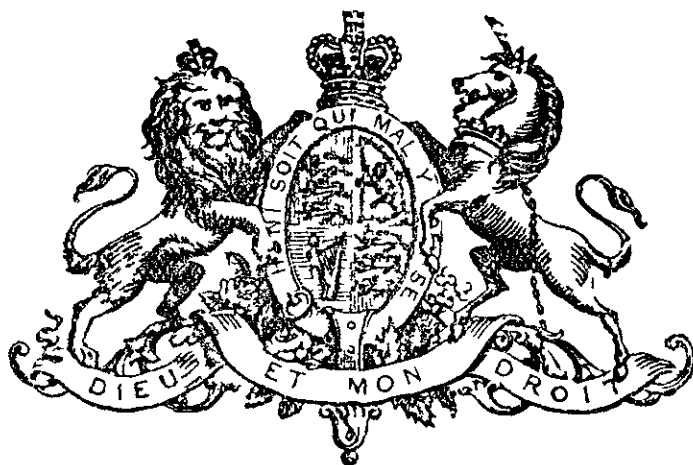


# THE OFFICIAL GAZETTE OF THE

EAST AFRICA



PROTECTORATE

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

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## TABLE OF CONTENTS.

	Page.
An Ordinance to Prevent the Introduction of Disease into the East Africa Protectorate	1005
An Ordinance to enable the Governor to issue Commissions of enquiry with special powers	1006
An Ordinance to Confer Powers on the Government to Lay Sewers, Drains and Water Pipes in Private Lands	1008
Proclamation under the East Africa Outlying Districts Ordinance, 1902	1009—1013
Rules under the East Africa Townships Ordinance, 1903	1013
Notice under the East Africa Marriage Ordinance, 1903	1014
Law and Swahili Examination, Notice <i>re</i>	1015
Appointments under the Village Headmen Ordinance, 1902	1015
Appointments	1015
Values fixed for purposes of Export Duty for the period, January to March, 1913	1016
Tenders for provisions, Government School	1016
Trade Marks, Notice <i>re</i>	1016
High Court Vacation, Notice <i>re</i>	1016
Police Examination Result of	1017
Currency Board Notices, <i>re</i> lost Notes	1017
Examination for the Civil Service of India, Notice <i>re</i>	1017
Vaccination Ordinance, 1912 Notice under	1018
Corrigenda	1018
Registration of Portuguese Subjects, Notice <i>re</i>	1018
Probate and Administration ( Cause No 5 of 1912 )	1019
"      "      "      ( "      "      12      "      "      )	1019
"      "      "      ( "      "      19      "      "      )	1019
"      "      "      ( "      "      37      "      "      )	1019
"      "      "      ( "      "      54      "      "      )	1019
"      "      "      ( "      "      81      "      "      )	1020
"      "      "      ( "      "      82      "      "      )	1020
"      "      "      ( "      "      84      "      "      )	1020
"      "      "      ( "      "      115      "      "      )	1020
"      "      "      ( In the matter of Jaffer Khan s/o Falleh Khan, deceased )	1021
Sittings of the High Court, Notice <i>re</i>	1021
Arrivals and Departures	1022
Whitlark, King and Co, in Liquidation, Notice <i>re</i>	1022
G P Stevens, Advocate and Solicitors—Business in future to be styled Stevens and Kendall	1022
Dissolution of Partnership—Penton and Bunbury	1022
List of Newspapers and Magazines received without address at Mombasa and Nairobi	1023
Post Offices during the month of November, 1912	1025
Rates of Subscription to "Official Gazette"	1026
East Africa Protectorate Currency Board	1027—1030
Currency Board—Cancellation of Notes, Notice <i>re</i>	1031—1036
Customs Returns for month of October, 1912	1037—1042
List of Licences and Permits issued at different districts throughout the Protectorate for quarter ended 30th September, 1912	1037—1042
<b>UGANDA RAILWAY</b>	
Uganda Railway—Christmas Holidays, 1912—Excursion Fares	1043
"      "      —Nairobi and Mombasa—Dates, Goods Sheds will be open for public business	1043
"      "      —Maine—Rate Circular No 2 of 1912	1044
"      "      —Approximate Statement of Public Coaching and Goods Traffic for the month of November, 1912	1044
Shipping Report for month of November 1912	1045

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 27 of 1912

An Ordinance to Prevent the Introduction of  
Disease into the East Africa Protectorate.

[11th December, 1912]

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

Short Title	1 This Ordinance may be cited as “The Quarantine Ordinance, 1912
Power to make Regulations	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
Officers to be appointed	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
Authority to provide Sanitary stations and to appoint sanitary anchorages	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
Regulations to be published in the Gazette	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
Penalty for contravention of Regulations	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
Repeal. Proviso	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

## AN ORDINANCE

No 28 of 1912

## An Ordinance to enable the Governor to issue Commissions of inquiry with special powers.

[11th December, 1912]

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

1 This Ordinance may be cited as “The Commissions of Inquiry Ordinance 1912” Short Title

2 It shall be lawful for the Governor, whenever he shall deem it advisable, 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. Power to issue commissions of inquiry into matters of public nature, &c

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. Particulars of 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. Mode of holding inquiry and as to preservation of order

5 It shall be the duty of each Commissioner appointed under this Ordinance to make and subscribe an oath in the form in the Schedule hereto, 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. Power to appoint fresh Commissioners and to alter and revoke commissions

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. Commissions not affected by change of Governor

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. As to oath of office by Commissioners

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. Power to appoint secretary—his duties

Duties of Commissioners defined

Division of opinion of Commissioners

Commissioners' power for regulating proceedings

9 The Commissioners 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 or fabricating false 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

Expenses of witnesses

Penalty for contumacy, insult or interruption of proceedings

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 an 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

Police Officers 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 As to proceedings for penalties

### Schedule

#### Form of Oath to be Taken by a Commissioner.

I, \_\_\_\_\_, having been appointed under a Commission dated the \_\_\_\_\_ day of \_\_\_\_\_ 191 \_\_\_\_\_ issued by the Governor to be a Commissioner to enquire into the matters specified in the said Commission, do swear that I will faithfully, fully, impartially, and to the best of my ability discharge the trust, and perform the duties devolving upon me by virtue of the said Commission

So HELP ME GOD

\_\_\_\_\_  
Commissioner

#### Summons to Witness

To A B (name of person summoned, and his calling and residence, if known)

You are hereby summoned to appear before 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 \_\_\_\_\_

### AN ORDINANCE

No 29 of 1912

#### An Ordinance to Confer Powers on the Government to Lay Sewers, Drains and Water Pipes in Private Lands

[11th December, 1912]

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

1 This Ordinance may be cited as "The Wayleaves Ordinance, 1912" Short title

2 (1) The Government may carry any sewer, drain or water pipe into, through, over or under any lands whatsoever. Provided, however, the Government shall not be entitled under this Section to interfere with any existing building Power to carry sewers, drains or water pipes through any land

(2) The Government shall, one month at least before carrying any sewer, drain or water pipe into, through over or under any private land without the consent of the owner of such land, give notice of the intended work either by notice in the 'Gazette,' or in such other manner as the Governor may in any case direct. Such notice shall describe the nature of the intended work and shall name a place where the plan of the intended work is open for inspection at all reasonable hours, and a copy of such notice shall either be served on every person Notice to be given before exercising powers over land without the consent of the owner

- resident in the Protectorate, whose place of residence is known, and who is known or believed to be the owner of any private land through, over or under which it is intended that any sewer, drain or water pipe shall be carried, or shall be posted in a conspicuous position on such land
- Owners may lodge objection to intended works (3) If any owner, lessee, or occupier of any private land through, over or under which it is intended that any sewer, drain or water pipe shall be carried, objects to the intended work and serves notice in writing of such objection at the office of the District Commissioner of the District in which such land is situate at any time within the said month, the intended work, in so far as it affects the land of the person serving such notice of objection, shall not be commenced without the sanction of the Governor
- Governor may direct enquiry (4) The Governor may appoint such person or persons as he may think fit to make enquiry on the spot into the propriety of the intended work, and into the objections thereto, and to report to the Governor on the matters with respect to which such enquiry was directed, and on receiving the report of such person or persons may make an order disallowing or allowing, with such modifications (if any) as he may deem necessary, the intended work
- Compensation etc 3 The Government shall make good all damage done and shall pay compensation to the owner of any tree or crops destroyed or damaged in the execution of any power by this Ordinance conferred. In the event of disagreement as to the amount of the compensation to be paid or as to the person entitled to receive compensation, any person interested may apply to the District Commissioner who shall award to the person entitled to receive compensation such compensation as he thinks reasonable. Such award, subject to appeal to the Provincial Commissioner, shall be final
- Power to enter lands at any time for the purposes of the Ordinance 4 Any person in the service of the Government and any contractor executing any work for the Government, together with his agents and servants may at any time enter upon any land for the purpose of surveying, setting out and marking the line of any intended sewer, drain, or water pipe or for the purpose of inspecting, repairing, removing, relaying or cleansing any sewer, drain or water pipe, the property of the Government, or for any other purpose under this Ordinance
- Penalty for unauthorised building over sewers, drain or water pipes 5 Any person, who, without the consent of the Director of Public Works (which consent shall not be unreasonably withheld), shall cause any building to be newly erected over any sewer, drain or water pipe, the property of the Government, shall be liable to a fine of seventy-five rupees and a further fine of thirty rupees for every day during which the offence is continued, after written notice on that behalf from the Director of Public Works, the Director of Public Works may cause any building erected in contravention of this Section to be altered, demolished or otherwise dealt with as he may think fit, and may recover any expense incurred by the Government in so doing from the offender
- Interpretation 6 In this Ordinance the term "private land" shall not include any land sold or leased under the Crown Lands Ordinance, 1902, or under any Ordinance which may hereafter be substituted therefor

## PROCLAMATION.

### Under The East Africa Outlying Districts Ordinance, 1902

In exercise of the powers conferred upon me by the East Africa Outlying Districts Ordinance, 1902, I, Henry Conway Belfield, C.M.G., Governor of the East Africa Protectorate, do hereby declare those Districts or parts of Districts in the Ukamba Province hereinafter defined to be Closed Districts for the purpose of the aforesaid Ordinance. The Proclamation dated June 18th, 1906, under the above Ordinance, in so far as the said Proclamation relates to the Kikuyu Native Reserve and Kitui, and the Proclamation dated February 26th, 1910 are hereby cancelled

Nairobi,

Dated this 11th day of December, 1912

H. C. BELFIELD,

Governor.

## Schedule

## DESCRIPTION OF THE BOUNDARIES OF KIKUYU NATIVE RESERVE.

## AREA No 1

Commencing at a point on the Chania River and the North-westerly corner of Farm No 295, thence bounded by the general Westerly boundaries of Farms Nos 295, 290, 291, 294 to the Theta River,  
 thence by the Theta River up stream to the North-westerly corner of Farm No 247,  
 thence by the general Westerly boundaries of Farms Nos 247, 244, 115, 114, 113, 101, 98, 99 to the Kamiti River,  
 thence by the Kamiti River down stream to the North-westerly corner of Farm No 97,  
 thence by the Westerly boundary of that Farm to the Kiu River,  
 thence by the Kiu River down stream to the North-westerly corner of Farm No 88,  
 thence by the Westerly boundaries of Farms Nos 88, 79 to the Riara River,  
 thence by the Riara River up stream to the North-westerly corner of Farm No 81,  
 thence by the Westerly boundary of Farm No 81 to the Gatharami River,  
 thence by the Gatharami River up stream to the North-west corner of Farm No 86,  
 thence by the Westerly and Southerly boundary of Farm No 86 to the North-west corner of Farm No 85,  
 thence by the general Westerly boundaries of Farms Nos 85, 22, 21, 18, 16 to the Northerly boundary of Farm No 15,  
 thence by the Northerly and Westerly boundaries of Farm No 15 and the Westerly boundary of Farm No 12 to the Getathuru River,  
 thence by the Getathuru River up stream to the North-westerly corner of Farm No 189,  
 thence by the Westerly boundary of Farm No 189 to its South-westerly corner on the Uganda Railway,  
 thence by the Uganda Railway towards Limoru to the South-easterly corner of Farm No 180,  
 thence by the general Easterly boundaries of Farms Nos 180, 179 and the Northerly boundary of Farm No 179 to the Uganda Railway and the North-westerly corner of that Farm,  
 thence by the Uganda Railway towards Limoru to the South-westerly corner of Farm No 171,  
 thence by the general Easterly and South-easterly boundaries of Farms Nos 171, 162, 164, 170, 169, 168, 153, 152, 132, 245, 134, 130, 129 and 126 to the North-easterly corner of Farm No 126 on the Kamiti River,  
 thence by the Kamiti River up stream to its intersection with the Easterly boundary of Farm No 240 and the most Westerly corner of Farm No 144,  
 thence by the Easterly boundary of Farm No 240 to the Forest Reserve Beacon on the Easterly boundary of that Farm,  
 thence by the Forest Reserve boundary to the Chania River,  
 thence by the Chania River down stream to the point of commencement

Excepting the following areas which are to be excluded from the above Area No 1,—Farms Nos 236, 1150, 1064, 1065, 1066, 1125, 992, 187, 188, 190, 225, 226, 227, 228, 229, 230, 1327, 1321, 234 and Mangu Mission area

## DESCRIPTION OF THE BOUNDARIES OF KIKUYU NATIVE RESERVE

## AREA No 2

Commencing at the most Easterly corner of Farm No 378, thence bounded by the general Easterly boundaries of Farms Nos 378, 367, 374, 368, 373, 371, 370, and 369 to its most Southerly corner,  
 thence by a line North-easterly to a beacon overlooking the Kedong Valley,  
 thence by a beaconsed line to a point almost due West of the South-westerly corner of Farm No 197,  
 thence by a line to the South-westerly corner of that Farm,  
 thence by the Westerly boundary of that Farm to its North-westerly corner,  
 thence by the general Northerly boundaries of Farms Nos 197, 196, 195, 1128, 1008 to the Forest Reserve on Mtoni River,  
 thence by the general Northerly boundary of the Forest Reserve to its intersection by the Nairobi-Ngong Road,  
 thence by that Road until it joins the Nairobi-Dagoretta Road on the Western boundary of Farm No 330,  
 thence by the general Westerly boundaries of Farms Nos 330, 4, 5 to the most Westerly corner of Farm No 5,  
 thence by a line Northerly to Tel Post 331/10 on the Uganda Railway,  
 thence by the Uganda Railway to the most Westerly corner of Farm No. 183,

thence by the Northerly, Easterly, and Southerly boundaries of that Farm to the Nairobi River,  
 thence by the Nairobi River down stream to the most Easterly corner of Farm No 1004,  
 thence by the general Southerly boundaries of Farms Nos 1004, 186, 185, to the most Southerly corner of Farm No 185,  
 thence by the general Westerly boundaries of Farms Nos 185, 1057, 1049, to the Westerly corner of Farm No 1049,  
 thence by the general Northerly boundaries of Farms Nos 1049, 181, 178, and the general Westerly boundaries of Farms Nos 177, 176, 175, 1059, 173, to the most North-westerly corner of the latter and Southerly corner of the Forest Reserve,  
 thence by the Forest Reserve boundary to the most Easterly corner of Farm No 378 and point of commencement,  
 Excepting the following areas which are to be excluded from the above Area No 2 — Farms L O Nos 1429, 1127, 1322, 1058, 232, 233, Forest Reserve Area No 1 as published in the "Official Gazette," August 15th, 1912, page 543

#### DESCRIPTION OF THE BOUNDARIES OF KIKUYU NATIVE RESERVE

##### AREA No 3

Commencing at the North-westerly corner at Forest Reserve Beacon No 84 thence through Forest Reserve Beacons 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101 and 102 to Beacon 84, the point of commencement

#### DESCRIPTION OF THE BOUNDARIES OF KIKUYU NATIVE RESERVE

##### AREA No 4

Commencing at Forest Reserve Beacon No 41 on the Northerly boundary of L O No 366, thence bounded by a beaconsed line in a Northerly direction through Beacons 40, 34, 33, 32, 31, 30, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 11a, 11, 10, 9, 8, 7, 6, 5, 4, to the Southerly boundary of L O 388, thence by that Farm boundary to Beacon 3, thence to Beacon 2 on the Matathia River, thence by the Matathia River down stream to Beacon 1 on the Uganda Railway, thence by the Uganda Railway to Beacon 63, thence by beaconsed lines in a general Southerly direction through Beacons 62, 61, 60, 59, 58, 57, 56 to 55 on a Native track, thence by that track to Beacon 54, thence by a beaconsed line North-easterly to Beacon 54a, thence by a beaconsed line Southerly through Beacons 54b, 69, 68, 67, 66, 65, 64 to the Uganda Railway, thence by the Uganda Railway to the Westerly boundary of L O, 366, thence by the Westerly and Northerly boundaries of that Farm to the point of commencement

#### DESCRIPTION OF THE BOUNDARIES OF KIKUYU NATIVE RESERVE

##### AREA No 5

Commencing at Forest Reserve Beacon No 77 on the Westerly boundary of L O 241 thence bounded by a beaconsed line through Beacons 76, 75, 74, 73, and 72 on the Issanj River, thence by the Issanj down stream to the Westerly boundary of L O 241, thence by the Westerly boundary of that Farm through Beacon 83 to Beacon 82 thence by a beaconsed line through Beacons 81, 80, 79, to 78 on the Westerly boundary of the above Farm, thence by the Westerly boundary of that Farm to the point of commencement

#### DESCRIPTION OF THE BOUNDARIES OF MACHAKOS (ULL) NATIVE RESERVE

Commencing at the North-eastern corner of L O 1758, thence bounded by the general Easterly boundaries of Farms L O 1758, 1757, 1756, 1755, 1754, 1751, 1743, 1696, 1742, 1741, 1740 to the most Easterly corner of Farm L O 363,  
 thence by a line Northerly to the most Easterly corner of L O 362 *ie* Southerly corner of L O 1491 on the Muvongoni River,  
 thence by the Easterly and Northerly boundaries of L O 1491 to the Muvongoni River,  
 thence by that River up stream to the South-easterly corner of L O 1420,  
 thence by the general Easterly boundaries of L O 1420, 1423, 360, 361 to the Northerly corner of L O 361,  
 thence by a line Northerly to Koma Rock,  
 thence by a line North-easterly to the most Southerly corner of L O 1530,  
 thence by the South-easterly boundary of that Farm to its South-easterly corner,  
 thence by a line to the source of the Mutwoyi River,  
 thence by the Mutwoyi down stream to its junction with the Athi River,  
 thence by the Athi down stream to its junction with the Thwake River,  
 thence by the Thwake up stream to its junction with the Kaiti,  
 thence by a line South-westerly to Mathemba Hill,

thence by a line South-westerly to 'Mupau Hill,  
thence by a line direct to the source of the Chunyu Stream,  
thence by the Chunyu down stream to its junction with the Kiangini Stream,  
thence by the Kiangini up stream to its junction with the Punguu Stream,  
thence by the Punguu up stream to its source near Ithumba Hill,  
thence by a line to the peak on Ithumba Hill,  
thence by a line Westerly to a point South-east of Matha Hill where a dry water-course joins  
the Kioyi or Mukuyu River,  
thence by the Kioyi up stream to its junction with the Mwatine River,  
thence by the Mwatine River up stream to a point South-east of Muani Hill  
thence by a line North-west to the point of commencement (the beacon on Muani Hill and the  
North-eastern corner of L O 1758 )

DESCRIPTION OF THE BOUNDARIES OF KITUI NATIVE RESERVE

Commencing at the summit of Karkindu Hill, thence bounded by a line North-easterly to  
Makambani Hill,  
thence by a line North-easterly to Ngamba Hill,  
thence by a line North-westerly to Ukazzi,  
thence by a line North-westerly (crossing the rivers Uthunguthia and Sungula at points  
about one-fourth of a mile West of their junction) to the Tana River,  
thence by the Tana River up stream to its junction with the Tyaa River,  
thence by the Tyaa River up stream to its intersection with the Mumoni Road,  
thence by a line Southwards—generally along the Mumoni Road—to the Muguthu Hills,  
thence by a line South-westerly to the Lutuni Hills,  
thence by a line South-westerly to the most Southerly tributary of the Kithnoka River,  
thence by that tributary up stream to a point due South of the junction of the Tana and Tyaa  
Rivers,  
thence by a line South-westerly to the intersection of the Kitui-Embu Road and the Tiva  
River,  
thence by the Tiva River to its intersection by the Kitui-Machakos Road,  
thence by that Road to its intersection with the Chano River,  
thence by a line South-westerly to a point about 4 miles East of the cableway on the Athi  
River and Machakos-Kitui Road,  
thence by a line due East to the Tiva River,  
thence by the Tiva River down stream to a point almost due West of Karkindu Hill,  
thence by a line Easterly to the point of commencement

PROCLAMATION.

The East Africa Outlying Districts Ordinance, 1902

In exercise of the powers conferred upon me under the East Africa Outlying Districts Ordinance, 1902, I, Charles Calvert Bowring, C M G, do hereby declare the trade centres and trade roads mentioned in the Schedule hereto attached and which are located in the Province of Kenya to be excluded from the provisions of the above-noted Ordinance

Nairobi,  
Dated this 3rd day of December, 1912

C · C BOWRING,  
Deputy Governor

Schedule  
Trade Centres  
KENYA PROVINCE

Name of Trade Centre	Situation	Rough extent
Embu District		
Kutu's	Ziba River bridge on the main Fort Hall Embu road, about 9½ miles W of Embu Station	50 acres
Kabugwa	In Kichugu on the Mukengeria and Kabugwa Rivers, about 15 miles from Embu Station	32½ acres

**Trade Roads**

## KENYA PROVINCE

District, Name of road	Names of villages, etc , thro' which the road passes or with which it communicates	Extent
Embu	Chief Kutu's and Sub-Chief Katubiri's	About six miles

**RULES.**

Issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance, 1903

Nairobi,

Dated this 7th day of December, 1912

C C BOWRING,

*Deputy Governor*

1 In these Rules the words "owner" and "occupier" shall have the same meaning as in the Township Fees and Conservancy Ordinance, 1908

2 The occupier of any building or premises shall provide and maintain to the satisfaction of the Town Clerk, a receptacle for ashes and other non-liquid refuse, of a sufficient size, of a capacity not less in any case than 6 cubic feet, constructed of galvanised iron and fitted with handles on each side. Provided that in the case of any house occupied by more tenants than one the owner shall be deemed to be the occupier for the purposes of these Rules

3 No offensive dangerous or liquid matter shall be placed in any receptacle provided under the foregoing Rule

4 The occupier of any premises upon which is produced refuse which in the opinion of the Town Clerk is of a quantity too great for deposit in such receptacles as are above provided for, or any manure or trade effluent, shall daily cause the same to be removed to the Municipal dumping ground, or to such other place as may be approved by the Town Clerk or the Town Clerk may remove and dispose of such refuse manure or effluent if so requested by such occupier on payment by him of a sum in accordance with a tariff to be fixed from time to time by the Municipal Committee, and such occupier shall in that case pay such sum on demand

No person shall remove or upset or overturn any public receptacle for refuse

6 Any person contravening or failing to comply with any of the provisions of the foregoing Rules shall be liable on conviction to a fine not exceeding Rs 40/- or in default of payment thereof to imprisonment for a period not exceeding 28 days

7 Offences against Rule 5 hereof shall be cognisable by the Police

8 These Rules shall apply to the Township of Nairobi

9 Rules 16 to 20 inclusive of Nairobi Township Rules, No 3 of 1905, are hereby repealed

**RULES**

Issued by His Excellency the Governor of the East Africa Protectorate under the East Africa Townships Ordinance 1903

Nairobi,

Dated this 14th day of December, 1912

H C BELFIELD,

*Governor.*

1 The Municipal Committee shall have power to prescribe by public notification the hours within which animals may be slaughtered at the Slaughter House and the hours for inspection of carcasses and no animals shall be there slaughtered except within the hours so notified



2 No carcase and no portion of any carcase (except hides and bones) shall be removed from the Slaughter House or sold or exposed for sale until it has been inspected by the Meat Inspector and either a certificate has been issued of its fitness for human consumption, or an order made by the Meat Inspector for its disposal and any person dealing with any carcase or portion of a carcase in respect of which such an order shall have been made so as to contravene the terms of such order shall be guilty of an offence against this Rule

3 No animal shall be slaughtered for meat within the Township except at the Slaughter House unless with the written permission of the Town Clerk

4 The Medical Officer of Health or any duly authorised servant of the Municipal Committee shall at all times have free access for the purpose of inspection to any portion of any premises licensed under Township Rules for the sale of meat and if he shall find in any such premises any carcase or part of a carcase which is diseased, unsound or unwholesome or unfit for human consumption, he may forthwith seize and carry away or cause to be seized and carried away such carcase or part and direct the same to be destroyed or disposed of as he shall think fit, and the Town Clerk may at his discretion suspend or cancel the licence in respect of such premises

5 No person suffering from an infectious or contagious disease shall enter the Slaughter House or be employed in any butcher's shop or stall or handle any carcase or meat intended or exposed for sale

6 No person shall use as a sleeping apartment any room, stall or shop where any carcase or meat intended for sale is kept

7 All meat slaughtered outside the township area and brought inside the said area for sale for human consumption shall be conveyed for examination to the Slaughter House, and shall not be sold or exposed for sale until it has been certified by the Meat Inspector as fit for human consumption

8 Fees for inspection of meat shall be payable as follows —

For sheep, goats, gazelles, swine per carcase 25 cents

For oxen and other animals not mentioned above per carcase Re 1/-

For the purpose of these Rules the word "Ox" signifies and includes any head of horned cattle

9 All Slaughter House fees shall be payable in advance at the Municipal Offices, and the Meat Inspector shall have power to refuse to certify any carcase in respect of which the prescribed fees shall not have been so paid

10 Any person who shall contravene or fail to comply with any of the provisions of the foregoing Rules, shall be liable on conviction to a fine not exceeding Rupees 200 and on default in payment thereof, to a period of imprisonment of either description not exceeding 30 days

11 In these Rules the words "Slaughter House" shall mean the premises set apart for the purposes of a slaughter house by the Municipal Committee, and the words "Meat Inspector" shall mean the person employed by the said Committee to act as Meat Inspector or other qualified person authorised by them to act in that behalf

12 Rules 22 to 34 inclusive of Nairobi Township Rules No 5 of 1905, and Township Rules dated 24th September, 1909, are hereby repealed

13 These Rules shall apply to the Township of Nairobi and shall come into force on the 1st day of January, 1913

## NOTICE

### Under the East Africa Marriage Ordinance, 1902

In exercise of the powers conferred upon me by Section 4 of the East Africa Marriage Ordinance, 1902, I, Charles Calvert Bowring, C.M.G., Deputy Governor of the East Africa Protectorate, do hereby appoint John Clifton Shaw to be Deputy Registrar of Marriages for the Uasin Gishu District

Given under my hand this 4th day of December, 1912

C C BOWRING,  
Deputy Governor.

**NOTICE****Law and Swahili Examination**

The next Law Examination will be held on the 4th, 5th and 6th of February, 1913. The Higher Standard Swahili Examination will be held on the 7th of February, and the Lower Standard on the 8th of February, 1913.

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

Nairobi,  
December 9th, 1912

C C BOWRING,  
*Chief Secretary*

**NOTICE****Nyanza Province.**

The following is hereby appointed Chief under the provisions of the Village Headmen Ordinance, 1902

Name	Rank	Location	District	Remarks
Mnubi s/o Amonyo	Chief	South Maragoli	Kisumu	In place of Mfogo retired owing to ill-health

Nairobi,  
December 3rd, 1912

C C BOWRING,  
*Deputy Governor*

**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 Eldoret in the Province of Naivasha

JOHN CLIFTON SHAW, Esq

HIS Excellency the Governor has been pleased to make the following appointments —

SIDNEY LAN FORD HINDE, Esq Provincial Commissioner, Ukamba Province to be a member of the Central Prisons Board *vice* the Hon C W HOBLEY, C M G, Provincial Commissioner, Seyidie

To be Acting District Commissioner, Shimoni,  
HAROLD CECIL GILES, to date October 12th, 1912

To be District Commissioner, Kismayu,  
The Hon KENNETH ROBERT DUNDAS, to date OCTOBER 26th, 1912

To be District Commissioner, Tana River,  
RALPH RANGABI FELIX HENRY SKENE, to date November 18th, 1912

To be Assistant District Commissioner, Tana River,  
HUGH CHARLES CUMBERBATCH, to date December 5th, 1912

To be Acting District Commissioner, Meru,  
WILLIAM ARTHUR FRANK PLATTS, to date November 25th, 1912

To be District Commissioner, Kyambu,  
FRANCIS WHITMORE ISAAC, to date December 3rd, 1912

To be Acting Registrar of the High Court, Acting Registrar of Joint Stock Companies Acting Secretary under Inventions and Designs Act, during the temporary absence of MR W S WRIGHT,  
JOHN WILSON HENRY PARKINSON, to date December 16th, 1912

SECRETARIAT, NAIROBI,  
December 15th, 1912

C C BOWRING,  
*Chief Secretary.*

**NOTICE**

The following are the values fixed for purposes of Export Duty on the respective articles named for the period from 1st January 1913 to 31st March, 1913 —

Rubber	Rs 65 per frasila of 36 lbs
Hides —	
Calf No 1 }	
do No 2 }	„ 20 „ „ „
Goat Skins	„ 15 „ corja of 20 pieces
Kid Skins	„ 15 „ „ „ „ „
Sheep Skins	„ 7 „ „ „ „ „
Tortoise Shells	„ 5 to Rs 20 per lb
Hippo Teeth	„ 36 per frasila of 36 lbs
Rhino Horns	„ 135 „ „ „
Gum Copal, (Sorted)	„ 20 to 30 „ „
do „ (Mixed)	„ 9 to 18 „ „
do „ (Siftings)	„ 2 to 6 „ „
do Red No 1	„ 20 to 30 „ „
do „ No 2	„ 10 to 20 „ „

Custom House,  
Mombasa, 11th December, 1912

F W MAJOR,  
*Chief of Customs*

**TENDERS.**

Tenders are required for the supply of provisions as below, and also for groceries of all kinds, for a period of three months from January 6th, 1913, next for the Government School Nairobi. Quotations (which should include delivery Nairobi) should reach the undersigned not later than December 30th, 1912

Milk	7 gallons	per day
Meat	38 lbs	„
Bread	48 „	„
Butter	25 „	per week
Potatoes	3 loads	„
Vegetables	165 lbs	„
Fuel	4 tons	per month

The lowest or any tender will not necessarily be accepted

J R ORR,  
*Director of Education*

**NOTICE.****Trade Marks**

To all whom it may concern

Take notice that from and after the 1st day of January, 1913, the notice in the above connection, published in the 'Gazette' of the 1st July, 1909, page 295, will cease to apply and the said notice will stand cancelled as from the said 1st day of January, 1913

Approved,  
C C. BOWRING,  
*Deputy Governor*

December 2nd, 1912

W S WRIGHT,  
*Secretary,  
Invention & Designs.*

**NOTICE.**

1 The Vacation will commence on the 20th day of December, 1912, and will terminate on the 31st day of January, 1913

2 During the Vacation the High Court at Mombasa will only sit for the transaction of business of an urgent nature

3 During the Vacation the Town Magistrates of Mombasa, Nairobi, Nakura and Lamu will only hear Police Cases and Civil Cases of an urgent nature or those in which Pleaders are not engaged

Mombasa,  
10th December, 1912

WARREN S WRIGHT,  
*Registrar, High Court.*

**NOTICE****Police Examination**

The undermentioned Non-Commissioned Officers have passed the examination for promotion held on the 26th and 27th of November, 1912 —

Assistant Inspector	H B Smeeton,	(with distinction)
„	„	F Roberts, (with distinction).
„	„	P Findlay
„	„	B O Driscoll

**CURRENCY BOARD.**

Notice is hereby given that the left-hand half of Currency Note No  $\frac{A}{1}$  05979 for Rs 50 has been presented to the Currency Commissioners for payment by B Romagnoli, Nairobi, who has certified that the other half of the said note was lost whilst in his possession. Any person claiming to be entitled to payment in respect of the said half note, should communicate forthwith with the Currency Commissioners. In the absence of any such claim being established within three months of this date, payment of the said half note will be made to the said B Romagnoli, Nairobi, and the half note will be cancelled.

Mombasa,  
November 30th, 1912

J W H PARKINSON,  
*Currency Commissioner*

Notice is hereby given that the right-hand half of Currency Note No  $\frac{A}{1}$  73480 for Rs 10 has been presented to the Currency Commissioners for payment by the Assistant Superintendent of Police, Nairobi. Any person claiming to be entitled to payment in respect of the said half note, should communicate forthwith with the Currency Commissioners. In the absence of any such claim being established within three months of this date, payment for the said half note will be made to the said Assistant Superintendent of Police, Nairobi, and the half note will be cancelled.

Mombasa,  
6th December, 1912

J W. H. PARKINSON,  
*Currency Commissioner.*

**NOTICE.****Examination for the Civil Service of India.**

An open Competitive Examination for admission to the Civil Service of India will be held in London commencing on the 1st August, 1913.

The number of persons to be selected at this Examination will be announced hereafter.

No person will be admitted to compete from whom the Secretary, Civil Service Commission, has not received on or before the 2nd June, 1913, an application on the prescribed form. No allegation that an Application Form or a letter respecting such Form has been lost or delayed in the post will be considered by the Commissioners unless the person making such allegation produces a Post Office Certificate of posting. Candidates, who delay their applications until the last days, will do so at their own risk.

Acknowledgments of such Application Forms are sent, and any Candidate who has filled up and returned the printed Application Form but has not received an acknowledgment of it within four complete days should at once write to the Secretary, Civil Service Commission, Burlington Gardens, London, W. Failure to comply with this provision will deprive the Candidate of any claim to consideration.

The Order for admission to the Examination will be posted early in July, 1913, to the address given on the Form of Application. It will contain instructions as to the time and place at which Candidates will be required to attend and as to the manner in which the fee (£6) is to be paid.

Civil Service Commission,  
October, 1912,

Regulations, Syllabus of Examination and Form of Application can be had on application to the Secretariat, Nairobi.

**NOTICE.****The Vaccination Ordinance, 1912**

Under Section 5 of the Vaccination Ordinance, 1912, it is hereby notified for general information that vaccination will be performed daily at the Native Civil Hospital, Nairobi, between the hours of 2 p m and 4 p m, Sundays excepted

**CORRIGENDA.**

The following numbers of cancelled notes published in the "Official Gazettes" dated November 1st and November 15th, 1912, should read as follows and not as shown —

Page 760, Column 4, for No 01984 read 01684.

Page 944, Column 2, insert No 18606 after 18603

Page 945, Column 6, for No 24382 read 24082

The following number of a cancelled note published in the "Official Gazette" dated 1st December, 1912 —

Page 993, Column 5, No 27115 should read 27151

"Official Gazette," December 1st 1912, page 985 Date of embarkation of Mr. H V Kershaw and Lieut J L Marshall should read October 25th, 1912

**AVISO**

Levo ao conhecimento de todos os cidadãos portugueses, 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 praso 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 praso marcado O certificado leva o sêllo de tresentos réis ou uma rupia, sendo depois de tres mezes, o sêllo será de dois mil réis ou seis rupias sesenta e seis centavos, devendo pagar o interessado vinte cinco por cento a mais por qualquer serviço consular nos termos do numero 82 de tabella dos emolumentos

Os portugueses nascidos no districto consular não serao matriculados, mas sim devem fazer por se sendo maiores de 21 annos ou por seus paes ou tutores sendo menores, a declaracao 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 portugueses têm de munir-se da cedula todos os annos, mas que esta perde o seu valor quando quizerem qualquer serviço precisarão 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 de 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*

**IN THE TOWN MAGISTRATE'S COURT AT NAKURU****PROBATE AND ADMINISTRATION.****CAUSE No 5 OF 1912**

*Re* THE ESTATE OF EDUARD HUGO DEWAAL, DECEASED

To all to whom it may concern

Pursuant to an order of the above Court granting probate of the Will of the late EDUARD HUGO DEWAAL, deceased, who died at Riverdale, Uasin Gishu, on the 18th day of May, 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 Mrs Maigaretha Susana Maria deWaal (widow of the deceased) of Riverdale, Post Office, Eldoret, on or before the 16th day of February, 1913, after which date the claims so received will be paid and the estate distributed according to law.

Nakuru,

4th December, 1912

R DONALD,

*District Delegate.*

## IN THE TOWN MAGISTRATE'S COURT AT NAIROBI

## PROBATE AND ADMINISTRATION

## CAUSE No 12 OF 1912

NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF VALABHDASS MOWJEE,  
LATE OF NAIROBI, DECEASED

Take notice, that application having been made in this Court by Rowjee s/o Mowjee of Nairobi, for probate of the Will of VALABHDASS MOWJEE, late of Nairobi, who died at Nairobi on the 21st day of November, 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 December, 1912

Nairobi,  
13th December, 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 19 OF 1912

IN THE MATTER OF KHUSALIRAM S/O KALIAURAM, DECEASED

All to whom it may concern

Take notice that the account of the estate of the above named KHUSALIRAM S/O KALIANRAM deceased has been lodged with the Registrar of the High Court at Mombasa, and that he has appointed the 1st day of February, 1912, at 2 o'clock in the forenoon for passing of such account

Mombasa,  
13th December, 1912

J W H PARKINSON,  
*Administrator General*

## PROBATE AND ADMINISTRATION

## CAUSE No. 37 OF 1912

IN THE MATTER OF AHMED ABDULLA, DECEASED

To all to whom it may concern

Take notice that the account of the estate of the above-named AHMED ABDULLA, 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 for passing of such account

Mombasa,  
7th December, 1912

J W H PARKINSON,  
*Administrator General*

## PROBATE AND ADMINISTRATION

## CAUSE No 54 OF 1912

IN THE MATTER OF H A F CURRIE, DECEASED

To all to whom it may concern

Take notice that the account of the estate of the above-named H A F CURRIE, 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 for passing of such account

Mombasa,  
4th December, 1912

J. W H PARKINSON,  
*Administrator General.*



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 PROBATE AND ADMINISTRATION
 

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 CAUSE No 81 OF 1912
 

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IN THE MATTER OF JAMNA D/O GANGARAM, DECEASED

To all to whom it may concern

Take notice that all persons having any claims against the estate of the above-named JAMNA D/O GANGARAM, who died at Nairobi on the 23rd day of October, 1912, are required to prove such claims before me the undersigned on or before the 15th day of February, 1913, after which date the claims so proved will be paid, and the estate distributed according to law

Mombasa,  
4th December, 1912

J W H PARKINSON,  
*Administrator General*

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 PROBATE AND ADMINISTRATION
 

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 CAUSE No 82 OF 1912
 

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IN THE MATTER OF NYAZ ALI S/O RAHIM BUX, DECEASED

To all to whom it may concern

Take notice that all persons having any claims against the estate of the above-named NYAZ ALI S/O RAHIM BUX, who died at Kisumu on the 15th day of October, 1912, are required to prove such claims before me the undersigned on or before the 15th day of February, 1913, after which date the claims so proved will be paid, and the estate distributed according to law

Mombasa,  
4th December, 1912

J W H PARKINSON,  
*Administrator General*

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 PROBATE AND ADMINISTRATION
 

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 CAUSE No 84 OF 1912
 

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IN THE MATTER OF GOPAL DIAL, DECEASED

To all to whom it may concern

Take notice that all persons having any claims against the estate of the above-named GOPAL DIAL, who died at Nairobi on the 21st day of September, 1912, are required to prove such claims before me the undersigned on or before the 15th day of February, 1913, after which date the claims so proved will be paid, and the estate distributed according to law

Mombasa,  
4th December, 1912

J W H PARKINSON,  
*Administrator General*

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 IN H M HIGH COURT OF EAST AFRICA AT MOMBASA
 

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 PROBATE AND ADMINISTRATION
 

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 CAUSE No 115 OF 1912
 

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NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF MWANA IKI BINTI SULEMAN ARAB,  
RIJEBI LATE OF MOMBASA DECEASED

Take notice, that application having been made in this Court by ALI BIN RAFIU of Mombasa for probate of the Will of MWANA IKI BINTI SULEMAN late of Mombasa who died at Mombasa on the 20th day of November, 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 11th day of January, 1913

Mombasa,  
12th December, 1912

J W BARTH,  
*Judge*

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

## PROBATE AND ADMINISTRATION

IN THE MATTER OF JAFFER KHAN s/o FALLEH KHAN, DECEASED.

To all to whom it may concern

Take notice that on or after the 30th 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 JAFFER KHAN who died at Kisumu on the 27th day of October, 1912

Mombasa,  
2nd December, 1912

J W H PARKINSON,  
*Administrator General*

## NOTICE

### Re Sitzings of the High Court.

Mr Justice J W Barth, will proceed on circuit and hold sittings of the High Court at the places and dates herein set out

The complete list will appear in the issue of the Official Gazette of the 1st January, 1913

### PROVISIONAL CAUSE LIST

#### Uasin Gishu, Wednesday, 15th January, 1913.

High Court Criminal Case No 84/12	Crown v	{	1 J C Christian
			2 Onyango
			3 Karanja wa Eru
			4 Tuiu

#### Kisumu, Wednesday, 22nd January, 1913

High Court Criminal Case No 71/12	Crown v	Lesunbi s/o Tentura
" " " " 75/12	Crown v	Mieri alias Koth s/o Oiotho
" " " " 77/12	Crown v	{ 1 Nyamagogo s/o Maetara
		2 Mwit s/o Maegeta
		3 Waheli s/o Moror

#### Kisumu District Registry :

Civil Case No 2/12	Anderson & Co v	Mathews Bros
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#### Nakuru, Wednesday, 29th January, 1913.

#### Nakuru, District Registry :

Civil Case No 1/12	C B Clutterbuck v	Karamdin s/o Aladin
Civil Appeal No 44/12	A A Ortlepp v	Smith Mundell & Co

#### Nairobi. Monday. 3rd February, 1913

High Court Criminal Case No 80/12	Crown v	J P Watcham and S D Watcham
" " " " 81/12	" v	Nganga wa Kiaia
" " " " 82/12	" v	James S Andersen
" " " " 87/12	" v	Joseph Kelly
" " " " 78/12	" v	Samia Ambala

#### Nairobi District Registry

Civil Case No 9/12	Allaya Magakhan v	Chowdry Mahomed Hussein
" " 14/12	Premier Timber Coy v	Harji Manda & Co
" " 28/12	Alexander Gray v	E J Cocker
" " 29/12	G H Newton Wilson v	Hntzel
" " 31/12	A C Timothy de Souza v	L G Sandford and Childs, Parri & Joseph
" " 32/12	Sisal, Limited v	East Africa Syndicate, Ltd
" " 33/12	Narshi Hansraj v	Macdonell Bros & Smith
" " 34/12	Caroline Price v	M R de Souza
" " 35/12	Gailey & Roberts v	C B Clutterbuck
" " 36/12	F G Stephens & Co v	Kibwezi Rubber Lands, Ltd

Date and place of hearing for undermentioned cases will be fixed later on

High Court Criminal Case No 79/12	Crown v	Mutimuthu wa Kanitha
" " " " 83/12	" v	Muntouito

Mombasa,  
11th December, 1912

J W BARTH,  
*Judge, High Court.*

ARRIVALS.

Name	Rank	From leave or on 1st Appointment	Date of leaving England	Date of Embarkation	Date of arrival at Mombasa or Kilindini
T R L'Estrange Nester	Draughtsman, Survey	1st appoint	Oct 23rd 1912	Oct 25th 1912	Nov 13th 1912
H C Cumberbatch	Asst District Commissioner	Leave	Nov 7th do	Nov 8th "	" 27th "
W S Akers	Office Supt Land Dept	"	do 7th do	" 8th "	" 27th "
C W Gregory	Chief Storekeeper P W Dept	"	do 7th do	" 8th "	" 27th "
J H, Noon	Treasury Assistant	"	do 7th do	" 8th "	" 27th "
F W Isaac	District Commissioner	"	do 7th do	" 8th "	" 27th "
J T Gosling	Postmaster General	"	do 6th do	" 10th *	" 27th "
C H Campbell	Assistant Land Officer	"	do 7th do	" 8th "	" 27th "
L D Lowsley	Medical Officer	"	do 7th do	" 8th "	" 27th "
J L Gilks	do	"	do 7th do	" 8th "	" 27th "
K MacDougall	Registrar of Slaves	"	do 7th do	" 8th "	" 27th "
W Munro	Forester	1st appoint	do 7th do	" 8th "	" 27th "
G A Read	Clerk, Land Office	"	do 7th do	" 8th "	" 27th "
Sergeant B Francis	Sergeant Instructor E A Police	"	do 1st do	" 1st "	" 27th "
W Henfrey	Supdt Lunatic Asylum	"	do 1st do	" 1st "	" 27th "
Mrs W Henfley	Matron, ditto	" †	do 1st do	" 1st "	" 27th "
H B Taylor	General Manager Uganda Railway	"	do 1st do	" 1st "	" 27th "

\*Embarked at Naples

†Appointment to date from 1st April, 1913

DEPARTURES.

Name	Rank	On leave or termination of appointment	Date of Departure
G N Crisford	Assistant District Commissioner	Leave	November 27th, 1912
J F St A Fawcett	Deputy Registrar, High Court	"	December 2nd "
E B Horne	District Commissioner	"	" 2nd "
J H O Hughes	Assistant District Commissioner	"	" 2nd "
F H Corbett	Superintendent of Conservancy, Kisumu	"	" 2nd "
M St C Thon	Staff Officer to inspect General of Police	"	" 2nd "
W McGregor Ross	Director of P W D	"	" 2nd "
H L Sikes	Assistant Engineer, P W D	"	" 2nd "
Miss E R. Brown	Nursing Sister	"	" 2nd "
R H Long	Accountant, Post Office	"	" 2nd "
A E Hudson	Inspector of Police	"	" 2nd "
A T Bonham Carter	Second Puisne Judge	"	December 4th "

NOTICE

Whitlark, King & Co, Limited, in Liquidation.

Notice is hereby given that the above Company passed a resolution for voluntary liquidation, on the 4th day of November, 1912, and Messrs Gill and Wheelock, Chartered Accountants, of Nairobi, were appointed Liquidators

All claims on the Company should be lodged with the Liquidators on or before the 31st day of January, 1913 All monies owing to the Company should be paid to the Liquidators forthwith

Mombasa,  
December 3rd, 1912

A MORRISON,  
*Barrister-at-Law*

NOTICE

The business of my firm will in future be carried on under the style of Stevens & Kendall

G P STEVENS,  
*Advocate & Solicitor*

NOTICE

Dissolution of Partnership

Notice is hereby given that the Partnership formerly existing between Messrs Penton and Bunbury, of Donyo Sabuk, has been dissolved All claims against the Partnership should be sent to Messrs Gill and Wheelock, Chartered Accountants, Nairobi, on or before the 22nd December, 1912

10th December, 1912

TONKS, DALY & FIGGIS,  
*Advocates*

## POST OFFICE NOTICE

List of Magazines, Newspapers, etc, found loose at the Mombasa and Nairobi Post Offices during the month of November, 1912

No	Description	Date
1	Goans Barmans Guide	1912
2	Welcome's Pharmacists Diary	"
3	Radleian Society Year Book	October 11th
4	Societes Commerciales	" 24th
5	The Racing Calendar	September 7th
6	The British Medical Journal	" 21st
7	do	October 21st
8	The Athletic News	" 21st
9	do	1 bundle
10	La Lettura and La Domenica del Corriere	August 31st
11	The Australasiana	November 2nd
12	The Oxford Times	October 4th
13	The Times Weekly	1 bundle
14	John Bull, London Opinion and Lloyds Weekly	October 31st
15	Daily Graphic Weekly Edition	No address
16	Two Photographic Post Cards	Sample
17	Decolite Flooring	October 20th
18	Lloyds Weekly News	November 6th
19	The Tatler	October
20	The Indian Review	November
21	The Nineteenth Century Magazine	November
22	The Strand Magazine	November 8th
23	The Times	" 9th
24	The Illustrated London News	" 1st
25	The Khalsa Advocate	September 26th
26	Yeomanry and Mounted Rifle Training Book	" 25th
27	The Christian Science Monitor	" 2nd
28	The Bedfordshire Times	" 28th
29	The Athletic News	October 19th
30	The Weekly Times (Melbourne)	November
31	The Blackburn Times	October 23rd
32	Shruti Bodh	November 6th
33	Francis and Day's 31st Annual (Music)	1 bundle
34	The Cape Times	May 11th
35	The Sketch	1 bundle
36	The Daily Mail	November 7th
37	The Illustrated London News	October 7th
38	Country Life	" 16th
39	The Graphic (Weekly)	1 bundle
40	The Morning Post	September 29th
41	The Daily Mirror	August
42	La Croix	November 1st
43	Derbyshire Advertiser	1 bundle
44	The Sunday Chronicle	October 18th
45	Sunset (The Pacific Monthly)	" 25th
46	The Times	" 20th
47	The Anva Prakash	November 3rd
48	The Times	October 25th
49	The Aberdeen Journal	November 8th
50	Lloyds Weekly	1 roll
51	The Statesman	September 21st
52	The Indian Trade Journal	October 5th
53	The Catholic Times	November 2nd
54	T P's Weekly	October 23rd
55	The Daily Mirror	" 24th
56	The Oxford Times	November 4th
57	Colliers (The National Weekly)	October 19th
58	London Opinion	September 12th
59	The Bytinder	" 28th
60	The Huhana Samachar	
61	The Daily Mirror	
62	Ons Land	
63	The Colonial Librarian's Handbook	
64	The Pulletin	
65	The Illustrated London News	

No	Description	Date
66	The Daily Mail (Overseas)	October 26th
67	Chambers Journal	November
68	Small pot of Xmas Pudding	
69	S A ABC Guide	1912
70	Southampton Pictorial	September 18th
71	The Dover Times	October 17th
72	Il Telegrafo	1 bundle
73	The Sunday Companion	August 17th
74	The Worlds Work	November 12th
75	North Carolina Yearly Meeting of Friends	
76	4 broken tubes (Ink)	
77	The Arya Prakash	1 bundle
78	Bombay Samachar	November 13th
79	The Spectator	October 26th
80	The Times	November 8th
81	The Weekly Scotsman	October 12th
82	Daily News and Leader	1 bundle
83	Jhang Sial	3 copies
84	The Morning Post	October 8th
85	The Clarion	November 8th
86	The Morning Post	" 11th
87	The British Medical Weekly	October 5th
88	do	" 26th
89	The Times Weekly	" 18th
90	The Lady's Pictorial	" 5th
91	The Lady's World	
92	Colne and Nelson Times	September 13th
93	The Daily Mirror	October 19th
94	British Medical Weekly	August 17th
95	Punch	November 6th
96	The Strand Magazine	November
97	The Daily Mirror	October 15th
98	La Croix (13 numbers)	" 9th to 23rd
99	The Isle of Wight County Press	" 19th
100	The Boston Globe	" 24th
101	The Winning Post (3 numbers)	July 6th, 13th and 20th
102	Tit-Bits	October 20th
103	The Red Magazine	August 15th
104	Kirkheaton Church Monthly	November
105	The Clonmel Chronicle	October 23rd
106	The Harrismith Chronicle	" 26th
107	Life and Work, The Church of Scotland Magazine	November
108	London Opinion	" 9th
109	Lloyds Weekly News	October 20th
110	The Daily Mirror	" 17th
111	La Lettura	November
112	Daily Express	October 29th
113	The Morning Post	" 4th
114	The Record	" 25th
115	The Weekly Scotsman	September 28th
116	The Morning Post	October 7th
117	do	" 5th
118	Lloyds Weekly News	" 13th
119	New York Tribune	" 20th
120	Sunday Chronicle	" 20th
121	The Daily Telegraph	" 30th
122	Sunday Chronicle	" 27th
123	The Blackburn	" 26th
124	Daily Express	" 7th
125	News of the World	" 27th
126	The Indusian	
127	Arya Gazette	
128	Daily Sketch	November 12th
129	Journal Commercial	" 15th
130	London Magazine Xmas No	December
131	The Sketch	November 13th
132	Daily Mail Overseas Edition	" 16th
133	Cape Times	" 1st

No	Description	Date
134	The News	November 9th
135	Deans Rag Book	1912-1913
136	Sunday Chronicle	November 10th
137	Daily News and Leader	„ 14th
138	The Cheltonian	November
139	The Illustrated London News	„ 9th
140	Daily Sketch	„ 14th
141	The Manchester Courier	„ 14th
142	Daily Sketch	„ 13th
143	do	„ 11th
144	Sunday Times Johannesburg	„ 10th
145	Gujrati Almanack	1913
146	The Daily Leader (Nairobi)	November 5th, 6th, 7th
147	The Epworth Herald	Aug 17th, Sept 21st, Oct 19th
148	One soft collar grey	
149	Two bottles Doan's Dinner Pills	
150	Pair baby's socks and letter signed Emma, written on the back of two photographs	
151	One pad false hair	
152	One piece cobblers wax	

Owners of the above should make early application to this Office, together with proof of ownership

Mombasa,  
1st December, 1912

RALPH HART,  
*Postmaster*

**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	
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„ (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



## EAST AFRICA PROTECTORATE.

## Currency Board.

## (a)

## ABSTRACT OF NOTES IN CIRCULATION.

Total amount of Currency Notes in circulation on the tenth day of December, 1912	Rs 47,06,000
Average daily amount of Currency Notes in circulation during the month ended the tenth day of December, 1912	Rs 45,64,000

## (b)

## ABSTRACT OF CASH RESERVE

Amount of the coin portion of the Note Guarantee Fund on the tenth day of December, 1912	} Gold Rs 10,05,000 00 Cts Silver Rs 15 22,497 31 "	
		Rs 25,27,497 31 Cts.
Average daily amount of the coin portion of the Note Guarantee Fund, during the month ended the tenth day of December, 1912		Rs 25,50,497 31 Cts.

## (c)

## ABSTRACT OF SECURITIES FORMING THE INVESTED PORTION OF THE NOTE GUARANTEE FUND ON THE TENTH DAY OF DECEMBER, 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 $\frac{3}{8}$
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	93 $\frac{3}{8}$
Southern Nigeria 3 $\frac{1}{2}$ % Inscribed Stock	14,478 5 7	13,746 11 3	94 $\frac{7}{8}$
Queensland 4% Bonds	15,098 4 4	15,000 0 0	100
Total £	151,632 6 9	145,233 10 3	

Office of the Currency Board,  
Mombasa,  
December 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 —

<b>Rupees 5/-</b>	<b>Rupees 5/-</b>	<b>Rupees 5/-</b>	<b>Rupees 5/-</b>	<b>Rupees 5/-</b>	<b>Rupees 5/-</b>
No. $\frac{A}{1}$ 00675	No. $\frac{A}{1}$ 01097	No. $\frac{A}{1}$ 01682	No. $\frac{A}{1}$ 02484	No. $\frac{A}{1}$ 03281	No. $\frac{A}{1}$ 03779
00678	01098	01683	02509	03290	03781
00683	01112	01685	02510	03296	03793
00691	01124	01691	02520	03299	03796
00695	01128	01717	02527	03314	03809
00700	01146	01718	02533	03317	03810
00703	01157	01731	02541	03323	03844
00710	01179	01740	02548	03332	03854
00714	01180	01758	02554	03335	03870
00722	01191	01774	02604	03337	03872
00727	01197	01782	02618	03340	03878
00730	01200	01786	02631	03346	03884
00733	01202	01814	02645	03349	03886
00762	01203	01828	02650	03360	03912
00765	01210	01830	02657	03361	03918
00773	01214	01846	02664	03362	03919
00782	01227	01854	02667	03367	03924
00784	01235	01856	02668	03381	03931
00786	01242	01871	02681	03386	03932
00788	01245	01878	02707	03393	03937
00790	01264	01884	02756	03394	03953
00791	01268	01885	02766	03396	03956
00792	01276	01903	02774	03398	03969
00793	01295	01916	02780	03400	03973
00794	01309	01923	02810	03408	03984
00795	01323	01930	02816	03417	04007
00799	01327	01933	02818	03420	04019
00802	01334	01935	02823	03425	04021
00819	01337	01937	02836	03428	04023
00831	01339	01938	02865	03448	04040
00832	01363	01945	02888	03456	04042
00833	01370	01947	02891	03479	04045
00858	01374	01954	02944	03481	04046
00859	01378	01955	02956	03483	04050
00873	01386	01958	02958	03486	04063
00885	01389	01977	02974	03493	04069
00886	01406	01982	03002	03498	04073
00893	01409	01984	03003	03504	04076
00894	01448	01991	03053	04518	04090
00900	01464	01993	03056	03520	04110
00905	01469	02011	03071	03546	04114
00913	01471	02022	03072	03550	04126
00914	01489	02039	03081	03556	04130
00915	01494	02049	03082	03561	04136
00917	01499	02074	03087	03568	04138
00918	01505	02075	03104	03577	04139
00926	01507	02076	03113	03583	04155
00931	01511	02098	03125	03585	04159
00934	01512	02101	03128	03600	04162
00937	01515	02105	03130	03612	04168
00951	01518	02137	03132	03625	04193
00953	01519	02141	03136	03639	04204
00961	01529	02150	03138	03659	04207
00969	01531	02152	03144	03669	04212
00974	01532	02156	03148	03673	04214
00980	01534	02165	03157	03681	04252
00983	01537	02169	03170	03682	04256
00984	01552	02175	03172	03686	04259
01002	01557	02200	03174	03689	04277
01006	01560	02208	03176	03691	04288
01013	01562	02224	03187	03693	04301
01017	01563	02259	03188	03704	04302
01020	01569	02262	03190	03705	04303
01031	01574	02264	03191	03706	04314
01032	01575	02277	03194	03708	04320
01038	01582	02283	03197	03720	04348
01041	01588	02346	03216	03726	04349
01052	01591	02357	03228	03730	04351
01055	01593	02361	03239	03745	04352
01061	01616	02363	03241	03753	04357
01067	01626	02366	03244	03757	04359
01068	01643	02428	03253	03763	04360
01078	01645	02455	03269	03771	04366
01091	01646	02471	03270	03772	04368
01093	01659	02475	03274	03775	04384

Rupees 5/- No. $\frac{A}{1}$	Rupees 5/- No. $\frac{A}{1}$	Rupees 5/- No. $\frac{A}{1}$	Rupees 5/- No. $\frac{A}{1}$	Rupees 5/- No. $\frac{A}{1}$	Rupees 5/- No. $\frac{A}{1}$
04397	05074	05764	07149	08209	08823
04398	05078	05786	07174	08215	08824
04401	05081	05787	07219	08227	08827
04419	05088	05803	72229	08245	08832
04421	05101	05834	07259	08246	08850
04431	05112	05842	07275	08252	08855
04440	05113	05843	07287	08260	08871
04460	05147	05851	07305	08270	08873
04469	05149	05869	07349	08288	08877
04495	05159	05884	07387	08300	08882
04498	05160	05896	07414	08310	08885
04511	05165	05903	07423	08318	08897
04525	05173	05904	07428	08326	08915
04540	05178	05923	07434	08330	08921
04545	05186	05925	07436	08333	08923
04548	05187	05926	07450	08348	08924
04555	05212	05937	07455	08370	08939
04560	05215	05947	07456	08371	08942
04561	05222	05949	07461	08384	08945
04580	05227	05957	07476	08385	08951
04587	05230	05964	07485	08388	08971
04592	05234	05972	07488	08397	08977
04595	05238	05977	07501	08406	08978
04597	05239	05980	07511	08414	08979
04608	05253	05987	07517	08428	08987
04620	05268	05988	07561	08433	10004
04627	05271	05995	07579	08459	10008
04628	05283	06223	07580	08468	10009
04639	05295	06238	07588	08469	10031
04642	05302	06246	07592	08476	10038
04645	05306	06250	07594	08481	10045
04647	05316	06254	07636	08482	10048
04654	05317	06274	07651	08483	10059
04659	05320	06280	07718	08486	10065
04662	05321	06302	07721	08492	10068
04696	05324	06327	07751	08495	10074
04700	05325	06368	07753	08502	10076
04702	05328	06375	07757	08514	10090
04708	05339	06388	07766	08517	10107
04712	05350	06400	07810	08521	10112
04713	05355	06401	07829	08522	10116
04722	05366	06416	07859	08528	10117
04728	05368	06431	07883	08532	10119
04747	05374	06454	07905	08546	10123
04756	05388	06502	07922	08564	10126
04768	05404	06530	07932	08568	10132
04770	05411	06560	07944	08590	10143
04772	05417	06603	07945	08598	10152
04791	05429	06647	07980	08609	10157
04796	05454	06683	08003	08612	10168
04822	05459	06687	08005	08614	10172
04831	05468	06699	08006	08622	10178
04837	05469	06713	08007	08632	10179
04841	05475	06717	08020	08633	10187
04851	05477	06732	08027	08638	10190
04856	05486	06736	08038	08643	10195
04858	05493	06749	08042	08645	10207
04863	05494	06759	08045	08647	10211
04873	05499	06784	08049	08651	10236
04874	05531	06794	08051	08658	10243
04879	05547	06811	08054	08669	10249
04882	05552	06816	08058	08674	10261
04885	05560	06833	08065	08675	10266
04886	05571	06838	08066	08679	10272
04887	05573	06879	08071	08695	10273
04891	05576	06884	08073	08706	10288
04893	05600	06909	08074	08713	10300
04898	05605	06931	08077	08714	10302
04902	05607	06997	08084	08725	10304
04926	05624	07002	08085	08752	10337
04962	05633	07007	08104	08754	10338
04967	05645	07012	08109	08755	10341
04983	05649	07031	08119	08763	10353
04990	05653	07048	08125	08773	10354
04997	05654	07096	08126	08776	10359
05036	05670	07112	08127	08777	10365
05042	05672	07120	08133	08781	10375
05051	05688	07129	08138	08791	10390
05059	05703	07137	08179	08814	10391

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. $\frac{A}{1}$
10397	10973	11545	12066	12604	13160
10399	10990	11548	12071	12605	13169
10417	10992	11550	12072	12611	13175
10427	11012	11559	12074	12614	13182
10436	11020	11561	12090	12615	13184
10438	11038	11567	12091	12617	13189
10442	11045	11568	12096	12618	13192
10453	11060	11573	12102	12620	13219
10458	11069	11596	12103	12631	13229
10464	11075	11599	12110	12638	13233
10466	11077	11602	12117	12653	13235
10467	11079	11605	12128	12656	13251
10472	11086	11608	12130	12658	13253
10473	11090	11609	12132	12663	13256
10474	11092	11612	12138	12664	13260
10479	11093	11615	12145	12668	13263
10491	11095	11622	12149	12671	13265
10496	11098	11629	12162	12678	13267
10502	11107	11634	12170	12683	13270
10507	11109	11645	12171	12684	13272
10516	11114	11651	12194	12688	13275
10537	11119	11658	12198	12689	13299
10548	11124	11667	12201	12694	13303
10549	11133	11668	12208	12706	13312
10555	11134	11671	12212	12707	13314
10559	11138	11672	12228	12715	13317
10570	11144	11683	12235	12719	13327
10577	11154	11692	12240	12747	13344
10583	11171	11693	12241	12748	13348
10589	11174	11699	12242	12758	13351
10603	11178	11700	12256	12766	13352
10611	11185	11705	12260	12770	13355
10617	11187	11710	12261	12773	13372
10618	11188	11714	12263	12774	13376
10629	11195	11722	12269	12777	13388
10630	11198	11723	12307	12778	13393
10634	11219	11725	12309	12784	13406
10638	11228	11731	12312	12788	13408
10647	11234	11735	12317	12797	13427
10652	11237	11743	12333	12793	13438
10657	11252	11749	12349	12800	13459
10680	11258	11750	12352	12808	13466
10687	11273	11757	12362	12810	13476
10689	11275	11768	12364	12819	13484
10690	11278	11773	12397	12822	13490
10698	11283	11789	12400	12827	13516
10700	11287	11795	12405	12832	13521
10710	11288	11800	12408	12856	13526
10725	11292	11806	12410	12872	13529
10731	11328	11814	12414	12880	13532
10737	11329	11819	12416	12887	13535
10738	11333	11822	12427	12903	13544
10745	11341	11841	12429	12915	13545
10750	11348	11846	12433	12919	13548
10755	11349	11867	12437	12927	13563
10758	11368	11871	12443	12949	13574
10765	11381	11873	12446	12951	13576
10766	11391	11888	12450	12957	13577
10767	11395	11902	12454	12971	13581
10769	11398	11914	12458	12975	13583
10773	11407	11930	12463	12981	13584
10778	11414	11933	12467	12989	13586
10789	11440	11942	12470	12998	13589
10799	11441	11943	12477	13006	13593
10803	11443	11954	12481	13028	13601
10805	11444	11962	12489	13037	13615
10823	11452	11984	12493	13043	13619
10830	11454	11993	12498	13058	13631
10846	11464	11998	12504	13064	13632
10871	11472	12000	12518	13080	13658
10877	11478	12001	12520	13081	13661
10879	11485	12018	12524	13082	13677
10895	11490	12040	12541	13088	13685
10900	11499	12044	12545	13098	13701
10903	11501	12047	12552	13100	13704
10919	11505	12049	12553	13129	13711
10923	11507	12052	12590	13131	13718
10935	11520	12058	12596	13135	13728
10950	11525	12061	12599	13147	13731
10964	11532	12063	12600	13151	13766

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 $\frac{A}{1}$
13779	14376	14845	15431	15975	16583
13784	14381	14858	15435	15985	16587
13790	14388	14859	15437	15991	16590
13813	14394	14873	15440	15992	16596
13820	14419	14877	15444	15993	16598
13843	14425	14890	15448	15995	16608
13845	14430	14900	15463	15998	16610
13847	14431	14902	15469	16010	16613
13858	14441	14903	15487	16014	16624
13870	14443	14905	15493	16015	16625
13879	14447	14911	15501	16028	16629
13890	14450	14923	15520	16033	16659
13895	14452	14931	15521	16034	16666
13909	14457	14933	15523	16040	16667
13934	14462	14943	15538	16042	16670
13944	14463	14945	15546	16055	16672
13949	14469	14947	15555	16064	16676
13955	14474	14951	15556	16074	16680
13961	14477	14967	15559	16104	16686
13964	14478	14980	15563	16109	16692
13976	14496	14984	15564	16110	16693
13979	14497	14985	15576	16129	16695
13984	14504	14991	15581	16136	16697
13994	14508	14999	15584	16144	16702
14007	14513	15005	15585	16146	16722
14010	14515	15008	15593	16148	16724
14016	14518	15010	15605	16173	16725
14020	14520	15017	15607	16190	16734
14030	14526	15031	15609	16200	16749
14034	14528	15039	15614	16223	16755
14037	14532	15055	15619	16225	16760
14039	14534	15056	15622	16226	16763
14043	14538	15065	15632	16236	16784
14045	14544	15071	15636	16250	16785
14047	14556	15073	15660	16257	16788
14061	14574	15082	15665	16260	16791
14062	14582	15085	15670	16278	16795
14066	14584	15086	15673	16285	16799
14067	14588	15090	15688	16296	16823
14071	14597	15093	15689	16300	16827
14080	14599	15099	15690	16302	16831
14085	14604	15117	15691	16308	16845
14087	14605	15139	15692	16315	16849
14092	14606	15145	15693	16320	16856
14098	14620	15151	15702	16325	16858
14099	14632	15155	15706	16334	16870
14101	14634	15169	15713	16364	16884
14107	14646	15173	15718	16372	16888
14113	14650	15178	15734	16377	16892
14116	14651	15180	15736	16382	16894
14119	14655	15191	15750	16390	16902
14121	14658	15195	15752	16392	16917
14125	14662	15205	15775	16399	16923
14128	14687	15215	15783	16404	16926
14133	14699	15222	15795	16408	16930
14139	14705	15223	15812	16417	16932
14150	14715	15235	15824	16424	16936
14153	14716	15243	15828	16428	16939
14156	14719	15265	15838	16435	16968
14189	14722	15267	15839	16436	16975
14190	14726	15272	15847	16440	16976
14193	14729	15274	15848	16442	16981
14197	14734	15291	15856	16464	17000
14224	14738	15301	15869	16468	17007
14231	14744	15309	15871	16469	17010
14232	14750	15314	15883	16470	17014
14245	14751	15315	15886	16483	17016
14254	14754	15328	15919	16487	17020
14257	14765	15331	15923	16490	17022
14263	14766	15339	15925	16500	17025
14273	14777	15346	15928	16512	17031
14281	14780	15347	15931	16514	17033
14310	14785	15352	15937	16515	17035
14313	14793	15362	15939	16527	17047
14319	14794	15369	15947	16529	17057
14334	14800	15370	15957	16533	17061
14338	14812	15372	15958	16552	17073
14341	14827	15377	15959	16553	17077
14348	14828	15390	15962	16564	17079
14360	14833	15406	15968	16569	17082
14373	14842	15411	15972	16571	17086

(To be continued in next Gazette )

EAST AFRICA PROTECTORATE.

Statement showing value in Rupees of Imports made into Mombasa,  
from different countries during October, 1912

COUNTRIES	Value in Rupees
United Kingdom ...	1,484,801
India and Burmah	346,618
Ceylon	10,718
Zanzibar	3,822
South Africa Union	12,791
Hong-Kong	229
Arabia ..	325
Austria	28,632
Belgium	17,092
China	7,273
Denmark	1,312
Egypt	3,617
France	27,444
French Possessions	725
Germany	180,492
German East Africa	29,402
Holland	110,643
Italian East Africa	1,623
Italy	50,141
Japan	7,143
Norway	85,093
Portugal	1,404
Portuguese Possessions	78
Russia	4,670
Spain	2,905
Sweden	18,629
Switzerland	46,063
Miscellaneous Ports of Asia	63 669
Turkey	220
United States of America	153,323
	2,709,897
Goods in Transit and Transhipment	308,696
Total Rupees	3,018,593

G. J. MUIR,  
*Assistant Chief of Customs.*



# EAST AFRICA PROTECTORATE.

## General Imports into the Port of Mombasa during October, 1912

Articles	Total quantities imported	Value in Rupees	Duty in Rupees.
Ale and beer	Galls 3,794	8,277	
Alcohol, Methylic	" 290	615	
Ammunition	Number 151,375	12,769	
Animals, living —			
Horses and mules	" 39	12,410	
Other live-stock imported for breeding purposes	" 146	8,483	
Other sorts, unenumerated	" 3	165	
Arms	" 203	18,752	
Bacon and ham	Cwts 52	3,839	
Bags and sacks for industrial and agricultural purposes		63,092	
Bags and sacks, other sorts			
Beads	Lbs. 94,519	36,534	
Books		2,118	
Building materials, unenumerated		4,789	
Butter	Lbs 4,867	5,113	
Articles necessary for maintaining telegraphic communication		1,958	
Consular goods		13	
Cups, medals or other trophies imported for presentation or presented as prizes, etc., etc			
Candles of all sorts	Cwts 14	565	
Canvas	Yards 11,305	10,077	
Cement	Cwts 15,464	34,816	
Cheese	Lbs 2,925	2,211	
Chemicals and chemical manufactures, unenumerated		6,764	
Cigarettes	Lbs 10,247	18,030	
Cigars	" 279	2,878	
Coal	Tons 11	178	
Coal products		5,908	
Coin admitted to circulation in the Protectorate			
Condensed milk	Cwts 629	21,079	
Cotton yarn	Lbs 275	259	
Cotton piece goods, bleached	Yards 379,837	96,572	
" " " unbleached	" 1,350,295	242,539	
" " " printed	" 134,905	38,572	
" " " dyed	" 224,249	76,502	
" blankets	Number 72,275	67,325	
Cotton manufactures, unenumerated ..		34,904	
Cutlery ..		9,513	
Drinks, unenumerated		2,323	
Drugs and medicines for sheep and cattle		7,552	
" and medicines, other sorts		9,266	
Electric apparatus		4,413	
Explosives, other sorts		1,821	
Fencing materials		10,105	
Food stuffs for animals		118	
Food stuffs, other sorts, unenumerated		87,757	
Fruit, raw		770	
Furniture		22,910	
Glass plates		3,861	
" manufactures, unenumerated		7,812	
Gold bullion	Ounces 240	15,000	
Goods manufactured, unenumerated		92,883	
Goods unmanufactured, unenumerated		30,429	
Grain —			
Rice	Cwts 3,358	27,447	
Flour and wheat meal	" 7,469	60,954	
Wheat	" 332	2,604	
Dhall	" 448	3,155	
Maize and maize meal	"		
Other sorts	" 644	4,289	
Gunpowder	"		
Haberdashery	"	4,954	
Hardware	"	33,846	
Implements, agricultural	"	58,945	
Carried forward		1,340,833	

## General Imports into the Port of Mombasa during October, 1912 —(Continued )

Articles	Total quantities imported	Value in Rupees	Duty in Rupees
Brought forward		1,340,833	
Implements, other sorts		9,004	
Instruments, surgical		65	
„ scientific, other sorts		1,026	
„ pianos		3,567	
„ musical, other sorts		5,254	
Jewellery		6,328	
Leather, unwrought		3,579	
„ wrought, boots and shoes	Doz pairs 289	19,082	
„ „ saddlery and harness		7,992	
„ manufactures, unenumerated		1,298	
Linen, hemp and jute manufactures, unenumerated		3,506	
Machinery and parts thereof, agricultural		15,414	
„ „ „ industrial		105,003	
„ „ „ other sorts		10,618	
Manures and insecticides		855	
Matches	Gross boxes 7,950	7,712	
Metals —			
Brass and copper manufactures, for use as building materials			
Brass and copper manufactures, other sorts		6,977	
Brass and copper wire	Cwts 668	40,243	
Iron and steel manufactures, unenumerated, to be used as building materials		10,626	
Iron and steel manufactures, unenumerated, other sorts		37,718	
Iron and steel wire	Cwts 173	2,383	
Galvanised iron sheets and plates	„ 12,178	122,299	
Metals, manufactured, unenumerated		25,506	
Metals, unmanufactured, unenumerated			
Mineral and aerated waters	Doz bott 960	4,122	
Miscellaneous including parcel post			
Oils, fats and grease —			
Petroleum-Kerosine	Galls 38,868	13,022	
„ other sorts	„		
Cocoanut	„		
Ghee	Cwts 52	4,001	
Oil of Margarin	„		
Turpentine	Galls 285	550	
Other sorts	„ 3,457	8,202	
Perfumery		3,873	
Photographs, engravings, pictures, and maps		305	
Plate and plated ware		2,794	
Porcelain, china and earthenware		14,893	
Preserved meats		895	
Preserves and tinned or bottled foods and fruits, other sorts unclassified		28,956	
Printed matter		2,421	
Railway, tramway and road material		270,135	
Rope and twine for agricultural and industrial purposes		3,661	
Rope and twine, other sorts		664	
Rubber manufactures, unenumerated		10,133	
Salt	Cwts 5,851	5,472	
Ships, boats, launches, lighters and parts		16,641	
Spirits —			
Brandy	Galls 908	6,859	
Whisky	„ 3,782	31,563	
Gin	„ 476	2,179	
Liqueurs and other sorts	„ 160	2,131	
Silk manufactures, unenumerated		9,816	
„ „ of and other materials			
„ yarn	Lbs 27	232	
Soap	Cwts 982	33,506	
Stationery		24,015	
Carried forward		2,287,929	

## General Imports into the Port of Mombasa during October, 1912 —(Continued )

Articles	Total quantities imported	Value in Rupees	Duty in Rupees
Brought forward		2,287,929	
Sugar	Cwts 5 644	64,319	
Tea	Lbs 22,657	17,204	
Tobacco, manufactured	" 36,334	27 813	
" unmanufactured	" 3,298	514	
Tomb-stones and ornaments for graves, memorial windows, tablets and brasses		1,225	
Toys and games		6,230	
Trees, plants and seeds for cultivation		3,777	
Vehicles and parts thereof, agricultural, steam and motor			
Vehicles and parts thereof, agricultural, other sorts		4,972	
Vehicles and parts thereof, not agricultural, steam and motor		40,120	
Vehicles and parts thereof, not agricultural, other sorts		46 095	
Watches and clocks	Nos 299	1,801	
Wearing apparel		47,864	
Wines	Galls 2,869	23,684	
Wood (timber)	Tons 1,544	102,280	
Wooden manufactures, unenumerated		1,998	
Woollen and worsted yarn	Lbs 550	1,050	
" " manufactures	Yards 9,798	10,589	
" carpets and rugs	Nos 437	5,621	
" blankets	" 3,379	10 384	
" manufactures, unenumerated		4,423	
		2,709,897	
Goods in transit and transhipment	Pkgs 4,716	308,696	
Total Rs		3,018,593	

Total value of Imports for Home Consumption in October, 1911 —Rs 1,399,236

Increase in value of Imports Rs 1,310,661

Total value of Goods in Transit in October, 1911 Rs 267,320

Increase in value of Goods in Transit Rs 41,376

Total increase in value of Imports Rs 1,352,037G. J. MUIR,  
Asst. Chief of Customs.

# EAST AFRICA PROTECTORATE.

Statement showing value in Rupees of various articles exported from Mombasa,  
during October, 1912

Articles	Produce of						Total.
	East Africa Protectorate	Uganda Protec- torate	German East Africa	Italian East Africa	Congo Free State	Soudan	
Animals living —							
„ sheep	225						225
„ goats	600						600
Beeswax	13,461		11,108				24,569
Carbonate of soda	1,664						1,664
Chilies		16,406					16,406
Cocoanuts	250						250
Coffee	22,211	28,816	100,771				151,798
Copra	14,100						14,100
Cotton	16,792	408,655	8,326				433,773
Fibres,	4,222						4,222
„ sisal	6,012						6,012
Ghee	5,421		9,550				14,971
Gold			680				680
Grain, millet	6,692						6,692
„ maize	105,777						105,777
„ beans and peas	27,067						27,067
„ sim-sim	26,606	3,147	11,172				40,925
„ ground nuts	25,216	8,428	131,501				165,145
„ pulse	3,347						3,347
„ other sorts			4,590				4,590
Gum copal	4,749						4,749
Ham and bacon	4,644						4,644
Hides, ox	89,484	74,076	103,608				267,168
Horns, rhinoceros,							
„ sportsmen's trophies	126						126
„ other sorts	18	28	111				157
„ sportsmen's trophies	789						789
Ivory	2,857	6,523	4,067		7,710		21,157
Oils, sim-sim	500						500
Ostrich feathers	2,881						2,881
Potatoes	35,161						35,161
Rubber, plantation	1,088						1,088
„ wild	2,912	7,377	2,154		560		13,003
Seeds, cotton		17,940	934				18,874
„ rubber	1,900						1,900
Skins, sheep	3,302	1,459	5,796				10,557
„ goats	38,465	49,598	60,871				148,934
„ wild animals	273	70	90				433
„ sportsmen's trophies	2,879						2,897
Teeth, hippopotamus	55		21				76
Wood, fine	55						55
Wool	888						888
Goods, manufactured, unen- umerated	464	10	170				644
„ unmanufactured, unen- umerated	753	1,209	510	110			2,582
Total Rupees	473,924	623,742	456,030	110	8,270		1,562,076

Total value of exports in October, 1911

Rs 1,154,732

Total increase in value

.. , 407,344

G J MUIR,

*Asst Chief of Customs.*

## EAST AFRICA PROTECTORATE

Statement showing number of trade packages and value in Rupees of trade goods re-exported from Mombasa to different countries during October, 1912

Articles	Total quantities re-exported	German East Africa	U King dom	India	Zan zibar	Ger many	Mauri- tius	Italian East Africa	United States of Ame rica	Italy	South African Union
Ammunition	Nos 720	Rs	Rs	Rs	Rs	Rs	Rs	Rs	Rs		
Arms	5	63	75	25	85	175			300		
Beads	Lbs 5,936	2,989									
Books		92									
Cheese	Lbs 48	56									
Coal products		75									
Coin, admitted to circulation in the Protectorate					10,000						
Condensed milk	Cwt 10	337									
Cotton yarn	Lbs 80	79									
Cotton piece goods, bleached	Yds 16,944	4,236									
"    "    , unbleached	, 457,530	76,255									
"    "    , printed	" 19,308	6,436									
"    "    , dyed (plain shades)	" 69,588	31,818			2,976						
" blankets	Nos 8,846	8,846									
manufactures, unenumerated		265			309						
Food stuffs, other sorts, unenumerated		977			667		75				
Furniture			25		915						
Glass manufactures, unenumerated		48	680	125							
Goods manufactured, unenumerated		10,599	1,085		368			20			
Grain—Flour and Wheat meal	Cwt 75	625									
Haberdashery		139									
Hardware		992									
Implements, agricultural		4,695									
Instruments, musical, other sorts		48									
Leather wrought, boots and shoes	Doz prs 14	817									
Matches	Gross boxes 300	204									
Metals,—brass and copper manufactures, other sorts				150							
" brass and copper wire	Cwt 58	3,260									
" iron and steel manufactures, unenumerated, other sorts		276			40						
" galvanised iron sheets and plates	Cwt 83	548						275			
" manufactured, unenumerated		341		300							
Oils, fats and grease—Petroleum kerosine	Galls 1,880						1,233				
"    "    other sorts	" 12							60			
Perfumery		228									
Porcelain, china and earthenware		103									
Railway, tramway and road material								100			
Ships, boats, launches, lighters and parts					25						
Soap	Cwt 8	143									
Stationery		238			20						
Sugar	Cwt 24	331									
Tea	Lbs 360	285									
Tobacco, manufactured	" 787	787									
" unmanufactured	" 508				112						
Vehicles and parts thereof, not agricultural, other sorts		490									
Watches and clocks	Nos 48	129									
Wearing apparel		4,836	150			450					
Wines	Galls 10	50									
Timber	Tons 19	1,239									
Wooden manufactures, unenumerated					338						
Woollen and worsted yarn	Lbs 195	389									
Total Rs		164,348	2,015	600	15,855	625	1,318	455	300		

Total value of re-exported goods Rs 185,505

G. J. MUIR,  
Asst. Chief of Customs.

Liquor Licences issued at Uasin Gishu during the quarter ended 30th September, 1912

No	To whom issued and at what premises	Date of issue	Kind of Liquor Licence and time
1203	The Seigoi Store at Seigoi	July 1st, 1912	Wine Merchant's and Grocer's Liquor Licence for 6 months ending 31-12-12
1002	Messrs Smith, Mundell and Co , Eldoret (Sports ground)	„ 4th „	Temporary Liquor Licence for one day
1003	do	Aug 16th „	do

But Licences issued at Uasin Gishu during the quarter ended 30th September, 1912

No	To whom issued	Date of issue	Residence
3925	J C Shaw	Aug 14th, 1912	Eldoret
3926	L F Pearce	„ 29th „	Nandi
3927	J J Kloppe	Sept 9th „	Farm 22, Uasin Gishu

Firearms registered at Uasin Gishu during the quarter ended 30th September, 1912

No	To whom issued	Date of issue	Residence	Mark	Description
24754	G H R Hurst	July 2nd, 1912	Farm 214	11/1038	D B cordite rifle 375
24755	do	„ 2nd „	„	7138	„ „ „ 577
24756	C J Ross	„ 2nd „	Ravine	839 G P B	Mausel rifle
24757	—Fenwick	„ 5th „	Uasin Gishu	9/404	„ 7 m/m
24758	G J Van Staden	„ 10th „	Farm 26	303	Lee Metford rifle
24759	R L Chivell	„ 20th „	„ 78	10/888	310DBminiatureGreener
24760	A P Stieger	„ 22nd „	„ 46	322	Mausel 7 m/m
24761	A H Erasmus	„ 27th „	„ 24	356	„ 7 m/m
24762	E E Rendall	Aug 10th „	„ 204	9/244	M H rifle
24763	A A Otlepp	„ 10th „	„ 80	11/525	Rifle 303
24764	do	„ 10th „	„ 80	10/584	S B rifle 303
24765	do	„ 10th „	„ 80	4/227	D B 12 B S gun
24766	do	„ 10th „	„ 80	36985	Mausel pistol
24767	L C A de Jager	„ 17th „	„ 55	10/537	„ 7 m/m
24768	do	„ 17th „	„ 55	2163	„ 8 m/m
24769	do	„ 17th „	„ 55	10/5/21	Mannlicher 256
24770	do	„ 17th „	„ 55	3078	„ 9 m/m
24771	do	„ 17th „	„ 55	178	D B shot gun
24772	N W Smith	„ 26th „	„ 136	3777	Carbine 65
24773	J J Kloppe	Sept 9th „	„ 22	6/331	D B 12 bore shot gun
24774	S Taniam	„ 10th „	„ 180	3176	Mannlicher rifle 885
24775	G P Potgieter	„ 12th „	„ 88	71	Model rifle
24776	A J Kioff	„ 12th „	„ 88	461	M H rifle
24777	P B Odendaal	„ 19th „	„ 43	N1	Trap gun
24778	do	„ 19th „	„ 43	34182	Rifle 303

Eldoret,  
October 5th, 1912

N E F CORBETT,  
*District Commissioner*

Licences and Permits issued at Nyeri during the quarter ended 30th September, 1912

To whom issued	Date of issue	Residence	Remarks
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BIRD LICENCES

D S Fernandes	Aug 14th, 1912	Nyeri	
A J Lawson	Sept 9th, „	„	

## Licences and Permits issued at Nyeri —(Contd )

To whom issued	Date of issue	Residence	Remark
GUN TAX			
J Wanderwestinzer	July 29th, 1912	Nyeri	22 miniature rifle
F W Kilbee	" 29th "	"	7 m/m
T R Hamman	" 29th "	"	9 m/m
E V Gordon	" 29th "	"	9 m/m
D S Fernandes	Aug 13th, 1912	"	D B shot gun
Miss M P Bothma	" 16th "	"	T B 22 L rifle
A J Lawson	Sept 9th "	"	D B shot gun
Thomas Campbell	" 12th "	"	1 22 miniature B R No 700

## Ammunition Permits issued at Nyeri for the quarter ended 30th September, 1912

No	To whom issued	Nature of Ammunition	Residence
100	Alexander Heid	500 rounds shot cartridges	Nyeri
18201	Colonel Caswell	300 " " "	"
18202	Di Philp	500 " " "	Nyeri, Tumu-Tumu
18203	D S Fernandes	500 " " "	Nyeri
18204	Miss M H Bothma	500 " 22 cartridges	"
18205	T Hawking	200 " cartridges	"
18206	P H Evans	500 " "	"
18207	A J Lawson	500 " "	"
18208	Thomas Campbell	500 " "	"
18209	O Barry	500 " "	"
18210	G Dennis	500 " "	"

Nyeri,  
1st October, 1912

A de V WADE,  
*for District Commissioner*

## Licences and Permits issued at Kyambu during the quarter ended 30th September, 1912

To whom issued	Date of issue	Residence	Remarks
BIRD LICENCE			
F L Moon	July 18th, 1912	Dagoretti	
GUN TAX PERMITS			
F L Moon	July 18th, 1912	Dagoretti	303 carbine
do	" 18th "	"	6-ch revolver
D Reid	" 23rd "	Nairobi	450 cordite
T R Westvelk	" 27th "	Kijabe	401 Winchester repeater
W H Furlonger	Aug 15th "	Kyambu	350 Rigby rifle
J H Bebbel	Sept 10th "	"	8 m/m rifle

Kyambu,  
30th September, 1912

C C DUNDAS,  
*Assistant District Commissioner*

## Licences and Permits issued at Ngongo Bagas for the quarter ended 30th September, 1912

No	To whom issued	Date of issue	Residence	Remarks
BIRD LICENCE				
3802	J V Fernandes	Aug 1st, 1912	Ngongo Bagas	



## Licences and Permits issued at Ngongo Bagas—(Contd )

No	To whom issued	Date of issue	Residence	Remarks
GUN TAX PERMIT				
12434	—Wight	Aug 10th, 1912	Naiyasha	D B 577 rifle by Holland and Holland
AMMUNITION PERMITS				
2416	Bugwanji Diaram	July 15th, 1912	Ngongo Bagas	100 rounds 303 ammunition for self protection
2417	do	Sept 26th „	do	50 rounds M H ammunition for self protection

Ngongo Bagas,  
30th September, 1912

N A FERNANDES,  
*District Clerk,*  
*In absence of District Commissioner*

## Bird Licences issued at Fort Hall during the quarter ended 30th September, 1912

No	To whom issued	Date of issue	Residence
4041	M Edmond Canaple	Aug 12th, 1912	Nairobi, c/o Messrs Newland & Tarlton, Nairobi
4042	Adam Issak	14th „	Mombasa

## Ammunition Licences issued at Fort Hall during the quarter ended 30th September, 1912

No	To whom issued	Date of issue	Residence	Remarks
81	C Bowen	July 2nd, 1912	Fort Hall	500 cartridges for Stephens 25 bore, 500 cartridges for Winchester 22 bore
82	Adam Issak	Aug 14th „	Mombasa	100 cartridges for 12 bore shot gun

Fort Hall,  
3rd October, 1912

G A S NORTHCOTE,  
*District Commissioner*

## Explosive Permits issued at Machakos during the quarter ended 30th September, 1912

To whom issued	Date of issue	Nature of Explosive
O Johansen, Mua Farm	July 8th, 1912	56 lb blasting powder, 24 coils fuse
C A and H D Hill, Katelembo, Machakos	„ 15th „	100 rounds 7 m/m Mauser cartridges
H B Smeeton, Machakos	„ 26th „	500 „ 22 mm rifle cartridges
M Mackenzie, Machakos	Sept 12th „	100 „ 12 bore shot cartridges

Machakos,  
October 5th, 1912

G H OSBORNE,  
*District Commissioner*

Bird Licences and Gun Tax Permits issued at Kitui during the quarter ended  
30th September, 1912

No	To whom issued	Date of issue	Residence
BIRD LICENCE			
2518	Chief Kiema wa Mumo	Aug 23rd, 1912	Kanziko
GUN TAX PERMITS			
8218	Chief Kiema wa Mumo	Aug 23rd, 1912	Kanzike
8219	S W J Scholefield	Sept 30th "	Kitui

Kitui,  
October 1st, 1912

C E WARD,  
*for District Commissioner*

Game Licences issued at Embu during the quarter ended 30th September, 1912

No	To whom issued	Date of issue	Residence
TRAVELLER'S GAME LICENCES			
30624 8	Dr T W W Crawford Capt B Pitt	August 12th, 1912 " 26th "	Embu, Kabuthi Nairobi

Licences and Permits issued at Embu during the quarter ended 30th September, 1912

No	To whom issued	Date of issue	Residence	Remarks
BIRD LICENCE				
1916	Makan wa Wangulla	Sept 4th, 1912	Nairobi	
GUN TAX PERMIT				
4771	Dr T W W Crawford	Sept 2nd, 1912	Embu, Kabuthi	Mauser rifle No A 1075 M M

Embu,  
October 10th, 1912

W GERALD EDWARDS,  
*for Acting District Commissioner*

Gun Tax Permits issued at Takaungu during the quarter ended 30th September, 1912

To whom issued	Date of issue	Residence	Remarks
Mahomed bin Sud	July 2nd, 1912	Takaungu	1 D B shot gun, keeper's gun
Abdalla bin Rashid	" 2nd "	Mtanganiko	1 revolver 380
Hams bin Said	Aug 28th "	Takaungu	1 D B shot gun 23606 7/730

Takaungu,  
October 16th, 1912

S H La FONTAINE,  
*Assistant District Commissioner*

Licences issued at Taveta for the quarter ended 30th September, 1912

To whom issued	Date of issue	Residence	Remarks
RESIDENT'S LICENCE			
Bishop Peel	Aug 12th, 1912	Mombasa	For 14 days only

Taveta,  
17th October, 1912

C W WOODHOUSE,  
*Acting Assistant District Commissioner*

Licences issued at Kisumu District during the quarter ended 30th September, 1912

To whom issued	Date of issue	Residence	Remarks
GUN TAX			
Rahintula Mulji	July 11th, 1912	Kisumu	22 bore shot gun
Chief Keni	Aug 10th "	Nyakach	D B shot gun 12 bore 64216
Chief Amimo	" 13th "	Kano	do 63676
Lt L G P Vereker	" 15th "	Lake Steamers, Kisumu	D B Cordite 375 56202
Lt J A Phenix	" 15th "	do	Rifle 62 M M 8/874
Chief Okwama	Sept 11th "	Kano	D B 12 bore shot gun 64212
F P Lobo	" 12th "	Kisumu	D B shot gun 12 bore 22453 5/230
Loyds Jones	" 18th "	do	Cordite rifle 450/400
R H Hampson	" 23rd "	do	303 rifle No T 2956
Robert Boggon	" 23rd "	do	D B shot gun 12 bore No 75434

No	To whom issued	Date of issue	Remarks
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BIRD LICENCES

4584	V G L Van Someren	July 2nd, 1912	Kisumu
4585	A G Bush	" 9th "	"
4586	Rahintula Mulji	" 11th "	Homa Bay
4587	Ram Sin "	" 17th "	Kisumu
4588	Ogola s/c Okwach	" 24th "	Kibos
4589	Headman Amimo	Aug 13th "	Kano
4590	Chief Okwama	Sept 11th "	"
4591	F P Lobo	" 12th "	Kisumu
4592	Capt W B Brook	" 21st "	"
4593	Chief Olech	" 21st "	"
4594	Robert Boggon	" 23rd "	"

To whom issued	Date of issue	Residence	Remarks
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TRAVELLER'S LICENCES

Diu Diu	July 22nd, 1912	Maseno	1 month
Capt F M Jenkins	Aug 17th "	Kisumu	1 "

Kisumu,  
October 23rd, 1912

W B BROOKE,  
*for District Commissioner.*

## Liquor Licences issued at Kisumu District during the quarter ended 30th September, 1912

No	To whom issued	Date of issue	Residence	Remarks
32	The Traffic Manager, Uganda Railway	July 8th, 1912	Kisumu	Hotel Liquor Licence
33	do	" 8th "	Lumbwa	do
34	Messrs Boustead and Clarke	" 8th "	Kisumu	Wine Merchants and Grocers, expires 31/12/12

Kisumu,  
October 23rd, 1912

W B BROOK,  
*for District Commissioner*

## Licences and Permits issued at Kisumu District during the quarter ended 30th Sept, 1912

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

E L Schultz	Sept 14th, 1912	Montcalm, Uasin Gishu	
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## ELEPHANT LICENCE

E L Schultz	Sept 14th, 1912	Montcalm, Uasin Gishu	To shoot one elephant
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## BIRD LICENCES

Effendi Adu	Aug 8th, 1912	Kisumu	
A F Arnoldi	Sept 14th, 1912	Uasin Gishu	
R P D'Mello	" 20th "	Kisumu	

## GUN TAX PERMITS

Effendi Adu	Aug 8th, 1912	Kisumu	Webley revolver
do	" 8th "	"	shot gun
A F Arnoldi	Sept 4th, 1912	Uasin Gishu	
R P D'Mello	" 20th "	Kisumu	shot gun

## AMMUNITION PERMIT

Sheriff Abdul Bari	Aug 31st, 1912	Kisumu	
A F Arnoldi	Sept 4th "	Uasin Gishu	

Kisumu,  
September 30th, 1912

F M LAMB,  
*District Commissioner*

## Licences and Permits issued at Kisumu during the month ended 31st October, 1912

To whom issued	Date of issue	Residence	Remarks
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## GUN TAX PERMIT

J N Lobo	Oct 3rd, 1912	Kisumu	Automatic pistol, Clement's pattern
Hassan Hussein	" 28th "	"	Browning's pattern shot gun

## BIRD LICENCE

Hassan Hussein	Oct 28th, 1912	Kisumu	
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Kisumu,  
October 31st, 1912

F M LAMB,  
*District Commissioner*

**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 tram 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.**

Public Notice is hereby given that on and from December 10th, the Nairobi and Mombasa Goods Sheds will be open for public business as follows —

**Nairobi**

Weekdays,  
7-30 to 16/30 hours

Saturdays,  
7-30 to 14 hours

**Mombasa**

Weekdays,  
7 to 12 hours,  
14 to 17 hours

Saturdays,  
7 to 12 hours

The Goods Sheds at these Stations will be closed on Gazetted Public Holidays except for the delivery and despatch of perishable traffic.

Traffic Manager's Office,  
Nairobi, 29th November, 1912

G. A. STANLEY,  
*Traffic Manager.*

UGANDA MARINE

Rate Circular No 2 of 1912.

It is hereby notified that until further notice, cargo will be carried on S S “William Mackinnon” at the rates published for Uganda Railway Steamers

Entebbe,  
22nd November, 1912

H HUTCHINSON,  
*Commander R N R*  
*Superintendent of Marine*

UGANDA RAILWAY

Approximate Statement of Public Coaching and Goods Traffic  
for the month of November, 1912

Coaching Traffic	Rs	134,564
Goods Traffic	„	482,584
	Total Rs	617,148

Corresponding month of previous year:—

Coaching Traffic ....	Rs	111,096
Goods Traffic ..	„	23,8 34
	Total Rs.	439,9 30
	Increase Rs	177,218
	Decrease Rs	Nil

Nairobi,  
9th December, 1912.

H E GOODSHIP,  
*Acting Chief Accountant.*



# SHIPPING REPORT.

## MOMBASA HARBOUR.

### MONTH OF NOVEMBER, 1912

Name of Vessel	Captain	Gross Tons	Cargo	Nationality	To Whom Consigned	From	Date		Bound to
							Arr	Dep	
S S Wissmann	Brown	629	General	British	A A Visram	Aden	1912 Oct 31	1912 Nov 1	Zanzibar
„ Umtali	Clarke	2611	„	„	Boustead & Clarke	Durban	Nov 2	„ 2	Bombay
„ Puma	Williams	3306	„	„	S M & Co	Aden	„ 3	„ 4	Zanzibar
„ Aristan	Codd	2899	„	„	„	London	„ 5	„ 14	„
„ Wissmann	Brown	629	„	„	A A Visram	Zanzibar	„ 5	„ 5	Kismayu
„ Kuzlei	Schutt	2959	„	German	Hansing & Co	Bombay	„ 6	„ 7	Zanzibar
„ Wissmann	Brown	629	„	British	A A Visram	Kismayu	„ 12	„ 12	„
„ Puma	Williams	3306	„	„	S M & Co	Zanzibar	„ 12	„ 12	Aden
„ Perakota	Hodgson	3418	„	„	„	Bombay	„ 13	„ 15	Durban
„ Kuzlei	Schapp	2959	„	German	Hansing & Co	Zanzibar	„ 13	„ 13	Bombay
„ Palamcotta	Stockwell	3413	„	British	S M & Co	Durban	„ 14	„ 14	„
„ Somali	Kasch	2550	„	German	Hansing & Co	Bombay	„ 15	„ 15	Zanzibar
„ Puma	Giese	115	„	„	„	Dar es-Salaam	„ 15	„ 16	Dar es Salaam
„ Wissman	Brown	629	„	British	A A Visram	Zanzibar	„ 16	„ 17	Kismayu
„ Kilwa	Fakira	350	„	„	E Jivanjee & Co	„	„ 17	„ 17	„
„ Somali	Kasch	2550	„	German	Hansing & Co	Dar es Salaam	„ 20	„ 21	Dar es Salaam
„ Wissmann	Brown	629	„	British	A A Visram	Kismayu	„ 22	„ 22	Zanzibar
„ Kilwa	Fakira	350	„	„	E Jivanjee & Co	„	„ 23	„ 24	„
„ Wissmann	Brown	629	„	„	A A Visram	Zanzibar	„ 26	„ 26	Benadu Coast
„ Iturra	Chioce	2216	„	Italian	L Frigerio & Co	Genoa	„ 26	„ 30	Genoa
„ Puma	Williams	3306	„	British	S M & Co	Aden	„ 30		Still in Harbour

## KILINDINI HARBOUR.

Name of Vessel	Captain	Gross Tons	Cargo	Nationality	To Whom Consigned	From	Date		Bound to
							Arr	Dep	
S S Canbrook Castle	Samuel	7626	General	British	S M & Co	London	1912 Oct 29	1912 Nov 4	Durban
„ Warrior	Sandford	2491	„	„	E A Trading Co	Liverpool	„ 30	„ 11	Bena
„ Adolph Woermann	Mielchen	6268	„	German	Hansing & Co	Zanzibar	Nov 1	„ 2	Hamburg
„ Gascon	Millard	6286	„	British	B E A Corporation, Ltd	Durban	„ 2	„ 5	London
„ Natal	Lipwell	4002	„	French	M M	Mauritius	„ 9	„ 9	Marseilles
„ Guich	Ingh	4889	„	British	S M & Co	London	„ 13	„ 21	Zanzibar
„ Clan Menzies	Andersen	2609	„	„	E A Trading Co	Bena	„ 15	„ 21	Liverpool
„ Gertrud Woermann	Cistons	6465	„	German	Hansing & Co	Hamburg	„ 16	„ 17	Zanzibar
„ Schriebe	Lerequer	4147	„	French	M M	Marseilles	„ 16	„ 16	Mauritius
„ General	Fiedler	8100	„	German	Hansing & Co	Zanzibar	„ 16	„ 17	Hamburg
„ Mutan	Fitchard	2724	„	British	S M & Co	London	„ 17	„ 28	Zanzibar
„ Rudolf	Jacobsen	2400	„	German	Hansing & Co	Hamburg	„ 23	„ 24	„
„ Guich	Ingh	4889	„	British	B E A Corporation, Ltd	Zanzibar	„ 24	„ 27	London
„ Purvagan Castle	Ainstroing	5958	„	„	„	London	„ 27		Still in Harbour
„ Warrior	Sandford	2491	„	„	E A Trading Co	Bena	„ 27		„
„ Talora	Doherty	8100	„	German	Hansing & Co	Hamburg	„ 28	„ 29	Zanzibar
„ Canbrook Castle	Samuel	7626	„	British	S M & Co	Durban	„ 30		Still in Harbour
„ Priscilla	Schutt	3325	„	German	Hansing & Co	Zanzibar	„ 30		„

H PIDCOCK,  
Port Officer.

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# A Bill

**Intituled**

An Ordinance to amend the Law Relating to the Administration  
of the Estate of Deceased Persons.

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# A Bill

## Intituled

### An Ordinance to amend the Law Relating to the Administration of the Estate of Deceased Persons.

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1 This Ordinance may be cited as “The Probate and Administration Short Title  
(Public Trustee) Ordinance, 1912 ”

2 When any bond or security would be required from a private person Public Trustee not  
upon the grant to him of letters of administration to the estate of a person to be required to  
deceased, the Public Trustee, if administration is granted to him, shall not be give administration  
required to give such bond or security, but shall be subject to the same liabilities bond  
and duties as if he had given such bond or security

3 For the purposes of this Ordinance the term “Public Trustee” shall Definition  
mean the Public Trustee appointed under and for the purposes of the Imperial  
Statute 6 Edw 7, Ch 55

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# A Bill

**Intituled**

An Ordinance to amend the Forest Ordinance, 1911.

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# A Bill

## Intituled

### An Ordinance to amend the Forest Ordinance, 1911.

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1. This Ordinance may be cited "The Forest Amendment Ordinance, 1912" Short Title
2. The Forest Ordinance, 1911, shall be and is hereby amended as Amendment of the Forest Ordinance, 1911  
follows —
  - (1) By the deletion of the definition of the word "timber" in Section 2 of the said Ordinance and by the substitution therefor of the definition following —

"Timber" shall include any tree, which has been felled or fallen and any part of a tree which has been cut off or fallen, and all wood, whether sawn, split, hewn, or otherwise fashioned "
  - (2) By the deletion of the words "and two persons not" in Section 7 Sub-section (1) and by the substitution therefor of the words "and two of whom shall not be"
  - (3) By the substitution of the words and figures "1,500 Rupees" for the words and figures "450 Rupees" in Section 14 of the said Ordinance
  - (4) By the deletion of the words "or in any other way whatsoever" in Section 15 of the said Ordinance and by the substitution therefor of the words "or of any other act or omission whatsoever"
  - (5) By the insertion of the word "establishments" before the word "buildings" in the third and fifth lines of the second paragraph of Section 16 of the said Ordinance
  - (6) By the substitution of the words and figures "6,000 Rupees" for the words and figures "1,500 Rupees" in Section 23 of the said Ordinance
  - (7) By the deletion of the word "Regulations" and by the substitution therefor of the word "Regulations" in the Schedule to said Ordinance

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# **A Bill**

**Intituled**

An Ordinance to amend the Ostrich Ordinance, 1907.

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# A Bill

## Intituled

### An Ordinance to amend the Ostrich Ordinance, 1907.

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1 This Ordinance may be cited as “The Ostrich Amendment Ordinance, 1912” and shall be read as one with The Ostrich Ordinance, 1907, hereinafter referred to as the Principal Ordinance Short Title

2 A Feather Merchant's Licence shall not authorise the holder to sell any feather of a domesticated ostrich to a Native who, at the time of the sale, is not within a Native Reserve or Closed District, anything in Section 14 of the Principal Ordinance to the contrary notwithstanding Feather Merchants prohibited from selling feathers to Natives outside Native Reserves and Closed Districts

3 No Native shall have in his possession outside a Native Reserve or Closed District any ostrich feathers Natives outside Native Reserves and Closed Districts prohibited from possessing ostrich feathers

4 Any person who commits any breach of this or the Principal Ordinance or of the conditions of his licence shall, save where other provision is made in the Principal Ordinance, on conviction, be liable to a fine not exceeding Fifteen hundred Rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment Penalty

In all cases of conviction any ostrich or ostrich feather or ostrich egg in respect of which the offence has been committed shall be liable to forfeiture. If the person convicted is the holder of a licence, his licence may be revoked by the Governor

5 Section 24 of the Principal Ordinance is hereby repealed Repeal



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# A Bill

**Intituled**

An Ordinance to make provision for the Registration of Trade  
Marks in the East Africa Protectorate.

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# A Bill

## Intituled

### An Ordinance to make provision for the Registration of Trade Marks in the East Africa Protectorate.

1 This Ordinance may be cited as “The Registration of Trade Marks Ordinance, 1912” and shall come into operation, for the purpose of making rules and prescribing forms and fees, on the publication of the Ordinance, and, for all other purposes, on such date as the Governor, by notice in the “Gazette,” shall determine

Short Title and  
Commencement

#### PART I

##### Definitions.

2 In and for the purposes of this Ordinance (unless the context otherwise requires) —

Definitions.

“Marks” shall include a device, brand, heading, label, ticket, name, signature, word, letter, numeral, or any combination thereof

“Trade Mark” shall mean a mark used or proposed to be used upon or in connection with goods for the purpose of indicating that they are the goods of the proprietor of such trade mark by virtue of manufacture, selection, certification, dealing with, or offering for sale

“Registrable Trade Mark” shall mean a trade mark which is capable of registration under the provisions of this Ordinance

“Register” shall mean the register of trade marks kept under the provisions of this Ordinance

“Registered Trade Mark” shall mean a trade mark which is actually upon the register

“Prescribed” shall mean, in relation to proceedings before the Court, prescribed by rules of Court, and, in other cases, prescribed by this Ordinance or the Rules thereunder

“Court” shall mean His Majesty’s High Court for East Africa

“Person” includes a body corporate

“Goods” shall mean anything which is the subject of trade, manufacture, or merchandise

##### Register of Trade Marks

3 There shall be kept at the Office of the Secretary under the Inventions and Designs Act 1888 (Act V of 1888) for the purposes of this Ordinance a book called the Register of Trade Marks, wherein shall be entered all registered trade marks with the names and addresses of their proprietors, the dates on which applications were made for their registration, as hereinafter provided, notifications of assignments and transmissions, disclaimers, conditions, limitations, and such other matters relating to such trade marks as may from time to time be prescribed. The register shall be kept under the control and management of the aforesaid Secretary, who is in this Ordinance referred to as the Registrar

Register of trade  
marks

4 There shall not be entered in the register any notice of any trust expressed, implied, or constructive, nor shall any such notice be receivable by the Registrar

Trust not to be  
entered in register

5 The register kept under this Ordinance shall at all convenient times be open to the inspection of the public, subject to the provisions of this Ordinance or to such regulations as may be prescribed, and certified copies of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee

Inspection of and  
extract from  
register

## Registrable Trade Mark

Particularity

6 A Trade Mark must be registered in respect of particular goods or classes of goods

The applicant shall, in his application, state goods included in one class only. If the applicant desires to register the same mark for goods falling in more than one class, he shall make a separate application in respect of each class and each of such applications shall be treated for all purposes as separate and distinct applications and the entries on the register in pursuance of such application shall for all purposes, be deemed to relate to separate and distinct trade marks

Essentials

7 A registrable trade mark must contain or consist of at least one of the following essential particulars —

- (1) The name of a company, individual, or firm represented in a special or particular manner,
- (2) The signature of the applicant for registration or some predecessor in his business,
- (3) An invented word or invented words,
- (4) A word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname,
- (5) Any other distinctive mark, but a name, signature or word or words, other than such as fall within the descriptions in the above paragraphs (1), (2), (3), and (4), shall not, except by order of the Court, be deemed a distinctive mark

For the purposes of this Section “distinctive” shall mean adapted to distinguish the goods of the proprietor of the trade mark from those of other persons

In determining whether a trade mark is so adapted the Court may in the case of a trade mark in actual use, take into consideration the extent to which such user has rendered such trade mark in fact distinctive of goods with respect to which it is registered or proposed to be registered

Provided always that any mark which has been registered as a distinctive mark in England under the Trade Mark Act 1905, shall be deemed to be a distinctive mark for the purpose of this Ordinance

Coloured trade marks

8 A trade mark may be limited in whole or in part to one or more specified colours, and in such case the fact that it is so limited shall be taken into consideration by any Tribunal having to decide on the distinctive character of such trade mark. If and so far as a trade mark is registered without limitation of colour it shall be deemed to be registered for all colours

Restriction on registration

9 It shall not be lawful to register as a trade mark or part of a trade mark any matter, the use of which would by reason of its being calculated to deceive or otherwise be disentitled to protection in a Court of Justice, or would be contrary to law or morality, or any scandalous design

## Registration of Trade Marks

Application to register

- 10 (1) Any person claiming to be the proprietor of a trade mark may by himself or his agent apply to the Registrar for the registration thereof
- (2) The application must be made in the prescribed form, and must be accompanied by not less than three representations of the trade mark and by a stereotype block of such representation
- (3) The applicant must state the particular goods or classes of goods in connection with which he desires his trade mark to be registered
- (4) The application must be left with or sent by post to the Registrar.
- (5) The date of the delivery or receipt of the application shall be endorsed thereon and recorded in the Registrar's Office
- (6) When an applicant for the registration of a trade mark is out of the Protectorate at the time of making the application he shall give the Registrar an address for service in the Protectorate and if he fails to do so the Registrar may refuse to proceed with the application until the address has been given

- 11 (1) Subject to the provisions of this Ordinance the Registrar may <sup>Action in regard to application</sup> refuse such application as aforesaid, or may accept it absolutely or subject to conditions, amendments or modifications
- (2) In case of any such refusal or conditional acceptance the Registrar shall, if required by the applicant, state in writing the grounds of his decision and the materials used by him in arriving at the same, and such decision shall be subject to appeal to the Court
- (3) An appeal under this section shall be made in the prescribed manner, and on such appeal the Court shall, if required, hear the applicant and the Registrar, and shall make an order determining whether, and subject to what conditions, amendments, or modifications, if any, the application is to be accepted

12 When an application for registration of a trade mark has been <sup>Advertisement of application</sup> accepted, whether absolutely or subject to conditions, the Registrar shall, as soon as may be after such acceptance, cause the application as accepted to be advertised in the "Official Gazette" Such advertisement shall set forth all conditions subject to which the application has been accepted

- 13 (1) Any person may, within three months, or such further time, not <sup>Opposition of registration</sup> exceeding nine months in all as the Registrar shall allow, of the advertisement of an application for the registration of a trade mark, give notice to the Registrar of opposition to such registration
- (2) Such notice shall be given in writing in the prescribed manner, <sup>Notice</sup> and shall include a statement of the grounds of opposition
- (3) The Registrar shall send a copy of such notice to the applicant, <sup>Counter statement</sup> and within one month after the receipt of such notice, or such further time, not exceeding three months in all, as the Registrar may allow, the applicant shall send to the Registrar, in the prescribed manner, a counter-statement of the grounds on which he relies for his application, and, if he does not do so, he shall be deemed to have abandoned his application
- (4) If the applicant sends such counter-statement, the Registrar shall <sup>Copy of counter-statement to party opposing</sup> furnish a copy thereof to the persons giving notice of opposition, and shall require him to give security in such manner and to such amount as the Registrar may require for such costs as may be awarded in respect of such opposition, and if such security is not given within fourteen days after such requirement was made or such further time as the Registrar may allow, the opposition shall be deemed to be withdrawn
- (5) If the person who gave notice of opposition duly gives such security as aforesaid, the Registrar shall inform the applicant thereof in writing, and thereafter the case shall be deemed to stand for the determination of the Court
- (6) Where the opponent is out of the Protectorate he shall, with notice of opposition to registration, give the Registrar an address for service in the Protectorate

- 14 (1) When a case stands for the determination of the Court under the provisions of the last preceding Section, the Registrar shall <sup>Cases how brought before the Court,</sup> require the applicant to make a written application to the Court for an order that, notwithstanding the opposition of which notice has been given the registration of the trade mark be proceeded with by the Registrar, or to take such other proceedings as may be proper and necessary for the determination of the case by the Court
- (2) The applicant shall thereupon make his application or take such other proceedings as aforesaid, within the period of one month or such further time as the Registrar may allow, and shall also within the like period give notice thereof to the Registrar
- (3) If the applicant shall fail to make such application or to take such other proceedings of which failure the non-receipt by the Registrar of the said notice shall be sufficient proof, the applicant shall be deemed to have abandoned his application
- 15 (1) The Court shall have power in proceedings under the last two <sup>Powers of the Court</sup> preceding Sections to award to any party such costs as it may consider reasonable and to direct how and by what parties they are to be paid

- (2) The Court shall, if required, hear the parties and the Registrar, and shall make an order determining whether, and subject to what conditions, if any, registration is to be permitted
- (3) The Court may permit the trade mark proposed to be registered to be modified in any manner not substantially affecting the identity of such trade mark, but in such case the trade mark as so modified shall be advertised in the ' Official Gazette ' before being registered

Disclaimers

16 If a trade mark contains parts not separately registered by the proprietor as trade marks, or if it contains matter common to the trade or otherwise of a non-distinctive character, the Registrar or the Court, in deciding whether such trade mark shall be entered or shall remain upon the register, may require, as a condition of its being upon the register, that the proprietor shall disclaim any right to the exclusive use of any part or parts of such trade mark, or of all or any portion of such matter, to the exclusive use of which they hold him not to be entitled, or that he shall make such other disclaimer as they may consider needful for the purpose of defining his rights under such registration. Provided always that no disclaimer upon the register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which disclaimer is made

Date of registration

17 When an application for registration of a trade mark has been accepted and has not been opposed, and the time for notice of opposition has expired, or having been opposed, the opposition has been decided in favour of the applicant, the Registrar shall, unless the Court otherwise direct, register the said trade mark, and the trade mark, when registered, shall be registered as of the date of the application for registration, and such date shall be deemed for the purposes of this ordinance to be the date of registration

Certificate of registration

18 The Registrar shall have a seal and on the registration of a trade mark he shall issue to the applicant a certificate in the prescribed form of the registration of such trade mark under the hand and seal of the Registrar

Non-completion of registration

19 Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar may, after giving notice in writing of the non-completion to the applicant or to his agent (if any), treat the application as abandoned unless it is completed within the time specified in that behalf in such notice

#### Identical Trade Marks

Identical marks

20 Except by order of the Court or in the case of trade marks in use before the coming into operation of this Ordinance, no trade mark shall be registered in respect of any goods or description of goods which is identical with one belonging to a different proprietor which is already on the register with respect to such goods or description of goods, or so nearly resembling such a trade mark as to be calculated to deceive

Priority claims  
by proprietor

21 Where each of several persons claims to be proprietor of the same trade mark, or of nearly identical trade marks, in respect of the same goods or description of goods, and to be registered as such proprietor, the Registrar may refuse to register any of them until their rights have been determined by the Court, or have been settled by agreement in a manner approved by him

Concurrent use

22 In case of honest concurrent user or of other special circumstances which, in the opinion of the Court, make it proper to do so, the Court may permit the registration of the same trade mark, or of nearly identical trade marks, for the same goods or description of goods by more than one proprietor subject to such conditions and limitations, if any, as to mode or place of user or otherwise as it may think it right to impose

#### Assignment

Assignment and transmission of trade marks

23 A trade mark when registered shall be assigned and transmitted only in connection with the goodwill of the business concerned in the goods for which it has been registered and shall be determinable with that goodwill

Apportionment of marks on dissolution of partnership

24 In any case where from any cause, whether by reason of dissolution of partnership or otherwise, a person ceases to carry on business, and the goodwill of such person does not pass to one successor but is divided, the Registrar may (subject to the provisions of this Ordinance as to associated trade marks), on the application of the parties interested, permit an apportionment of the registered trade marks of the person among the persons in fact continuing the business, subject to such conditions and modifications, if any, as he may think necessary in the public interest. Any decision of the Registrar under this Section shall be subject to appeal to the Court

### Associated Trade Mark.

25 If application be made for the registration of a trade mark so closely resembling a trade mark of the applicant already on the register for the same goods or description of goods as to be calculated to deceive or cause confusion if used by a person other than the applicant, the tribunal hearing the application may require as a condition of registration that such trade marks shall be entered on the register as associated trade marks Associated trade marks

26 If the proprietor of a trade mark claims to be entitled to the exclusive use of any portion of such trade mark separately he may apply to register the same as separate trade marks. Each such separate trade mark must satisfy all the conditions and shall have all the incidents of an independent trade mark, except that when registered it and the trade mark of which it forms a part shall be deemed to be associated trade mark and shall be entered on the register as such but the use of the whole trade mark shall for the purposes of this Ordinance be deemed to be also a use of such registered trade marks belonging to the same proprietor as it contains Combined trade marks

27 When a person claiming to be the proprietor of several trade marks for the same description of goods which, while resembling each other in the material particulars thereof, yet differ in respect of — Series of trade mark

- (a) Statements of the goods for which they are respectively used or proposed to be used, or
- (b) Statements of number, price, quality, or names of places, or
- (c) Other matter of a non-distinctive character which does not substantially affect the identity of the trade mark, or
- (d) Colour,

seeks to register such trade marks they may be registered as a series in one registration. All the trade marks in a series of trade marks so registered shall be deemed to be, and shall be registered as, associated trade marks

28 Associated trade marks shall be assignable or transmissible only as a whole and not separately, but they shall for all other purposes be deemed to have been registered as separate trade marks. Provided that where under the provisions of this Ordinance use of a registered trade mark is required to be proved for any purpose, the tribunal may if and so far as it shall think right accept use of an associated registered trade mark, or of the trade mark with additions or alterations not substantially affecting its identity as an equivalent for such use Assignment and use of associated trade marks

### Duration and Renewal of Registration.

29 The registration of a trade mark shall be for a period of fourteen years, but may be renewed from time to time in accordance with the provisions of this Ordinance Duration of registration

30 The Registrar shall, on application made by the registered proprietor of a trade mark in the prescribed manner and within the prescribed period, renew the registration of such trade mark for a period of fourteen years from the expiration of the original registration or of the last renewal of registration, as the case may be, which date is herein termed, 'the expiration of the last registration' Renewal of registration

31 At the prescribed time before the expiration of the last registration of a trade mark the Registrar shall send notice in the prescribed manner to the registered proprietor at his registered address of the date at which the existing registration will expire and the conditions as to payment of fees and otherwise upon which a renewal of such registration may be obtained, and if at the expiration of the time prescribed in that behalf such conditions have not been duly complied with, the Registrar may remove such trade mark from the register, subject to such conditions (if any) as to its restoration to the register as may be prescribed Procedure on expiry of period of registration

32 Where a Trade Mark has been removed from the register for non-payment of the fee for renewal such trade mark shall, nevertheless, for the purpose of any application for registration during one year next after the date of such removal, be deemed to be a trade mark which is already registered, unless it is shown to the satisfaction of the Registrar that there had been no bona fide trade use of such trade mark during the two years immediately preceding such removal Status of unrenewed trade mark



## Correction and Rectification of application or of the Register

Registrar may correct  
formal errors in appli-  
cation

33 The Registrar may, on request in writing accompanied by the prescribed fee,

- (a) correct any clerical error in or in connection with an application for the registration of a trade mark, or
- (b) permit an applicant for registration of a trade mark to amend his application by omitting any particular goods, or classes of goods in connection with which he has desired the trade mark to be registered

Correction of register

34 The Registrar may, on request made in the prescribed manner by the registered proprietor or by some person entitled by law to act in his name --

- (1) Correct any error in the name or address of the registered proprietor of a trade mark, or
- (2) Enter any change in the name or address of the person who is registered as proprietor of a trade mark, or
- (3) Cancel the entry of a trade mark on the register, or
- (4) Strike out any goods or classes of goods from those for which a trade mark is registered, or
- (5) Enter a disclaimer or memorandum relating to a trade mark which does not in any way extend the rights given by the existing registration of such trade mark

Any decision of the Registrar under this Section shall be subject to appeal to the Court

Registration of assign-  
ment, &c

35 Subject to the provisions of this Ordinance where a person becomes entitled to a registered trade mark by assignment transmission, or other operation of law, the Registrar shall, on request made in the prescribed manner, and on proof of title to his satisfaction, cause the name and address of such person to be entered on the register as proprietor of the trade mark Any decision of the Registrar under this Section shall be subject to appeal to the Court

Alteration of registered  
trade mark

36 (1) The registered proprietor of any trade mark may apply in the prescribed manner to the Registrar for leave to add to or alter such trade mark in any manner not substantially affecting the identity of the same and the Registrar may refuse such leave or may grant the same on such terms as he may think fit, but any such refusal or conditional permission shall be subject to appeal to the Court

- (2) If leave be granted, the trade mark as altered shall be advertised in the prescribed manner, and the Registrar shall, on payment of the prescribed fee, cause the register to be altered in conformity with the order of leave

Rectification of register  
by the Court

37 (1) The Court may, on the application of any person aggrieved by the omission without sufficient cause of the name of any person or of any other particulars from the register kept under this Ordinance or by any entry made without sufficient cause in any such register, or by any entry wrongfully remaining on the register, make such order for making, expunging, or varying the entry as the Court thinks fit, or the Court may refuse the application and in either case may make such order with respect to the costs of the proceedings as the Court thinks fit

- (2) The Court may in any proceedings under this section decide any question that it may be necessary or expedient to decide for the rectification of a register, and may direct an issue to be tried for the decision of any question of fact, and may award damages to the party aggrieved
- (3) Notice of any intended application to the Court under this section shall be given to the Registrar by the applicant, and the Registrar shall be entitled to be heard on the application
- (4) In case of fraud in the registration or transmission of a registered trade mark the Registrar may himself apply to the Court under the provisions of this section
- (5) If any order of the Court rectifying the register is made the Registrar shall on proof thereof and on payment of the prescribed fee cause the register to be altered in conformity with such order



38 A registered trade mark may, on the application to the Court of any person aggrieved, be taken off the register in respect of any of the goods for which it is registered, on the ground that it was registered by the proprietor or a predecessor in title without any *bona fide* intention to use the same in connection with such goods, and there has in fact been no *bona fide* user of the same in connection therewith, or on the ground that there has been no *bona fide* user of such trade mark in connection with such goods during the five years immediately preceding the application, unless in either case such non-user is shown to be due to special circumstances in the trade, and not to any intention not to use or to abandon such trade mark in respect of such goods

### Effect of Registration.

39 Subject to the provisions of this Ordinance

Powers of registered proprietor

(1) The person for the time being entered in the register as proprietor of the trade mark shall, subject to any rights appearing from such register to be vested in any other person, have power to assign the same, and to give effectual receipts for any consideration for such assignment

(2) Any equities in respect of a trade mark may be enforced in like manner as in respect of any other personal property

40 Subject to the provisions of section 42 of this Ordinance and to any limitations and conditions entered upon the register, the registration of a person as proprietor of a trade mark shall, if valid, give to such person the exclusive right to the use of such trade mark upon or in connection with the goods in respect of which it is registered

Rights of proprietor of trade mark

Provided always that where two or more persons are registered proprietors of the same (or substantially the same) trade mark in respect of the same goods no rights of exclusive user of such trade mark shall (except so far as their respective rights shall have been defined by the Court) be acquired by any one of such persons as against any other by the registration thereof, but each of such persons shall otherwise have the same rights as if he were the sole registered proprietor thereof

More than one proprietor

41 In all legal proceedings relating to a registered trade mark (including applications under section 37 of this Ordinance) the fact that a person is registered as proprietor of such trade mark shall be *prima facie* evidence of the validity of the original registration of such trade mark and of all subsequent assignments and transmissions of the same

Registration *prima facie* evidence of validity

42 In all legal proceedings relating to a registered trade mark (including applications under section 37 of this Ordinance) the original registration of such trade mark shall after the expiration of seven years from the date of such original registration (or seven years from the passing of this Ordinance, whichever shall last happen) be taken to be valid in all respects unless such original registration was obtained by fraud, or unless the trade mark offends against the provisions of section 9 of this Ordinance

Registration conclusive after 7 years

Provided that nothing in this Ordinance shall entitle the proprietor of a registered trade mark to interfere with or restrain the user by any person of a similar trade mark upon or in connection with goods upon or in connection with which such person has, by himself or his predecessors in business, continuously used such trade mark from a date anterior to the user of the first mentioned trade mark by the proprietor thereof or his predecessors in business, or to object (on such user being proved) to such person being put upon the register for such similar trade mark in respect of such goods under the provisions of section 22 of this Ordinance

43 No person shall be entitled to institute any proceeding to prevent or to recover damages for the infringement of an unregistered trade mark unless such trade mark was in use before the coming into operation of this Ordinance, and has been refused registration under this Ordinance. The Registrar may, on request, grant a certificate that such registration has been refused

Unregistered trade mark

44 In an action for the infringement of a trade mark the Court trying the question of infringement shall admit evidence of the usages of the trade, in respect to the get-up of the goods for which the trade mark is registered, and of any trade marks or get-up legitimately used in connection with such goods by other persons

Infringement

Use of name,  
address or descrip-  
tion of goods

45 No registration under this Ordinance shall interfere with any *bona fide* use by a person of his own name or place of business or that of any of his predecessors in business, or the use by any person of any *bona fide* description of the character or quality of his goods

"Passing off" action

46 Nothing in this Ordinance contained shall be deemed to affect rights of action against any person for passing off goods as those of another person or the remedies in respect thereof

### Legal Proceedings

Certificate of  
validity

47 In any legal proceeding in which the validity of the registration of a registered trade mark comes into question and is decided in favour of the proprietor of such trade mark, the Court may certify the same, and if it so certifies then in any subsequent legal proceeding in which such validity comes into question the proprietor of the said trade mark on obtaining a final order or judgment in his favour shall have his full costs, charges, and expenses as between solicitor and client, unless in such subsequent proceeding the Court certifies that he ought not to have the same

Procedure before  
the Court

48 Every application made to the Court under Section 36 or 37 and all proceedings thereunder shall be conducted in such manner as the Court may direct

### Costs

Costs

49 In all proceedings before the Court under this Ordinance the costs of the Registrar shall be in the discretion of the Court, but the Registrar shall not be ordered to pay the costs of any other of the parties

### Evidence

Certified copies to  
be evidence

50 Printed or written copies or extracts purporting to be certified by the Registrar, of or from any document, register, and other books filed or kept, under this Ordinance, in his office shall be admitted in evidence in all Courts in the Protectorate, and in all proceedings, without further proof or production of the originals

Certificate of  
Registrar to be  
evidence

51 A certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing which he is authorised by this Ordinance, or any rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or not done

Application may be  
sent by post

52 (1) An application, notice or other document authorised or required to be left with made or given to the Registrar or to any other person under this Ordinance, may be sent by a registered letter through the post, and if so sent shall be deemed to have been so left, made, or given respectively at the time when the letter containing the same would be delivered in the ordinary course of post

(2) In proving such service or sending it shall be sufficient to prove that the letter was properly addressed and registered at the Post Office

### Duties of Registrar of Trade Marks.

Exercise of discre-  
tionary powers of  
Registrar

53 Where any discretionary or other power is given to the Registrar by this Ordinance or rules made thereunder he shall not exercise that power adversely to the applicant for registration or the registered proprietor of the Trade Mark in question without, (if duly required so to do within the prescribed time) giving such applicant or registered proprietor an opportunity of being heard

## PART II

### Power to make Rules as to Fees, &c.

Power to make  
rules

54 (1) The Governor in Council may from time to time make, alter or revoke rules, prescribe such forms, and generally do such things as he thinks expedient subject to the provisions of this Ordinance —

- (a) For regulating the practice of registration under this Ordinance :
- (i) For classifying goods for the purposes of registration of trade marks

- (c) for prescribing the fees payable in respect of applications and registrations and other matters under the Ordinance, and the mode of payment of the same
  - (d) generally for regulating all the things by the said Ordinance placed under the direction or control of the Registrar
  - (e) for altering or revoking the provisions contained in the schedules hereto
- (2) Any rules made in pursuance of this section shall be published in the "Gazette" and shall come into operation on the publication thereof, subject to disallowance by His Majesty
  - (3) Unless and until they be altered or revoked under this section the provisions contained in the schedule hereto shall be and remain in force

### **Special Trade Mark.**

55 Where any association or person undertakes the examination of any goods in respect of origin, material, mode of manufacture, quality, accuracy, or other characteristic, and certifies the result of such examination by mark used upon or in connection with such goods, the Governor may, if he judge it to be to the public advantage, direct the Registrar to permit such association or person to register such mark as a trade mark in respect of such goods, whether or not such association or person be a trading association or trader or possessed of a goodwill in connection with such examination and certifying. When so registered such trade mark shall be deemed in all respects to be a registered trade mark, and such association or person to be proprietor thereof, save that such trade mark shall be transmissible or assignable only by permission of the Governor.

Standardization &c,  
or trade mark

### **Trade Marks Registered in Great Britain**

- 56 (1) Any person who has registered a trade mark in Great Britain shall be entitled to registration of his trade mark under this Ordinance in priority to other applicants, and such registration shall have the same date as the application for registration in Great Britain, provided that his application is made within four months from his applying for protection in Great Britain.
- Registration of British  
Trade Marks
- Provided that nothing in this section contained shall entitle the proprietor of the trade mark to recover damages for infringements happening prior to the date of actual registration of his trade mark in the Protectorate
- (2) The use in the Protectorate during the period aforesaid of the trade mark shall not invalidate the registration of his trade mark
  - (3) The application for the registration of a trade mark under this Section must be made in the same manner as an ordinary application under this Ordinance. Provided that any trade mark the registration of which has been duly obtained in Great Britain, may be registered under this Ordinance

### **Offences**

57. (1) If any person makes or causes to be made a false entry in the register kept under this Ordinance, or a writing falsely purporting to be a copy of an entry in such register, or produces, or tenders, or causes to be produced or tendered in evidence any such writing knowing the entry or writing to be false, he shall be guilty of an offence and on conviction shall be liable to imprisonment of either description for a term not exceeding five years.
- Offences
- (2) Any person who represents any trade mark as registered, which is not so, shall be guilty of an offence, and liable on conviction to a fine not exceeding seventy five rupees.
- A person shall be deemed for the purposes of this section, to represent that a trade mark is registered if he uses in connection with the trade mark the word "registered" or any word or words expressing or implying that registration has been obtained for the trade mark

- (3) If any person, without the authority of His Majesty, uses in connection with any trade, business, calling, or profession, the Royal Arms (or arms so closely resembling the same as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised so to use the Royal Arms, or if any person without the authority of His Majesty or of a Member of the Royal Family uses in connection with any trade, business, calling, or profession any device, emblem or title in such manner as to be calculated to lead to the belief that he is employed by or supplies goods to His Majesty or such Member of the Royal Family, he shall be guilty of an offence and liable on conviction to a fine not exceeding three hundred rupees, Provided that nothing in this Sub-section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing any such arms, device, emblem, or title to continue to use such trade mark

### International and Intercolonial Arrangements

International arrange  
ments  
Priority registration

- 58 (1) If His Majesty is pleased by Order-in-Council to apply the provisions of Section 91 of the Imperial Act entitled "The Patents and Designs Act, 1907" to the Protectorate, then any person who has applied for protection for any trade mark in any Foreign State with the Government of which His Majesty has made an arrangement under the said Section for mutual protection to trade marks, shall be entitled to registration of his trade mark under this Ordinance in priority to other applicants, and such registration shall take effect from the same date as the date of the application in such Foreign State
- (2) Every application for the registration of a trade mark under this Section shall be made within four months from the date of the application for protection in such Foreign State
- (3) Nothing in this Section contained shall entitle the proprietor of the trade mark to recover damages for infringements happening prior to the date of the actual registration of his trade mark in the Protectorate
- (4) The use in the Protectorate during the period aforesaid of the trade mark shall not invalidate the registration thereof
- (5) The application for the registration of a trade mark under this section shall be made in the same manner as an ordinary application under this Ordinance. Provided that any trade mark the registration of which has been duly applied for in the country of origin may be registered under this Ordinance
- (6) The provisions of this Section shall apply only in the case of those Foreign States with respect to which His Majesty shall from time to time by Order-in-Council declare the provision of the aforesaid Section 91 of the Patents and Designs Act, 1907, to be applicable, and so long only in the case of each State as such Order continues in force with respect to that State

Intercolonial  
arrangements

- 59 (1) Whenever it appears to the Governor in Council that the legislature of any British Possession or Protectorate has made satisfactory provision for the protection in such Possession or Protectorate of trade marks registered in the Protectorate, the Governor may by Order apply all or any of the provisions of the last preceding Section of this Ordinance with such variations or additions as may seem fit to trade marks registered in such British Possession or Protectorate
- (2) An Order-in-Council under this Section shall, from a date to be mentioned in the Order, take effect as if its provisions had been contained in this Ordinance, but the Governor in Council may revoke such Order

### General

Provisions as to public  
holidays

- 60 Whenever the last day fixed by this Ordinance, or by any rule for the time being in force, for leaving any document with, or paying any fee to the Registrar, shall fall on a Sunday or public holiday it shall be lawful to leave such document or to pay such fee on the day next following such Sunday or public holiday or holidays, if two or more of them occur consecutively

61 If any person is, by reason of infancy, lunacy or other inability Infants, lunatics, &c incapable of making any affidavit or doing anything required or permitted by this Ordinance or by any rules made under the authority of this Ordinance, then the guardian of such incapable person, or if there be none, any person appointed by any Court possessing jurisdiction in respect of the property of incapable persons upon the petition of any person on behalf of such incapable person, or any other person interested in the making of such affidavit or doing such thing, may make such affidavit, or an affidavit as nearly corresponding thereto as circumstances may permit, and do such thing in the name and on behalf of such incapable person, and all acts done by such substitute shall, for the purposes of this Ordinance, be as effectual as if done by the person for which he is substituted

62 Any person who has duly registered his trade mark in respect of any goods in Great Britain may, by himself, his agent or representative in the Protectorate on giving notice in writing to the Chief of Customs that goods bearing a mark so nearly resembling his trade mark as to be well calculated to deceive are being imported into the Protectorate, cause the said goods to be detained by the Chief of Customs until the rights of the matter have been determined according to law Powers of Customs authorities to detain goods in certain cases Provided that any such informant shall reimburse to the Chief of Customs all expenses and damages incurred in respect of such detention made on his information, and of any proceedings consequent on such detention And provided further that the Chief of Customs may refuse to detain any such goods as aforesaid unless and until the informant shall give a guarantee with sureties to be approved by the Chief of Customs for the due payment of such expenses and damages

## The Schedule

### PART I

#### Rules

1 In the construction of these rules any words used herein defined by Interpretation the Ordinance shall have the meaning thereby assigned to them respectively

2 The fees to be paid in pursuance of this Ordinance shall be the fees Method of paying fees specified in Part 2 of this Schedule and such fees shall be paid in stamps

3 For the purposes of trade mark registration and of these rules, goods Classification of goods are classified in the manner appearing in Part 3 of this Schedule

4 If any doubt arises as to what class any particular description of goods Doubt to be settled by Registrar belongs to, the doubt shall be determined by the Registrar

5 Subject to any directions which may be given by the Registrar, all Size of paper applications, notices, counter statements, representations of marks, papers having representations affixed, or other documents required to be left with or sent to the Registrar shall be upon foolscap paper of a size of approximately 13 inches by 8 inches, and shall have on the left hand part thereof a margin of approximately 2 inches

6 An application for registration of a trade mark, if made by any firm or Application by firm and by body corporate partnership, may be signed by some one or more members of such firm or partnership, as the case may be If the application be made by a body corporate it may be signed by the Secretary or other principal Officer of such body corporate

7 An application for registration, and all other communications between Agency the applicant and the Registrar, may be made by or through an agent duly authorised to the satisfaction of the Registrar

8 Every application shall be advertised by the Registrar in the "Gazette" Advertisement of application during such times and in such manner as the Registrar may direct, unless he refuse to entertain the application The Registrar shall in such advertisement name a place where a specimen or representation of the trade mark is exhibited

9 Every application for registration of a trade mark shall contain a Application to contain representation of mark representation of the trade mark affixed to it in the space which the prescribed form contains for that purpose The form is set forth in Part 4 of this Schedule

Where the representation exceeds such space in size, the representation shall be mounted on linen tracing cloth or other material that the Registrar may consider suitable Part of the mounting shall be affixed in the space aforesaid, and the rest may be folded over

10 Subject to any directions given by the Registrar there shall be sent Additional representations to be furnished with the application three representations of each mark, in addition to that affixed to the application If the mark is to be registered in more than one class then two additional representations for each class after the first shall be supplied



## Translation

11 Where a trade mark contains a word or words in other than Roman characters there shall be endorsed on the application, and on each representation other than the representation affixed to the application, a translation of such word or words signed by the applicant or his agent

Where a trade mark contains a word or words in a language other than English, the Registrar may ask for an exact translation thereof, and if he so requires such translation shall be endorsed and signed as aforesaid

## Notice of opposition

12 A notice of opposition to the registration of a trade mark shall state the ground or grounds upon which the opponent intends to oppose the registration

## Where applicant dies before registration the trade mark may be registered for successor to goodwill of business

13 In case of the death of any applicant for a trade mark after the date of his application and before the trade mark applied for has been entered on the register, the Registrar may, on being satisfied of the applicant's death, enter on the register, in place of the name of such deceased applicant, the name, address, and description of the person owning the goodwill of the business if such ownership be proved to the satisfaction of the Registrar

## Alteration of address in register

14 If the registered proprietor of a trade mark sends the Registrar notice of an alteration in his address, the Registrar shall alter the register accordingly

## Request for registration of subsequent proprietorship

15 Where a person becomes entitled to a trade mark, or to any share or interest therein by assignment or by transmission or other operation of law, a request for the entry of his name on the register as such complete or partial proprietor of the trade mark, or of such share or interest therein shall be addressed to the Registrar and left at the Trade Marks Office

## Particular to be stated

Every such request shall state the name, address and description of the person claiming to be entitled to the trade mark, or a share or interest therein, and the particulars of assignment, transmission, or other operation of law by virtue of which he requires to be entered on the register as complete or partial proprietor, so as to show the manner in which, and the person to whom the trade mark has been assigned or transmitted, and so as to show further that it has been so assigned or transmitted, in connection with the goodwill of the business concerned in the particular class or classes of goods for which the trade mark has been registered

## Signature of request

16 Such request shall, in the case of an individual, be made and signed by the person requiring to be registered as proprietor, or by his agent duly authorised to the satisfaction of the Registrar, and in the case of a body corporate by their agent authorised in like manner

## Further proof of title if required

17 The claimant shall furnish to the Registrar such other proof of title and of the existence and ownership of such goodwill as aforesaid as he may require for his satisfaction

## Body corporate

18 A body corporate may be registered as proprietor by its corporate name

## Notice to Registrar of application to rectify register

19 Four clear days' notice of every application to the Court under Section 37 of the Ordinance for rectification of the register shall be given to the Registrar

## Publication of rectification, &amp;c

20 Whenever an Order is made by the Court for making, expunging, or varying an entry from or in the register, the Registrar shall, if he thinks fit that such rectification or variation should be made public, and at the expense of the person applying for the same publish, by advertisement or otherwise and in such manner as he thinks just, the circumstances attending the rectification or variation in the register

## Exercise of discretionary power by Registrar

21 Before exercising any discretionary power given to the Registrar by the Ordinance adversely to the applicant for registration of a trade mark, the Registrar shall give ten days' notice, or such longer notice as he may think fit, to the applicant of the time when he may be heard personally or by his agent

## Notice by applicant

22 Within five days from the date when such notice would be received in the ordinary course of post, or such longer time, as the Registrar may appoint in such notice, the applicant shall notify in writing to the Registrar whether or not he intends to be heard upon the matter

## Notification of decision

23 The decision of the Registrar in the exercise of any such discretionary power as aforesaid shall be notified to the applicant

## Time for inspection of register &amp;c

24 The register and all documents in connection with registration of trade marks shall be open for the inspection of the public, and copies of, or extracts from such registers or documents obtained on every business day during the hours that the Trade Marks Office opens for business

## Certificate for purposes of legal proceedings

25 A certificate of registration of a trade mark to be used in legal proceedings or for any other specified purpose will be issued upon application, but such certificate shall have specified on the face thereof the purpose for which it is issued

## Conduct of business with Registrar

26 Business at the Trade Marks Office shall be conducted in person or through an agent, and not by correspondence

## PART II

**Fees.**

	Rs
1 On application to register a trade mark for one or more articles included in one class	8
2 For registration of a trade mark for one or more articles included in one class	15
3 For registering a series of trade marks, for every additional representation after the first in each class	4
4 On notice of opposition, for each application opposed by opponent	15
5 On application to register a subsequent proprietor in cases of assignment or transmission, the first mark	15
6 For every additional mark assigned or transmitted at the same time	4
7 For continuance of mark at the expiration of 14 years	15
8 Additional fee where fee is paid within three months after expiration of 14 years	8
9 Additional fee for re-registration of trade mark where removed for non-payment of fee	15
10 For altering address on the register, for every mark	4
11 For every entry in the register of a rectification thereof, of an alteration therein, not otherwise charged	8
12 For cancelling the entry or part of the entry of a trade mark upon the register, on the application of the owner of such trade mark	4
13 On request to Registrar to correct a clerical error or permit amendment of application under Section 33	4
14 For certificate of refusal to register a trade mark	15
15 For certificate of refusal at the same time for more than one trade mark, for each additional trade mark, after the first	8
16 For certificate of registration to be used in legal proceedings	15
17 For certificate of Registrar under Rule 25 other than certificate of registration to be used in legal proceedings	4
18 For inspecting register, for every quarter of an hour	2
19 For inspecting documents lodged in connection with the registration of a trade mark	2
20 For copies of extracts, for every hundred words or part thereof	2
21 For certifying copies or extracts	4

## PART III

**Classification of Goods.**

- 1 Chemical substances used in manufactures, photography, or philosophical research, and anti-corrosives
- 2 Chemical substances used for agricultural, horticultural, veterinary, and sanitary purposes
- 3 Chemical substances prepared for use in medicine and pharmacy
- 4 Raw, or partly prepared vegetable, animal, and mineral substances used in manufactures not included in other classes
- 5 Unwrought and partly-wrought metals used in manufacture
- 6 Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines included in class 7
- 7 Agricultural and horticultural machinery, and parts of such machinery.
- 8 Philosophical instruments, scientific instruments and apparatus for useful purposes Instruments and apparatus for teaching
- 9 Musical instruments
- 10 Horological instruments
- 11 Instruments, apparatus and contrivances, not medicated, for surgical or curative purposes, or in relation to the health of men or animals
- 12 Cutlery and edged tools
- 13 Metal goods, not included in other classes
- 14 Goods of precious metal (including aluminium, nickel, Britannia metal, &c ), and jewellery, and imitations of such goods and jewellery
- 15 Glass
- 16 Porcelain and earthenware
- 17 Manufactures from mineral and other substances for building or decoration
- 18 Engineering, architectural, and building contrivances
- 19 Arms, ammunition, and stores not included in Class 20
- 20 Explosive substances
- 21 Naval architectural contrivances and naval equipments not included in Classes 19 and 20
- 22 Carriages



- 23 (a) Cotton yarn and sewing cotton not on spools or reels, (b) Sewing cotton on spools or reels
- 24 Cotton piece goods of all kinds
- 25 Cotton goods not included in Classes 23, 24 or 38
- 26 Linen and hemp yarn and thread
- 27 Linen and hemp piece goods
- 28 Linen and hemp goods not included in Classes 26, 27 and 50
- 29 Jute yarn and tissues and other materials made of jute not included in Class 50
- 30 Silk spun, thrown, or sewing
- 31 Silk piece goods
- 32 Other silk goods, not included in Classes 30 and 31
- 33 Yarn of wool, worsted, or hair
- 34 Cloths and stuffs of wool, worsted, or hair
- 35 Woollen, worsted, and hair goods, not included in Classes 33 and 34.
- 36 Carpets, floor-cloth, and oil-cloth
- 37 Leather, skins, unwrought and made of leather, not included in other Classes
- 38 Articles of clothing
- 39 Paper (except paper hangings), stationery, and book-binding
- 40 Goods manufactured from indiarubber and guttapercha, not included in other Classes
- 41 Furniture and upholstery
- 42 Substances used as food or as ingredients in food
- 43 Fermented liquors and spirits
- 44 Mineral and aerated waters, natural and artificial, including ginger beer
- 45 Tobacco, whether manufactured or unmanufactured
- 46 Seeds for agricultural and horticultural purposes
- 47 Candles, common soap, detergents, illuminating, heating or lubricating oils, matches, starch, blue, and other preparations for laundry purposes
- 48 Perfumery (including toilet articles, preparations for the teeth and hair, and perfumed soap)
- 49 Games of all kinds and sporting articles not included in other Classes
- 50 Miscellaneous —
- (1) Goods manufactured from ivory, bone or wood, not included in other Classes
  - (2) Goods manufactured from straw or grass, not included in other Classes
  - (3) Goods manufactured from animal and vegetable substances, not included in other Classes
  - (4) Tobacco pipes
  - (5) Umbrellas, walking sticks, brushes and combs
  - (6) Furniture cream, plate powder
  - (7) Tarpaulins, tents, tick-cloths, rope and twine
  - (8) Buttons of all kinds other than of precious metal or imitation thereof
  - (9) Packing and hose of all kinds
  - (10) Goods not included in the foregoing Classes.

## PART IV

**Form of Application for Registration of Trade Mark.**

( One representation to be fixed within this space, and two others  
on separate sheets of foolscap of same size )

Representation of a larger size may be folded but must be mounted  
upon linen and affixed hereto

You are hereby requested to register the accompanying trade mark in  
class . . . . . in respect of  
(a) . . . . . in the name of  
(b) . . . . . who claims to  
be the proprietor thereof

Registration fees herewith,

( Signed )

To the Registrar,

NOTE —State whether the trade mark has or has not been in use before the coming  
into operation of this Ordinance

- (a) Only goods contained in one and the same class should be set out here
- (b) Here insert legibly the name, address, and business of the individual or firm.

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# A Bill

## **Intituled**

An Ordinance to amend the Master and Servants Ordinance,  
1910.

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# A Bill

## Intituled

### An Ordinance to amend the Master and Servants Ordinance, 1910

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1. This Ordinance may be cited as “The Master and Servants Amendment Ordinance, 1911” and shall be read as one with the Master and Servants Ordinance, 1910, hereinafter referred to as the Principal Ordinance Short Title

2 The Principal Ordinance shall be and is hereby amended as follows — Amendment to  
Principal Ordinance

(1) By the addition to the interpretation of the word “Servant” in Section 2 of the Principal Ordinance of the words following —

“and any Arab or Native to be exhibited in any  
‘ capacity in any circus, show, or exhibition ”

(2) By the deletion of Section 63 of the Principal Ordinance and by the substitution thereof of the Section following — Section 3

63 (1) Save as is hereinafter otherwise provided this Ordinance shall not apply to any contract governed by any Imperial law relating to shipping or effect the rights and remedies of the parties thereunder

(2) Every agreement entered into in the Protectorate by a Master of any ship to which Part II of the Merchant Shipping Act, 1894, applies, for the engagement of any Native or Arab as a seaman, shall contain, in addition to the terms required by or under the aforesaid Act, a stipulation by the Master, that, if the service of the seaman engaged shall terminate for any cause whatsoever otherwise than by the death or desertion of the seaman or by the consent of the seaman to be discharged during the currency of the agreement, at any port or place other than a port or place within the Protectorate or the Dominions of the Sultan of Zanzibar, he will make adequate provision, as is hereinafter defined, for the maintenance and return of the seaman to the port in the Protectorate at which he was engaged

(3) If a Master of a ship to which Part II of the Merchant Shipping Act 1894 applies carries any Arab or Native to sea as a seaman without entering into an agreement containing a stipulation required by the preceding Sub-section he shall, for each offence, be liable to a fine not exceeding 150 Rupees

(4) In the preceding Sub-sections the term “Arab or Native” shall include only Arabs and Natives of, or ordinarily resident in, the Protectorate or the Dominions of the Sultan of Zanzibar or in the Uganda Protectorate

The term “adequate provision” shall mean such provision as a Master is required by the Merchant Shipping Act 1906, to make in respect of the maintenance and return of a seaman to whom the provisions of Section 32 Sub-section (1) of the said Act are applicable

(5) The provisions of Sub-sections (2) and (3) of this Section shall not apply to the engagement of an Arab or Native as a seaman on a vessel calling at the ports of the Protectorate or of the Dominions of the Sultan of Zanzibar alone

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# A Bill

## Intituled

An Ordinance to amend The Native Hut and Poll Tax  
Ordinance, 1910.

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# A Bill

## Intituled

### An Ordinance to Amend The Native Hut and Poll Tax Ordinance, 1910.

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Short Title

1 This Ordinance may be cited as “The Native Hut and Poll Tax Amendment Ordinance, 1912” and shall be read as one with “The Native Hut and Poll Tax Ordinance, 1910” hereinafter referred to as the Principal Ordinance

Court may award costs against defaulter in proceedings to recover tax

2 Whenever proceedings are taken for the recovery of any tax under the Principal Ordinance it shall be lawful for the Magistrate to order the person in default to pay such sum for Court costs, not exceeding in any case three rupees, as the Magistrate in his discretion may determine

The sum ordered to be paid as costs as aforesaid together with the amount of tax unpaid shall be recoverable by distress and in default of distress the Court may order imprisonment with or without hard labour for any period not exceeding three months

Repeal

3 (1) The Hut and Poll Tax Amendment Ordinance, 1911, is hereby repealed

(2) Section 7 of the Principal Ordinance as enacted in the said Ordinance purported to have been deleted from the said Ordinance by the Hut and Poll Tax Amendment Ordinance, 1911, shall be and is hereby re-instated in the Principal Ordinance

(3) Any proceedings begun in any Court under and in accordance with the provisions of the said Ordinance repealed by this Ordinance and pending at the commencement of this Ordinance may be continued and concluded as if this Ordinance had not been made and the Court is authorised and empowered to do any act or thing or make any order in such proceedings which might have been done or made before the commencement of this Ordinance

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# A Bill

**Intituled**

An Ordinance to amend The Customs Tariff Ordinance, 1910.

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# A Bill

## Intituled

### An Ordinance to amend the Customs Tariff Ordinance, 1910.

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1 This Ordinance may be cited as "The Customs Tariff (Amendment) Ordinance, 1912" and shall be read as one with The Customs Tariff Ordinance, 1909, hereinafter referred to as the Principal Ordinance Short title

2 On and after the publication of this Ordinance the Table of Exemptions from Import Duty set out in the Principal Ordinance shall be varied by adding thereto the following — Further exemptions from Import Duty

- (30) Motor vehicles suitably constructed for, and intended to be usually and principally employed in, the conveyance of goods, and spare parts of such Motor vehicles
- (31) Petrol.

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# A Bill

## Intituled

An Ordinance to make provision for the Payment of a Poll Tax  
by Non-Natives.

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# A Bill

## Intituled

### An Ordinance to make Provision for the Payment of a Poll Tax by non-natives

1 This Ordinance may be cited as “ The Non-Native Poll Tax Ordinance 1912 ” Short Title

2 In this Ordinance unless inconsistent with the context —

“ The Tax ” means the Non-Native Poll Tax prescribed by this Ordinance Definitions

“ District Commissioner ” includes an Assistant District Commissioner

“ Non-Native ” means a male person other than a Native within the meaning of “ The Native Hut and Poll Tax Ordinance, 1910 ”

“ Magistrate ” means a Magistrate holding a Subordinate Court of the first, second or third class, and the powers conferred upon a Magistrate by this Ordinance may be exercised by any such Magistrate notwithstanding any law limiting the jurisdiction of such Magistrate over Europeans or other Non-Natives

“ Year ” means each period from the 1st day of April to the 31st day of March following

3 From and after the first day of April, 1912, there shall be paid in every year by every Non-Native a tax of fifteen rupees, to be called the Non-Native Poll Tax Date of Commencement of tax and amount of tax

4 The tax payable in any year shall be paid between the first and thirty-first day of April in such year. Provided, however, that in the case of any Non-Native who is not residing in the Protectorate on the first day of April or who although residing in the Protectorate on such date leaves the Protectorate during the month of April without having paid the tax payable in that year, such Non-Native shall pay the tax within one month of his coming or returning to the Protectorate, as the case may be. And Provided further that any Non-Native who shall come to the Protectorate after the 30th day of September in any year and who shall not have previously resided in the Protectorate in the same year, shall pay a tax of seven rupees and fifty cents in lieu of the tax before prescribed Tax when payable

5 The tax shall be paid by the person liable to pay the same to a District Commissioner at the office of the Officer to whom payment is made When and to whom tax to be paid

6 A District Commissioner shall give to the person paying the tax a receipt in the prescribed form District Commissioner to grant receipt in the prescribed form

7 Every person paying the tax shall furnish the Officer to whom payment is made with such information as may be required by him in preparing a receipt in the prescribed form, and shall, if required by such Officer, attend personally at the office of such Officer for such purpose Person paying tax to provide information required in preparing the receipt and if required shall attend at the Office for such purpose

8 Any person, who shall wilfully furnish a District Commissioner with false particulars as to any of the information required by such Officer in preparing a receipt, or who, on being required to attend at the Office of a District Commissioner, shall neglect or refuse to attend, or attending shall neglect or refuse to furnish any information required as aforesaid, shall, on conviction, be liable to a fine not exceeding one hundred and fifty rupees or to imprisonment for a term not exceeding two months Penalty for furnishing false particulars or refusing to attend or give information when required

9 Whenever any person shall make default in the payment of the tax due and payable by him any Magistrate having jurisdiction in the district or place in which the person in default is for the time being staying or residing may issue a summons directing the defaulter to attend before him, at a time to be named in the summons, to show cause why he should not be ordered to pay the amount due as a judgment debt Magistrate may call on defaulter to appear and show cause why he should not pay the tax

10 If a summons for enabling a defaulter to show cause as mentioned in the last preceding Section is issued, it shall be lawful for the Magistrate on Magistrate may order person in default to pay amount of tax and costs into Court

the date named in the summons or at any other date to which the hearing may be adjourned, to order him to pay into Court the amount of the unpaid tax, and such costs and expenses as are for this purpose from time to time fixed by the Governor, or to order him to pay into Court any part of such amount which the Magistrate may deem the defaulter able to pay or arrange for paying, within seven days of the order or within such extended time as may be determined by the Magistrate, and either in a lump sum or by instalments

Imprisonment for  
failure to obey order

11 (1) If the person summoned as aforesaid fails to comply with the summons without lawful excuse or if he makes default in payment into Court in the manner aforesaid, it shall be lawful for the Magistrate to commit such person to prison, without hard labour, for a term not exceeding six weeks or until payment of the sum ordered to be paid (if paid before the expiration of such term) Provided that no such committal shall be ordered for default in payment as aforesaid unless it be proved to the satisfaction of the Magistrate that the person making default either has, or has had since the date of the order the means to pay the sum in respect of which he has made default, and has refused or neglected, or refuses and neglects, to pay the same

Proviso

Proof as to means of  
defaulter

(2) Proof of the means of the person making default may be given in such manner as the Magistrate thinks just, and, for the purpose of such proof, the debtor and any witnesses may be summoned and their attendance enforced by the same processes as in cases in which the Magistrate has jurisdiction in criminal matters, and such debtor and witnesses may be examined on oath

Order of committal

(3) Every order of committal under this Section shall be issued, obeyed, and executed in manner similar to commitments by Magistrates in the exercise of jurisdiction in criminal cases

Imprisonment not to  
extinguish liability

(4) Imprisonment under this Section shall not operate as a satisfaction or extinguishment of the judgment debt

Tax etc unpaid levied  
able by attachments  
and sale of moveable  
property

(5) The amount of any tax due and unpaid, and the sum (if any) ordered to be paid for costs and expenses under Section 10, may, at any time, be levied by the attachment and sale, under the orders of a Magistrate, of the moveable property of the defaulter in like manner as if the same were payable under a decree of a Civil Court, and a Magistrate is hereby empowered to issue such order either on his own motion or on the application of any District Commissioner

Debtor paying whole of  
amount ordered to be  
paid

12 In the event of the defaulter paying the whole amount ordered to be paid as aforesaid and the cost and expenses of or in connection with any attachment ordered, the Magistrate, if a District Commissioner, shall grant to the person paying a receipt in the prescribed form for the amount of the tax paid, or, if not a District Commissioner, shall remit to a District Commissioner the amount so paid after deducting therefrom such part thereof as may represent the Court costs, and the District Commissioner on the receipt of such sum shall grant to the person who shall have paid the same a receipt in the prescribed form

District Commissioner  
may require production  
of receipt for tax

13 (1) A District Commissioner may, at any time, require any Non-Native to produce the receipt granted to such Non-Native for the payment of the tax last payable and a District Commissioner may retain any receipt produced for such time as he may consider necessary for the purpose of identifying the person named therein with the person producing the same

If receipt not produced  
information required  
to be furnished to  
District Commissioner

(2) A District Commissioner may require any Non-Native who refuses or neglects to produce his receipt when requested to furnish him with information as to the office at which he has paid his tax last payable, and with such further information as the District Commissioner may require for the purpose of ascertaining whether such Non-Native has paid such tax

Penalty for refusing to  
produce receipt or give  
information

(3) Any Non-Native, who without lawful excuse shall neglect or refuse to produce his receipt when required as aforesaid, or who, having failed or refused to produce his receipt, shall fail to furnish the information which may be required of him under the preceding Sub-section, shall, on conviction, be liable to a fine not exceeding seventy-five rupees or to imprisonment for a term not exceeding one month

- (4) Any Non-Native who, being required by a District Commissioner to produce his receipt, shall produce a receipt granted to some other person, or, who, having failed or refused to produce his receipt, shall furnish a District Commissioner with any false particulars as to any of the information which may be required of him under Sub-section (2) of this Section, shall, on conviction, be liable to a fine not exceeding four hundred and fifty rupees or to imprisonment of either description for a term not exceeding six months

Penalty for producing a receipt granted to some other person or for giving false information

14 The Governor may remit, wholly or in part, the tax on the ground of poverty of the person liable to pay the same, or on the ground that the tax is oppressive, and may also, for good cause, refund the tax or any part of the tax

General power of Governor to remit or refund the tax

15 There shall be exempted from the payment of the tax under this Ordinance the persons following —

Persons exempt

- (a) Every person under the age of eighteen
- (b) Any person who, by virtue of any treaty to which the British Government or the Sultan of Zanzibar is a party, is exempted from the payment of the tax throughout the Protectorate or in that part of the Protectorate in which he is residing when payment of the tax is demanded of him
- (c) A person on a temporary visit to the Protectorate, provided that he is not the owner or lessee of land in the Protectorate, and is not engaged in any employment or business in the Protectorate, and has not any pecuniary interest in any business or enterprise conducted or carried on in the Protectorate

16 The burden of proof of exemption from the tax shall lie on the party claiming the exemption, and no person shall be entitled to exemption from the tax under paragraph (b) of the last preceding section unless he shall produce a certificate of exemption granted by or under the authority of the Governor

Burden of proof of exemption

17 The Governor may, from time to time, make rules prescribing the form of the receipt to be granted under this Ordinance, and generally for the better carrying out of the purposes of this Ordinance, and may attach penalties not exceeding a fine of seventy five rupees, for the breach of any such rule

Power to make rules

18 The Native Hut and Poll Tax Amendment Ordinance, 1910, is hereby repealed

Repeal

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# A Bill

**Intituled**

The King's African Rifles Ordinance, 1912.

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# A Bill

## Intituled

### The King's African Rifles Ordinance, 1912.

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1 This Ordinance may be cited as “The King's African Rifles Ordinance, Short title  
1912”

2 In this Ordinance—

Interpretation  
of terms

- (1) “Officer” means an officer commissioned or in pay as an officer in His Majesty's Imperial, Colonial, or Protectorate forces, or any arm, branch, or part thereof. Variant and other officers holding honorary commissions are officers within the meaning of this Ordinance
- (2) “Native officer” means any officer other than European above the rank of native sergeant-major
- (3) “Non-commissioned officer” includes an acting non-commissioned officer and a school-master and an enlisted clerk, but does not include British non-commissioned officers
- (4) “Private” includes enlisted gun carrier
- (5) “Soldier” includes any non-commissioned officer or private of the regiment, but does not include an officer as above defined or a native officer or a British non-commissioned officer
- (6) “Follower” means any person not being of European origin or extraction who is attached to the regiment in any capacity, and includes any such person being of the family of a native officer or soldier, or being an officer's servant, syce, employee in canteen, sutler supplying the regiment or being in the lines
- (7) “Superior officer”, when used in relation to a native officer, British non-commissioned officer, a soldier or follower, includes all officers, British non-commissioned officers, or non-commissioned officers superior to such native officer, British non-commissioned officer, soldier or follower
- (8) “Military decoration” means any medal, clasp, good-conduct badge, or decoration
- (9) “Military reward” means any gratuity for long service or good-conduct, it also includes any good-conduct pay or any other military pecuniary reward
- (10) “Army Act” means the Imperial Statute 44 and 45 Vict, cap 58, as amended from time to time, or any Imperial enactment substituted therefor
- (11) “Commanding officer” means the officer in command of a battalion, and in relation to any officer, native officer, British non-commissioned officer, non-commissioned officer, or private, means the officer in command of the battalion to which such officer, native officer, British non-commissioned officer, non-commissioned officer, or private belongs

(12) "Inspector-General" means the Inspector-General of the King's African Rifles

Division of  
Ordinance

3 This Ordinance is divided into four parts relating to the following subject-matters, that is to say —

- Part I Constitution and Government
- Part II Enlistment, Discharge, and Service
- Part III Discipline
- Part IV General Provisions

## PART I

### Constitution and Government

4 There shall be established and maintained in the Protectorate one or more battalion or battalions of troops forming part of a regiment of His Majesty's forces styled the King's African Rifles, hereinafter called the regiment.

5 The regiment shall be charged with the defence of the East Africa, Uganda, Nyasaland and Somaliland Protectorates, with the maintenance of order and with such other duties as may be from time to time defined by the Governor or Commissioner of the Protectorate within which any portion of the regiment may from time to time be stationed

- 6 (1) A battalion shall consist of an officer with the rank of lieutenant-colonel or major in command and such other officers, native officers, British non-commissioned officers, non-commissioned officers, and privates, as the Governor, subject to the approval of the Secretary of State, shall from time to time determine
- (2) Officers other than native officers shall be appointed by the Secretary of State
- (3) Officers, native officers, British non-commissioned officers, non-commissioned officers, and privates, shall receive such rates of pay as the Governor, subject to the approval of the Secretary of State, shall determine
- (4) The officers, native officers, British non-commissioned officers, non-commissioned officers, and privates of the battalion shall stand with each other in order of precedence and command as they have been here named
- (5) Officers of the same rank shall stand with each other in order of precedence and command in accordance with any order which may be signified by any of His Majesty's Principal Secretaries of State, and where no such order is signified, then according to their seniority reckoned by the dates of their respective appointments to the rank in the British Army for the time being held by them
- (6) The Governor may from time to time fill up all vacancies that may occur amongst the native ranks from removal, death, absence, incapacity, or other cause, by promotion or fresh appointments, and may at any time enlist fit men as privates of the regiment, and every such enlistment shall be an appointment under this Ordinance

Inspector general,  
duties of, &c

- 7 (1) The Inspector-General shall be appointed by the Secretary of State who may prescribe his duties
- (2) The Inspector-General shall inspect and report to the Secretary of State upon all officers, native officers, British non-commissioned officers, non-commissioned officers and privates of the regiments, whether within or without the Protectorate, and upon the organization, interior economy, and drill of the battalions and upon all matters appertaining to their welfare and efficiency.
- (3) The Inspector-General may, whether within or without the Protectorate, issue instructions with regard to the organisation interior economy, and drill of the regiment or any part thereof and the officers, native officers, British non-commissioned officers, non-commissioned officers, and privates of the regiment shall conform to all such instructions



(4) The Protectorate shall make such contribution towards the expenses of the Inspector-General and to the expenses of the Protectorate battalion or battalions serving out of the Protectorate as the Secretary of State may determine

8 (1) The Governor may at any time and for any purpose, as the Secretary of State may direct, order that a battalion or any part thereof which may be stationed in the Protectorate shall be employed out of and beyond the Protectorate Employment beyond Protectorate

(2) The Governor may, on the recommendation of the commanding officer, order that any native officer, non-commissioned officer, or private of the regiment shall proceed to the United Kingdom for the purpose of undergoing instruction or training or for other duty or employment

9 This Ordinance shall not apply to the native officers, non-commissioned officers, sepoy, and Indian followers of any company or other part of the regiment which is recruited in India, but the said native officers, non-commissioned officers, sepoy, and Indian followers shall be subject to the Indian Articles of War and Indian Articles of War are hereby applied to such native officers, non-commissioned officers, sepoy and Indian followers, while serving in the Protectorate Indian battalion application of Indian Articles of War

10 The commanding officer, subject to the orders and directions of the Governor, shall have the command, direction, and general superintendence of the battalion, including appointments, promotions, and reductions in the native ranks Duty of commanding officer

11 The officers of the Regiment, when posted to any station or district, shall be charged with the command, direction, and superintendence of the native officers, British non-commissioned officers, non-commissioned officers, and privates of the regiment from time to time posted within such station or district subject to the orders of the commanding officer and of the Governor. When not posted to a station or district, the officers shall have such command and such duties as the commanding officer, subject to the orders of the Governor may direct Duties of officers

12 The commanding officer shall be charged with, and accountable for, all public stores of whatever description belonging to or appertaining to the battalion under his command in case of their being lost, spoiled, or damaged, otherwise than by unavoidable accident, theft robbery, or actual service Responsibility of commanding officers for stores

13 Every officer in command of any detachment of the regiment shall be charged with the arms, accoutrements, ammunition, clothing, and all other public stores, and with all public moneys issued and delivered for the use of the detachment of the regiment under his command, and shall account for such arms, accoutrements, ammunition, clothing, and stores to the commanding officer in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident, theft, robbery or actual service, and to the paymaster of his battalion for such public moneys in case of their being lost, otherwise than by unavoidable accident, theft or robbery Responsibility of officers commanding detachments for stores

14 The paymaster of a battalion shall be charged with such duties in connection with the accounts of a battalion as may be intrusted to him by the commanding officer. The quartermaster shall have the immediate custody of, and account to his commanding officer for all arms, accoutrements, clothing, necessaries, ammunition, and other Government stores in his charge appertaining to the battalion, and he shall issue the same upon the requisition of his commanding officer, or according to such regulations as the Governor may from time to time prescribe Duty and responsibility of pay and quartermasters

15 The Governor may from time to time, in consultation with the commanding officer, make such rules and regulations consistent with this Ordinance and subject to the provisions thereof, relative to a battalion, as may be necessary for the purpose of preventing the spread of contagious disease, and to render the force efficient in the discharge of its duties, and for the discipline, good order, and guidance of the force, for the form and method of enlistment of the persons constituting the same, and for their general Government, the services required of them, their conduct in the performance thereof, their distribution, posting, and removal from station to station and their inspection, and for the description, supply, use and disposal of arms, accoutrements, clothing, necessaries and other warlike stores, to be furnished to them, and also with relation to the fiscal duties to be performed by the pay or quarter-masters and other officers with relation to the regiment, and generally for the better carrying out of the provisions of this Ordinance. Such rules shall come into operation upon the publication thereof in the Gazette, or at such time as shall be provided therein Governor to make regulations, &c

## PART II

**Enlistment, Discharge, and Service**First term of  
engagement

16 Every private shall be enlisted for the first term of engagement to serve in the regiment for such period as may from time to time be fixed by the Governor, the term to be reckoned from the day on which the recruit shall have been finally approved for service and taken on the strength of the regiment

Re engagement  
and continuance  
in service

- 17 (1) Any native officer, non-commissioned officer, or private of good character who at any time has completed, or is within three months of completing, the term of his engagement may, with the approval of his commanding officer, re-engage to serve for a further term from the expiration of his first period or subsequent periods
- (2) Any native officer, non-commissioned officer, or private of good character who has completed at least twelve years' service, may, with the approval of his commanding officer, re-engage for such period as shall complete a total period of eighteen years' service, reckoning from the time of his first enlistment
- (3) And upon completing such period of eighteen years' service, he may if he shall so desire, and with the approval of his commanding officer, and of the Governor, continue in the regiment in the same manner in all respects as if his term of service were still unexpired, except that it shall be lawful for him to claim his discharge at the expiration of any period of three months after he has given notice to the officer under whose command he is serving of his wish to be discharged
- (4) Any native officer, non-commissioned officer or private who prior to the commencement of this Ordinance shall have re-engaged to complete a total period of twenty one years' service shall be treated as if the period which he so re-engaged to complete was eighteen instead of twenty one years

Conditions of  
re engagement

- 18 (1) Any native officer, non-commissioned officer, or private who, being entitled to his discharge at the expiration of his first, second, third, or fourth period of service, re-engages for further service with the approval of his commanding officer, shall be allowed to proceed on furlough for three months on full-pay or six months on half-pay at the discretion of his commanding officer
- (2) If a native officer is re-appointed, or if a non-commissioned officer, or private offers to re-enlist within six months after having received a certificate of discharge, he shall on re-appointment or re-enlistment be entitled to the advantages to which he was entitled with regard to rank, good-conduct badges, pay, and gratuity at the time of his discharge. It, however, a longer period than six months from the date of his discharge has elapsed, then it shall be discretionary with the commanding officer to allow the service, or part of the service, of such person previous to the date of such re-appointment or re-enlistment to reckon towards rank, good-conduct badges, pay, and gratuity.

Declaration on  
enlistment, &c

19 Every man who is enlisted, re-enlisted or re-engaged, or being a native officer is re-appointed in the regiment as aforesaid shall, previous to his being enlisted, re-enlisted, re-engaged, or re-appointed, make the following declaration, and shall confirm such declaration by oath in his native language in such manner as he may declare to be most binding upon his conscience —

I, *A B*, do hereby solemnly and sincerely declare and promise that I will be faithful and bear true allegiance to his Majesty King George V, his heirs and successors, and that I will faithfully serve and defend His Majesty the King, his heirs and successors, for a period of \*years, and will obey all orders of His Majesty and of the officers placed over me, and subject myself to all ordinances, rules, and regulations relating to the King's African Rifles now in force, or which may from time to time be in force within the said period

Declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
before me \_\_\_\_\_

Signature of officer

Number to be filled in according to the period fixed by the Governor (*vide* Section 16)

The declaration and oath shall be made on parade before the senior officer of the regiment for the time being at the station at which they are made, and shall be preserved as a part of the enlistment papers of the man by whom they are made

20 Any native officer, non-commissioned officer, or private whose period of service expires during a state of war, insurrection, or hostilities, may be detained, and his service prolonged for such further period, not exceeding twelve months, as the Governor may direct Prolongation of service terminating during war

21 Subject to the provisions of section 17 and of the last preceding section, every native officer, non-commissioned officer, and private who has completed his period or periods of engagement or service according to the provisions of this Ordinance, shall be discharged by his commanding officer, unless at the expiration of any period he is undergoing punishment for, or stands charged with, the commission of any offence under this Ordinance, and in case he is undergoing such punishment, or is charged with any such offence, his service shall be prolonged and his discharge deferred until such punishment shall have terminated, or until he has undergone his trial and any punishment awarded in respect of the offence with which he is charged Discharge on completion of service

22 Every native officer, non-commissioned officer, and private, until he has received a certificate of discharge shall remain subject to all the provisions of this Ordinance and to all rules and regulations made in pursuance thereof Native officers non commissioned officers, and private subject to all regulations until formal discharge

- 23 (1) A native officer may be discharged by his commanding officer at any time during the currency of any term of engagement — Discharge when unfit for service or on being dismissed.
- (a) When pronounced by the medical officer mentally or physically unfit for further service
  - (b) When sentenced to be dismissed the regiment for misconduct
  - (c) On reduction of establishment
- (2) A non-commissioned officer or private may be discharged by his commanding officer at any time during the currency of any term of engagement —
- (a) When pronounced by the medical officer mentally or physically unfit for further service
  - (b) When sentenced to be dismissed the regiment for misconduct
  - (c) If within one year from the date of attestation his commanding officer shall consider that he is unlikely to become an efficient soldier
  - (d) On reduction of establishment

24 In reckoning the service of any native officer, non-commissioned officer, or private for discharge or re-engagement, either in the case of limited engagements, whether for the first, second, third, or fourth term, or for the total period of eighteen years' service, there shall be excluded therefrom all periods during which he has been absent from his duty from any of the following causes — Rules for reckoning service

- (a) Imprisonment for any cause save that of detention awaiting any trial which results in the acquittal or discharge of the prisoner
- (b) Imprisonment with hard labour
- (c) Desertion for any period
- (d) Absence without leave exceeding forty-eight hours

25 When any native officer, non-commissioned officer or private ceases to belong to the regiment, either by being dismissed therefrom, or by being discharged on the termination of his period of engagement, or as unfit for further service, or on reduction of establishment, all powers and authorities vested in him shall upon a certificate of discharge being given to him immediately cease and determine. He shall, before a certificate of discharge is delivered to him, deliver over his arms, ammunition, accoutrements, uniform, and other appointments which are the property of the Protectorate Government, to such person and at such time and place as shall be directed by the officer under whose command he may be at the time of ceasing to belong to the regiment, provided that a soldier discharged before the expiration of one year for any fault, or as not likely to make an efficient soldier, shall not take away with him any arms, or any articles of uniform or equipment described by any rules or regulations as personal property of soldiers Consequence of discharge or dismissal

## Good conduct pay

- 26 (1) Every non-commissioned officer under the rank of sergeant, and every private, who shall have served for three years without having been convicted of any offence by a Court Martial or Civil Court and without having incurred a sentence of —
- (a) Imprisonment or confinement to barracks for more than seven days,
  - (b) Imprisonment with hard labour for any term,
  - (c) Fine in any sum exceeding seven days' pay,
  - (d) Corporal punishment,
  - (e) Or in the case of a non-commissioned officer, severe reprimand, shall be entitled to bear one good-conduct badge, and receive extra pay at the rate of 75 cents per month, and for every subsequent period of three years which he shall have served under like conditions he shall be entitled to bear one additional good-conduct badge, and to receive extra pay at the rate of an additional 75 cents per month for each badge, provided that no non-commissioned officer or private shall receive more than six good-conduct badges
- (2) Any non-commissioned officer or private, who shall have forfeited a good-conduct badge, shall, after having served for twelve months without having been convicted of any offence by a Court Martial or Civil Court and without having incurred a sentence of —
- (a) Imprisonment for any term,
  - (b) Confinement to barracks for more than seven days,
  - (c) Fine in any sum exceeding seven days' pay,
  - (d) Corporal punishment,
  - (e) Or in the case of a non-commissioned officer, severe reprimand, be entitled to have his good-conduct badge restored to him and to receive the extra pay in respect thereof as hereinbefore provided, and his service towards a further good-conduct badge shall be reckoned from the date of such restoration
- 27 (1) On the recommendation of the Commanding Officer and with the sanction of the Governor gratuities at the following rates, in lieu of pension, may be granted on discharge after a continuous good service extending to a period of twelve years viz —

Gratuities on discharge, &amp;c

	Rupees
To native officer	600
„ native sergeant-majors or colour sergeants	300
„ sergeants	150
„ corporals	120
„ lance-corporals and privates	90

And at the following rates after a total continuous good service extending to eighteen years, viz —

	Rupees
To native officers	900
„ native sergeant-majors or colour sergeants	450
„ sergeants	225
„ corporals	180
„ lance-corporal and privates	135

For the purpose of this sub-section service under the provisions of Section 18 (2) shall be deemed to be continuous with previous continuous service

- (2) No gratuity shall be paid in respect of any period of service in excess of a total service of eighteen years, and no native officer, non-commissioned officer, or private, who has received a gratuity on discharge after twelve years service shall, in the event of his afterwards being re-appointed or re-enlisting, as the case may be, receive in respect of his service after such re-appointment or re-enlistment any higher gratuity than may, together with such first gratuity, be equal to the gratuity which he might have earned by continuous service for eighteen years

- (3) Where any native officer, non-commissioned officer or private, whose terms of engagement and re-engagement combined shall amount to a continuous period of not less than twelve years, is discharged as unfit for further service, or as inefficient, or on account of reduction of establishment, he may, at the discretion of the Commanding Officer and subject to the sanction of the Governor, receive the whole or a part of such proportion of the gratuity which he might have earned if he had completed a period of eighteen years' service as the number of years actually served by him bears to eighteen
- (4) Where any native officer, non-commissioned officer or private, whose terms of engagement and re-engagement combined shall amount to a continuous period exceeding twelve years, and who shall have actually completed a period of not less than twelve years' continuous good service is dismissed for misconduct he may receive such proportion of the gratuity which he would have earned if he had taken his discharge after the completion of the period of service immediately preceding the period of service he is then passing through as his Commanding Officer may in his discretion, subject to the sanction of the Governor, determine
- (5) In the event of the death of any native officer, non-commissioned officer or private, before the receipt by him of any such gratuity as is mentioned in either of the two preceding sub-sections of this section it shall be lawful for the Governor to direct and cause the amount to be paid to, or for the benefit of, the widow or widows, or child or children, or to any next of kin of the native officer, non-commissioned officer or private so dying, on such conditions, and, if to or for the benefit of more than one person, in such proportions as to the Governor shall seem fit
- (6) Where any native officer, non-commissioned officer or private, whose terms of engagement and re-engagement combined shall amount to a continuous period of twelve years, dies while serving in the regiment before completing such continuous period, it shall be lawful for the Governor to direct and cause such proportion of the gratuity which he would have earned if he had completed the full period of twelve years' service as the number of years actually served by him bears to twelve, to be paid to, or for the benefit of, the widow or widows, or child or children, or to any next of kin of the native officer, non-commissioned officer or private so dying, on such conditions, and, if to or for the benefit of more than one person, in such proportions as to the Governor shall seem fit
- (7) Where any native officer, non-commissioned officer or private, whose terms of engagement and re-engagement combined shall amount to a continuous period exceeding twelve years, dies while serving in the regiment before completing such continuous period, it shall be lawful for the Governor to direct and cause such proportion of the gratuity which he would have earned if he had completed a period of eighteen years' service as the number of years actually served by him bears to eighteen, and if he shall have actually served for eighteen or more years the full gratuity which he would have earned if he had taken his discharge after the completion of a continuous period of eighteen years' service, to be paid to, or for the benefit of, the widow or widows, or child or children, or to any next of kin of the native officer or a non-commissioned officer or private so dying, on such conditions and, if to or for the benefit of more than one person, in such proportions as to the Governor shall seem fit
- (8) Every native officer, non-commissioned officer, or private, subject to such recommendation and sanction as aforesaid, shall after nine years' continuous good service be exempted from paying hut tax for one hut for life, or alternatively from paying poll tax in respect of himself for life



- (9) Any native officer, non-commissioned officer, or private being in possession of the Victoria Cross or the medal for Distinguished Conduct in the Field, shall, subject to such recommendation and sanction as aforesaid, irrespective of the amount of his service, be exempted from paying hut tax for three huts for life in the case of the Victoria Cross, and for one hut in the case of the medal for Distinguished Conduct in the Field, or alternatively shall be entitled to such equivalent exemption from taxation as may be determined by the Governor

Gratuities on  
decease

28 Any gratuity that might have been received by any native officer, non-commissioned officer, or private had he taken his discharge under the provisions of this Ordinance shall, in the event of his re-engaging for a further term and dying in the service before the completion of such term, and subject to the recommendation of the Commanding Officer, and the sanction of the Governor as aforesaid, be deemed for the purposes of this Ordinance to be his personal property in the charge of the Treasurer for the time being, and shall be paid out and distributed by the Treasurer or such other person as he may appoint in accordance with the provisions and conditions of this Ordinance

Regiment may be  
temporarily  
increased

29 It shall be lawful for the Governor, subject to the directions of the Secretary of State, when occasion arises, to enrol for a limited period such number of officers, native officers, British non-commissioned officers, non-commissioned officers, and privates as he shall deem necessary, the period or number limited by such order may from time to time be prolonged, shortened, increased, reduced, or varied, by any subsequent order of the Governor, provided that no man shall be compelled to serve for a longer period than that for which he was enrolled under this section, except with his own consent

Condition of service  
of persons tempo-  
rarily enrolled

30 Save as hereinafter enacted, all the provisions of this Ordinance, and of any Ordinance amending or extending the same, and of the rules and regulations which may from time to time be in force shall, so far as they may be applicable, apply to all officers, native officers, British non-commissioned officers, non-commissioned officers, and privates enrolled under the last preceding section, and such officers, native officers, British non-commissioned officers, non-commissioned officers, and privates shall be deemed to be for all purposes part of the regiment as long as they shall be serving therein

Provided always that when any officers, native officers, British non-commissioned officers, non-commissioned officers, or privates who are enrolled in, belong to, or are in, the service of any Colony or other Protectorate shall be enrolled for temporary service in the Protectorate under this Ordinance, the rate of pay to be given them, the mode and time of payment, and all other matters relating to the pay and remuneration of such officers, native officers, British non-commissioned officers, non-commissioned officers and privates, may be arranged between the Governor and the Officer Administering the Government of the Colony or Protectorate in which the said officers, native officers, British non-commissioned officers, non-commissioned officers, and privates may be previously enrolled, or in the service of which they may be, but subject to this proviso, all officers, native officers, British non-commissioned officers, non-commissioned officers, and privates temporarily enrolled under this Ordinance shall receive the rates of pay respectively drawn by officers, native officers, British non-commissioned officers, non-commissioned officers, and privates of equal rank in the regiment

Oath on temporary  
enrolment

31 Every non-commissioned officer and private temporarily enrolled under this Ordinance shall make the following declaration, and shall confirm his declaration by oath in his native language in such manner as he may declare to be most binding upon his conscience —

I, *A B*, do hereby solemnly and sincerely declare and promise that I will be faithful and bear true allegiance to His Majesty King George V, his heirs and successors, and that I will faithfully serve and defend His Majesty the King, his heirs and successors, and the Government of the Protectorate until I am discharged and will obey all orders of His Majesty and of the Officers placed over me, and subject myself to all ordinances, rules and regulations relating to the King's African Rifles now in force, or which may from time to time be in force during my service

Signature or mark

Declared at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_,  
191\_\_\_\_, before me

Signature of officer

The declaration and oath shall be made on parade before the senior officer, of the regiment for the time being at the station at which they are made, and shall be preserved as a part of the enlistment papers of the man by whom they are made

### PART III

#### Discipline

32 The Army Act and any Articles of war or rules made in pursuance of such Act, and for the time being in force, shall, as to the provisions therein contained respecting discipline, apply— Application of the Army Act

- (a) At all times to officers and British non-commissioned officers appointed to or attached to the regiment
- (b) To native officers, non-commissioned officers, private and followers when on active service, within the meaning of the said Act, provided that any native officer, non-commissioned officer, private or follower who is guilty of any offence named in this part of the Ordinance or in the Army Act when on active service within the meaning of that Act, may be punished as provided by this Ordinance
- (c) To native officers, non-commissioned officers, and privates during their residence in the United Kingdom when sent there for the purpose of undergoing instruction or training, or other duty or employment

33 The remaining sections of this Part of the Ordinance apply to native officers, non-commissioned officers, privates and and followers not on active service— Application of sections 33 55

- (a) When in the Protectorate
- (b) When employed out of and beyond the Protectorate, in accordance with the section 8 (1), of this Ordinance, in so far as they may be applicable

#### Crimes and Punishments

34 Every person subject to this Ordinance who—

- 1 (a) Causes or conspires with any other persons to cause any mutiny or sedition, or Mutiny and sedition
- (b) Endeavours to seduce any person from allegiance to His Majesty, or to persuade any person to join in any mutiny or sedition, or
- (c) Joins in, or being present does not use his utmost endeavours to suppress, any mutiny or sedition, or
- (d) Coming to the knowledge of any actual or intended mutiny or sedition does not without delay inform his commanding or other superior officer of the same, or who
- (2) Strikes or uses or offers any violence to his superior officer, being in execution of his office or who Striking or threatening superior officer, being in the execution of his office
- (3) Disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office, whether the same is given orally, or in writing, or by signal or otherwise, Defiant disobedience to superior officer, in the execution of his office  
Shall, on conviction, be liable to suffer death, or such less punishment as is in this Ordinance mentioned Punishment for offences in this section

35. (1) Every person subject to this Ordinance who—

- (a) Deserts, or attempts to desert, and shall be prove to have previously committed a similar offence, or Repeated desertion

Repeated fraudulent  
enlistment

Punishment for  
offences in this  
section

Fraud by persons  
in charge of  
moneys or goods

Wilfully permitting  
escape of prisoner

Punishment for  
offences in this  
section

Offences in relation  
to guards, &c

Offences in relation  
to inhabitants

- (b) Persuades, endeavours to persuade, procures, or attempts to procure, any person to desert, and shall be proved to have previously committed a similar offence, or
  - (c) When belonging to any of His Majesty's Imperial or other forces, without having first obtained a regular discharge therefrom, or otherwise fulfilled the conditions enabling him to enlist, enlists in any other of His Majesty's Imperial or other forces, and shall be proved to have previously committed a similar offence,
- shall, on conviction, be liable to suffer imprisonment with or without hard labour or such less punishment as is in this Ordinance mentioned
- (2) Where an offender has fraudulently enlisted once or oftener he may, for the purposes of this section, be deemed to belong to any one or more of the corps to which he has been appointed or transferred, as well as to the corps to which he properly belongs, and it shall be lawful to charge an offender with any number of offences against this section at the same time, and to give evidence of such offences against him, and, if he be convicted thereof, to punish him accordingly
36. Every person subject to this Ordinance who—
- (1) Being charged with or concerned in the care or distribution of any public or regimental money or goods, steals, fraudulently misapplies, or embezzles the same, or is concerned in or connives at the stealing, fraudulent misapplication, or embezzlement thereof, or wilfully damages any such goods, or who—
  - (2) Steals or embezzles, or receives, knowing them to be stolen or embezzled any money or goods the property of a comrade or of an officer, or any money or goods belonging to any regimental mess, band or institution or any public money or goods, or
  - (3) (a) When in command of a guard, piquet, patrol, or post, wilfully releases without proper authority any prisoner committed to his charge, or
  - (b) Wilfully allows to escape any prisoner who is committed to his charge, or whom it is his duty to keep or guard, shall, on conviction, be liable to suffer imprisonment with or without hard labour or such less punishment as is in this Ordinance mentioned,
37. Every person subject to this Ordinance who—
- (1) (a) Without orders from his superior officer, leaves his guard piquet, patrol, or post, or
  - (b) Forces or strikes a soldier when acting as sentinel or
  - (c) Impedes the provost-marshal or any assistant provost-marshal, or any officer, native officer, British non-commissioned officer, non-commissioned officer, or other person legally exercising authority under or on behalf of the provost-marshal, or, when called on, refuses to assist in the execution of his duty, the provost-marshal, assistant provost-marshal, or any such officer, native officer, British non-commissioned officer, or other person, or
  - (d) Forces a safeguard, or
  - (e) Leaves his superior officer for the purpose of committing any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving, or
  - (f) Breaks into any house or other place for the purpose of committing any offence against the property or person of any inhabitant of, or resident, in the country in which he is serving, or
  - (g) Commits any offence against the property or person of any inhabitant of or resident in, the country in which he is serving or
  - (h) Does violence to any person bringing provisions or supplies to the forces, or



- (i) Irregularly detains or appropriates to his own regiment, bat- Irregular detention, &c, of supplies talion, or detachment any provisions or supplies proceeding to the forces, contrary to any orders issued in that respect, or
- (j) Being a soldier acting as sentinel, commits any of the following offences, that is to say— Misbehaviour of sentinel
  - (1) Sleeps or is drunk on his post, or
  - (ii) Leaves his post before he is regularly relieved, or who
- (2) Strikes or uses or offers any violence to his superior officer, or Insubordination uses threatening or insubordinate language to his superior officer, or who
- (3) (a) Strikes or uses or offers violence to any person, whether subject to this Ordinance or not, in whose custody he is placed, and whether he is or is not his superior officer, or
- (b) Resists an escort whose duty it is to apprehend him or to have him in charge, or
- (c) Breaks out of barracks, camp, or quarters, or who
- (4) Disobeys any lawful command given by his superior officer, or who Disobedience
- (5) Neglects to obey any general, or garrison, or other orders, or Neglect to obey garrison or other orders who
- (6) (a) Deserts or attempts to desert, or
- (b) Persuades or endeavours to persuade, procures, or attempts Desertion to procure, or assists any person to desert, or
- (c) Being cognisant of any desertion, or intended desertion of any person, does not forthwith give notice to his superior officer, or take any steps in his power to cause the deserter or intending deserter to be apprehended, or
- (d) When belonging to any of His Majesty's Imperial or other Fraudulent enlistment forces, without having first obtained a regular discharge therefrom or otherwise fulfilled the conditions enabling him to enlist in any other of His Majesty's Imperial or other forces, or
- (e) Having been discharged with disgrace from any part of His Majesty's Imperial or other forces, or having been dismissed with disgrace from the Navy, has afterwards enlisted without declaring the circumstances of his discharge or dismissal, or Enlistment after discharge with ignominy or disgrace
- (f) Is concerned in the enlistment of any man, when he knows or has reasonable cause to believe such man to be so circumstanced that by enlisting he commits an offence against this Ordinance, or who
- (7) (a) Absents himself without leave or
- (b) Fails to appear at the place of parade or rendezvous appointed by his superior officer, or goes from thence without leave before he is relieved, or without urgent necessity quits the ranks, or Absence without leave
- (c) When in camp or garrison or elsewhere, is found beyond any limits fixed or in any place prohibited by any general garrison, or other order, without a pass or written leave from an officer, or
- (d) Without leave from an officer, or without due cause, absents himself from any school when duly ordered to attend there, or who
- (8) (a) Attempts to commit suicide, or
- (b) Malingers, or feigns or produces disease or infirmity, or Disrespectful conduct wilfully conceals the fact that he is suffering from any venereal or other contagious disease, or
- (c) Wilfully maims or injures himself or any other soldier, whether at the instance of such other soldier or not, with intent thereby to render himself or such other soldier unfit for service, or causes himself to be maimed or injured by any person, with intent thereby to render himself unfit for service, or

- (*d*) Is wilfully guilty of any misconduct, or wilfully disobeys, whether in hospital or otherwise, any orders, by means of which misconduct or disobedience he produces or advocates disease or infirmity, or delays its cure, or
- (*e*) Is guilty of any other offence of a fraudulent nature not before in this Ordinance particularly specified, or of any other disgraceful conduct of a cruel, indecent, or unnatural kind, or who
- Drunkenness (9) Commits the offence of drunkenness, whether on duty or not on duty, or who
- Permitting escape of prisoner (10) (*a*) When in command of guard, picket, patrol, or post, releases without proper authority any prisoner committed to his charge, or
- (*b*) Allows to escape any prisoner who is committed to his charge, or whom it is his duty to keep or guard, or who
- Failure to report arrest, &c (11) (*a*) Unnecessarily detains a person in arrest or confinement without bringing him to trial, or fails to bring his case before the proper authority for investigation, or
- (*b*) Having committed a person to the custody of any officer, non-commissioned officer, provost-marshal, or assistant provost-marshal, fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within twenty-four hours thereafter, to the officer, non-commissioned officer, provost-marshal, or assistant provost-marshal, into whose custody the person is committed, an account of the offence with which the person so committed is charged, or
- (*c*) Being in command of a guard does not, as soon as he is relieved from his guard or duty, or if he is not sooner relieved, within twenty-four hours after a person is committed to his charge, give to the officer to whom he may be ordered to report that person's name and offence so far as known to him, and the name and rank of the officer or other person by whom he was charged, accompanied, if he has received the account above in this section mentioned, by that account, or who
- Corrupt dealings in respect of supplies to forces (12) (*a*) Commits or connives at any extortion, or
- (*b*) Without proper authority exacts from any person, carriage, portage, or provisions, or
- (*c*) Lays any duty upon, or takes any fee or advantage in respect of or is in any way interested in, the sale of provisions or merchandise brought into any garrison, camp, station, barrack, or place, in which he has any command or authority, or the sale or purchase of any provisions or stores, or who
- Deficiency in and injury to equipment (13) (*a*) Makes away with, or is concerned in making away with, his arms, ammunition, equipments, instruments, clothing, regimental necessaries, or any animal of which he has charge, or
- (*b*) Loses by neglect anything before in this paragraph mentioned, or
- (*c*) Makes away with any military decoration granted to him, or
- (*d*) Wilfully injures anything before in this paragraph mentioned or any property belonging to a comrade, or to an officer, or to any regimental mess, band, or institution, or any public property, or
- (*e*) Ill-treats any animal used in the public service, or who
- Falsifying official documents and false declarations (14) (*a*) In any report, return, muster-roll, pay list, certificate, book, route, or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy, knowingly makes or is privy to the making of any false or fraudulent statement, or knowingly makes or is privy to the making of any omission with intent to defraud, or
- (*b*) Knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters, or makes away with any document which it is his duty to preserve or produce, or

- (c) Where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration, or
- (d) When signing any document relating to pay, arms, ammunition, equipments, clothing, regimental necessaries, provisions, furniture, bedding, blankets, sheets, utensils, forage, or stores, leaves in blank any material part for which his signature is a voucher, or Neglect to report, and signing in blank
- (e) Refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send, or who
- (15) (a) Makes a false accusation against any officer, native officer, British non-commissioned officer, soldier or follower knowing such accusation to be false, or False accusation or false statement
- (b) In making a complaint, where he thinks himself wronged, knowingly makes any false statements affecting the character of any officer, native officer, British non-commissioned officer, soldier or follower, or knowingly and wilfully suppresses any material facts, or
- (c) Makes a wilfully false statement to any military or judicial officer in respect of his military service, or who
- (16) (a) Being duly summoned or ordered to attend as a witness before a court martial, makes default in attending, or Offences in relation to courts martial
- (b) Refuses to take an oath or make a solemn declaration legally required by a court martial to be taken or made, or
- (c) Refuses to produce any document in his power or control legally required by a court martial to be produced by him, or
- (d) Refuses when a witness to answer any question to which a court martial may legally require an answer, or
- (e) Is guilty of contempt of a court martial by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court, or who
- (f) When examined on oath or solemn declaration before a court martial or any court or officer authorized by this Ordinance to administer an oath, wilfully gives false evidence, or who False evidence
- (17) Uses traitorous or disloyal words regarding Sovereign, or who Traitorous words
- (18) Without due authority, either verbally or in writing or by sign or otherwise, discloses the numbers or position of any forces or any magazines or stores thereof, or any preparations for, or orders relating to, operations or movements of any forces, at such time and in such manner as may be injurious to His Majesty's service, or who Injurious disclosures
- (19) being a native officer or non-commissioned officer,
- (a) Strikes or otherwise illtreats any soldier or followers, or Ill treating soldier or follower
- (b) Having received the pay of any soldier, unlawfully detains or unlawfully refuses to pay the same when due, or who
- (20) On application being made to him, neglects or refuses to deliver over to the civil magistrate, or to assist in the lawful apprehension of, any soldier or follower accused of an offence punishable by a civil court, or who Refusal to deliver to civil power soldiers accused of civil offences
- (21) Is guilty of any act, conduct, disorder, or neglect, to the prejudice of good order and military discipline, Conduct to prejudice of military discipline

Shall on conviction be liable to suffer imprisonment with or without hard labour not exceeding two years, or such less punishment as is in this Ordinance mentioned Punishment for offences in this section

Provided that, in the case of conviction for drunkenness, the offender shall be liable, either in addition to or in substitution for any other punishment, to pay a fine not exceeding rupees fifteen

For the purposes of this section the expression "drunkenness on duty" means drunkenness committed on the march or otherwise on duty, or after the offender was warned for duty, or when by reason of the drunkenness the offender was found unfit for duty

Scale of punishments by court martial

38 Punishment may be inflicted in respect of offences, committed by persons subject to this Ordinance and convicted by court martial according to the scale following —

- (a) Death
- (b) Penal servitude
- (c) Imprisonment with or without hard labour, for a term not exceeding five years
- (d) Discharge with ignominy from His Majesty's service
- (e) Reduction in the case of a non-commissioned officer to a lower grade, or to the ranks
- (f) Corporal punishment not exceeding twenty-four lashes
- (g) Forfeitures, fines, and stoppages

Provided that—

- (1) An offender when sentenced to imprisonment may, in addition thereto, be sentenced to be discharged with ignominy from His Majesty's service
- (2) In addition to or without any other punishment in respect of any offence, an offender convicted may be subject to forfeiture of any service towards gratuity, military decoration, or military reward
- (3) In addition to or without any other punishment in respect of any offence, an offender may be sentenced to any deduction authorized by this Ordinance to be made from his ordinary pay
- (4) The Governor shall, by regulation, prescribe the instrument with which corporal punishment under this section shall be inflicted

#### Arrest

Arrest

39 The following regulations shall be enacted with respect to persons subject to this Ordinance when charged with offences punishable under this Ordinance —

- (1) Every person subject to this Ordinance when so charged may be taken into military custody

Provided, that in every case where any offender remains in such military custody for a longer period than eight days without a court martial for his trial being ordered to assemble, a special report of the necessity for further delay shall be made by his commanding officer in manner prescribed, and a similar report shall be forwarded every eight days until a court martial is assembled or the offender is released from custody

- (2) Military custody means, according to the usages of His Majesty's service, the putting the offender under arrest or the putting him in confinement
- (3) An officer or native officer may order into military custody any native officer, non-commissioned officer, or private of the regiment or any follower, and any British non-commissioned officer or non-commissioned officer may order into military custody any non-commissioned officer, private or follower and any such order shall be obeyed, notwithstanding the person giving the order and the person in respect of whom the order is given do not belong to the same corps, arm, or branch of the service
- (4) An officer, native officer, British non-commissioned officer or non-commissioned officer commanding a guard, or a provost-marshal or assistant provost-marshal, shall not refuse to receive or keep any person who is committed to his custody by any officer, native officer, British non-commissioned officer, or non-commissioned officer, but it shall be the duty of the officer, native officer, British non-commissioned officer or non-commissioned officer who commits any person into custody to deliver at the time of such committal or as soon practicable, and in every case within twenty-four hours thereafter, to the officer, native officer, British non-commissioned officer, non-commissioned officer, provost-marshal, or assistant provost-marshal into whose custody the person is committed, an account either verbal or in writing, of the offence with which the person so committed is charged

- (5) The charge made against every person taken into military custody shall without unnecessary delay be investigated by the proper military authority and, as soon as may be either proceedings shall be taken for punishing the offence, or such person shall be discharged from custody

### Power of Commanding Officer

40 The commanding officer shall, upon an investigation being had of a charge made against a person subject to this Ordinance, of having committed an offence under this Ordinance dismiss the charge, if he in his discretion thinks that it ought not to be proceeded with, but where he thinks the charge ought to be proceeded with, he may take steps for bringing the offender to a court martial or in the case of a soldier or a follower he may deal with the case summarily

- (1) Where he deals with the case summarily, he may

(A) Save in the case of absence without leave or drunkenness, if the offender is a soldier—

(a) Award to the offender imprisonment, with or without hard labour, for any period not exceeding forty-two days

(b) Reprimand, severely reprimand, or reduce any non-commissioned officer to a lower rank or to the rank of a private

(c) Award corporal punishment not exceeding twenty-four lashes  
The Governor shall by regulation prescribe the instrument with which such punishment shall be inflicted

(d) Dismiss the offender from the regiment

(e) Impose a fine not exceeding twenty-one days' pay, to be levied by stoppages from the offenders' pay

(f) In addition to or without any other punishment, may order the offender to suffer any deduction from his ordinary pay to make good the amount of any loss or damage he may have caused

(g) Order confinement to barracks for any period not exceeding twenty-eight days, such confinement involving the taking of all duties in regular turn, attending parades and punishment drills, not exceeding one hour at a time nor four hours in all on the same day, inclusive of ordinary parades, and also liability to employment on duties of fatigue

(h) Order extra guards and piquets, but only for minor offences or irregularities when on or parading for guard or piquet

(B) In the case of any offence under this Ordinance, if the offender is a follower—

(a) Award to the offender any of the punishments described in sub-sections (a) (c) or (d) of Section 40 (1) (A) of this Ordinance

(b) Impose a fine not exceeding rupees ten

- (2) In the case of absence without leave by a soldier, the commanding officer may deal with the case summarily and may award imprisonment, with or without hard labour, up to any period not exceeding forty-two days, provided that the term of imprisonment awarded, if exceeding seven days, shall not exceed the term of absence

- (3) The offence of drunkenness by a soldier may be dealt with and summarily punished by the commanding officer as follows —

(a) For the first offence the offender shall be admonished or confined to barracks, but no fine shall be inflicted,

(b) For the second and every subsequent offence as follows —

If within three months of the previous offence, by fine to the amount of nine days' pay with or without confinement to barracks,

If over three months and within six months of the previous offence, by fine to the amount of six days' pay with or without confinement to barracks,

If over six months and within nine months of the previous offence, by fine to the amount of three days' pay with or without confinement to barracks,

Power of commanding officer.

Punishments for drunkenness

If over nine months of the previous offence by admonition or confinement to barracks

Such fines to be levied by stoppages from the offender's pay

- (c) Where a soldier is liable to a fine, and four preceding instances of drunkenness have been recorded against him within the previous twelve months, an amount of three days' pay shall be added to the amount of the fine laid down
- (d) For an act of drunkenness on duty, as defined by section 37, or when an act of drunkenness is accompanied by any other offence, the offender may be sentenced, as provided by section 40 (1), to imprisonment with or without hard labour, or confinement to barracks in addition to the fine
- (e) Any non-commissioned officer convicted of drunkenness, in addition to any fine as aforesaid, may be reprimanded, severely reprimanded or reduced to a lower rank or to the rank of a private
- (4) On a boy being placed in the ranks as a trained soldier, it shall be discretionary with the commanding officer either to destroy his defaulter sheet or expunge therefrom such entries as he may think fit

#### **Powers of Officer Commanding a Detachment.**

Punishments which officers commanding detachments, &c, may award

41 Any officer commanding a detachment, or the District Commissioner resident at and in charge of any station where there is a detachment but no officer of the regiment, may examine into the truth of any charge against a soldier or follower, and if his decision is against the accused, he may impose on him any one or more of the following punishment —

- (1) If a private—
  - (a) Imprisonment, with or without hard labour, for any period not exceeding fourteen days,
  - (b) Fine not exceeding ten days' pay, to be levied by stoppages from the offender's pay,
  - (c) Confinement to barracks for any period not exceeding twenty-one days, such confinement involving the taking of all duties in regular turn, attending parades and punishment drills, not exceeding one hour at a time, nor four hours in all on the same day, inclusive of ordinary parades, and also liability to employment on duties of fatigue,
  - (d) In addition to or without any other punishment, deduction from ordinary pay to make good the amount of any loss or damage he may have caused
  - (e) Extra guards and piquets, but only for minor offences or irregularities when on or parading for guard or piquet
- (2) If a follower—
  - (a) Imprisonment, with or without hard labour, for any period not exceeding fourteen days,
  - (b) Fine not exceeding rupees five
- (3) If a non-commissioned officer—
  - (a) Fine not exceeding ten days' pay to be levied by stoppages from the offender's pay,
  - (b) Reprimand

Punishments for drunkenness

- (4) The offence of drunkenness by a soldier may be dealt with and summarily punished, as laid down in section 40 (3) of this Ordinance, by such officer or District Commissioner, except that any sentence of reduction on a non-commissioned officer must be confirmed by the commanding officer
- (5) It shall be lawful for the commanding officer by writing under his hand to confer the powers of a commanding officer, as defined by section 40 of this Ordinance, on the officer commanding any detachment, under such restrictions and for such period as he may think fit, and to revoke the same. Any sentence of reduction in the case of a non-commissioned officer, and any sentence of dismissal from the service, imposed under this section, shall be subject to the approval of the commanding officer

Delegation of powers of commanding officer to officer commanding detachment.



Whenever it shall appear to the officer commanding a detachment or District Commissioner as aforesaid that the offence which any soldier or follower has committed would, by reason of its aggravation or by reason of previous offences of the accused, not be adequately punished with any of the aforesaid punishments, or combinations of punishments, he shall delay passing sentence, and shall report the whole proceeding in the case to the commanding officer who may send back such report for any further inquiry he considers requisite, or make any other or further order, or may rehear the case, as he may see fit

Cases of aggravated or repeated offence to be reported to commanding officer

### **Powers of Officer Commanding a Company.**

42 Any officer commanding a company may examine into the truth of any charge against a soldier, and, if his decision is against the accused, he may impose upon him any one or more of the following punishments —

- (1) If a private—
  - (a) Fine according to scale, as laid down in section 40 (3) of this Ordinance, in case of drunkenness,
  - (b) Confinement to barracks for any period not exceeding seven days,
  - (c) Extra guards and piquets, but only for minor offences or irregularities when on, or parading for, guard or piquet
- (2) If a non-commissioned officer—

Reprimand

Similar powers may, at the discretion of the commanding officer, be given to any other officer temporarily in command of a company

Any such awards of punishment shall be subject to any remission the commanding officer may order, but cannot be increased

### **Courts martial**

- 43 (1) For the purposes of this Ordinance there shall be two kinds of courts martial, that is to say—
  - (a) General courts martial,
  - (b) Regimental courts martial
- (2) A general court martial shall be convened by the commanding officer, provided that he is in possession of a warrant authorising him to convene a general court martial, or provided that the power to convene and confirm general courts martial has been delegated to him by the Inspector-General
- (3) A regimental court martial shall be convened by the commanding officer, or some officer deriving authority for him to convene a regimental court martial
- (4) A general court martial shall consist of not less than five officers each of whom must have held a commission in His Majesty's service for not less than one year, unless the officer convening the court martial is of opinion that five officers are not available, having due regard to the public service, in which case the court martial may consist of three officers, in which case also the convening officer may preside
- (5) A regimental court martial shall consist of not less than three officers, each of whom must have held a commission in His Majesty's service for not less than one year, unless the officer convening the court martial is of opinion the three officers are not available, having due regard to the public service, in which case the court martial may consist of two officers
- (6) A general court martial shall have power to try all persons subject to this Ordinance, and to pass sentence of death or such less punishment as is in this Ordinance mentioned, provided that if the court martial consists of less than five members, sentence of death shall not be passed on any prisoner without the concurrence of all the members
- (7) A regimental court martial shall not award the punishment of death or of imprisonment in excess of two years, but, subject as aforesaid, any offence under this Ordinance committed by a person subject to this Ordinance may be tried and punished by a regimental court martial

Description, constitution, and powers of courts martial

Constituent  
members of courts  
martial

(8) The president of a court martial shall be appointed by order of the authority convening the court, and in the case of a regimental court martial, the convening officer may appoint himself as president

(9) (a) One of the members of the court shall, if possible, be an officer of the battalion, and the other members of the court may be officers of the regiment, or officers of His Majesty's Army or Royal Marine Forces or Royal Navy, or officers of any of His Majesty's naval or military services

(b) In case of emergency, or when a sufficient number of military officers is not available, it shall be lawful for public officers of the Protectorate to sit as members of a court martial but in no case shall they sit as presidents, unless they are entitled to do so in virtue of their military rank in His Majesty's service

Proceedings, how  
regulated

(10) In all cases or matters before the court, the proceedings of the court shall be as nearly as may be in accordance with the Rules of Procedure made under the Army Act

Confirmation and  
approval of  
sentences

44 (1) The following authorities shall have power to confirm the findings and sentences of court martial, that is to say—

(a) In the case of a regimental courts martial, the commanding officer or officer having authority to convene such a court martial at the date of the submission of the finding and sentence thereof

(b) In the case of a general court martial, the convening officer

(2) The confirming authority may, when confirming the sentence of any court martial, mitigate or remit the punishment thereby awarded, or commute such punishment for any less punishment or punishments to which the offender might have been sentenced by the said court martial

(3) Sentence of death shall not be carried into effect, unless in addition to the confirmation otherwise required by this Ordinance, it is approved by the Governor

(4) When the sentence imposed by a Court Martial exceeds six months' imprisonment, the proceedings of this Court shall be forwarded to the Governor

(5) When a sentence passed by a court martial has been confirmed, the Governor shall have power to mitigate or remit the punishment thereby awarded, or to commute such punishment for any less punishment or punishments to which the offender might have been sentenced by the said court martial

### Execution of Sentences

Execution or  
sentences of  
imprisonment

45 (1) Any sentence of penal servitude, imprisonment, or imprisonment with hard labour imposed upon any person subject to this Ordinance, may be carried out in any military or civil prison established within the Protectorate, or where the sentence of imprisonment imposed does not exceed forty-two days with or without hard labour, in any lock-up house or cells which for that purpose the Governor may think fit to attach to any fort or barracks. The Governor may from time to time make regulations for the government of such prisons and of any lock-up house or cells attached by him to any fort or barracks, and with regard to the admission, discharge, custody, removal, safeguarding, diet, labour, occupation, discipline, instruction, and offences of any persons confined therein, and with regard to any and every other matter or thing relating to and connected with the carrying out and management of imprisonment in any such prison, lock-up house or cells, provided that no person shall be imprisoned in any such prison, lock-up house, or cells unless and until such regulations as aforesaid shall have been made and provided that any person, notwithstanding that his sentence exceeds fourteen days, may, whilst awaiting removal to a prison, be temporarily imprisoned in any such lock-up house or cells



- (2) A sentence passed upon any person subject to this Ordinance shall be in no respect affected by such person ceasing to be subject to this Ordinance by discharge or otherwise
- (3) Every gaoler shall receive into his custody and carry out the sentence upon any person, subject to this Ordinance, sentenced to penal servitude, imprisonment or imprisonment with hard labour, for any offence under this Ordinance, upon an order in writing in that behalf being delivered to him under the hand of the commanding officer or of the officer or District Commissioner imposing the sentence, which order shall specify the offence and the period of penal servitude, imprisonment, or of imprisonment with hard labour Gaolers to carry out sentences on or order of commanding officer, &c
- (4) Every person whilst undergoing any such sentence of penal servitude, imprisonment, or imprisonment with hard labour, shall be deemed and dealt with as a criminal prisoner Persons undergoing sentences deemed criminal prisoners

46 No pay shall accrue or become due to any native officer, soldier, or follower in respect of any period during which he is undergoing any sentence of imprisonment, or imprisonment with hard labour, or is in custody on a charge for an offence of which he is afterwards convicted by a Civil Court or Court Martial or on a charge of absence without leave for which he is afterwards awarded imprisonment by his commanding officer Pay not to accrue during imprisonment under sentence

47 (1) All fines imposed upon native officers or soldiers for offences under this Ordinance shall be recovered by stoppages from the offender's pay due at the time of committing such offence, or thereafter accruing due, and not from any other source or in any other manner Fines to be recovered by stoppages

(2) The amount of stoppage shall be in the discretion of the officers authorized to impose fines, in no case exceeding one-half of the daily pay of the offender, and whenever more than one order of stoppage for any cause is in force against the same person, so much only of his pay shall be stopped as shall leave him a residue of at the least one-half of his daily pay Amount of stoppages

(3) Where more than one order of stoppage is made upon the same person the order or orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders are discharged Accumulated stoppages

(4) Soldiers admitted to hospital suffering from venereal diseases may be placed under stoppages of half their pay Stoppages for venereal disease

48 (1) All fines recovered within the Protectorate from native officers, soldiers, or followers shall be paid over to the Treasurer of the Protectorate, to be placed to the credit of a fund to be styled the "Military Fines Fund" Disposal of fines on native officer or soldiers

(2) No payment shall be made from the Military Fines Fund except on the authority of the Governor

(3) The Governor may, on the recommendation of the commanding officer, sanction payments from the Military Fines Fund for any of the following purposes, that is to say —

- (a) Assistance to the wives or families of deceased native officers, soldiers or followers, or native officers, soldiers or followers discharged as invalids, who may be in immediate want,
- (b) Contributions towards prizes to be given at athletic meetings, assaults-at-arms, and similar events organised by or for the benefit of the soldiers of the regiment,
- (c) Purchase of ammunition for the encouragement of rifle shooting,
- (d) Payments to soldiers of the regiment as rewards for special services when such payments cannot otherwise be met out of Protectorate funds,
- (e) Provision of any articles for the use of the regiment, when the cost of such provision cannot otherwise be met out of Protectorate funds,
- (f) As a reward to the apprehender or apprehenders of a deserter, and as a reward for recruiting

- (4) Annual statements of receipts and expenditure on account of the Military Fines Fund shall be rendered by the senior commanding officer to the Governor, who will submit them to the Secretary of State

Restrictions as to  
punishment of  
native officer

### Supplemental Provisions as to Discipline

- 49 (1) The sentence on a native officer for any offence shall in no case include corporal punishment
- (2) The sentence on a non-commissioned officer for any offence shall in no case include corporal punishment, or imprisonment, unless it also includes reduction of the offender to the rank of a private and in such case the sentence of reduction shall precede and be carried out before that of corporal punishment or imprisonment.

Restrictions as to  
punishment of  
non commissioned  
officer

Restrictions as to  
corporal punish-  
ment

50 No sentence of corporal punishment shall be carried out until a period of twenty-four hours has elapsed since the award, except on the line of march or on active service, and no such sentence shall in any case be carried out unless under the superintendence of a medical officer, or in case no medical officer is available, a European officer of the Protectorate Government, nor until such medical officer or European officer shall certify the physical fitness of the offender to undergo the same, and, and in relation thereto the said medical officer or European officer may give and shall cause to be carried out such orders for preventing injury to health as he may deem necessary, and, in case the said medical officer or European officer shall order the punishment to be discontinued, it shall be immediately discontinued accordingly

Apprehension of  
deserters

- 51 (1) Upon reasonable suspicion that any person is a deserter any non-commissioned officer or private of the regiment or other person may apprehend him and forthwith bring him before the District Commissioner of the district wherein he was found, who shall deal with the suspected deserter as if he were brought before him by warrant under the laws in force in the Protectorate

Procedure there-  
upon

- (2) Upon its appearing to such District Commissioner by the testimony of one or more witnesses, or by his own confession, that the accused is a deserter, he shall cause him to be conveyed to the nearest detachment of the regiment, and delivered over to the officer in command thereof, together with an office copy of the proceedings and of the evidence taken by him, and such officer shall deal with the case in accordance with the provisions of this Ordinance

Forfeiture of good  
conduct badges  
and pay consequen-  
tial on certain  
sentences

- 52 (1) Forfeiture of one good-conduct badge and 75 cents per month of good-conduct pay shall be involved in and deemed a part of any sentence of —
- (a) Imprisonment or confinement to barracks for more than seven days,
- (b) Imprisonment with hard labour for any term,
- (c) Fine in any sum exceeding seven days' pay,
- (d) Corporal punishment,
- and every such forfeiture shall be entered on the offender's defaulter sheet and in the guard report

Upon reduction  
of rank

- (2) If a non-commissioned officer be reduced to the rank of a private, or reduced in degree of rank, he shall forfeit one good-conduct badge, should he be in possession of the same, and 75 cents per month of good-conduct pay

In aggravated  
offences

- (3) The commanding officer may in any case of aggravated offence recommend to the Governor that the offender forfeit all or any good-conduct badges and pay that he may be in possession of or may have earned, and all or any decorations or honorary rewards, and any advantage as to gratuity on discharge which he may have earned by past service, and such effect shall be given to such recommendation as the Governor may determine

Restoration of  
forfeited service

53 Any native officer non-commissioned officer or private who has forfeited any period of past service qualifying towards good-conduct badges and pay or gratuity may have such service restored to him by the Governor on the recom-

commendation of his commanding officer, at any time as a reward for conspicuous gallantry in the field or other notable service, or when he has served with uninterrupted good conduct, as shown by his having no entries in the regimental defaulters' book, for two years in case of a first conviction entailing loss of service, for five years in case of a second conviction of the same nature, and for seven years in case of a third conviction of the same nature, or should circumstances of an aggravated character have attended the offence on account of which his service was forfeited. Such period of probation shall be reckoned from the release of the person convicted from imprisonment or other completion of his punishment and his return to duty.

54 (1) Every officer heretofore empowered to inquire concerning offences under this Ordinance shall in any matter touching such inquiries have the powers of a magistrate under the Code of Criminal Procedure of summoning and examining witnesses on oath or affirmation, and calling for documents in any matter before him under this Ordinance, and of adjourning any hearing from time to time. Power of summoning witnesses

(2) In every inquiry in which evidence is taken on oath or affirmation the proceedings and evidence shall be recorded in writing, and the course of proceeding with respect to the taking of evidence and the conduct of the inquiry shall be as nearly as may be in conformity with the practice prescribed in the Rules of Procedure made under the Army Act. Form of proceedings

55 (1) Nothing in this Ordinance shall be construed to exempt any person subject to this Ordinance from being proceeded against by the ordinary course of law when accused of any crime or offence punishable under any other law in force in the Protectorate, and whenever any person subject to this Ordinance is accused of any capital crime or of violence or of any offence against person or property punishable by the law of the Protectorate, the officers, native officers, British non-commissioned officers and soldiers shall use their utmost endeavours to cause such persons to be discovered and secured and delivered over to be tried in the ordinary course of justice. Ordinary course of law not to be interfered with

(2) No person subject to this Ordinance shall be tried by court martial or an offence against the state, within the meaning of Chapter VI of the Penal Code, murder, culpable homicide not amounting to murder, or rape, unless the place at which the offence was committed is approximately more than 100 miles as measured in a straight line from any place in which the offender can be tried for such offence by a competent civil court.

56 (1) An offender shall not be liable to be tried by court martial for any offence which has been dealt with summarily by his commanding officer, and shall not be liable to be tried by court martial or to be punished by his commanding officer for any offence of which he has been acquitted or convicted by a competent civil court or by a court martial. If an offender is sentenced by his commanding officer or by a court martial and is afterwards tried by a civil court for the same offences, that court shall, in awarding punishment, have regard to the military punishment he may have already undergone. Exemption from second trial or punishment for same offence

(2) If any person subject to this Ordinance has been convicted by a competent civil court of any crime or offence he shall not be liable to be punished for the same under this Ordinance, otherwise than by loss of pay under section 46, and in the case of a native officer or non-commissioned officer by reduction to an inferior rank or to the rank of a private, by order of the Governor communicated through the commanding officer, or by dismissal from the regiment, or by the loss of the whole or any period of his previous service reckoning towards discharge, or by the loss of all or any good-conduct badges which he may possess, together with forfeiture of the whole or any part of any good-conduct pay of which he is in receipt, by order of the Governor communicated through the commanding officer.

Mode of complaint  
by soldier

57 If any non-commissioned officer or private thinks himself wronged in any matter by any officer other than his company commander or by any non-commissioned officer or private, he may complain thereof to his company commander, and if he thinks himself wronged by his company commander, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to his commanding officer, and if he thinks himself wronged by his commanding officer, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to the Governor, and every officer to whom a complaint is made in pursuance of this section shall cause such complaint to be inquired into, and shall, if on inquiry he is satisfied of the justice of the complaint so made, take such steps as may be necessary for giving full redress to the complainant in respect of the matter complained of

## PART IV

### GENERAL PROVISIONS

#### Legal Penalties in Matters respecting Regiments

Inciting members  
of the corps to  
desert

58 Any person who by any means whatsoever directly or indirectly procures or persuades, or attempts to procure or persuade, any native officer non-commissioned officer or private of the regiment to desert, or who aids, abets, or is accessory to the desertion of any native officer non-commissioned officer or private of the regiment, or who having reason to believe that any man is a deserter, harbours such deserter or aids him in concealing himself, or aids or assists in his rescue, shall be liable to be imprisoned, with or without hard labour for a term not exceeding six months, and shall in addition be liable to a fine not exceeding 200 rupees

Inciting to  
mutiny, &c

59 Any person who aids, abets or is accessory to any mutiny, sedition, or disobedience to any lawful command of a superior officer by any native officer non-commissioned officer or private of the regiment, or maliciously endeavours to seduce any native officer non-commissioned officer or private of the regiment from his allegiance or duty, shall be punishable with imprisonment, with or without hard labour, for a term not exceeding two years, and shall in addition be liable to a fine not exceeding 800 rupees

Unlawful possession  
of arms, &c of  
regiment, penalty

60 Any person who shall knowingly detain, buy, exchange, or receive from any native officer non-commissioned officer or private of the regiment, or deserter, or any person acting for or on his behalf, or who shall solicit or entice any native officer non-commissioned officer or private of the regiment, or who shall be employed by any native officer non-commissioned or private of the regiment, or deserter, knowing him to be such to sell, make away with or dispose of any arms ammunition, clothing, accoutrements, medals, or other appointments furnished for the use of the regiment, or food or rations issued to any non-commissioned officer or private, or who shall have in his possession any such arms, ammunition, clothing, accoutrements, medals, appointments, food, or rations, and shall not give a satisfactory account of how he came by the same, shall be liable to a penalty not exceeding 800 Rupees and imprisonment, with or without hard labour, up to two years together with double the value of all or any of the several articles of which such offender shall so become or be possessed

Personation,  
penalty

61 Whoever, not being a member of the regiment, or being a deserter therefrom, puts on the dress or accoutrements of a person serving in the regiment, or part thereof, or any dress intended to simulate that of the regiment, or part thereof, or any medal or badge which he is not authorized to wear, or takes the name, designation, or character of a person appointed to or serving in the regiment, for the purpose of thereby doing or obtaining to be done any act which he would not be entitled to do, or procure to be done of his own authority or for any other unlawful purpose, shall be liable to be imprisoned, either with or without hard labour, for a term not exceeding two years, or to a fine not exceeding 800 Rupees, or to both

- 62 (a) All offences under this Ordinance committed by persons not being subject to Part III of this Ordinance shall be prosecuted, and all sentences imposed on such persons shall be carried into effect, in the manner provided by the laws in force in the Protectorate, and the amount of any fines recovered shall be paid to the Treasurer and form part of the public revenue Procedure where offences committed by other persons  
Disposal of fines
- (b) Notwithstanding anything in this Ordinance contained, Sections 58 to 62 inclusive shall apply equally to offences in connection with non-commissioned officers, sepoy and Indian followers of any company or other part of the regiment which is recruited in India Application to offences Indian contingent

### Enforcement of Civil Contracts

- 63 (1) Any native officer non-commissioned officer or private shall be liable to be taken out of the King's African Rifles only by process or execution on account of any criminal charge, or on account of an original debt proved by affidavit of the plaintiff, or of someone on his behalf, to the value of 300 rupees at the least over and above all cost of suit, but not for any original debt not amounting to 300 rupees nor for the breach of any covenant, agreement, or other engagement nor for having left or deserted his employer or master, or his contract, work or labour, and all warrants or other process of execution on account of the matters for which it is herein declared that such native officers non-commissioned officer or private is not liable to be taken out of the said service shall be null and void Non commissioned officers or private of the regiment not to be taken from service except for criminal charge or debt of 300 rupees or upwards
- (2) Any plaintiff, upon notice of the cause of action first given in writing to the officer under whose command the defendant is serving at the date of service of the writ of summons, may proceed in any action or suit to judgment, and have execution other than against the body of any native officer non-commissioned officer or private, or than (except as next after mentioned) against the pay due or accruing due to him Plaintiff may have execution other than personal
- (3) The pay of any native officer non commissioned officer or private due or accruing to him at the date of any judgment, or afterwards, shall not be liable to be arrested upon any civil process except in respect of any debt or liability which he may have incurred within three years next before being appointed to the regiment, and for such debt or liability, when constituted by decree, his pay may be arrested to an extent not exceeding one-third thereof. Where an order for such arrestment is made, the court making the order shall give notice thereof to the paymaster, and thereupon the amount ordered shall be stopped out of the judgment debtor's pay until the amount of the decree is made good Pay of non commissioned officer or private of the regiment not arrestable for debt exception
- (4) The civil officer in charge of the district shall from time to time cause public proclamation to be made that if the inhabitants suffer any native officer, non-commissioned officer or private to contract debts, such debts will not be recoverable from his pay or by arrest in execution

### Wills and Distribution of Property.

- 64 (1) Every native officer on appointment and every soldier on enlistment shall declare the name of the person or persons to whom, in the event of his decease without having made a valid will, any money or personal property due or belonging to him should be paid or delivered, and the name of such person or persons shall be recorded at the headquarters of the officer's or soldier's battalion. The record shall be verified periodically, and it shall be the duty of the officers or soldiers to report any alteration in the record which he wishes made Soldier on enlistment to register name of person to whom estate is to be paid in the event of his dying intestate



- (2) The paymaster or any officer of the regiment, or of the Treasury, or other public department, having in his charge or control any pay, accumulations of pay, gratuity, or other allowance, or any personal property or money belonging to any native officers or soldier dying intestate who has complied with the above conditions, may pay or deliver the same to the person or persons whose name or names has or have been recorded by the native officers or soldier in the manner prescribed

Form of will

- 65 (1) Any will made by a native officer non-commissioned officer or private of the regiment shall be valid for disposing of any money or personal property which shall be due or belonging to him at his decease —

If it is in writing and signed or attested by his mark and acknowledged by him in the presence of, and in his presence attested by, one witness, being an officer of the regiment or public officer of the Protectorate, or

If it is executed with the formalities required by any law now or hereafter, in force in the Protectorate

Such will shall be deemed well made for the purpose of being admitted to probate, and the person taking out representation to the testator under such will shall exclusively be deemed the testator's representative with respect to the money or personal property thereby bequeathed

Accumulation of pay, &c, if less than 750 rupees, may be paid without probate

- (2) The paymaster or any officer of the regiment, or of the Treasury or other public department, having in his charge or control any pay, accumulations of pay, gratuity, other allowance, or any personal property, or money belonging to such testator not exceeding in the aggregate the value of 750 rupees, may pay or deliver the same to any person entitled thereto under the will, or to the person entitled to procure probate of, or administration under, such will, although probate or administration may not have been taken out

Probate to be taken if value exceeds 750 rupees

If the value of the said money and personal property exceeds the said sum of 750 rupees, the paymaster or other officer as aforesaid, having the same in his charge or control, shall require probate or administration to be taken out, and thereupon pay and deliver the said money and affects to the legal representative of the deceased

Distribution in cases of intestacy

66 In case any native officer non-commissioned officer or private of the regiment dies without having complied with the requirements stated in section 64 of this Ordinance, and without having made any valid will under this or any law or ordinance regulating wills for the time being in force, the paymaster or other officer having in his charge or control money or personal property of the deceased as aforesaid may, with the concurrence of the Governor, pay or deliver such money or personal property to any claimant showing himself or herself to the satisfaction of the Governor to be the widow of the deceased or to be the child or any near relative of the deceased, according to the rules of kinship of the tribe to which the deceased belonged, and where there are more such claimants than one, then in such shares and proportion as the claimants would be entitled to receive under the rules of succession prevailing among such tribe or as nearly as may be

As to payment of debts

67 Notwithstanding anything hereinbefore contained, if in cases where probate of the will or administration to the estate of the deceased is not taken out, the paymaster or other officer aforesaid, before disposing of the money and personal property of the deceased in manner aforesaid has notice of any debt due by the deceased, he shall apply such money and property so far as remaining in his charge or control, or so much thereof as may be requisite in or towards payment of such debt, subject to the following conditions —

- (1) That the debt accrued within three years before the death
- (2) That payment of it is claimed within one year after the death
- (3) That the claimant proves the debt to the satisfaction of the Company Commander

Any person claiming to be a creditor of the deceased shall not be entitled to obtain payment of his debt out of any money that may be in the hands of the paymaster or any officer of the regiment, or of the Treasury or other public department, except by means of a claim on the paymaster or commanding officer or some District Commissioner, and proceeding thereon under and according to this Ordinance

68 In all cases where the money or personal property of the deceased or any part thereof is paid or delivered to any person as being interested therein by reason of his or her name having been recorded in accordance with section 64 of this Ordinance, or under the will of the deceased, or as his widow or child or near relative, or in any other manner under this Ordinance, any creditor of the deceased shall have the same rights and remedies against such person as if he or she had received the same as a legal personal representative of the deceased Property distributed subject to rights of creditors

69 If the money or personal property belonging to the deceased, or any part thereof, remains for one year undisposed of or unappropriated, and without any valid claim thereto having been made, then the paymaster or other officer having the charge or control thereof shall apply and make over the same towards any reward and gratuity fund for the benefit of the regiment as may be prescribed by any order or regulations of the Governor Money undisposed of applied to regiment fund

Provided that the application under this section of any such money or property or part thereof, undisposed of or unappropriated as aforesaid, shall not be deemed to bar any claim of any person to the same, or any part thereof, that may be established at any time after such application Proviso

70 Medals, uniforms, and decorations shall not be considered to be comprised in the personal estate of any deceased with reference to claims of creditors, or for any of the purposes of administration under this Ordinance or otherwise, and the same shall be delivered to and held by the Company Commander, and disposed of according to regulations made by the Commanding Officer under the authority of the Governor Medals and decorations excepted

71 In every case of desertion the money or property of the deserter in the charge or control of the paymaster, or any other officer as aforesaid, shall be disposed of according to regulations made by the Governor Application of money, &c, in case of desertion

Provided that in every such case the provisions of Section 65 of this Ordinance shall, *mutatis mutandis*, apply as nearly as may be

72 The King's African Rifles Ordinance, 1902, the King's African Rifles Amendment Ordinance, 1903 the King's African Rifles Amendment Ordinance, 1905 and the King's African Rifles Amendment Ordinance, 1909, are hereby repealed Repeal

Provided as follows —

- (1) All officers and soldiers serving with the King's African Rifles at the date of the commencement of this Ordinance shall be deemed to have been appointed, enlisted or enrolled under this Ordinance
- (2) All rules, regulation, orders and directions made or given under any of the repealed Ordinances shall be deemed to have been made and given under this Ordinance and shall continue in force until other provision shall be made under or by virtue of this Ordinance

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# A Bill

**Intituled**

An Ordinance to Regulate Sales by Auction.

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# A Bill

## Intituled

### An Ordinance to Regulate Sales by Auction.

1 This Ordinance may be cited as “The Sales by Auction Ordinance Short Title 1912”

2 In this Ordinance the term “Auctioneer” includes every person selling by Definition Auction

3 Every person who sells or offers for sale any moveable or immove- Business of able property or any interest therein at any sale or roup where any person Auctioneer becomes or may become the purchaser of the same by competition and being the highest bidder, either by being the sole bidder, or increasing upon the biddings made by others, or decreasing on sums named by the Auctioneer or person acting as Auctioneer or other person at such sale, or by any other mode of sale by competition shall be deemed to carry on the business of an Auctioneer

#### Licensing of Auctioneers

4 (1) Whoever carries on the business of an Auctioneer without Auctioneer to take having a licence in force authorising him to do so as by this licences Ordinance directed, shall be liable for each offence to a fine not exceeding 750 rupees

(2) Whoever being the holder of a licence in the Form D shall sell by Auction any immoveable property or shall, at any one sale, sell by Auction moveable property exceeding 300 rupees in value, shall be liable for each offence to a fine not exceeding 750 rupees and his licence may be suspended or revoked

5 All applications for licences shall be made in writing to the Provincial Applications for Commissioner of the Province in which the applicant resides or has or intends licences to establish his principal place of business, and every person applying for a licence shall, at the same time pay to the Provincial Commissioner the amount by this Ordinance fixed to be paid in respect of such licence, which amount, in case such application shall be refused, such Provincial Commissioner shall forthwith, on demand, repay to the person who paid the same without any deductions whatsoever

6 The several sums specified in the First Schedule to this Ordinance shall Duties upon be the duties payable for every licence to sell by Auction for the periods set licences forth in the said Schedule

7 (1) Every licence shall be in the one of the forms set forth in the Form and grant- Second Schedule to this Ordinance and shall be granted by a ing of licences Provincial Commissioner

Before granting any licence, the Provincial Commissioner shall Licences may be make such enquiries as he considers requisite for ascertaining refused that the party proposed to be licensed is a fit and proper person to be so licensed, and may refuse any licence without assigning any reason to the applicant, Provided that any person to whom Proviso a licence has been refused, may represent his case to the Governor, who may direct a licence to be granted to him if satisfied that he is a fit and proper person, or may withhold the licence, or may direct further examination and inquiry

Licences in Form D	(2) A licence in the Form D shall not be granted to any person other than an Arab or native
Security to be given by Auctioneer	8 Before the licence is granted, the applicant shall, if so required by any rule made under this Ordinance, enter into security by bond in such amount, not exceeding Rs 15,000, as shall be fixed by the Rules, with one or more sufficient sureties to be approved by the Provincial Commissioner to answer for the faithful discharge of his office, such bond shall be in such form as shall be fixed by the Rules. Provided that it shall be lawful for the Provincial Commissioner to accept, in lieu of the security aforesaid, security by deposit in the Protectorate Treasury of any sum not more than the sum for the time being required by bond as aforesaid nor less than half such sum
Register of licences	9 It shall be the duty of each Provincial Commissioner to keep a register of the names of all persons to whom any licence under this Ordinance shall have been granted by him, in such form and with such particulars as to the nature and duration of the licence granted as the Governor directs
Duration of licences	10 Every licence under this Ordinance shall have effect from the date of the granting thereof till the 30th day of June or the 31st day of December in the case of half yearly or yearly licences respectively, of the year in which any such licence may have been granted
Suspension or revocation of licence	Whenever an order suspending a licence is made, the licence shall cease to be of any effect during the term of suspension, and whenever the licence is revoked the licence shall cease to have any effect whatsoever
Licences to Agents of Auctioneers	11 Any person who may have a licence in force in the Form B of the Second Schedule to this Ordinance may apply for and obtain from the Provincial Commissioner who shall have granted such licence, one or more licence or licences (hereafter called an agent's licence) and every such licence shall authorise the person named therein (such person being in the permanent employment of the person applying for such licence under a contract of not less than three months duration) to sell by Auction on behalf of such employer in one Province, named on the licence
Liability of employers	Such agent shall not be required to find security, but the employer nominating him shall be responsible for his compliance with all the provisions of this Ordinance, and for the payment of any fine he may incur by contravention thereof, provided, however, an employer shall not be ordered or required to pay any fine imposed on an agent for any contravention of this Ordinance unless the employer shall have been notified of the intention to take the proceedings in which the fine is imposed
Suspension, revocation &c of Agent's licence	12 An agent's licence may be suspended or revoked for any offence committed by him, for which any other licence under this Ordinance may be suspended or revoked, and in case the licence of the employer of such agent should terminate, or be suspended or revoked the licence of any agent employed by him shall <i>ipso facto</i> terminate, or be suspended during the suspension of the employer's licence, or be revoked as the case may be
Agent ceasing to be in employer's service disqualified,	13 If the holder of an agent's licence shall cease to be in the employment of the auctioneer who applied for the same, he shall forthwith cease to be qualified to act as an auctioneer under such licence
Transfer of licence	The Provincial Commissioner may in such last-mentioned case, on the request of the person who applied for such licence, transfer the same for the unexpired period thereof to some other person in the employment of such applicant under contract as aforesaid, but no agent's licence shall be transferred more than once in any period of six months

### Respecting Sales

Auctioneers to accept the sale of all property offered by owners	14 Every auctioneer shall, on the requisition of the owner thereof, accept the sale of all property which he is not prohibited by law from selling, which may be offered to him for sale at the town or place in which he carries on his ordinary business as an auctioneer, and shall sell the same within such time as the owner may require, or as soon thereafter as is possible, having regard to the sale of other property with which he has been entrusted provided that he shall not be bound to sell such property sooner than seven days after he shall have accepted the sale thereof
Proviso	Nothing herein shall be held to restrict any auctioneer from selling at the same sale the property of more than one owner, so as the goods are lotted consecutively and in such manner that no owner's goods may become mixed with the goods of any other owner

- 15 (1) Save as in the Liquor Ordinance 1909 or any Ordinance amending, or substituted for, the same, otherwise provided no auctioneer's licence shall authorise any person to deal in or sell (either on account of or for the benefit of himself or of any other person) any intoxicating liquor for the sale of which a licence is required by law. Provided, however, any person having a licence in force in the Form A, B or C may, acting on the instructions of the legal personal representative of a deceased person, sell by auction, liquor forming Part of the estate of such deceased person, anything in any Ordinance as aforesaid to the contrary notwithstanding.
- (2) Save as may be otherwise provided by law no auctioneer's licence shall authorise any person to deal in or sell (either on account of or for the benefit of himself or of any other person) anything, the dealing in, or sale of, which is prohibited to persons other than those duly licensed registered or otherwise authorised on that behalf.

16 Every auctioneer other than a person holding a licence in the Form D of the Second Schedule before beginning any auction, shall display and during the whole time of such auction keep displayed in some conspicuous part of the room or place where the auction is held, a ticket or board containing his true and full name and residence, painted, printed or written in large letters, publicly visible and legible.

If any auctioneer fails to comply with this enactment, he shall be guilty of an offence and shall be liable for every such offence to a fine not exceeding 75 rupees.

17 It shall be stated in the Particulars or Conditions of Sale by Auction of any moveable or immovable property whether such sale be without reserve or subject to a reserve price, or whether a right to bid is reserved,

If it is stated that the sale be without reserve or to that effect, then it shall not be lawful for the seller or any person on his behalf or employed by him to bid at such sale, or for the auctioneer to take knowingly any such bidding,

If it is stated that the sale be subject to a reserve price as regards any one or more lots, it shall be lawful for the seller or any person employed by him to give one bid for each such lot and no more, which bid shall be openly declared at the Auction upon the lot being put up for sale, before any other bidding for such lot is received,

If it is stated that the sale will be subject to a right for the seller to bid, it shall be lawful for the seller, or for any one person on his behalf, but not more than one, to bid at such Auction in such manner as he shall think proper,

If the seller or any person employed by him or on his behalf shall bid at any sale contrary to any of the provisions of this Section, any purchaser may refuse to fulfil his purchase, but the highest *bona fide* bidder shall be entitled, if he shall so elect, to have the immovable or moveable property at the price offered by him,

Any Auctioneer who shall knowingly receive any bidding contrary to any of the provisions of this Section shall be guilty of an offence and shall be liable to a fine not exceeding seven hundred and fifty rupees, and to have his licence suspended or revoked.

18 The Auctioneer making any sale by Auction shall, (unless it be agreed otherwise between him and the seller), be entitled to sue for, recover, and discharge all sums due in respect of such sale,

The Auctioneer shall (unless it be agreed otherwise between him and the seller), be liable for the due payment to the seller of the net proceeds of all sales of property within ten days from the time of sale of such property.

### Legal Procedure

19 If the employer of any person holding an agent's licence is ordered to pay any fine incurred by such person under this Ordinance, and makes default in doing so, the fine may be levied by the attachment and sale of the moveable property of such employer,

Any fine paid by or recovered from the employer on behalf of such person so employed by him, together with all costs incurred by such employer in respect of such fine, shall be a debt due to him from the person so employed by him.

Order of suspension  
or revocation of  
licence,

20 The Court imposing any fine under this Ordinance upon any Auctioneer or convicting any Auctioneer of any offence in relation to any property intrusted to him for sale or in relation to the proceeds of the sale of such property, may, if it shall appear that the offence is of such nature as to require the licence of such auctioneer to be suspended or revoked, make an order to that effect, and the licence shall be suspended or revoked accordingly,

Report of order

The Court making any order of suspension or revocation of a licence shall forthwith intimate the same to the Provincial Commissioner who shall have granted such licence

Auctioneer's licence  
not necessary for  
sale by auction in  
certain cases

21 It shall not be necessary for any person selling any moveable or immoveable property by Auction in any of the cases hereafter mentioned to take out a licence by this Ordinance required —

- (1) Any Officer of a Court selling any property under an order or process of a Court
- (2) Any pound-master or pound-keeper selling any animal which has been impounded
- (3) Any Officer in the service of the Government selling unclaimed property in the custody of any department of the Government, provided that the property sold at any one sale does not exceed 150 rupees in value

Power of making  
rules

22 (1) The Governor may, from time to time, make and, when made, alter and revoke Rules for any of the purposes following —

- (i) Requiring that an applicant for a licence under this Ordinance shall enter into a bond with one or more sufficient sureties for the faithful discharge of his office, and prescribing the amount and form of the bond required
- (ii) Prescribing the maximum rate of commission which an auctioneer shall be entitled to demand, recover, or retain as remuneration for his services and providing that any agreement to pay or allow any higher rate than is prescribed shall not be binding
- (iii) Generally for the better carrying into effect the purposes of this Ordinance

and may annex a penalty which may extend to 375 rupees in respect of the breach of any such rule, and may provide that in the case of a breach of any rule by a person licensed under this Ordinance his licence may be suspended or revoked

- (2) Every such rule shall come into operation upon the publication thereof in the "Official Gazette", or at such time thereafter as shall be in such rule provided, Provided, however, no rule made for the purpose set forth in paragraph (ii) shall come into operation except the rule has been previously published and has been submitted to the Legislative Council and approved by the majority of the members present

A recital in any such rule that the same has been previously published, submitted, and approved as aforesaid shall be sufficient evidence that the requirements of this Sub-Section have been complied with unless the contrary be proved

A licence under  
the Brokers' Regu-  
lations not to  
authorise the holder  
to carry on the  
business of an  
Auctioneer

23 On and after the Commencement of this Ordinance "The Brokers' Regulations 1901" shall not apply to Auctioneers nor shall a licence under the said Regulations authorise the holder to carry on the business of an Auctioneer

Saving as to existing  
licences

Provided, however, any person who, at the commencement of this Ordinance, shall be carrying on the business of an Auctioneer under a licence issued under the said Regulations may, subject to the provisions of the said Regulations, lawfully carry on such business until the expiration of his licence

## The First Schedule.

### Duties Payable for Licences

Every licence of the Form A	Rs	cts
For one year	150	00
For half a year	90	00
Every licence of the Form B		
For one year	225	00
For half a year	135	00
Every licence of the Form C		
For one year	30	00
For half a year	18	00
Every licence of the Form D		
For one year	20	00
For half a year	12	00

## The Second Schedule.

### Forms of Licences

#### A —Without Privilege of Agents

Licence is hereby granted to (name and residence of person licensed) to carry on the business of an auctioneer in the East Africa Protectorate until the .. day of .... 191 , subject to the Sales by Auction Ordinance, 1912

Dated this ...day of . 191

Duty paid, . . Rupees

Signature of Provincial Commissioner

NOTE.—This licence expires on the day of 191

#### B —With Privilege of Agents

Licence is hereby granted to (name and residence of person licensed) to carry on the business of an auctioneer (with privilege of agents) in the East Africa Protectorate until the . day of 191 , subject to the Sales by Auction Ordinance, 1912.

Dated this . day of . 191

Duty paid, .... Rupees

Signature of Provincial Commissioner.

NOTE.—This licence expires on the day of . 191 .

## C.—Agent's Licence

Licence is hereby granted to (name and residence of person licensed) to carry on the business of an auctioneer in the Province of (name of Province) as agent of (name and residence of the employer) until the day of . 191 , in case such agency shall so long continue, subject to the Sales by Auction Ordinance, 1912

Dated this day of . 191  
Duty paid, Rupees

Signature of Provincial Commissioner

NOTE—This licence ceases to authorise  
ceases to be agent of  
day of 191

to act as auctioneer so soon as he  
, and expires on the


## D —Limited Licence

( To be granted to Arabs and Natives only )

Licence is hereby granted to (name and residence of person licensed) to carry on the business of an auctioneer in the East Africa Protectorate until the . day of . 191 , subject to the Sales by Auction Ordinance, 1912

This licence does not authorise the holder to sell by Auction immoveable property or to sell by Auction at any one sale moveable property exceeding 300 rupees in value

Dated this day of . . . . . 191  
Duty paid, ... Rupees

Signature of Provincial Commissioner. 

NOTE—This licence expires on the ..... day of..... ..... 191 .

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# A Bill

## **Intituled**

An Ordinance to make Further and better provision for the  
prevention of the spread of Small-Pox.

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# A Bill

## Intituled

### An Ordinance to make Further and better provision for the prevention of the spread of Small-Pox.

1. This Ordinance may be cited as "The Vaccination Ordinance 1912" Short Title

2 In this Ordinance unless there is something repugnant in the subject Definitions or context —

"Parent" includes the father and mother of a legitimate child and the mother of an illegitimate child,

"Guardian" means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognised usage, or who has accepted or assumed the care nurture or custody of any child or to whom the care or custody of any child has been entrusted by any authority lawfully authorised in that behalf,

"Public Vaccinator" shall include a Public Vaccinator appointed by the Principal Medical Officer and any person appointed by the Principal Medical Officer to assist or act for a Public Vaccinator,

"Medical Practitioner" means any person registered or licensed as a Medical Practitioner under the Medical Practitioners and Dentists Ordinance 1910,

"Unprotected child" means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under the provisions of this Ordinance to be insusceptible to vaccination,

"Unprotected person" includes a child who has no parent or guardian, and means a person who has not been protected from small-pox by having had the disease either naturally or by inoculation or by having been successfully vaccinated, and who has not been certified under the provisions of this Ordinance to be insusceptible of vaccination, and

"Prescribed" means prescribed by Rules issued under this Ordinance

3 (1) For the purpose of preventing the spread of small-pox, the Governor may, by order published in the "Official Gazette," Power of Governor to make order rendering Vaccination compulsory direct that from the date named therein until further order all adults and children found in any local area specified in such order, who have not been previously inoculated or vaccinated successfully or already had small-pox shall be vaccinated

(2) Where the Governor is satisfied that vaccination is prohibited by or is repulsive to the creed, religion or customs of any person or persons he may by writing exempt any such person or the members of any creed, caste, religion or community from the operation of this Ordinance

4 When an order shall have been made under the preceding Section the Public Vaccinators Principal Medical Officer shall appoint such person as he may think fit to be the Public Vaccinator for the local area in respect of which such order shall have been made, and may appoint suitable persons to be assistants to the Public Vaccinator



Appointment of times  
and places for  
vaccination

5 When an order has been made under Section 3 of this Ordinance the Public Vaccinator shall appoint the times and places at which adults may attend and at and to which parents and guardians of children may bring such children to be vaccinated

Vaccination of adults

6 Every unprotected person in any local area in respect of which an order has been made under Section 3 of this Ordinance shall, within one month from the date of such order or if he or she shall not come into the Township or place within one month from the date of such order, within fourteen days from the date of his or her coming to such Township or place, attend for vaccination at a time and place appointed under Section 5 of this Ordinance, and shall subsequently attend at such time or times and at such place or places as the Public Vaccinator may direct for the purpose of ascertaining whether or not the vaccination has been successful, and if necessary, for revaccination

Every person who shall fail to comply with the provisions of this Section shall be liable on conviction to a fine not exceeding seventy five Rupees or to imprisonment for a term not exceeding one month

Vaccination of children

7 The parent or guardian of any unprotected child in any local area in respect of which an order has been made under Section 3 of this Ordinance, shall within six months after the birth of the child, or if such child is over the age of six months at the date when such order comes into operation, within one month of such date, or if the child being over the age of six months is brought within the local area after the date of the order, within one month of the child being brought within the local area, bring such child to a Public Vaccinator for vaccination at a time and place appointed under Section 5 of this Ordinance, and shall subsequently at such time or times and at such place or places as the Public Vaccinator may direct, produce such child for the purpose of ascertaining whether or not the vaccination has been successful and, if necessary, for revaccination,

Penalty

Every parent or guardian of any child, who shall fail to comply with the provisions of this Section shall be liable on conviction to a fine not exceeding seventy five Rupees or to imprisonment for a term not exceeding one month

Power of Public  
Vaccinators to enter  
houses etc and  
vaccinate

8 Every Public Vaccinator may, subject to such restrictions (if any) as may be prescribed, on any day (except Sunday) between the hours of six in the morning and six in the afternoon, enter any house and any yard and compound and any building therein in any local area in respect of which an order has been made under Section 3 of this Ordinance and inspect every adult and child found therein, and, may thereupon vaccinate any such adult and child at such place or at a convenient place named by the adult or parent or guardian of the child, unless he is satisfied that such adult or child has been previously inoculated or vaccinated successfully or already has had small-pox. Provided, however, a Public Vaccinator shall not, under the powers conferred by this Section, vaccinate a child under the age of six months, or any person exempt from the provisions of this Ordinance by virtue of an order made by the Governor under sub-Section (2) of Section 3 of this Ordinance, without the consent of the parent or guardian of the child or of the person exempt, as the case may be

Proviso

Penalty

Every adult who shall refuse to allow himself and every parent or person in charge of any child, who shall refuse to allow such child to be inspected or vaccinated in contravention of the provisions of this section shall be liable on conviction to a fine not exceeding seventy five Rupees or to imprisonment for a term not exceeding one month

If adult or child be  
unfit for vaccination  
certificate in form of  
Schedule "A" to be  
given

9 If any Public Vaccinator or Medical Practitioner shall be of opinion that any adult or child is not in a fit state to be vaccinated, he shall give to the adult or to the parent or guardian of the child a certificate under his hand according to the form of Schedule "A" hereto annexed, or to the like effect, that the adult or child is then in a state unfit for vaccination

The said certificate shall remain in force for 6 months only but shall be renewable for successive periods of 6 months until the Public Vaccinator or Medical Practitioner shall deem the adult or child to be fit for vaccination when the adult or child shall, with all reasonable despatch, be vaccinated

Certificate of insuscep-  
tibility to be given

10 If any Public Vaccinator or Medical Practitioner who shall find that any adult or child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that the adult or child coming or brought to him for vaccination has already been successfully inoculated or had the small-pox he shall deliver to the adult or to the parent or guardian of the child a certificate under his hand, according to Schedule "B" annexed hereto

11 Every Public Vaccinator or Medical Practitioner who shall have performed the operation or vaccination upon any adult or child and shall have ascertained that the same has been successful, shall deliver to such adult or to the parent or guardian of such child a certificate in the form of Schedule 'C' annexed hereto, or to the like effect, certifying that the said adult or child has been successfully vaccinated

Certificate to be given for successful vaccination

12 (1) No fee or remuneration shall be charged by any Public Vaccinator for any certificate granted under this Ordinance, nor for any vaccination done by him in pursuance of this Ordinance

No fee to be charged for a certificate or for vaccination by Public Vaccinator

(2) A Public Vaccinator or Medical Practitioner giving any certificate under this Ordinance shall enter therein a description of the person in respect of whom the certificate is given sufficient for the purpose of identification

Public Vaccinator to enter in certificate a description of the person in respect of whom the same is given

13 If a ship or vessel arrives at any port in the Protectorate having on board any person suffering from the disease of small-pox, the Medical Officer of Health may, if he deems it expedient in order to prevent the risk of contagion of small-pox being conveyed into the Protectorate, require any unprotected person who is going to land from such ship or vessel to submit himself forthwith to be vaccinated, or the parent or guardian of any unprotected child who is going to land from the ship or vessel to submit such child forthwith to be vaccinated, and every such person shall, before leaving the ship or vessel submit himself, and every such parent or guardian shall before the child shall leave the ship or vessel submit the child to the said Medical Officer of Health or any person duly authorised to act on his behalf to be vaccinated

Medical Officer of Health may in certain cases require immediate vaccination of unprotected person or child on board ship arriving at a Protectorate Port

Any person who, having been required as before provided to submit himself for vaccination, shall land from the ship or vessel without having submitted himself for vaccination, and any parent or guardian who having been required as before provided to submit a child for vaccination shall allow such child to land without having been submitted for vaccination, shall on conviction be liable to a fine not exceeding seventy five Rupees or to imprisonment for a term not exceeding one month

Penalty

Provided that nothing herein contained shall apply to any ship or vessel belonging to or in the service of His Majesty or to any ship or vessel belonging to a foreign Prince or State, or to any person who shall be declared by any Rule under this Ordinance to be exempt from the provisions of this Section

Proviso

14 The Governor may, from time to time, make Rules for the purposes of carrying this Ordinance into effect and may attach a penalty not exceeding seventy five Rupees or imprisonment for any term not exceeding one month to any breach thereof

Power to make Rules

Schedule A

I, the undersigned, hereby certify, that in my opinion . . . .

. . . . .

is not now in a fit and proper state to be vaccinated, and I do hereby recommend that the vaccination be postponed for the period of 6 months from this date

Dated this... ..day of..... 19.....

(Signature of Medical Practitioner or Public Vaccinator)

Schedule B

I, the undersigned, hereby certify, that I have three times unsuccessfully vaccinated . . .  
(or that . . . has already had small-pox as the case may be) and I am of opinion that the said . . . is insusceptible of successful vaccination  
Dated this . . . day of . . . 19

(Signature of Medical Practitioner  
or Public Vaccinator)

Schedule C

I, the undersigned, hereby certify, that . . .  
. . . . .  
. . . . . has been successfully vaccinated by me  
Dated this . . . . . day of . . . 19

(Signature of Medical Practitioner  
or Public Vaccinator).

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# A Bill

**Intituled**

An Ordinance to amend the East Africa Police Ordinance 1910.

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# A Bill

## Intituled

### An Ordinance to amend the East Africa Police Ordinance, 1911

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1 This Ordinance may be cited as “The East Africa Police (Amendment) Ordinance, 1912” Short Title

2 The East Africa Police Ordinance, 1911, shall be and is hereby amended as follows — Amendment of East Africa Police Ordinance 1911

- (i) By the insertion after the figure and word “3 years” in Sub-section (1) of Section 29 of the said Ordinance of the words “or such less period as shall, from time to time, be fixed by the Governor”
- (ii) By the deletion of paragraph (d) of Sub-section (2) of Section 51 of the said Ordinance and by substitution therefor of the following —
  - “(d) Dismissal from the force”
  - “Provided that any sentence of reduction in rank or dismissal shall be confirmed by the Commissioner before being carried into execution”
- (iii) By the deletion of the figures “57” and by the substitution therefor of the figures “56” in Section 52 of the said Ordinance
- (iv) By the deletion of the figures “65 (2)” and by the substitution therefor of the figures “64 (2)” in Sub-section (1) of Section 65 of the said Ordinance
- (v) By the deletion of the figures “65 (2)” and by the substitution therefor of the figures “64 (2)” in Sub-section (2) of Section 65 of the said Ordinance

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# A Bill

## Intituled

An Ordinance to make Provision for the Protection of the  
Wattle Bark Industry.

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# A Bill

## Intituled

### An Ordinance to make Provision for the Protection of the Wattle Bark Industry.

1 This Ordinance may be cited as “The Wattle Bark Industry Ordinance, Short Title 1912”

2 On and after the coming into operation of this Ordinance no person shall plant any silver wattle tree or shall sow the seed of the silver wattle The planting of the ‘Silver Wattle’ prohibited

Any person who, in contravention of the provisions of this Section, shall plant any silver wattle tree or the seed of the silver wattle tree shall be guilty of an offence and shall be liable to a fine not exceeding Seven hundred and fifty Rupees Penalty

3 Any person in the service of the Agricultural Department of the Government may enter upon any land on which he has reason to believe the silver wattle tree is growing and if he shall find thereon any silver wattle tree which in his opinion has been planted or has grown from seed planted or sown, whether by human agency or not, after the coming into operation of this Ordinance he may cut down or otherwise destroy such tree and no compensation shall be payable to the owner of the tree or the occupier of the land for such destruction Authority to destroy trees planted or grown after date of Ordinance

4 The Governor may make and, when made, may alter or revoke Rules for any of the purposes following — Power to make Rules Regulating the wattle industry

- (1) Prohibiting the export of wattle bark except the same has been submitted to the prescribed officer for inspection,
- (2) Providing for the grading and branding of bark by an Officer of the Agricultural Department prior to export,
- (3) Providing for the licensing and inspection of black wattle plantation in which seed is harvested for sale,—
- (4) Prohibiting the sale of the seed of the black wattle harvested in the Protectorate on any place other than a plantation licensed as aforesaid,—
- (5) Prohibiting or restricting the importation of black wattle seed for use in the Protectorate, and
- (6) Prescribing the fees to be paid for any licences issued, inspection made, acts done, or services rendered under any rule made under this Ordinance

5 The Governor may fix such penalties for the breach or non-observance of any Rule as he may think proper, not exceeding a fine of 750 Rupees, and where no penalty is imposed by the Rules the breach or non-observance of any Rule shall be punishable to the extent aforesaid Power to impose penalties

6 In this Ordinance

The term “Silver Wattle” shall mean *Acacia dealbata*

Interpretation

The term “Black Wattle” shall include *Aaccia decurens*, varieties *Mollis* and *Normalis*, and such other trees as the Governor may, by notice in the “Official Gazette” declare to be included in such terms for the purposes of this Ordinance

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# A Bill

**Intituled**

An Ordinance to Amend the Customs Tariff Ordinance, 1909.

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# A Bill.

## Intituled.

### An Ordinance to Amend the Customs Tariff Ordinance, 1909.

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

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

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

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

31 Petrol

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

4 Any petrol lying in bond on the date of the publication of this Ordinance shall be exempt from import duty Exemption from import duty to extend to petrol lying in bond

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# A Bill

## Intituled

An Ordinance to Charge the Principal and Interest of certain advances made to the Government of the East Africa Protectorate by way of Loan for the construction of certain Public Works upon the General Revenues of the Protectorate.

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# A Bill

## Intituled

An Ordinance to Charge the Principal and Interest of certain advances made to the Government of the East Africa Protectorate by way of Loan for the construction of certain Public Works upon the General Revenues of the Protectorate.

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WHEREAS by The Finance Act 1911, the advance by way of loan to the Government of the East Africa Protectorate was authorised of a sum not exceeding two hundred and fifty thousand pounds for the purpose of providing improved railway communication and harbours in the Protectorate, and improved water supply for Mombasa, AND WHEREAS it is expedient to make provision to authorise the raising of such loan, and to prescribe that any monies advanced shall be applied to the purposes for which the advance was authorised by the aforesaid Act, and to provide for the payment of interest and sinking fund on the loan in accordance with the terms of the said Act

1 This Ordinance may be cited as “The Public Works Loan Ordinance, Short Title 1912”

2 It shall be lawful for the Government of the East Africa Protectorate Power of Govern from time to time to borrow from the Imperial Treasury, for the purposes of ment to borrow providing improved railway, communication and harbours in the Protectorate, and improved water supply for Mombasa, sums not exceeding in the whole two hundred and fifty thousand pounds

3 The amount advanced by way of loan by the Imperial Treasury to the Application of loan Government of the East Africa Protectorate under the authority of the Finance Act 1911, shall be appropriated and duly applied for the purposes for which the advance was authorised by the said Act and for no other purposes

4 The principal of and interest on any such loan shall be charged on the Principal and inter general revenues and assets of the Protectorate with priority over any subsequent est of loan a charge charges on general revenue

5 The Treasurer is hereby authorised and required to pay annually to the Payments on account Imperial Treasury out of the revenues of the Protectorate until the whole of the of interest and sink advance is deemed to have been repaid, interest at the rate of three and a half ing fund per cent, on the amount advanced, and also, by way of sinking fund, a further sum equal to one per cent, on the amount advanced, and the whole of the advance shall be deemed to have been repaid when sinking fund payments have been made sufficient, if accumulated at three and a half per cent, with yearly rests, to produce an amount equal to the advance

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# A Bill

**Intituled**

The Interpretation and General Clauses Ordinance, 1912.

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# A Bill

## Intituled

### The Interpretation and General Clauses Ordinance, 1912.

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Whereas it is expedient to define the Rules of Interpretation applicable to certain terms and provisions usually adopted in Ordinances and other legal enactments, and to make provision with regard to the construction and application thereof,

1 This Ordinance may be cited as “The Interpretation and General Short Title Clauses Ordinance, 1912 ”

2 In this Ordinance and in every law (other than an Imperial Statute or applied Indian Act) whether enacted before or after the commencement of this Ordinance the following expressions shall, unless the contrary intent on terms appears, have the meanings hereby respectively assigned to them, namely —

- (1) “Abet” with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code or in any Ordinance hereafter—substituted for such Code
- (2) “Act” used with reference to an offence or civil wrong, shall include a series of acts, and words which refer to acts done extend to illegal omissions
- (3) “Chapter,” “Part,” “Section” and “Schedule” shall denote respectively a Chapter, Part and Section of, and Schedule to the Ordinance in which the word occurs, and Sub-section shall denote a Sub-section of the Section in which the word occurs
- (4) “Commencement” used in reference to an Ordinance shall mean the date on which the Ordinance comes into force
- (5) “Court” shall mean any Court of the Protectorate of competent jurisdiction
- (6) “Court of Appeal” shall mean His Majesty’s Court of Appeal for Eastern Africa or any Court substituted therefore for the hearing and determining of Appeals from the High Court
- (7) “Coin” shall mean gold, silver and bronze or other coin legally current in the Protectorate
- (8) “Crown Lands” shall mean all public lands in the Protectorate which are subject to the control of His Majesty by virtue of any Treaty, Convention or Agreement, or of His Majesty’s Protectorate, and all lands which shall have been acquired by His Majesty for the public service or otherwise howsoever
- (9) “District” shall mean one of the Administrative Districts into which the Protectorate is divided by the Governor with the approval of the Secretary of State
- (10) “The Gazette” shall mean the Government Gazette of the Protectorate
- (11) “Government Notice” shall mean any announcement not of a legislative character made by or with the authority of the Governor in the Gazette
- (12) “Governor” shall include the Officer for the time being administering the Government of the Protectorate
- (13) “Governor in Council” shall mean the Officer administering the Government with the advice of the Executive Council
- (14) “High Court” shall mean His Majesty’s High Court for East Africa
- (15) “His Majesty” or “The King” shall include His Majesty the King, His Heirs and Successors
- (16) “Immoveable Property” shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth

- (17) "Imports" and "Exports" shall mean imports into and exports from the Protectorate, and their derivatives shall have the like meanings
- (18) "Judge" shall mean a Judge of the High Court
- (19) "Master" used with reference to a ship shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship
- (20) "Moveable Property" shall mean property of every description, except immoveable property
- (21) "Oath" "Swear" and "Affidavit" shall include and apply to the affirmation or declaration of any person by law allowed to make an affirmation or declaration in lieu of oath
- (22) "Ordinance" shall include Queen's Regulations and any Order, Proclamation, Rule or Regulations made under the authority of and having the force and effect of an Ordinance
- (23) "Person" shall include any Company or Association or body of persons corporate or unincorporate
- (24) "Pleader" or "Advocate" shall mean a person entitled to practise as such in the High Court or Courts Subordinate thereto under the provisions of the law for the time being applicable to Pleaders and Advocates
- (25) "Prescribed" shall mean prescribed by the Ordinance in which the word occurs or by any rules made thereunder
- (26) "Principal Judge" shall mean the Chief Justice
- (27) "Protectorate" shall mean the East Africa Protectorate as defined and delimited from time to time by or under an order of His Majesty the King in Council
- (28) "Protectorate Waters" shall mean any inland or territorial waters of the Protectorate
- (29) "Province" shall mean one of the Provinces of the Protectorate into which the Protectorate is divided by the Governor with the approval of the Secretary of State
- (30) "Public Holiday" shall mean any day notified as such from time to time in the "Gazette"
- (31) "Registered" used with reference to a document shall mean registered under the provisions of the law for the time being applicable to the registration of such document
- (32) "Rules" shall include Bye-laws
- (33) "Secretary of State" shall mean one of His Majesty's Principal Secretaries of State
- (34) "Ship" shall include every description of vessel used in navigation not propelled by oars
- (35) "Sign" with reference to a person who is unable to write his name shall include "Mark"
- (36) "Statutory Declaration" shall mean a declaration made by virtue of the provisions of the Imperial Act known as "The Statutory Declarations Act, 1835"
- (37) "Subordinate Judge" or "Magistrate" shall mean a Judge or Magistrate of a Subordinate Court or of a Subordinate Native Court, constituted by the Courts Ordinance 1907 or any Ordinance which may hereafter be substituted for that Ordinance
- (38) "Vessel" shall include any ship or boat or any other description of vessel used in navigation
- (39) "Will" shall include codicil
- (40) Words importing the masculine gender shall include females
- (41) Words in the singular shall include the plural and vice versa
- (42) "Writing" shall include printing, photographing, lithographing and any other modes of representing or reproducing words in visible form
- (43) "Year" and "Month" shall mean respectively a year or a month reckoned according to the British Calendar

Ordinances to be divided into sections without any introductory words

3 All Ordinances shall be divided into sections, if there be more enactments than one, which sections shall be deemed to be substantive enactments without any introductory words

4 The Clerk of the Legislative Council shall inscribe on every Ordinance the day, month and year, when the same shall have received the Governor's assent, and such inscription shall be taken to be a part of such Ordinance, and to be the date of its commencement where no other commencement shall be therein provided Date of commencement

5 Where any Ordinance repealing in whole or in part any former Ordinance is itself repealed, such last repeal shall not revive the Ordinance or provisions before repealed unless words be added reviving such Ordinance or provisions Repealed Ordinances not revived

6 Wherever any Ordinance shall be made repealing in whole or in part any former Ordinance and substituting some provision or provisions instead of the provision or provisions repealed, such provision or provisions so repealed shall remain in force until the substituted provision or provisions shall come into operation by means of the last made Ordinance Repealed provisions of an Ordinance to remain in force until the substituted Provisions commence

- 7 (1) Where any Ordinance repeals and re-enacts, with or without modification, any provision of a former Ordinance, references in any other Ordinance to the provision so repealed shall, unless the contrary intention appears, be construed as references, to the provision so re-enacted Effect of repealing Ordinances
- (2) Where any Ordinance repeals any other enactment, then unless the contrary intention appears, the repeal shall not —
- (a) revive anything not in force or existing at the time at which the repeal takes effect, or
  - (b) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed, or
  - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed, or
  - (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed, or
  - (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty forfeiture or punishment as aforesaid, and any such investigation, legal proceeding, or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Ordinance had not been made

8 Every Ordinance made after the commencement of this Ordinance shall be deemed and taken to be a Public Ordinance and shall be judicially taken notice of as such unless the contrary be expressly provided and declared by such Ordinance Ordinances to be deemed public Ordinances

9 Where an Ordinance confers power on any authority to make Orders or Rules, the following provisions shall, unless the contrary intention appears, have effect with reference to the making and operation of such Orders or Rules — General provision with respect to power given to any authority to make Orders or Rules

- (a) An Order or Rule may be at any time amended, varied, rescinded or revoked by the same authority and in the same manner by which it was made
  - (b) There may be annexed to the breach of any Order or Rule such penalty not exceeding 1,000 Rupees or such term of imprisonment of either description not exceeding two months or both, as the Order or Rule making authority may think fit, subject to disallowance by His Majesty
  - (c) No Order or Rule shall be inconsistent with the provisions of any Ordinance
  - (d) All Orders and Rules shall be published in the Gazette and shall have the force of law upon such publication thereof or from the date named therein, subject to disallowance by His Majesty
- 10 (1) Where by or under any Ordinance, the Governor or any Public Officer or Body is empowered to appoint or name a person to have and exercise any powers or perform any duties, the Governor or such Public Officer or Body may either appoint a person by name or direct the person for the time being holding Appointment of Officers by name or office



the office designated by the Governor, or by such Public Officer or Body to have and exercise such powers and perform such duties, and thereupon or from the date specified by the Governor or by such Public Officer or Body, the person appointed by name or the person holding the office aforesaid shall have and may exercise such powers and perform such duties accordingly

Power to appoint to include power to suspend or dismiss

(2) Where by or under any Ordinance a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of the power

Power of Governor to provide for execution of duties of Public Officer during temporary absence or inability

11 Where by or under any Ordinance, any powers are conferred or any duties are imposed upon a Public Officer, the Governor may direct that if during any period owing to absence or inability to act from illness or any other cause such Public Officer shall be unable to exercise the powers or perform the duties of his office in any place under his jurisdiction or control, such powers shall be had and may be exercised and such duties shall be performed in such place by the person named by or by the Public Officer holding the office designated by the Governor, and thereupon such person or Public Officer, during any period as aforesaid, shall have and may exercise the powers and shall perform the duties aforesaid, subject to such conditions, exceptions and qualifications as the Governor may direct

Official designation to include Officer executing duties

12 When reference is made in any law to any Public Officer by the term designating his office, such term shall include the officer for the time being executing the duties of such office or any portion of such duties

Power of Governor to delegate Authority

13 When by any law the Governor is empowered to exercise any powers or perform any duties, he may unless by law expressly prohibited from so doing depute any person by name or the person for the time being holding the office designated by him to exercise such powers or perform such duties on his behalf, subject to such conditions, exceptions and qualifications as the Governor may prescribe, and thereupon or from the date specified by the Governor the person so deputed shall have and exercise such powers and perform such duties subject as aforesaid. Provided that nothing herein contained shall authorise the Governor to depute any person to make Rules under the power in that behalf conferred upon him by any Ordinance

Power to be exercised and duties to be performed from time to time

14 When any law confers any power or imposes any duty, then unless a contrary intention appears the power may be exercised and the duty shall be performed from time to time as occasion requires

Making of Rules in interval between passing and commencement of Ordinance

15 When by any Ordinance which is not to come into force immediately on the passing thereof a power is conferred on the Governor or on any other person or Body to make Rules or to issue orders with respect to the application of the Ordinance or with respect to the establishment of any office or the appointment of any Officer thereunder or with respect to the person by whom or the time when or the place where or the manner in which or the fees for which anything is to be done under the Ordinance, the power may be exercised at any time after the passing of the Ordinance, but Rules or orders made or issued shall not take effect until the commencement of the Ordinance

Acts done under Rules, etc to be deemed done under Ordinance by which rules authorised

16 An act shall be deemed to be done under any Ordinance or by virtue of the powers conferred by any Ordinance or in pursuance or execution of the powers of or under the authority of any Ordinance if it is done under or by virtue of or in pursuance of any Rule, Order, Proclamation, Public Notice or Government Notice made under any power contained in such Ordinance

Construction of amending law with amended law

17 Where one law amends another law the amending law shall so far as it is consistent with the tenor thereof, and unless the contrary intention appears, be construed as one with the amended law

Computation of time

18 In computing time for the purposes of any law, unless the contrary intention appears —

- (1) A period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day in which the event happens or the act or thing is done
- (2) If the last day of the period is Sunday or a public holiday (which days are in this section referred to as excluded days) the period shall include the next following day, not being an excluded day.

- (3) When any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being an excluded day
- (4) When an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days excluded days shall not be reckoned in the computation of the time

19 Whenever any expression of time occurs in any law, deed or other legal instrument, the time referred to shall, unless it is otherwise specially stated, be held to signify the standard time adopted for the Protectorate

20 Where any law authorises or requires any document to be served by post, whether the expression "serve" or the expressions "give" or "send" or any other expression is used, then unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting, by registered post, a letter containing the document, and, unless the contrary be proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post

21 Whenever by any Order in Council or Ordinance any Act of the Imperial Parliament is extended to the Protectorate such Act shall be read with such formal alterations as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be necessary to make the same applicable to the circumstances

22 Where an act or omission constitutes an offence under two or more Ordinances, or both under an Ordinance and under an Applied Imperial Statute or Applied Indian Act, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of these Ordinances, Statutes or Acts, but shall not be liable to be punished twice for the same offence

23 The provisions of Sections 63 to 70, both inclusive, of the Indian Penal Code shall apply to all fines imposed under the authority of any Ordinance or other law, unless such Ordinance or other law shall contain an express provision to the contrary

Imperial acts to be read with necessary modification

Provisions as to offences under two or more laws

Recovery of fines.

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# A Bill

## Intituled

An Ordinance to make further and better provision in regard to the powers and duties of Native Chiefs, Councils and Headmen recognised or appointed by the Governor and to provide for the enforcement of Native Authority.

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# A Bill

## Intituled

An Ordinance to make further and better provision in regard to the powers and duties of Native Chiefs, Councils and Headmen recognised or appointed by the Governor and to provide for the enforcement of Native Authority.

1 This Ordinance may be cited as "The Native Authority Ordinance, Short title  
1912"

2 (1) It shall be lawful for the Governor to appoint any Chief or other Native he may think suitable or any Council of Elders to be the Official Headman or Collective Headman (hereinafter referred to in the singular only as Headman) of any area which shall be specified in such appointment, and to make the Headmen of any area subordinate to the Headman of any other area, and it shall be lawful for the Governor at any time to suspend or cancel any such appointment. Every appointment under this Section and every suspension or cancellation of such appointment shall be notified in the "Gazette"

All persons appointed as Headmen under the Village Headmen Ordinance, 1902, shall be deemed for the purposes of this Ordinance to have been appointed under this Ordinance

(2) Whenever a Council of Elders is appointed the Collective Headmen of any area, the Provincial Commissioner in whose Province such area is situate shall from time to time appoint or shall cause the members of the Council to appoint, from among the Members of the Council, a President and a Deputy President of the Council, and any order of the Council issued under this Ordinance shall be issued through the President or in his absence through the Deputy President

3 It shall be the duty of every Headman to maintain order in the area in respect of which he shall have been appointed, and for such purpose he shall have and exercise the jurisdiction and powers by this Ordinance conferred over the Natives residing or being within such area

4 A Headman may employ any person or persons subject to his jurisdiction to assist him in carrying out the duties imposed upon him by this Ordinance or otherwise by law, and any person so employed may carry out and give effect to any lawful order given by a Headman

5 (1) A Headman may interpose for the purpose of preventing, and shall, to the best of his ability, prevent the commission of any offence by any Native within the local limits of his jurisdiction

(2) A Headman knowing of a design to commit an offence by a Native within the local limits of his jurisdiction may arrest or direct the arrest of the Native so designing, if it appears to such Headman that the commission of the offence cannot be otherwise prevented. Any person arrested under the powers conferred by this Sub-section shall, unless he be released from arrest within 12 hours of his arrest, be taken before the District Commissioner

3. Every Headman receiving information that any Native who has committed a cognizable offence triable by some Court other than a Native Tribunal, or for whose arrest a warrant has been issued by a Magistrate is within the local limits of his jurisdiction shall cause such Native to be arrested and to be taken forthwith before the District Commissioner

4. Every Headman receiving information that any cattle or other live stock which has been stolen outside the local limits of his jurisdiction has been brought and is within such local limits he shall cause such cattle or other live stock to be seized and detained pending the orders of the District Commissioner, and shall forthwith report such seizure and detention to the District Commissioner

Headman may compel the attendance of Natives before Native Tribunals

Arrest of person neglecting to attend when ordered

Power of Headmen to issue orders for certain purposes

6. Any Headman may compel the attendance before a Native Tribunal of any Native within the local area of his jurisdiction and subject to the jurisdiction of such Tribunal

Any such Native as aforesaid who when directed to attend before a Native Tribunal shall, without reasonable excuse, fail or neglect to attend as and when directed, may be arrested by or under the orders of a Headman and taken before such Tribunal

7. Any Headman may from time to time issue orders to be obeyed by the Natives residing within the local limits of his jurisdiction, for any of the purposes following —

- (a) restricting the manufacture or distilling of Native Intoxicating Liquors and the supply of such liquors to young persons,
- (b) prohibiting or restricting the holding of drinking bouts,
- (c) prohibiting or restricting the cultivation of poisonous or noxious plants, and the manufacture of noxious drugs or poisons,
- (d) prohibiting or restricting the carrying of arms,
- (e) prohibiting any act or conduct which in the opinion of the Headman might cause a riot or a disturbance or a breach of the peace,
- (f) preventing the pollution of the water in any stream, water course, or water hole and preventing the obstruction of any stream or water course
- (g) regulating the cutting of timber and prohibiting the wasteful destruction of trees,
- (h) requiring the able-bodied men to work in the making or maintaining of any water course or other work constructed or to be constructed or maintained for the benefit of the Community to which such able-bodied men belong, provided that no person shall be ordered or required to work as aforesaid for more than six days in any quarter,
- (i) preventing the evasion of any tax or legal duty,
- (j) regulating the movement of Natives from the jurisdiction of one Headman to that of another,
- (k) preventing the spread of infectious disease, whether of human beings or animals,
- (l) requiring Natives subject to his jurisdiction to report the presence within the local limits of his jurisdiction of any property stolen or believed to have been stolen outside such local limits, and
- (m) for any other purpose approved by the Governor in writing

Administrative Officers may require Headman to issue orders for any of the purpose enumerated in Section 7

8. (1) Whenever a Provincial Commissioner or District Commissioner shall consider that for the proper administration and good government of the area for which any Headman has been appointed, it is necessary or desirable that any order or orders should be issued for any of the purposes enumerated in the preceding Section he may direct the Headman to issue and enforce such order or orders as aforesaid as to the Provincial Commissioner or District Commissioner may seem proper

In case of neglect by Headman Administrative Officers may issue orders

If any Headman shall neglect to issue any order which he may be directed to issue as aforesaid, the Provincial Commissioner or District Commissioner may himself issue the order or orders

- (2) Whenever a Provincial Commissioner or District Commissioner shall consider that any order issued by a Headman should not have been issued or should not be enforced he may direct the Headman to cancel the order or to refrain from enforcing the order, and if any person shall have been convicted before a Native Tribunal of failing to comply with such order may quash the conviction and order the repayment of any fine which may have been recovered Power to direct cancellation of any order

9 Any Native who shall, without lawful excuse, disobey or shall fail to comply with any lawful order issued or given by a Headman under this Ordinance or by a Provincial Commissioner or District Commissioner under the powers conferred by the preceding Section, shall be guilty of an offence and shall, on conviction before a Magistrate or before a Native Tribunal having jurisdiction over such Native, be liable to a fine not exceeding Seventy five Rupees and in default of payment to imprisonment of either description for a term not exceeding two months Penalty on Natives for disobeying orders

10 Whenever a Provincial Commissioner or District Commissioner shall find that any Native being the member of a tribe or Community, for the occupation of the members of which land has been reserved, is cultivating or occupying unalienated Crown land outside the lands so reserved, he may order such Native to remove from such land on to land reserved for the tribe or Community to which such Native belongs Administrative Officers may order Natives occupying Crown land outside a Reserve to remove into the Reserve

Any Native who shall, without lawful excuse, neglect to obey an order issued under this Section, shall be guilty of an offence and on conviction before a Magistrate shall be liable to a fine not exceeding Seventy five Rupees and in default of payment to imprisonment of either description for a term not exceeding two months, and any hut or crops belonging to such Native on the land from which he has been ordered to remove shall be forfeited to the Government, and may be destroyed or otherwise dealt with as the Magistrate in his discretion may direct Penalty

11 Whenever a Headman shall satisfy a Provincial Commissioner or a District Commissioner that the attendance of any Native before a Native Tribunal having jurisdiction over such Native is required and that the Native is residing outside the local limits of the jurisdiction of such Tribunal, he may, in his discretion, issue process for the purpose of compelling the appearance of such Native before the Native Tribunal Administrative Officers may issue process to compel attendance of Natives before Native Tribunals

12 (1) Any Headman may be fined any sum not exceeding three hundred Rupees and in default of payment may be sentenced to imprisonment of either description for a term not exceeding six months, in case he shall be convicted before a Magistrate of any of the following acts or neglects, that is to say — Offences by Headmen

- (1) If when summoned by a Provincial Commissioner, District Commissioner, or a Superior Headman, or by the President or Deputy President of a Native Council to attend any Native Council or to meet a Provincial Commissioner or District Commissioner, he shall without good and sufficient excuse, neglect to obey such summons,
- (2) If he shall wilfully neglect to exercise the powers by this Ordinance conferred upon him for or in respect of the prevention of offences and the bringing of offenders to justice, and the seizure of property stolen or believed to have been stolen
- (3) If when directed by a Provincial Commissioner or a District Commissioner to issue orders for any of the purposes specified in Section 7 of this Ordinance, he shall wilfully neglect to issue the orders directed
- (4) If he shall wilfully neglect to enforce any orders issued by him under the directions of a Provincial Commissioner or District Commissioner or issued by a Provincial Commissioner or District Commissioner under the powers conferred by Section 8 Sub-section (1) of this Ordinance
- (5) If he shall neglect to cancel an order when directed by a Provincial Commissioner or District Commissioner under the powers conferred by Section 8 Sub-section (2) of this Ordinance or if he shall enforce or attempt to enforce any order after he has been ordered as aforesaid to refrain from so doing, and

- (6) If he shall wilfully neglect to enforce any lawful orders issued by a Headman to whom he is subordinate
- (2) All or any of the members of a Native Council appointed to be the Collective Headman of any area may be proceeded against either jointly or separately for any act or default punishable under this Section, and on proof of the facts constituting an offence by the Council, each such member shall individually be liable to the penalties prescribed unless he shall satisfy the Magistrate that he was in no way responsible for or a party to such act or neglect
- (3) Any member of a Native Council appointed as aforesaid shall on conviction before a Magistrate be liable to the penalties in Sub-section (1) of this Section prescribed, if he shall, without good and sufficient excuse, neglect to obey a summons by a Provincial Commissioner, District Commissioner, or a Superior Headman, or a President or Deputy President of a Native Council to attend any Native Council, or to meet a Provincial Commissioner or District Commissioner

Remuneration of  
Headmen

13 The Governor may make and, when made, alter or revoke Rules to provide for the remuneration of any Headman by a rate to be levied on the Natives subject to, and residing within the local limits of the jurisdiction of such Headman

Interpretation

14 In this Ordinance —

The term “District Commissioner” shall include an Assistant District Commissioner, and

The term “Native Tribunal” shall mean a Native Tribunal recognised or appointed by the Governor under Section 10 of the Courts Ordinance, 1907, or under any Ordinance which may hereafter be substituted for such Ordinance

Laws applying to  
Village Headmen to  
apply to Headmen  
appointed under  
this Ordinance

15 Wherever in any Indian Act applied to the Protectorate or in any Ordinance, Regulation, Rule, or other law, reference is made to a Village Headman, such Act, Ordinance, Regulation, Rule, or other law shall be construed and read as if a Headman appointed under this Ordinance were therein substituted for a Village Headman

Repeal

16 The Village Headmen’s Ordinance, 1902, is hereby repealed