessel	Captain	Gross Tons	Cargo	Nationality	To Whom Consigned	From	Date		Bound to
								1912 Sept 28	1912 Oct 17	
SS	Seibistan	Choat	2934	General	British	S M & Co	London	„ 28	„ 19	Zanzibar
„	Corfe Castle	Lewis	4592	„	„	B E A Corporation, Ltd	„	„ 28	„ 19	Durban
„	Kanzler	Schapp	2959	„	German	Hansing & Co	Zanzibar	Oct 1	„ 2	Bombay
„	Burgermeister	Ulrich	5939	„	„	„	„	„ 2	„ 3	Hamburg
„	Gascon	Millard	6288	„	British	B E A Corporation Ltd	London	„ 3	„ 8	Durban
„	Goth	Owen	4738	„	„	S M & Co	Durban	„ 6	„ 9	London
„	Oxur	Broc	3738	„	French	M M	Mauritius	„ 12	„ 12	Marseilles
„	Usumbara	Bremer	6001	„	German	Hansing & Co	Hamburg	„ 12	„ 15	Zanzibar
„	City of Lucknow	Scobie	3669	„	British	E A Trading Co	Beira	„ 13	„ 24	London
„	Clan Manzie	Anderson	2669	„	„	„	Glasgow	„ 15	„ 25	Beira
„	Admiral	Kley	6341	„	German	Hansing & Co	Zanzibar	„ 17	„ 18	Hamburg
„	Windhuk	Zobel	6351	„	„	„	Hamburg	„ 18	„ 19	Zanzibar
„	Adour	Mouton	3923	„	French	M M	Marseilles	„ 21	„ 21	Mauritius
„	Markgraf	Jeutz	3680	„	German	Hansing & Co	Zanzibar	„ 27	„ 29	Bombay
„	Prinzregent	Weisskam	6375	„	„	„	Hamburg	„ 28	„ 29	Zanzibar
„	Carisbrook Castle	Samuel	7626	„	British	S M & Co	London	„ 29		Still in Harbour
„	Warrior	Sandiford	3491	„	„	B A Trading Co	Liverpool	„ 30		„

SAILING SHIP.

Bk Lilla	Skalmerud	1125	Timber	Norwegian	S M & Co	Fredriks hold	Oct 13	Oct 31	Zanzibar
----------	-----------	------	--------	-----------	----------	---------------	--------	--------	----------

G J MUIR,
for Port Officer.

EAST AFRICA PROTECTORATE.

NOTICE.

The Registration of Trade Marks Ordinance, 1912.

Notice is hereby given that His Excellency the Governor has directed that the Registration of Trade Marks Ordinance, 1912, shall come into operation on the 1st day of January, 1913

RULES

The Registration of Trade Marks Ordinance, 1912

Rules issued by His Excellency the Governor under Section 54 of the Registration of Trade Marks Ordinance, 1912

Nairobi,

Dated this 23rd day of November, 1912

H C BELFIELD,

Governor.

1 These Rules shall be read with and shall be in addition to the Rules and the provisions in the Schedule to the Registration of Trade Marks Ordinance, 1912

2 The Registrar may refuse to accept any application upon which the following appear —

(a) The words "Patent," "Patented," or "By Royal Letters Patent," "Registered," "Registered Design," "Copyright," "Entered at Stationers' Hall," "To counterfeit this is forgery," or words to like effect

(b) Representations of Their Majesties or of any member of the Royal Family

3 Representations of the Royal Arms or Royal crests, or arms or crests so nearly resembling them so as to lead to mistake, or of British Royal crowns, or of the British national flags, or the word Royal or any other words, letters, or devices calculated to lead persons to think that the applicant has Royal patronage or authorisation, may not appear on trade marks the registration of which is applied for. Provided always that nothing contained in this rule shall preclude the Registrar from allowing the registration of any trade mark which is registered in the United Kingdom

4 Where representations of the arms of a foreign State or place appear on a mark the Registrar may call for such justification as he may deem necessary for their use

5 Where a representation of the arms or emblems of any city, borough, town, place, society, body corporate, or institution appears on a mark, the applicant shall, if so required, furnish the Registrar with a consent from such official as the Registrar may consider entitled to give consent to the use of such arms or emblems

6 Where the names or representations of living persons appear on a trade mark, the Registrar shall, if he so require, be furnished with consents from such persons before proceeding to register the mark. In the case of persons recently dead the Registrar may call for consents from their legal representatives before proceeding with registration of a trade mark on which their names or representations appear

7 Where the name or a description of any goods appears on a trade mark the Registrar may refuse to register such mark in respect of any goods other than the goods so named or described

Where the name or description of any goods appears on a trade mark which name or description in use varies the Registrar may permit the registration of the mark with the name or description upon it for goods other than those named or described, the applicant stating in his application that the name or description varies

8 The fees set forth in the First Schedule hereto shall be paid in connection with the applications, registrations and other matters mentioned in the said Schedule. All fees prescribed for the purposes of the Ordinance must in all cases be paid before or at the time of the doing of the matter in respect of which they are to be paid

9 The forms in the Second Schedule hereto shall be used in all cases to which they are applicable, and shall be modified as directed by the Registrar to meet other cases. The form of application for registration of a Trade Mark in Part IV of the Schedule to the Ordinance is hereby cancelled.

SCHEDULES.

First Schedule.

FEEES

	Rs	Cts
1 On application to the Registrar to state grounds of decision and materials used under Section 11 Sub-section (2)	10	00
2 On filing a counter-statement in answer to a notice of opposition, by the applicant for each application opposed	15	00
3 For every entry in the Register of a disclaimer or memorandum in respect of a Trade Mark	5	00
4 On application under Section 36 to the Registrar for leave to add to or alter a single Trade Mark	15	00
5 On application under Section 36 to the Registrar for leave to add to or alter more than one mark of the same proprietor, the additions or alterations to be made, in each case, being the same—		
For the first mark	15	00
And for every other mark	7	50

Second Schedule

FORM T M No 1

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912

FORM OF AUTHORISATION

Sir,

(a) Here
insert name and
address of
agent

I beg to inform you that I have appointed (a)

of

...

..

(b) Here
state the
particular
purpose for
which the agent
is appointed

to act as my agent for (b)

..

I am, Sir,

Your obedient servant,

(c) To be
signed by the
person appoint-
ing the agent

(c)

Address

Dated the day of 191.

To

The Secretary,

Inventions and Designs,

High Court,

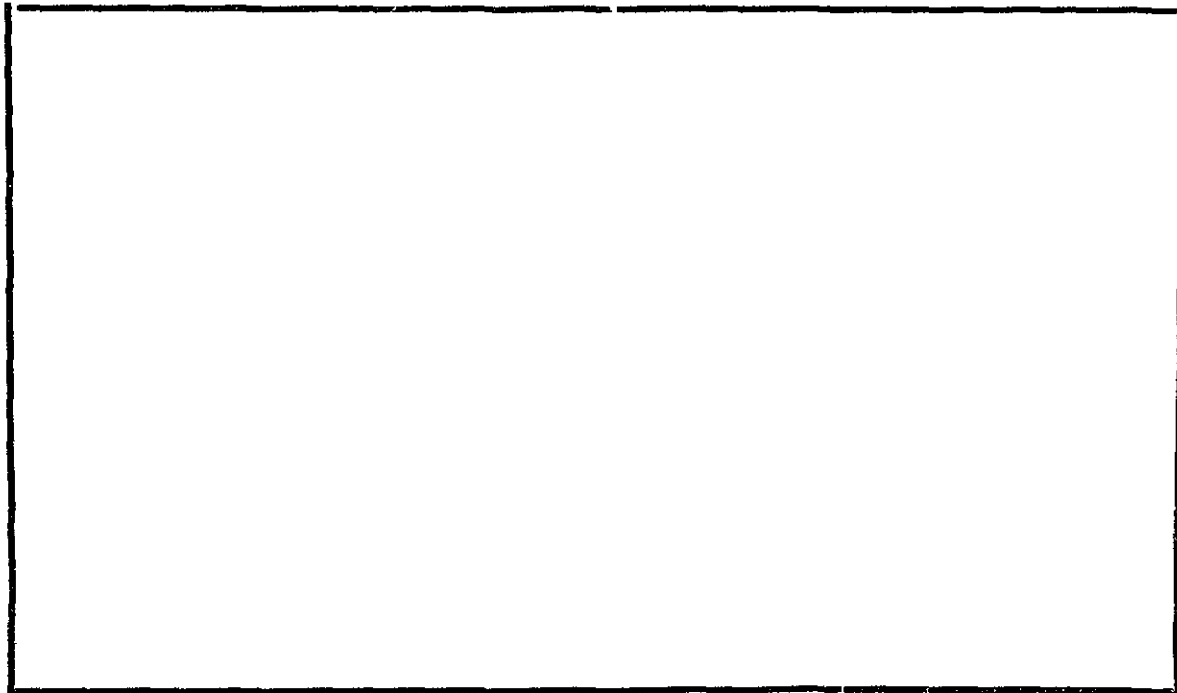
MOMBASA

FROM T M No 2

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912.

APPLICATION FOR REGISTRATION OF TRADE MARK



One representation to be fixed within this square and four others to be sent on separate Forms T M No 3

Representations of a larger size may be folded, but must then be mounted upon linen and affixed hereto

(a) Only goods contained in one and the same class should be set out here. Application is hereby made for Registration of the accompanying Trade Mark in Class , in respect of (a)

A separate application form is required for each separate class. (b) Here insert legibly the full name, address and description of the individual, firm or company who claims to be the proprietor thereof (c) in the name of (address and description)

(b) Here insert legibly the full name, address and description of the individual, firm or company who claims to be the proprietor thereof (c) do not claim the registration of this Trade Mark under the special provisions of paragraph 5 of Section 7 of the Registration of Trade Marks Ordinance, 1912, in regard to names, signatures, or words

(c) Alter to "claim to be the proprietors thereof" in the case of a firm or company

(Signed)

Dated the day of 191

To

The Secretary,

Inventions and Designs,

High Court,

MOMBASA.

FORM T M No 3

EAST AFRICA PROTECTORATE.

The Registration of Trade Marks Ordinance, 1912.

ADDITIONAL REPRESENTATION OF TRADE MARK, TO ACCOMPANY
APPLICATION FOR REGISTRATION

One representation of the Trade Mark to be fixed within this square

It must correspond exactly in all respects with the representation affixed to the Application Form

Any representation of a larger size than foolscap may be folded, but must then be mounted upon linen and affixed hereto

Four of these ADDITIONAL REPRESENTATIONS of the Trade Mark must accompany each Form of Application.

FORM T M No 6

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912.

NOTICE OF OPPOSITION TO APPLICATION FOR REGISTRATION

(To be accompanied by an unstamped duplicate)

In the matter of an application

No by .. .

of . ..

Here state full
name and
address

I, .. .
.
.

hereby give notice of my intention to oppose the Registration of the Trade
Mark advertised under the above number for Class in the Official
Gazette of the, . day of, 191, No .
page ..

The grounds of opposition are as follows —

.
.
.

(Signed)

Dated the . day of ., 191 .

Address for Service —

To
The Secretary,
Inventions & Designs,
High Court,
MOMBASA

FORM T M No 3

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912.

ADDITIONAL REPRESENTATION OF TRADE MARK, TO ACCOMPANY
APPLICATION FOR REGISTRATION

One representation of the Trade Mark to be fixed within this square

It must correspond exactly in all respects with the representation affixed to the Application Form

Any representation of a larger size than foolscap may be folded, but must then be mounted upon linen and affixed hereto

Four of these ADDITIONAL REPRESENTATIONS of the Trade Mark must accompany each Form of Application

FORM T. M No 4

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912

SPECIAL APPLICATION FOR REGISTRATION OF TRADE MARK
UNDER PARAGRAPH 5 OF SECTION 7

One representa-
tion to be fixed
within this
square, and four
others to be sent
on separate
Forms T M
No 3

Application is hereby made for registration of the accompanying Trade

(a) Only goods Mark in Class . , in respect of (a)
contained in one
and the same
class should be
set out here
A separate
Application
Form is required .
for each
separate class

(b) Here insert in the name of (b) of
legibly the full
name, address
and description (address and description) . . .
of the individual,
firm, or company
Add trading
style (if any)

(c) Alter to trading as
“claim to be the
proprietors
thereof” in the who claims to be the proprietor thereof (c) and desires an order of the Court
case of a firm or
company
directing registration of the same

(Signed)

Dated the . day of . . . 191 .

To
The Secretary,
Invention & Designs,
High Court,
MOMBASA.

FORM T M No 5

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912

REQUEST FOR STATEMENT OF GROUNDS OF DECISION UNDER SECTION 11 (2).

You are hereby requested under Sub-section 2 of Section 11 of the Trade Marks Ordinance,
1912, to state in writing the grounds of your decision, dated the ...
day of 191 , after the hearing on the
day of . 191 , and the materials used by you in arriving
at such decision

(Signed)

Dated the day of .191

To

The Secretary,

Inventions & Designs,

High Court,

MOMBASA

FORM T M No. 6

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912.

NOTICE OF OPPOSITION TO APPLICATION FOR REGISTRATION

(To be accompanied by an unstamped duplicate)

In the matter of an application

No . by .. .

of.. .. .

Here state full
name and
address

I,
.
.
.
.

hereby give notice of my intention to oppose the Registration of the Trade
Mark advertised under the above number for Class . in the Official
Gazette of the . day of , 191. . , No . .
page ..

The grounds of opposition are as follows —

.
.
.
.

(Signed)

Dated the . day of .. . , 191 .

Address for Service —

To
The Secretary,
Inventions & Designs,
High Court,
MOMBASA

FORM T M No 6A

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912.

FORM OF COUNTER-STATEMENT

(To be accompanied by an unstamped duplicate)

In the matter of an Opposition,

No , to Application

No

I

the applicant for the above Trade Mark, hereby give notice that the following
are the grounds on which I rely as supporting my application —

I admit the following allegations in the notice of Opposition —

Signature .. .

Dated this ... day of 191

To

The Secretary,

Inventions and Designs,

High Court,

MOMBASA

FORM T M No 7

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912

REQUEST TO ENTER DISCLAIMER OR MEMORANDUM RELATING TO A TRADE MARK

I .. of

hereby request that you will enter in the Register in connection with Trade
Mark No in Class the following
namely—

Signature

Dated this .. day of. 191.

To
The Secretary,
Inventions & Designs,
High Court,
MOMBASA.

FORM T M No 8

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912

FEE FOR REGISTRATION OF TRADE MARK

Sir,

In reply to your request I hereby transmit the prescribed fee for the
registration of the Trade Mark Noin
Class

I am,
Sir,
Your obedient Servant,

Signature

Dated the day of... ..191...

To
The Secretary,
Inventions & Designs,
High Court,
MOMBASA

FORM T M No 9

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912

FORM OF REQUEST FOR CORRECTION OF CLERICAL ERROR OR FOR
PERMISSION TO AMEND APPLICATION UNDER SECTION 33

Sir,

I hereby request that

Signature

Dated this day of , 191 .

To

The Secretary,

Inventions & Designs,

High Court,

MOMBASA

FORM T M No 10

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912

NOTICE OF APPLICATION FOR ALTERATION OF ADDRESS ON
REGISTER OF TRADE MARKS

In the matter of the Trade Mark No .

registered in Class

I,

of

the registered Proprietor of the Trade Mark numbered as above desire that my

address on the Register of Trade Marks be altered to

.

x Signature of
Proprietor

x

Dated this . . . day of 191.

To

The Secretary,
Inventions & Designs,
High Court,
MOMBASA

FORM T M No 11

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912

Section 34.

REQUEST TO ENTER CHANGE OF NAME OF REGISTERED PROPRIETOR
OF TRADE MARK UPON THE REGISTER

(a) OI We I, (a)

Here insert
name, address
and description .

(b) My or On hereby request that you will enter (b) . . .

(c) OI names name (c) in the Register of Trade Marks as
proprietor of the Trade Mark No ..(d) I am or We in Class (d) entitled to the
said Trade Mark and to the goodwill of the business concerned in the goods
with respect to which the said Trade Mark is registered

There has been no change in the actual proprietorship of the said Trade

(e) Here state Mark, but (e)
the circum-
stances under
which the
change of name
took place .

x Signature

x

Dated this day of , 191

To

The Secretary,

Inventions and Designs,

High Court,

MOMBASA

FORM T M No 12

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912

Section 34

FORM OF APPLICATION BY PROPRIETOR OF REGISTERED TRADE MARK TO
CANCEL ENTRY ON REGISTER

Trade Mark No	Class	,advertised in
Trade Marks Journal, No	page	
Name of Registered Proprietor ..	.	.
..
Place of Business ..		... ..
Description ..	.	.. ...
I, the undersigned...	.	.
of	....	...
(or I, the undersigned	.	....
a member of the firm of		of
		on behalf of my
said firm)		.....
apply that the entry upon the Register of Trade Marks of the Trade Mark		
No	in Class	may be cancelled

x Signature

x

Dated this day of 191

To
The Secretary,
Inventions & Designs,
High Court,
MOMBASA

FORM T M No 12a

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912

Section 34

REQUEST TO STRIKE OUT GOODS FROM THOSE FOR WHICH A TRADE MARK IS REGISTERED

I,

of

hereby request that you will strike out

... from the goods for which the Trade Mark

No . . . is registered in Class

x Signature X

Dated this . . . day of 191

To
The Secretary,
Inventions & Designs,
High Court,
MOMBASA

FORM T. M. No 13

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912

APPLICATION UNDER SECTION 36 TO ADD TO OR ALTER A TRADE MARK.

In the matter of the Trade Mark No . . .

in Class .

Application is hereby made on behalf of the registered proprietor
of the Trade Mark numbered as above to alter it in the following particulars
that is to say —

(Here fill in full
particulars)

Six copies of the mark as it will appear when so altered are filed herewith

(Signed)

Dated this day of 191 .

To

The Secretary,
Inventions and Designs,
High Court,
MOMBASA.

FORM T M No 14

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912.

REQUEST FOR CERTIFICATE OF REFUSAL TO REGISTER A TRADE MARK

In the matter of an application for registration

of a Trade Mark No. _____ in Class

Sir,

I, . . .

of \dots

the Applicant in the above matter, hereby request you to furnish me with your

Certificate of Refusal to register the said Trade Mark

x Signature of
applicant

X

Dated this .. . day of . 191

To

The Secretary,

Inventions & Designs,

High Court,

MOMBASA

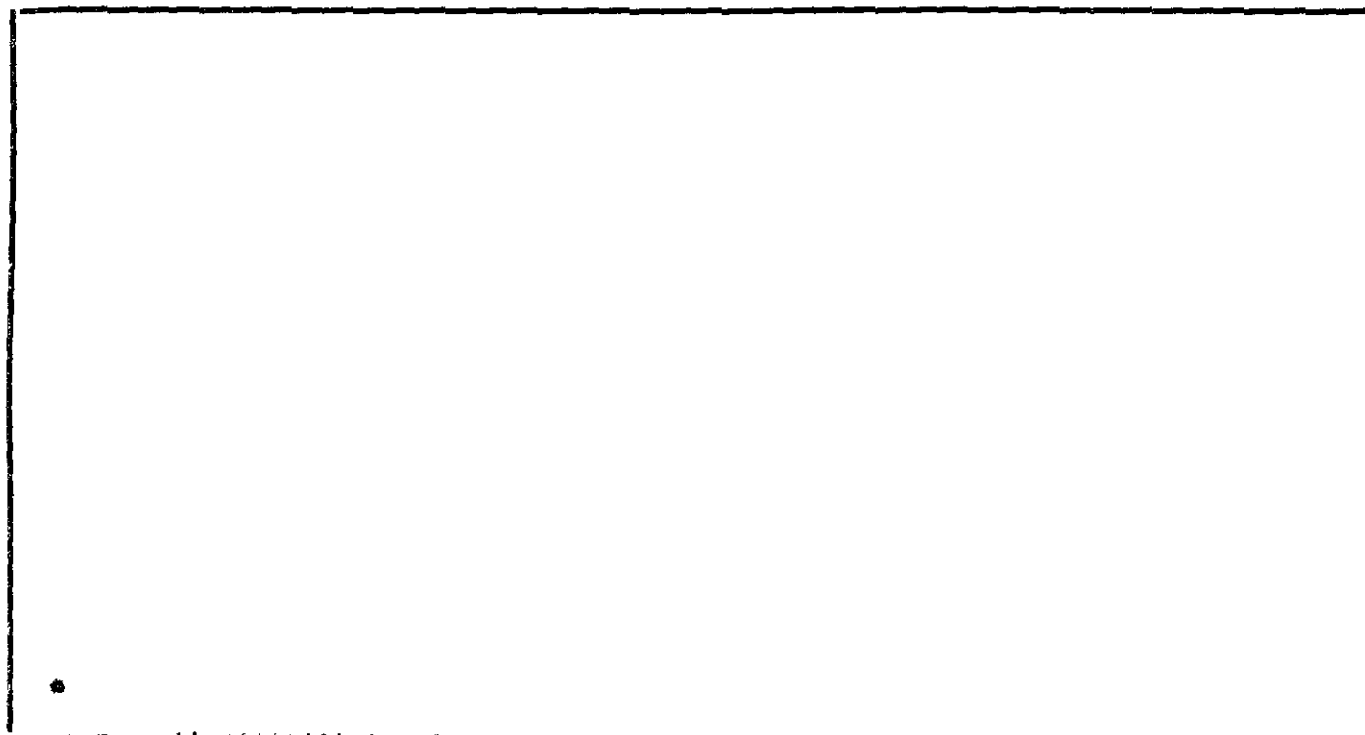
FORM T M No 15

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912

SPECIAL APPLICATION FOR REGISTRATION OF TRADE MARK UNDER SECTION 55

(To be accompanied by an unstamped duplicate)



One representation
to be fixed within this
square, and six others
to be sent on separate
half-sheets of foolscap

Representations of a
larger size may be
folded but must then
be mounted upon
linen and affixed
hereto

Application is hereby made for registration of the accompanying Trade

(a) Only goods Mark in Class
contained in
one and the
same class
should be set
out here. A
separate Appli-
cation Form is
required for
each separate
class

, in respect of (a)

in the name of

of

(address and description)

who desire H E the Governor under Section 55 of the Ordinance to permit the
registration thereof

(Signed)

Dated the

day of

, 191

To

The Secretary,
Inventions & Designs,
High Court,
MOMBASA

FORM T. M No 16

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912

REQUEST BY ASSIGNEE OR SUBSEQUENT PROPRIETOR FOR REGISTRATION
OF TRADE MARKS IN HIS NAME.

(a) Name of Assignee, etc I, (a) .. .

(b) Address of of (b) .. .

(c) Name of Assignee hereby request, under Section 15 that the name of (c) .

(d) Trade or Business of Assignee , carrying on business as (d) .

(e) Address of Assignee .. . , at (e) . . . , may

be entered in the Register of Trade Marks as proprietor of the Trade Mark

No in Class . . .

That I am now the proprietor thereof as shown in my Affidavit filed
herewith

(f) Signature of Assignee, etc (t) . . .

Dated this day of . 191

To
The Secretary,
Inventions & Designs,
High Court,
MOMBASA

FORM T M No 17

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912

REQUEST FOR CERTIFICATE OF REGISTRATION OF TRADE MARK TO
BE USED IN LEGAL PROCEEDINGS

In the matter of the Trade Mark

No , registered in

Class in the name

of

I,

of

the registered Proprietor of the above Trade Mark, hereby request you to
furnish me with your Certificate of Registration to be used in legal proceedings.

x Signature X . . . , .

Dated this day of ... 191..

To
The Secretary,
Inventions and Designs,
High Court,
MOMBASA

FORM T M No 18

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912

REQUEST FOR GENERAL CERTIFICATE OF REGISTRAR (OTHER THAN
CERTIFICATE FOR USE IN LEGAL PROCEEDINGS)

In the matter of the Trade Mark No

in Class

Sir,

I,

of

(a) Here set out the particulars which the Registrar is requested to certify hereby request you to furnish me with your Certificate (a)

(b) Signature

(b)

Dated this

day of

, 191

To

The Secretary,

Inventions & Designs,

High Court,

MOMBASA

EAST AFRICA PROTECTORATE

The Registration of Trade Marks Ordinance, 1912.

CERTIFICATE OF REGISTRATION UNDER SECTION 18

To

I hereby certify, pursuant to Section 18 of the above Ordinance, that the
Trade Mark in your application No was duly advertised in the
Official Gazette and has been registered in your name in Class
in respect of the goods specified by you

Witness my hand this day of 191



Registrar

The Inventions & Designs Office,
High Court,
MOMBASA.

RULES.

The Non-Native Poll Tax Ordinance, 1912

Rules issued by His Excellency the Governor under Section 17 of the Non-Native Poll Tax Ordinance, 1912

Nairobi,
Dated this 26th day of November, 1912

H C BELFIELD,
Governor

- 1 A District Officer shall give to every person paying the tax to him a receipt in the form in the Schedule hereto
- 2 A District Officer may, if he shall consider it necessary for the purpose of the identification of a taxpayer, require the taxpayer to sign his name in the spaces allotted both in the receipt and in the counterfoil, or if the taxpayer is unable to sign his name in the characters of some European language, to impress in the spaces allotted the prints of both his right and left thumbs.
- Any person refusing or neglecting to sign his name or to impress his thumb marks when required by a District Officer, shall be liable to a fine not exceeding thirty rupees
- 3 The rules dated the 13th day of November, 1912, under the Non-Native Poll Tax Ordinance, 1912, are hereby cancelled

Schedule

Non-Native Poll Tax.

No

Date

Station

Name of taxpayer

Residence

Amount paid

Signature of taxpayer

No

Date

Station

Received of

Residing at

The sum of Fifteen Rupees, in payment of the Non-Native Poll Tax for the year ending December 31st, 19

Rs

District Commissioner

Left Thumb Mark :

Right Thumb Mark:

Signature of taxpayer

Left Thumb Mark: Right Thumb Mark:

- NOTE —(1) The signature or thumb marks of the taxpayer may be omitted at the discretion of the District Commissioner
- (2) The thumb marks are only required if the taxpayer is unable to sign his name in the characters of some European language
- (3) If the taxpayer is a Non-European, the particulars on back must be filled in both in receipt and counterfoil

(BACK)

Father's Name

Father's Name

Nationality

Nationality

Caste

Caste

Age (apparent)

Age (apparent)

General description of
taxpayer including
any special marks,
scars, etc

General description of
taxpayer including
any special marks,
scars, etc

Occupation

Occupation

NOTE—This receipt must be produced when demanded
by any District Officer

RULES

The Non-Native Poll Tax Ordinance, 1912

Rules issued by His Excellency the Governor of the East Africa Protectorate under
Section 17 of the Non-Native Poll Tax Ordinance, 1912

Nairobi,

H C BELFIELD,

Dated this 28th day of November, 1912

Governor

1 The Court costs and expenses set forth in the Schedule hereto and fixed by the Governor for the purposes of Section 10 of the Non-Native Poll Tax Ordinance, 1912, shall be paid by the person summoned

2 The Magistrate issuing a summons under Section 9 of the said Ordinance shall cause to be endorsed thereon the sum to be paid by the person summoned for the summons and service thereof in accordance with the scale in the Schedule hereto

3 Any person summoned as aforesaid, who shall, before 12 o'clock noon of the day previous to the date fixed by the summons for his attendance before the Magistrate, pay into the Court of the Magistrate, the amount of the tax payable by him together with sum to be paid for the summons and service thereof, shall be excused from attending before the Magistrate, and no order shall be made against him under Section 10 of the said Ordinance

4 Section 12 of the said Ordinance shall apply in the case of the payment of the tax and costs in accordance with the last preceding Rule, as if such payment had been made in compliance with an order made under Section 10 of the Ordinance.

Schedule

The Non-Native Poll Tax Ordinance, 1912

Court costs and expenses fixed by the Governor for the purposes of Section 10 to be paid by the person summoned

- | | | | |
|---|---|-----|---|
| 1 | For a summons issued under Section 9 | Rs. | 2—00 |
| 2 | For service of summons: | | |
| | (a) Within 2 miles of the Court issuing the same | „ | 1—00 |
| | (b) Beyond that distance | { | Such fee as will cover the cost of service, but not less than 2 rupees. |
| 3 | On hearing unless specially directed by the Court to be free... | Rs | 2—00 |
| 4 | On order of adjournment rendered necessary by default of the person summoned | ... | „ 2—00 |
| 5 | For an order under Section 10 unless specially directed by the Court to be free | .. | „ 1—00 |

RULE**The East Africa Townships Ordinance, 1903.**

Rule issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903

Nairobi,

Dated this 22nd day of November, 1912

H C BELFIELD,

Governor

Mombasa Boat Regulations.

Rule 17 of the Rules dated May 13th, 1912, issued under the East Africa Townships Ordinance, 1903, shall be and is hereby amended by the deletion of the words "Police Station" and the substitution thereof of the words "Custom House"

RULES**His Majesty's High Court of East Africa**

Rules issued by the High Court with the approval of the Governor under the East Africa Order-in-Council, 1902 Article 22, and the East Africa Order-in-Council, 1906, Article 2

Rules of Court No 2 of 1912

ADMISSION OF COLONIAL SOLICITORS AS LEGAL PRACTITIONERS

- (1) These Rules may be cited as Rules of Court (Legal Practitioners Rules, 1911, Amendment) No 2 of 1912
- (2) Rule 2 of the Legal Practitioners Rules No 2 of 1911 is hereby amended by the addition after sub-section (c) of the following sub-section —
 - (d) Solicitors, Attorneys, or Law Agents of a Superior Court in a British Possession to which the Colonial Solicitors Act, 1900, is applied by Order in Council and who by virtue of the said Act and of any Order-in-Council thereunder may be admitted as Solicitors of the Supreme Court in England, Scotland, or Ireland, without examination and without service of articles of Clerkship

R. W HAMILTON,

Chief Justice

Approved,

C C BOWRING,

Deputy Governor

11th November, 1912

A T B CARTER,

Puisne Judge

NOTICE**Auction of Opium Licence at Nairobi**

Under instructions from His Excellency the Governor one Licence to deal in Opium, Ganja, Bhang, Churns, Poppy Heads and Chandoo will be auctioned at the Provincial Commissioner's Office, Nairobi, on Friday, the 20th December, 1912, at 2-30 p m

The Licence will be operative during 6 months dating from 1st day of January, 1913, and will be confined to the Township of Nairobi only

The highest or any other bid will not necessarily be accepted

Nairobi,

28th November, 1912

S L HINDE,

Provincial Commissioner.

APPOINTMENTS.

HIS Excellency the Governor has been pleased to make the following appointment under Section 2 of the Justices of the Peace Ordinance, No 3 of 1910

To be Justice of the Peace for the Kedong Valley, in the Province of Ukamba,

OWEN GRANT, Esq

HIS Excellency the Governor has been pleased to make the following appointments —

To be Medical Officer in charge of Native Civil Hospital, Nakuru and Naivasha Province,
DR VICTOR GURNER LOGAN VAN SOMEREN, to date 6th August, 1912

To be Medical Officer in charge of Native Civil Hospital, Kisumu, and Nyanza Province,
DR ARTHUR DONALD JOHN BEDWARD WILLIAMS, to date 30th September, 1912

To be District Commissioner, North Kavirondo,
HENRY HASTINGS HORNE, to date October 14th, 1912

To be District Commissioner, Lumbwa,
CECIL MOORE DOBBS, to date November 4th, 1912

To be District Commissioner, Malindi,
HARRY RUSSELL TATE, to date November 16th, 1912

To be Private Secretary to HIS Excellency the Governor,
FRANCIS WILLIAM BRETT, to date October 3rd, 1912

To be Acting District Commissioner, Kisumu,
OSCAR FERRIS WATKINS, to date December 1st, 1912

To be General Manager of the Uganda Railway,
HAROLD BLAKE TAYLOR, to date October 1st, 1912

SECRETARIAT, NAIROBI,
December 1st, 1912

W J MONSON,
Secretary

NOTICE.**Seyidie Province.**

APPLICATIONS FOR NEW LIQUOR LICENCES

Class of Licence	Applicant	Premises
Wine Merchant and Grocers' Liquor Licence	Souza Junior & Dias	Sheriffbhai Street, Kilindini, opposite No 28
Wholesale Liquor Licence	G Denhardt & Co	10, Vasco da Gama Street, Mombasa
General Retail Liquor Licence	* J R Mendonca	129, Piggott Market, Mombasa
" " "	A Rodrigues	24, Portuguese Street, Mombasa
" " "	J M Fernandes	127, Piggott Market, Mombasa

* Under Section 36 of the Liquor Ordinance 1909

Mombasa,
November 15th, 1912

E L PEARSON,
for Provincial Commissioner

NOTICE.**Embu District**

EMBERRE DIVISION

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

Name	Rank	District	Remarks
Kombo wa Munyere	Chief	Maburia,	vice his father Munyere wa Kinuku, deceased

Nyeri,
November 27th, 1912

C R W LANE,
Provincial Commissioner

NOTICE.

Nyanza Province

The following persons are hereby appointed Headmen under the Village Headmen Ordinance, 1902

Name	Rank	Location	District	Remarks
Arap Sogor	Headman	Location No 1	Lumbwa	In place of Arap Korus deceased.
Arap Toimession	do	do	do	Additional headman under the Laibon to live at Kiptere

Kisumu,
26th November, 1912

H HASTINGS HORNE,
for Provincial Commissioner

NOTICE

It having been reported to me that the landing of cargo ex S S "Warrior" of 30th October, 1912, and S S "Avristan" of 5th November, 1912, was not completed until the 12th and 17th November, 1912, respectively, I hereby give notice that under the powers given me by law I have granted an extension of time for free storage of goods *ex* above-named steamers from 8 days to 15 days

Custom House, Mombasa,
23rd November, 1912

F W MAJOR,
Chief of Customs

TENDERS.

Public Works Department

MOMBASA WATER SUPPLY

Tenders are invited for the execution of the following works —

1 The transport of steel pipes and other material by water from Kilindini to places on the Mteza and Mwache estuaries at the head of Port Reitz

2 The cartage of steel pipes and other material by road from the jetty on the Mtezi River to various places on the pipe alignment

Specification, plan of the locality, conditions of contract, and forms of tender may be seen at the offices of—

- | | |
|----------------------------------|---------|
| (a) the Director of Public Works | Nairobi |
| (b) the Executive Engineer | Mombasa |
| (c) the Resident Engineer | Mreini |

Sealed tenders will be received by the undersigned up to December 30th, 1912
The undersigned does not bind himself to accept the lowest or any tender

W McGREGOR ROSS,
Director of Public Works

CURRENCY BOARD.

NOTICE

Notice is hereby given that Currency Notes Nos $\frac{1}{2}$ 01031 and $\frac{1}{2}$ 00018 for Rs 500/- each have been reported to have been stolen

Any information regarding the same should be communicated to the Currency Commissioners

Mombasa,
26th November, 1912

J W H PARKINSON,
Currency Commissioner

AVISO

Levo ao conhecimento de todos os cidadãos portuguezes, residentes n'este districto consular abrangendo todo o Protectorado de Africa Oriental Britanica, que se procederá n'esta Agencia Consular de Portugal em Mombasa a sua matricula annual durante o prazo de tres mezes a partir da publicação d'este aviso

Todo o portuguez chegado ao districto consular para n'elle residir deve matricular-se na Chancellaria Consular, sem o que nao será passado acto algum ao seu favor (Artigo 28 do Regulamento Consular) A matricula é gratuita, sendo dentro de tres mezes de chegada ou durante o prazo marcado O certificado leva o sello de trescentos réis ou uma rupia, sendo depois de tres mezes, o sello será de dois mil réis ou seis rupias sesenta e seis centavos devendo pagar o interessado vinte cinco por cento a mais por qualquer servico consular nos termos do numero 82 de tabella dos emolumentos

Os portuguezes nascidos no districto consular nao serao matriculados, mas sim devem fazer por se sendo maiores de 21 annos ou por seus paes ou tutores sendo menores, a declaração de nacionalidade que será registada no livro Protocolo

Na mesma cedula ou certificado podem ficar incluídos homem, mulher e filhos, quando sejam menores vindos do territorio portuguez na companhia d'elles

A cedula de matricula é valida por um anno, isto nao quer dizer, que os portuguezes têm de munir-se da cedula todos os annos, mas que esta perde o seu valor quando quizerem qualquer servico precisarao de obter outra

Os interessados que nao possam vir pessoalmente podem enviar para esta Agencia os seus requerimentos com os seguintes esclarecimentos — Nome e apelido, naturalidade, data de nascimento, estado, profissão, ultima residencia no territorio do Republica, data de chegada forma porque justificam a sua nacionalidade e quaesquer outras observações

Mombasa,
13 de Novembro, de 1912

MARIANO C S LUIS LOBO,
Agente Consular de Portugal em Mombasa

NOTICE

Swahili Examination

The undernoted Officer has satisfied the Examiners in Colloquial Swahili as defined in the King's African Rifles Regulations, para 152

LIEUT F E DAVIES, 3rd Battalion King's African Rifles

ARRIVALS.

Name	Rank	From leave or on 1st Appointment	Date of leaving England	Date of Embarkation	Date of arrival at Mombasa or Kilindini,
H V Kershaw	Assistant Chief Accountant	1st appoint	Oct 23rd 1912	Oct 24th 1912	Nov 13th 1912
Lieut J L Marshall, R N R	2nd Officer Lake Steamers	do	" 23rd "	" 24th "	13th
W J Bramwell	Electrical Inspector	Leave	" 23rd "	" 25th "	" 13th

IN THE TOWN MAGISTRATE'S COURT AT KISUMU

PROBATE AND ADMINISTRATION

CAUSE No 1 OF 1911

Re F LAWRENCE, DECEASED

To all to whom it may concern

Take notice that the account of the estate of the above-named F LAWRENCE, deceased, has been lodged with the District Delegate, Kisumu, by L F Lawrence, Administrator of the estate of the deceased, and that the said District Delegate has appointed the 18th day of December, 1912, at 10 o'clock in the forenoon for passing of such account

Kisumu,
23rd November, 1912

G BOULDERSON,
for District Delegate

IN THE TOWN MAGISTRATE'S COURT AT NAIROBI

PROBATE AND ADMINISTRATION

CAUSE No 9 OF 1912

NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF MANGAJEE MOTI,
LATE OF NAIROBI, DECEASED

Take notice, that application having been made in this Court by Ravjee Khusaramjee of Nairobi, for probate of the Will of MANGAJEE MOTI, late of Nairobi, who died at Nairobi on the 30th day of October, 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 15th day of December, 1912

Nairobi,
28th November, 1912

E R LOGAN,
District Delegate.

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

PROBATE AND ADMINISTRATION

IN THE TOWN MAGISTRATE'S COURT AT NAIROBI,

CAUSE No 10 OF 1912

IN THE MATTER OF AHMED WARFA, SOMALI, DECEASED

Notice is hereby given that on the 15th day of December, 1912, I purpose to appoint Edward Keene Figgis to be the Wasil of the estate of the late AHMED WARFA, SOMALI

If any person objects to the proposed appointment he must give me notice of his objection before the expiration of this notice

Nairobi,
29th November, 1912

E R LOGAN,
District Delegate

IN THE TOWN MAGISTRATE'S COURT AT NAIROBI.

PROBATE AND ADMINISTRATION

CAUSE No 11 OF 1912

NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF DONALD SUTHERLAND
GARVIE, LATE OF NAIROBI, DECEASED

Take notice, that application having been made in this Court by Cornelia Gertrude Garvie, of Nairobi, for probate of the Will of DONALD SUTHERLAND GARVIE, late of Nairobi, who died at Nairobi on the 22nd day of October, 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 15th day of December, 1912

Nairobi,
29th November, 1912

E R LOGAN,
District Delegate

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

IN H M HIGH COURT OF EAST AFRICA AT MOMBASA

NOTICE

CAUSE No 101 OF 1912

IN THE MATTER OF THE ESTATE OF MARIYAM BINTI NAMANI, BASHEHE, DECEASED.

Notice is hereby given that on the 9th day of December, 1912, I purpose to appoint Omai bin Namani, Bashehe, to be the Wasil of the estate of the late MARIYAM BINTI NAMANI, BASHEHE

If any person objects to the proposed appointment he must give me notice of his objection before the expiration of this notice

Mombasa,
13th November, 1912

A T B CARTER,
Judge

PROBATE AND ADMINISTRATION

CAUSE No 137 OF 1911

IN THE MATTER OF A LOW, DECEASED

To all to whom it may concern

Take notice that the account of the estate of the above-named A Low, deceased, has been lodged with the Registrar of the High Court at Mombasa and that he has appointed the 31st day of December, 1912, at 2 o'clock in the afternoon the passing of such account

Mombasa,
21st November, 1912

J W H PARKINSON,
Administrator General

PROBATE AND ADMINISTRATION

IN THE MATTER OF THOMAS BEGBIE, DECEASED

To all to whom it may concern

Take notice that all persons having any claims against the estate of the above-named THOMAS BEGBIE, who died at Nairobi on the 27th day of October, 1912, are required to prove such claims before me the undersigned on or before the 1st day of February, 1913, after which date the claims so proved will be paid, and the estate distributed according to law

Mombasa,
20th November, 1912

J W H PARKINSON,
Administrator General

PROBATE AND ADMINISTRATION

IN THE MATTER OF MOWLA BUX S/O BAHARA, DECEASED

To all to whom it may concern

Take notice that on or after the 16th day of December, 1912, I intend to apply to the High Court of East Africa at Mombasa for an order to administer the estate of the above-named MOWLA BUX S/O BAHARA who died at Mackinnon Road on the 16th day of June, 1912

Mombasa,
19th November, 1912

J W H PARKINSON,
Administrator General

PROBATE AND ADMINISTRATION

IN THE MATTER OF HIRALAL LAXMICHUND, DECEASED

To all to whom it may concern

Take notice that on or after the 16th day of December, 1912, I intend to apply to the High Court of East Africa at Mombasa for an order to administer the estate of the above-named HIRALAL LAXMICHUND who died at Nakuru on the 22nd day of September, 1912

Mombasa,
15th November, 1912.

J W H PARKINSON,
Administrator General.

IN THE TOWN MAGISTRATE'S COURT AT NAKURU

PROBATE AND ADMINISTRATION

CAUSE No 4 OF 1912

Re THE ESTATE OF ROBERT PRESCOTT FULLER-MAITLAND, DECEASED

Pursuant to an order of the above Court granting Letters of Administration of the late ROBERT PRESCOTT FULLER-MAITLAND, deceased, who died at Njemps on the 21st day of June, 1912, all creditors and others having claims upon the estate of the above-named deceased are required to send in writing the particulars of their debts, claims or demands to John Martin, of Tugernon Hill, Lumbwa, on or before the 25th day of December, 1912, after which date the claims so received will be paid and the estate distributed according to law

JOHN MARTIN

IN THE TOWN MAGISTRATE'S COURT AT KISUMU

INSOLVENCY JURISDICTION

CAUSE No 1 OF 1912

Re KERMALI s/o MULJI

Whereas the above-named KERMALI s/o MULJI has filed a petition in this Court that he be adjudged an insolvent Notice is hereby given that the hearing of the said petition has been be fixed for the 18th day of December, 1912, at 10 o'clock in the forenoon or so soon thereafter as it can be heard at the Town Magistrate's Court at Kisumu

Kisumu
23rd November, 1912

G BOULDERSON,
for Town Magistrate

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	0	15

POST OFFICE NOTICE

List of Newspapers, Magazines, etc, received without address at the Mombasa and Nairobi Post Offices, during the month of September, 1912

No	Description	Date
1	Country Life	September 28th
2	Hants and Berks Gazette	September 21st
3	Daily Mail	October 8th
4	Das Volk	September 29th
5	Rajput Gazette	
6	The Watch Tower	
7	Gujarati Punch	September 22nd
8	Answers and John Bull	October 12th
9	Irish Weekly Independent	October 5th
10	The Christian Science Quarterly	
11	Eggs	8 Copies
12	Suite	Book
13	Harrods Catalogue	
14	The English Churchman	August 29th
15	The Weekly Times (Melbourne)	September 7th
16	The B M G	October
17	The Standard	September 23rd
18	The Oriental Travellers Gazette	October
19	The Kincaidshire Observer	October 4th
20	Punch	September 25th
21	La Croix	
22	The Evening News	October 7th
23	The Referee	September 11th
24	John Bull (1 bundle)	6 Copies
25	The Umpire	September 22nd
26	Lloyds Weekly and The Daily Mirror	
27	The Rochester Diocesan Chronicle	3 Copies
28	The Scottish Farmer	September 28th
29	Glasgow Weekly Herald	October 5th
30	The Weatherly Herald	September 13th
31	Women's Weekly	
32	La Revue	September 21st
33	Bristol Times and Mirror	August 27th
34	The People's Journal	October 5th
35	La Croix	1 bundle
36	La Douceur de Vivre	
37	Weldons (with pattern)	October
38	L'Illustration	September 28th
39	The Autocar	September 21st
40	The Country Advertiser	3 Copies
41	Elders Weekly Review	September 25th
42	The Sketch	September 25th
43	The Scottish Weekly	September 28th
44	The Observer	October 6th
45	Le Journal	1 Bundle
46	The Amateur Photographer	September 16th
47	The Belmont Chronicle	September 12th
48	The Tatler	September 25th
49	The Record	September 20th
50	Punch	September 25th
51	Punch	October 2nd
52	Old Carthusian (Sports)	
53	Belfast Weekly Telegraph	August 31st
54	The Observer	September 29th
55	La Universe	6 Copies
56	Church Family Newspaper	September 6th
57	Home Chat	October 12th
58	The Times (Weekly Edition)	October 4th
59	Darden (1 bundle)	September 13th
60	Norwich Mercury	September 21st
61	The Jersey Weekly	September 14th
62	The Colonial Office Journal	October
63	The Bombay Samaghag	October 5th
64	De Katholieke Illustratie	October 5th
65	Scottish Weekly Record	Sept 21st and August 3rd
66	Sunday Post (Johannesburg)	September 22nd

No	Description	Date
67	The Bystander	September 25th
68	Daily Despatch (East London)	September 11th
69	Belfast Weekly News	September 26th
70	Crosse & Blackwells Price Lists	
71	The Aibioath Guide	September 21st
72	The Aberdeen Peoples Journal	September 21st
73	The Spectator, Tatler, and Scots Pictorial in one bundle	
74	The Naval and Military Record	August 7th
75	The Weekly Despatch	September 8th
76	Birmingham Weekly Post	August 24th
77	The Weekly Scotsman	September 7th
78	E & T Pink	Catalogue
79	Monice's African Catalogue	
80	Liverpool Echo	September 18th
81	The Morning Post	September 3rd
82	Official Organ Congo Reform	August
83	Sunday Times (Johannesburg)	September 22nd
84	Post Card Album	
85	Daily Express	September 19th
86	Revue Theologique	
87	The Engineer	October 4th
88	The Autocar	August 10th
89	The Bystander	August 7th
90	Lady's Companion	July 20th
91	Punch (two)	August 7
92	Peace Establishments (Official)	
93	Army Act	
94	Territorial Force	
95	Daily Mail (Oversea)	September 14th
96	South Wales Weekly	August 17th
97	Scottish Weekly Record	August 10th
98	Catalogue Rawle and Son	
99	„ T W Stanton & Co	
100	„ Harolds	
101	Daily Sketch	3 Copies
102	Voz da Madena	
103	The Morning Post	October 15th
104	The Midland News (S A)	October 17th
105	The Indian Voice (E A)	October 23rd
106	The Review of Reviews	October
107	The East African Standard	October 12th
108	The Sun	October 2nd
109	Lloyds Weekly	October 13th
110	The Tablet	October 5th
111	The Sketch	October 2nd
112	The Echo	October 12th
113	Fanplay	October 3rd
114	The Winning Post	October 19th
115	The Yorkshire Post	October 14th
116	One Packet Lesson Cards	

Owners of the above should make early application to this Office, together with proof of ownership

Mombasa,
1st November, 1912

RALPH HART,
Postmaster.

NOTICE TO CREDITORS.

The business of Farmers and Traders carried on at Katura and elsewhere in British East Africa by Alec Gerald Lindsay and Alan MacLeod Little under the style of Lindsay & Little is about to be dissolved

All persons having claims against the firm are requested to send the same duly vouched to the undersigned not later than 31st December, 1912, after which date no claim will be entertained.

All persons indebted to the said firm are requested to make payment to the undersigned within the like period

Nairobi,
26th November, 1912

A F MACRAE,
Advocate

EAST AFRICA PROTECTORATE.

Comparative Statement of the EXPENDITURE of the East Africa Protectorate,
for the period ended 31st August, 1912

Heads of Expenditure	Estimates 1912-13	Actual Expenditure to 31-8-1912	Expenditure for same period of preceding year	Increase	Decrease
	£	£	£	£	£
Rent and Interest to H H the Sultan	17,000	8,500	8,500		
Pensions	2,593	1,126	1,099	27	
His Excellency the Governor	7,204	2,440	3,845		1,405
Secretariat	6,200	2,538	1,895	643	
"Official Gazette" and Printing	3,807	1,399	1,679		280
Provincial Administration	91,265	35,305	28,222	7,083	
Ditto Special Expenditure	200	705	379	326	
Treasury	9,203	3,817	3,082	735	
Customs Department	15,455	5,658	5,244	414	
Port and Marine Departments	4,745	1,860	2,008		148
Ditto Special Expenditure	3,490	213	12	201	
Audit Department	3,859	1,232	1,157	75	
Legal Departments	15,167	5,899	5,002	897	
Police	47,431	17,536	15,175	2,361	
Prisons	11,590	5,354	5,406		52
Ditto Special Expenditure	1,586	504		504	
Medical Departments	18,129	6,957	5,170	1,787	
Ditto Special Expenditure	1,177	298	671		373
Hospitals and Dispensaries	14,538	4,888	4,550	358	
Education	7,775	1,268	1,273		5
Transport	2,961	1,058	1,218		160
Military Expenditure	54,287	21,818	19,347	2,471	
Ditto Special Expenditure	150	3,850	867	2,983	
Miscellaneous Services	5,762	2,862	1,645	1,217	
Bombay Agency	851	291	112	179	
Post Office and Telegraphs	35,477	13,284	11,842	1,442	
Ditto Special Expenditure	5,570	792	93	699	
Railway Department	282,132	96,628	87,308	9,320	
Ditto Special Expenditure	43,883	15,036	1,501	13,535	
Agricultural Department	24,214	9,176	6,966	2,210	
Ditto Special Expenditure	2,184	1,193	1,991		798
Forest Department	9,217	3,470	4,840		1,370
Ditto Special Expenditure			105		105
Game Department	3,490	1,429		1,429	
Immigration Department	440	189	114	75	
Survey Department	24,504	9,067	6,316	2,751	
Land Office	6,653	2,543	2,196	347	
Public Works Department	20,217	6,236	7,103		867
" " Recurrent	24,250	11,482	10,642	840	
" " Extraordinary	46,814	8,494	9,141		647
Abolition of Slavery	1,010	1,591	2,238		647
Coast Land Settlement	10,804	2,800	1,461	1,339	
Loan Charges	2,115				
Special Expenditure for Magadi	68,500	31,371		31,371	
Total £	957,899	352,157	271,395	87,619	6,857
Expenditure out of Loans £	Nil	Nil			

Nairobi,
November 26th, 1912

H. A. SMALLWOOD,
Treasurer.

EAST AFRICA PROTECTORATE.

Comparative Statement of the REVENUE of the East Africa Protectorate
for the period ended 31st August, 1912

Heads of Revenue	Estimates 1912-13	Actual Revenue to 31-8-1912	Revenue for same period of preceding year	Increase	Decrease
	£	£	£	£	£
Customs	95,300	46,896	40,407	6,489	
Port, Harbour, &c	1,100	471	571		100
Licences Excise, &c	173,040	109,405	58,895	50,510	
Fees of Court or Office, &c	19,873	8,880	7,336	1,544	
Re-imbursements by other Governments	11,644	3,725	4,972		1,247
Post and Telegraphs	27,630	12,860	12,992		132
Government Railways	416,800	176,344	140,839	35,505	
Rents	21,405	5,287	5,067	220	
Interest	1,450	2,741	1,192	1,549	
Miscellaneous Receipts	5,400	1,986	1,088	898	
Sale of Government Property	3,750	702	843		141
Land Sales	3,292	2,455	4,514		2,059
Total	£ 780,684	371,752	278,716	96,715	3,679
Loan Receipts	£ Nil	Nil			

Nairobi,

November 26th, 1912

H. A. SMALLWOOD,

Treasurer

EAST AFRICA PROTECTORATE

Statement of Assets and Liabilities as at 31st August, 1912.

LIABILITIES				ASSETS			
	Amount				Amount		
	£	s	d		£	s	d
Subsidiary Silver Coinage	6,433	0	0	Advances	12,122	0	0
„ Nickel & Aluminium Coinage	8,322	0	0	General Unallocated Stores	30,146	0	0
General Post Office, London	3,889	0	0	„ „ Trade Goods	1,141	0	0
„ „ „ Union of South Africa	174	0	0	Suspense	339	0	0
Deposits	59,236	0	0	Copper Coinage	7,988	0	0
Excess of Assets over Liabilities	313,330	0	0	Drafts and Remittances	37,755	0	0
				Investments	83,693	0	0
				Cash	217,907	0	0
				Imprests	23	0	0
Total	£ 391,384	0	0	Total	£ 391,384	0	0

Nairobi,

November 26th, 1912

H. A. SMALLWOOD,

Treasurer

NOTICE*(Continued from last Gazette)*

In pursuance of the East Africa and Uganda (Currency) Order-in-Council, 1905, Regulations par 6 (2) The Currency Commissioners hereby give notice that the following Currency Notes of the undermentioned denominations have been cancelled —

Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-
No. $\frac{A}{1}$	No. $\frac{A}{1}$	No. $\frac{A}{1}$	No. $\frac{A}{1}$	No. $\frac{A}{1}$	No. $\frac{A}{1}$
24441	24818	25437	25988	26667	27182
24458	24822	25486	26015	26681	27184
24459	24828	25491	26016	26682	27187
24464	24835	25503	26032	26689	27199
24471	24840	25505	26040	26712	27200
24478	24843	25506	26048	26715	27203
24484	24844	25508	26058	26726	27204
24495	24858	25511	26066	26733	27213
24497	24859	25514	26071	26737	27216
24507	24863	25520	26074	26738	27227
24511	24864	25527	26081	26739	27245
24516	24874	25531	26100	26746	27257
24526	24877	25557	26121	26751	27284
24545	24883	25570	26137	26761	27293
24547	24887	25572	26139	26772	27294
24551	24891	25573	26172	26779	27296
24553	24893	25576	26174	26781	27303
24560	24894	25580	26175	26788	27309
24562	24901	25584	26181	26791	27311
24563	24907	25596	26185	26794	27326
24564	24912	25614	26189	26814	27333
24568	24917	25615	26197	26815	27365
24572	24921	25627	26199	26825	27378
24578	24932	25630	26200	26830	27386
24579	24934	25636	26208	26837	27389
24581	24935	25642	26209	26845	27390
24590	24940	25656	26221	26851	27395
24591	24958	25660	26228	26856	27405
24593	24969	25661	26230	26867	27407
24600	24983	25670	26237	26880	27427
24603	24984	25676	26260	26883	27439
24616	24987	25678	26264	26887	27440
24623	25005	25687	26266	26889	27443
24632	25023	25689	26271	26898	27449
24637	25028	25702	26275	26907	27455
24646	25035	25732	26277	26912	27470
24651	25038	25739	26282	26920	27493
24653	25039	25740	26294	26921	27498
24655	25053	25741	26317	26926	27506
24656	25055	25742	26320	26934	27511
24664	25065	25750	26325	26951	27531
24667	25078	25754	26331	26971	27535
24671	25085	25755	26348	26972	27554
24672	25102	25758	26364	26973	27579
24674	25106	25779	26367	26980	27583
24676	25116	25790	26369	26987	27624
24678	25118	25798	26399	26991	27639
24679	25120	25800	26411	26998	27640
24680	25141	25804	26412	26999	27641
24685	25142	25806	26426	27002	27649
24686	25149	25807	26433	27008	27657
24691	25155	25811	26434	27010	27660
24694	25158	25812	26438	27020	27661
24695	25166	25814	26447	27023	27665
24697	25175	25823	26450	27030	27667
24707	25184	25830	26451	27043	27671
24708	25193	25831	26466	27045	27715
24713	25201	25833	26480	27046	27727
24727	25220	25835	26490	27052	27746
24732	25225	25867	26492	27059	27747
24733	25237	25869	26500	27081	27749
24739	25240	25878	26512	27082	27762
24745	25264	25886	26513	27084	27769
24758	25279	25907	26519	27085	27788
24762	25282	25912	26539	27093	27792
24765	25292	25917	26554	27097	27793
24768	25330	25920	26566	27111	27801
24778	25336	25937	26575	27120	27805
24789	25375	25940	26582	27125	27832
24796	25380	25961	26585	27137	27835
24797	25383	25969	26595	27149	27837
24798	25393	25974	26607	27115	27838
24809	25395	25975	26614	22153	27872
24814	25403	25984	26622	77165	27877
24815	25416	25986	26656	27167	27891

Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-
No. $\frac{A}{1}$	No. $\frac{A}{1}$	No. $\frac{A}{1}$	No. $\frac{A}{1}$	No. $\frac{A}{1}$	No. $\frac{A}{1}$
27902	28502	29089	29721	32409	33104
27908	28520	29093	29729	32411	33125
27912	28523	29096	29740	32422	33141
27914	28527	29119	29773	32432	33149
27925	28528	29130	29774	32465	33151
27927	28539	29134	29775	32471	33153
27935	28540	29145	29792	32478	33156
27939	28547	29150	29796	32479	33160
27943	28551	29172	29807	32501	33174
27945	28554	29174	29823	32505	33181
27955	28556	29192	29838	32506	33191
27956	28557	29194	29840	32511	33196
27961	28571	29197	29858	32527	33209
27963	28577	29214	29863	32529	33212
27978	28580	29226	29871	32530	33235
27981	28594	29228	29888	32538	33240
27993	28610	29234	29891	32549	33246
27999	28616	29249	29922	32553	33261
28022	28632	29265	29928	32556	33275
28026	28633	29270	29934	32560	33283
28032	28636	29290	29941	32568	33290
28033	28645	29294	29951	32609	33297
28035	28648	29299	29952	32616	33323
28038	28650	29303	29962	32619	33334
28042	28651	29316	29968	32624	33339
28062	28657	29318	29970	32629	33341
28065	28668	29319	29972	32634	33354
28067	28669	29326	29977	32655	33372
28082	28671	29346	29984	32676	33382
28091	28679	29357	29987	32677	33388
28093	28687	29360	30448	32687	33398
28100	28688	29375	32016	32690	33403
28106	28692	29378	32018	32692	33408
28115	28700	29390	32036	32702	33424
28125	28701	29402	32038	32704	33431
28135	28709	29410	32059	32706	33432
28142	28711	29411	32061	32709	33441
28148	28713	29420	32068	32727	33445
28152	28715	29427	32072	32736	33480
28163	28727	29429	32092	32740	33481
28169	28735	29431	32119	32753	33492
28174	28738	29440	32123	32777	33502
28180	28743	29444	32125	32785	33504
28187	28755	29456	32134	32814	33507
28189	28771	29462	32156	32819	33508
28194	28777	29469	32157	32830	33530
28202	28779	29470	32168	32840	33538
28203	28789	29482	32169	32845	33514
28213	28796	29486	32170	32851	33554
28214	28813	29498	32171	32860	33561
28216	28815	29504	32182	32876	33565
28241	28830	29506	32194	32877	33579
28262	28837	29520	32204	32882	33580
28267	28838	29521	32213	32891	33586
28270	28854	29524	32230	32897	33593
28278	28861	29529	32235	32902	33600
28301	28866	29533	32252	32918	33606
28315	28889	29534	32268	32929	33607
28328	28894	29537	32270	32945	33612
28330	28906	29554	32272	32983	33617
28348	28908	29558	32273	32986	33619
28361	28913	29565	32275	32988	33623
28364	28942	29572	32282	32999	33639
28366	28950	29575	32283	33000	33657
28368	28954	29593	32285	33008	33656
28370	28961	29597	32292	33009	33667
28373	28966	29599	32295	33010	33670
28377	28968	29610	32313	33012	33701
28382	28969	29633	32317	33013	33710
28386	28982	29649	32338	33019	33716
28397	28983	29655	32339	33025	33731
28412	29014	29658	32341	33038	33737
28418	29023	29659	32343	33041	33753
28422	29044	29675	32358	33046	33769
28449	29051	29677	32361	33048	33770
28453	29053	29678	32376	33052	33789
28466	29061	29683	32377	33061	33790
28482	29072	29687	32383	33089	33791
28493	29079	29696	32390	33090	33814
28498	29085	29709	32408	33095	33816

Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-
No $\frac{A}{1}$	No $\frac{A}{1}$	No $\frac{A}{1}$	No $\frac{A}{1}$	No $\frac{A}{1}$	No $\frac{A}{1}$
33817	34489	35124	35808	37432	38009
33818	34493	35155	35815	37438	38027
33819	34495	35157	35833	37439	38037
33827	34499	35159	35849	37445	38042
33829	34502	35163	35860	37452	38043
33838	34503	35169	35888	37453	38045
33839	34511	35177	35898	37470	38047
33841	34517	35181	35900	37472	38050
33843	34522	35197	35909	37476	38056
33863	34550	35206	35911	37480	38062
33870	34557	35209	35913	37498	38082
33874	34560	35210	35919	37508	38092
33879	34564	35220	35924	37510	38100
33884	34593	35222	35928	37522	38105
33896	34601	35226	35934	37525	38120
33902	34604	35259	35935	37535	38121
33918	34608	35288	35937	37536	38126
33922	34615	35293	35938	37550	38154
33924	34620	35304	35940	37553	38158
33928	34623	35310	35950	37554	38165
33932	34626	35311	35956	37558	38166
33937	34643	35312	35972	37559	38176
33948	34651	35315	35987	37563	38186
33981	34656	35316	35988	37579	38187
33983	34664	35322	37001	37593	38191
33999	34666	35334	37002	37595	38196
34003	34675	35339	37004	37597	38212
34005	34677	35340	37005	37602	38240
34011	34678	35343	37009	37619	38259
34015	34687	35356	37010	37620	38253
34020	34705	35360	37012	37624	38254
34037	34707	35364	37017	37627	38266
34040	34729	35394	37020	37636	38274
34057	34740	35395	37023	37659	38276
34059	34742	35416	37027	37662	38277
34078	34744	35429	37038	37667	38284
34097	34748	35436	37039	37683	38293
34102	34749	35445	37042	37703	38297
34106	34751	35451	37047	37709	38335
34109	34756	35457	37049	37712	38339
34118	34787	35461	37050	37720	38346
34120	34788	35479	37051	37722	38351
34127	34807	35486	37074	37727	38359
34129	34823	35487	37078	37732	38367
34130	34841	35500	37085	37740	38373
34149	34843	35501	37094	37753	38403
34161	34846	35503	37103	37754	38418
34163	34850	35505	37120	37760	38447
34178	34864	35533	37152	37765	38448
34180	34867	35542	37155	37777	38455
34200	34874	35558	37156	37785	38457
34221	34883	35576	37157	37789	38464
34230	34885	35585	37169	37794	38465
34234	34892	35586	37180	37798	38467
34245	34893	35594	37198	37807	38477
34251	34896	35595	37213	37809	38482
34275	34913	35601	37217	37822	38483
34283	34919	35617	37232	37829	38484
34290	34920	35618	37255	37831	38492
34312	34924	35634	37259	37834	38495
34314	34930	35636	37262	37839	38520
34323	34946	35642	37274	37842	38542
34335	34960	35660	37277	37844	38543
34341	34975	35672	37296	37845	38554
34349	34982	35674	37299	37881	38560
34350	34993	35682	37302	37882	38575
34360	35001	35684	37311	37900	38582
34362	35005	35685	37321	37910	38583
34369	35011	35693	37332	37917	38598
34372	35015	35698	37336	37923	38606
34376	35029	35707	37339	37934	38614
34384	35039	35714	37363	37938	38616
34386	35041	35724	37367	37943	38617
34399	35042	35744	37381	37950	38625
34406	35046	35758	37408	37957	38640
34421	35047	35761	37409	37983	38664
34427	35055	35762	37415	37985	38678
34428	35088	35765	37419	37988	38690
34448	35091	35774	37422	37991	38706
34451	35101	35786	37428	37994	38715
34480	35119	35789	37429	37999	38713

Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-	Rupees 5/-
No $\frac{A}{1}$ 3728	No $\frac{A}{1}$ 43362	No $\frac{A}{1}$ 45100	No $\frac{A}{1}$ 45786	No $\frac{A}{1}$ 46414	No $\frac{A}{1}$ 00054
38735	43380	45103	45802	46418	00058
38748	43400	45104	45803	46425	00060
38756	43408	45128	45804	46431	00063
38762	43420	45136	45805	46432	00069
38768	43425	45157	45835	46439	00075
38779	43427	45160	45844	46451	00080
38781	43433	45163	45850	46454	00104
38801	43444	45172	45861	46459	00107
38803	43460	45173	45868	46475	00146
38808	43464	45199	45875	46479	00159
38812	43490	45200	45879	46486	00162
38816	43505	45203	45885	46487	00163
38835	43522	45204	45888	46495	00165
38851	43523	45206	45892	46501	00166
38853	43535	45209	45896	46508	00167
38854	43543	45231	45898	46513	00173
38864	43556	45266	45900	46523	00174
38867	43572	45271	45909	46545	00179
38868	43586	45287	45910	46546	00196
38871	43589	45302	45915	46547	00200
38872	43611	45312	45917	46552	00210
38879	43612	45316	45926	46578	00215
38883	43614	45338	45945	46590	00228
38894	43629	45350	45946	46591	00232
38896	43654	45355	45951	46602	00247
38902	43659	45357	45955	46608	00249
38903	43660	45360	45964	46609	00250
38907	43667	45367	45971	46626	00262
38919	43669	45369	45978	46628	00264
38940	43685	45390	45982	46629	00286
38948	43686	45424	46012	46634	00288
38949	43695	45437	46013	46643	00290
38955	43698	45440	46025	46647	00308
38962	43704	45450	46026	46652	00310
38966	43709	45451	46029	46653	00332
38970	43717	45462	46042	46662	00333
38973	43718	45466	46046	46672	00336
38974	43720	45470	46049	46689	00339
38991	43733	45473	46055	46697	00348
38992	43740	45480	46065	46701	00353
38996	43743	45487	46080	46706	00357
39037	43745	45512	46099	46724	00373
39043	43754	45514	46113	46743	00384
39047	43759	45523	46117	46751	00389
39057	43764	45532	46129	46759	00395
39086	43797	45537	46133	46764	00396
43010	43803	45541	46152	46792	00405
43024	43819	45554	46168	46818	00408
43032	43830	45570	46176	46823	00413
43039	43832	45571	46177	46832	00417
43053	43857	45599	46178	46833	00420
43056	43872	45600	46186	46834	00421
43059	43876	45604	46191	46846	00425
43079	43879	45608	46197	46849	00450
43098	43888	45610	46202	46853	00462
43109	43899	45621	46215	46866	00465
43130	43915	45626	46218	46869	00496
43134	43916	45636	46241	46890	00500
43156	43933	45645	46247	46896	00507
43159	43951	45658	46261	46897	00512
43171	43954	45671	46264	46899	00517
43172	43972	45673	46265	46915	00523
43173	43986	45681	46279	46926	00527
43199	43988	45693	46289	46935	00532
43210	45019	45698	46311	46942	00536
43218	45023	45703	46344	46953	00552
43219	45027	45704	46347	46986	00557
43230	45030	45706	46353	46988	00580
43231	45040	45727	46358	00003	00584
43239	45046	45728	46378	00004	00590
43251	45049	45731	46385	00005	00609
43253	45055	45732	46391	00009	00615
43266	45067	45742	46392	00013	00621
43290	45068	45759	46395	00014	00632
43318	45072	45760	46396	00020	00643
43344	45074	45763	46397	00021	00644
43350	45081	45767	46401	00022	00650
43351	45088	45768	46409	00040	00651
43357	45093	45778	46412	00052	00658

(To be continued next Gazette)

Labour Agents' Permits issued at Mombasa during the quarter ending 30th September, 1912

No	To whom issued	Date of issue
103	Sam Bromitzky	July 20th, 1912
104	Berti Umbeito	August 14th, "

Mombasa,
October 2nd, 1912

E L PEARSON,
District Commissioner

Licences and Permits issued at Voi during the quarter ending 30th September, 1912

No	To whom issued	Date of issue	Residence	Remarks
GUN TAX				
13170	Manji Rahimtula	July 10th, 1912	Mwatate	1 Snider rifle (B S A and M Co 1885)
13171	C M Smyth	" 29th, "	Voi	1 D B collector's gun 410

Voi,
October 3rd, 1912

R G FARRANT,
Acting District Commissioner

Licences and Permits issued at Shimoni, Vanga District, for the quarter ending 30th September, 1912

To whom issued	Date of issue	Residence	Remarks
GUN TAX			
Harry Bmas	Sept 5th, 1912	Shimoni	D B shot gun No 4856 9/648 transferred from C D'Cruz

PAWNBROKER'S LICENCES

Alibhai Ibtamji Gazi	July 22nd, 1912	Gazi
Taibhai Jeevanji	Aug 26th, "	Vanga

SILVERSMITH'S LICENCE

Fundi Chambi bin Kamis	Aug 31st, 1912	Vanga
------------------------	----------------	-------

Shimoni,
September 30th, 1912

L J LIGHTBODY,
Acting District Commissioner

Licences and Permits issued at Tana River for the quarter ended 30th September, 1912

To whom issued	Date of issue	Residence	Remarks
----------------	---------------	-----------	---------

PUBLIC OFFICER'S LICENCES

Capt W Rigby	July 20th, 1912	Lamu	For 14 days only
T Rule	Aug 6th, „	Belozoni	
Capt W Rigby	„ 10th, „	Lamu	

RESIDENT'S LICENCES

Mrs E M Cristford	July 20th, 1912	Kipini	14 days only
J E Gosling	Aug 21st, „	Belozoni	

SPECIAL ELEPHANT LICENCES

Capt W Rigby	July 20th, 1912	Lamu	To shoot two elephants, for 14 days only
Mrs E M Cristford	„ 1st, „	Kipini	To shoot two elephants
T Rule	Aug 6th, „	Belozoni	To shoot one elephant only
Capt W Rigby	„ 10th, „	Lamu	do
J E Gosling	„ 21st, „	Belozoni	To shoot two elephants

BIRD LICENCES

T Poppinga	Aug 27th, 1912	Ngao	
------------	----------------	------	--

GUN TAX

T Poppinga	Aug 27th, 1912	Ngao	B L H No 130
Mohomed Kombo	Sept 2nd, „	Kipini	B L H No 123

September 30th, 1912

G N CRISFORD,
Acting District Commissioner

Firearms registered at Malindi for the quarter ended September, 1912

To whom issued	Date of issue	Firearms	Residence	Remarks
Mohamed bin Ali F Dillon	July 11th, 1912 Aug 27th, „	303 rifle 12 shot gun	Malindi „	Bird Licence Holder Transferred

Licences issued at Malindi for the quarter ended September, 1912

To whom issued	Date of issue	Date of expiry
----------------	---------------	----------------

BIRD LICENCE

W E F de Lacy	August 8th, 1912	August 7th, 1913
---------------	------------------	------------------

ORDINARY BROKER'S LICENCE.

Abud bin Said	August 23rd, 1912	August 22nd, 1913
---------------	-------------------	-------------------

Malindi,
September 30th, 1912R SKENE,
District Commissioner

Broker's Licences issued at Kisumu during the quarter ending 30th September, 1912

No	To whom issued	Date of issue	Residence
ORDINARY BROKER'S LICENCE			
1207	Abdul Wahid	July 18th, 1912	Kisumu
Kisumu, October 1st, 1912		JOHN AINSWORTH, <i>Provincial Commissioner</i>	

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

To whom issued	Date of issue	Residence	Remarks
SPECIAL LICENCE TO KILL ONE BULL ELEPHANT			
Capt R M Booth	Sept 7th, 1912	Nanobi	Holder of Resident's licence No 3904, dated Feb 15th, 1912, issued at Nanobi
AMMUNITION LICENCES			
Odera Kango A Merry	Sept 16th, 1912 „ 19th „	Yala Trans-Nzoia	100 shot gun cartridges 200 shot gun cartridges and 300 ids 303 ammunition
Mumias, September 30th, 1912		O F WATKINS, <i>District Commissioner</i>	

Licences and Permits issued at Kisii during the quarter ending 30th September, 1912

No	To whom issued	Date of issue	Residence	Remarks
GUN TAX PERMITS				
6807	Alif Khan	July 10th, 1912	Kisii	H Pieper revolver 303 No 5463 7-ch
6808	Chief Goni	Sept 9th „	Kaniama	303 Rifle, B S A Sporting C 203 8/200
Kisii, September 30th, 1912		C H F PLOWMAN, <i>for District Commissioner</i>		

Licences and Permits issued at Nandi during the month of September, 1912

No	To whom issued	Date of issue	Residence
TRAVELLER'S GAME LICENCE			
1154	F N Hoyt	September 30th, 1912	Kaimosi
Nandi, September 30th, 1912		F TRAILL, <i>District Commissioner.</i>	

Licences issued at Gobwen, during the quarter ending 30th September, 1912

No	To whom issued	Date of issue	Place of abode
ORDINARY BROKER'S LICENCES			
393	Sheikh Omar Ali	August 16th, 1912	Zunguni
394	Hussein Mukoma	September, 28th "	Sheikh Meijan

Gobwen,
September 30th, 1912

F M LAMB,
Assistant District Commissioner

Permits for Ammunition issued at Uasin Gishu during the quarter ending 30th September, 1912

No	To whom issued	Date of issue	Residence	Kind of ammunition
14050	R Fenwick	July 5th, 1912	Farm 30	100 rounds 7 m/m
14051	M W Joubert	" 5th "	" 18	50 " M H
14052	C J Stieger	" 5th "	" 46A	250 " 9 m/m
14053	A P Stieger	" 5th "	" 46A	250 " 9 m/m
14054	J N Smith	" 8th "	" 135	100 " M H
14055	J M Bezuidenhout	" 8th "	" 73	250 " 7 m/m
				250 " 88
14056	P W Jordaan	" 10th "	" 207	300 " 303
14057	C M Duploov	" 12th "	" 24	800 " 7 m/m
				200 " M H
14058	N D Punsloo	" 15th "	" 194	50 " 303
14059	G J Baker	" 17th "	" 56	50 " M H
14060	I Lewison	" 18th "	Uasin Gishu	100 " M H
				100 " shot gun
14061	J C Smith	" 20th "	Farm 209	50 " 303
14062	P S I A Steinkemp	" 20th "	" 141	200 " 303
14063	L Chivell	" 20th "	" 78	1000 " miniature
14064	H W Smith	" 22nd "	" 64	200 " 303
14065	J C Theunissen	" 23rd "	Uasin Gishu	100 " 8 m/m
14066	H Phol	" 23rd "	Farm 195	500 " 303
14067	E Rendall	" 23rd "	" 204	50 " 303
14068	J J Potgieter	" 27th "	" 27	200 " 303
14069	N W Smith	" 27th "	" 136	500 " 65
14070	L Chivell	" 27th "	" 78	500 " 303
14071	A H Erasmus	" 27th "	" 24	50 " 7 m/m
14072	M W Welmans	" 27th "	" 139	50 " 303
14073	W E Barker	" 29th "	" 905	100 " 303
				100 " shot gun
14074	J H Dicken	" 31st "	" 160	21 " shot gun
14075	H Engelbrecht	Aug 3rd "	" 140	50 " M H
14076	H F Vanver Merwe	" 5th "	" 41	50 " 303
14077	H Ghemann	" 5th "	" 89	300 " 12 bore shot gun
				500 " 22
				300 " 303
14078	P C T Duplessis	" 5th "	" 144	50 " shot gun
14079	J Chaw	" 5th "	" 64	100 " 256
				100 " shot gun
14080	J J Engelbrecht	" 7th "	" 140	50 " M H
				50 " 303
14081	C B Enslin	" 7th "	" 142	50 " 303
14082	I A Van Niekerk	" 9th "	" 82	50 " M H
14083	Z Enslin	" 10th "	" 142	50 " 79
14084	J E H Engelbrecht	" 12th "	" 160	200 " shot gun
14085	P W Jordaan	" 12th "	" 207	300 " 8 m/m
				100 " shot gun
				100 " 303
14086	G S Baker	" 12th "	" 64	100 " 256
14087	D G Botha	" 12th "	" 109	100 " 303
14088	J Van der Burg	" 14th "	" 51	500 " 5856 mailin
14089	S Wiliam	" 17th "	" 158	300 " 9 m/m

Permits for Ammunition issued at Uasin Gishu —(Contd)

No	To whom issued	Date of issue	Residence	Kind of ammunition
14090	L C A de Jager	Aug 17th, 1912	Farm 55	125 rounds 9 m/m 125 „ 8 m/m 125 „ 7 m/m 125 „ 6 m/m
14091	L C de Jager	Aug 17th, 1912	Farm 27	125 rounds 9 m/m 125 „ 8 m/m 125 „ 7 m/m 125 shot gun
14092	F R Van Niekerk	Aug 17th, 1912	Farm 82	100 rounds H M
14093	G H Dickens	„ 17th „	„ 160	500 „ 303
14094	J Kemp	„ 17th „	„ 68	50 „ 303
14095	J N J Roets	„ 17th „	„ 146	50 „ 303
14096	C T Cogle	„ 20th „	Uasin Gishu	100 „ 375 500 „ 12 bore shot gun
14097	R P MacDonald	„ 20th „	Farm 60	100 „ „
14098	C H Nourse	„ 20th „	„ 84	600 „ „
14099	J A Enslin	„ 21st „	„ 142	50 „ 8 m/m 50 „ 7 m/m
14100	D A Kidson	„ 22nd „	„ 83	100 „ 12 bore shot gun
18501	J J Engelbrecht	„ 23rd „	„ 134	50 „ M H
18502	W J Rait	„ 23rd „	Uasin Gishu	500 „ 303
18503	J P Nel	„ 24th „	Farm 140 A	50 „ M H
18504	J J Engelbrecht	„ 26th „	„ 79	500 „ 8 m/m
18505	H Engelbrecht	„ 26th „	„ 140	500 „ M H
18506	H S Rensburg	„ 26th „	„ 138	500 „ 303
18507	C J Van Vuuren	„ 28th „	„ 139	50 „ 303
18508	J B Nourse	„ 28th „	„ 84	100 „ 303 100 „ 12 bore shot gun
18509	C J Stieger	„ 28th „	„ 46 A	500 „ 450
18510	H Detort	„ 28th „	„ 2	20 „ shot gun 30 „ M H
18511	J J Detort	„ 28th „	„ 44	50 „ M H
18512	A P Stieger	„ 31st „	„ 46 A	50 „ 7 m/m
18513	J N O Mann	„ 31st „	„ 33	400 „ shot gun
18514	A Petters	„ 31st „	„ 178	50 „ 303
18515	M Madden	„ 31st „	„ 213	25 „ 303 25 „ M H 50 „ M H
18516	L J F Van Maltitz	Sept 5th „	Sergoit	50 „ 8 and 7 m/m
18517	L C A de Jager	„ 6th „	Farm 55	50 „ 9 m/m
18518	J A Fletcher	„ 7th „	„ 23	300 „ 303 200 „ shot gun 100 „ M H
18519	L Detort	„ 9th „	„ 34	100 „ M H
18520	A C Hoey	„ 9th „	Sergoit	To sell ammunition at his store known as Sergoi Store
18521	J J Klopper	„ 9th „	Farm 22	600 rounds shot gun
18522	E P H Paidoe	„ 9th „	„ 169	400 „ 410 bore 500 „ 318 200 „ Mauser 100 „ shot gun
18523	P G Potgieter	„ 12th „	„ 88	50 „ Mannlicher 65 50 „ 303
18524	S C Smith	„ 17th „	„ 136	100 „ shot gun 100 „ 303
18525	P Van Aardt	„ 17th „	„ 79	500 „ 303
18526	G B Nourse	„ 18th „	„ 84	300 „ 303 50 „ 303 300 „ shot gun
18527	P B Odendaal	„ 19th „	„ 43	400 „ 303 50 „ 303 200 „ 310 rifle 50 „ shot gun
18528	W J Stanley	„ 20th „	Uasin Gishu	300 „ 303
18529	D A Johnson	„ 21st „	Farm 230	50 „ 303
18530	Capt Jones	„ 21st „	Uasin Gishu	200 „ 310 rifle
18531	G G Emshe	„ 21st „	Farm 27	50 „ shot gun
18532	C H Nourse	„ 21st „	„ 84	300 „ 303
18533	J S Botha	„ 24th „	„ 153	50 „ 303
18534	T Hall	„ 24th „	„ 123	50 „ 303
18535	C J Joubert	„ 27th „	„ 18	50 „ M H
18536	A Merry	„ 27th „	Uasin Gishu	500 „ 303
18537	J P Prinsloo	„ 28th „	Farm 194	500 „ shot gun 50 „ 303
18538	P H Steyn	„ 28th „	„ 115	500 „ 303

Eldoret,

October 5th, 1912

N E F CORBETT,

District Commissioner.

UGANDA RAILWAY.**Catering Department****TENDERS FOR THE SUPPLY OF FRESH PROVISIONS**

Tenders are invited for the supply of Fresh Bread, Butter, Eggs (from Imported and Native Stock) Fruit, Meat, Live Sheep, Milk, Potatoes, (Table, Ration or Smalls, and Sweet) Assorted Vegetables and Onions, for the Refreshment Rooms for a period of six months from the 1st January, 1913

All deliveries to be made to the nearest Railway Station at such times, and in such quantities, as may be required by the Catering Manager

Forms of Contract can be obtained on application to the undersigned who will receive Tenders up to 4 o'clock p.m. on Friday, the 6th December, 1912

All tenders should be submitted in sealed envelopes marked "Catering"

The lowest or any Tender will not necessarily be accepted

Nairobi,

November 4th, 1912

G A STANLEY,

Traffic Manager

UGANDA RAILWAY**Christmas Holidays, 1912****EXCURSION FARES**

1 EXCURSION TICKETS will be issued as under in connection with the above Holidays —

(a) First, Second, and Intermediate Class Tickets, between Railway Stations, at Single Fare for the double journey, subject to the following minimum charge—
First Class Rs 6, Second Class Rs 4-50, and Intermediate Class Rs 3

(b) First and Second Class Tickets between Uganda Lake Ports only, and in through Bookings between Railway Stations and Uganda Lake Ports at Single Fare for the double journey, subject to the following minimum Charge—
First Class Rs 9, Second Class Rs 4-50

2 PERIOD OF ISSUE AND AVAILABILITY —

(a) Between Railway Stations tickets will be issued during the period 18th December, 1912 to 2nd January, 1913, both dates inclusive, the return journey to be completed not later than the 9th January, 1913

(b) Between Uganda Lake Ports and in through Bookings between Railway Stations and Uganda Lake Ports tickets will be issued during the period 13th December 1912 to 2nd January 1913, both dates inclusive, the return journey to be completed not later than the 9th January 1913

3 ROUND THE LAKE —By the round trip Steamer booked to leave Kisumu on the 20th December, 1912, via Southern Ports, First and Second Class Tickets will be issued for the round trip only, i.e., Kisumu to Kisumu, at half the ordinary fare. Passengers for this trip may also be booked through from any Railway Station by the train connecting with the Steamer, returning by the connecting train on arrival at Kisumu

4 INTENDING PASSENGERS should give the Station Master at starting Station twelve hours' clear notice of their intention to travel so that the necessary accommodation may be arranged. Passengers are also advised to book their luggage well in advance of the starting time of the train by which they travel

5 The First and Second Class accommodation on the Lake Steamers is limited, and bookings can only be arranged if berths are available

6 ADDITIONAL TRAINS will be run during these holidays if the traffic offering warrants same

Nairobi,

November 4th, 1912

G A STANLEY,

Traffic Manager

UGANDA RAILWAY.**Tenders**

Tenders are invited for the following —

100 Tons	Maize Flour
3 „	Crushed Maize

Delivery to be made in such quantities and at such times as may be required

Quotations must include bags and cost of delivery at Railway Stores, Nairobi

Sealed Tenders to be marked "Tenders for Maize" should reach the undersigned by 6th January, 1913.

Nairobi,

November 21st, 1912.

A WILLIAM REID,

Chief Storekeeper

UGANDA MARINE.

TIME TABLE No. 3.

Notice of Sailings, Lake Victoria Service.

PUBLIC NOTICE is hereby given that the present running of this Service will be continued according to the approximate Time Table given below —

ENTEBBE	PORT BELL	JINJA		BUKAKAFA	SANGO BAY		MJANJI		JINJA		PORT BELL	BUKAKAFA	ENTEBBE
Departure	Arr & Dep	Arr	Dep	Arr & Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr & Dep	Arr & Dep	Arr
1912 Friday 6 December													
Wednesday 11 do	Wed 11 Dec	Wed 11 Dec	Thur 12 Dec	Fri 6 Dec	Fri 6 Dec	Sun 8 Dec					Thur 12 Dec	Sun 8 Dec	Sun 8 Dec
Friday 13 do				do 13 do	do 13 do	do 15 do						do 15 do	Thur 12 do
Wednesday 15 do	Wed 18 do	Wed 18 Dec	do 19 do				Thur 19 Dec	Fri 20 Dec	Fri 20 Dec	Sat 21 Dec	Sat 21 do	do 21 do	Sun 15 do
do 22 do	do 25 do	do 25 do	do 26 do	do 27 do	do 27 do	do 29 do					Thur 26 do	do 29 do	Sat 21 do
Friday 7 do													Thur 26 do
1913 Wednesday 1 January	Wed 1 Jan	Wed 1 Jan	do 2 Jan	do 3 Jan	do 3 Jan	do 5 Jan					do 2 Jan	do 5 Jan	Sun 29 do
Friday 3 do													Thur 2 Jan

N. B.— Sailings on Wednesdays from Entebbe are in connection with Steamers on Lake Kioga.

Sailings from Entebbe and Jinja are at 4 p.m. unless special notice is given.

First class accommodation on the steamer is limited and berths can only be reserved if available.

* Sails only when sufficient cargo inducements offer.

TIME TABLE No. 4.

Notice of Sailings, Lake Kioga and Nile Service.

KAKINDU	MASINDI POPT	MAKOMA	TAKLEFWANTA	BULULU & BUGONDO	SANYBWE	LALI & KALI	KAKINDU
Departure	Arr & Dep	Arr & Dep	Arr & Dep	Arr & Dep	Arr & Dep	Arr & Dep	Arr & Dep
Thursday 12 December	Friday 13 December	(b) Saturday 14 December		Friday 20 December	Saturday 21 December		Monday 16 December
do 13 do				Sunday 21 do			Sunday 22 do
(a) Monday 23 do				Sunday 29 do			Wednesday 25 do
Thursday 26 do	do 27 do		(b) Friday 27 December	Friday 7 January		Friday 5 January	Monday 30 do
do 2 January				Sunday 7 do			Sunday 30 January
Monday 6 do							Wednesday 9 do

(a) Sails only when sufficient cargo inducements offer.

(b) Steamers run through to these ports only when inducements offer and due notice is given.

N. B.— Arrangement will be made to call at all intermediate ports when cargo offers and due notice is given to Marine Office, Kakindu.

Sailings from Kakindu on Thursdays are about 3 p.m. or on the arrival of the passenger train from Jinja.

First class accommodation on the steamers is limited and berths can only be reserved if available.

Uganda Marine Office,
Entebbe, 4th November, 1912

Printed by the Govt. Printer, Nairobi

H HUTCHINSON,
Commander, R N R,
Superintendent of Marine.