



THE
OFFICIAL GAZETTE
OF THE
COLONY AND PROTECTORATE OF KENYA.

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GOVERNMENT NOTICE No. 400.

ARRIVALS.

Name.	Rank.	From leave or on 1st Appointment.	Date of leaving England.	Date of Embarkation.	Date of arrival at Kilindini
R. W. Lambert	Administrative Officer	Leave	28th June, 1927	30th June, 1927 *	21st July, 1927
F. G. Jennings	do	do	23rd June, 1927	—	do
Lieut. C. Rowlands	Subaltern, 3rd K. A. R.	do	do	—	do
Lieut. E. N. Jameson	Subaltern, 3rd K. A. R.	do	28th June, 1927	30th June, 1927 *	do
J. McDonald	Mycologist, Agricultural	do	23rd June, 1927	—	do
Miss M. C. Tunstall	Assistant Mistress, Education	do	do	—	do
J. S. McDonald	Lab. Assistant, Medical	do	do	—	do
J. G. E. McKay	Computer, Land Department	do	do	—	do
B. Woodroffe	Assistant Inspector, Police	do	do	—	do
D. S. Gracie	Assistant Chemist, Agricultural	1st Appointment	do	—	do
Lieut. A. D. Clinch	Subaltern, 3rd K. A. R.	do	do	—	do
H. Clarke	Cadet Administration	do	28th June, 1927	30th June, 1927 *	do
G. H. Tulloch	Carpenter, Prisons	do	23rd June, 1927	—	do
N. Murray	Mason, Building, Tech. Training Prisons	do	do	—	do
G. A. Morrison	Artizan 1st Class, K. & U. Rly.	Leave	do	23rd June, 1927	do
C. B. Miller	Stationmaster 2nd Class, Kenya and Uganda Railway	do	do	do	do

* Date of leaving Marseilles

APPOINTMENTS.

S. 20064/8.
HAROLD ARTHUR CAMPBELL, A.M.I.C.E., to be Acting Executive Engineer, Public Works Department, with effect from 11th July, 1927.

S. 20064/12.
MAJOR HAMNETT HOLLAND BRASSEY-EDWARDS, M.R.C.V.S., to be Acting Chief Veterinary Officer, with effect from 22nd July, 1927.

S. 20064/12.
CAPT. OSWALD DIXON, M.C., M.R.C.V.S., to be Acting Deputy Chief Veterinary Officer, with effect from 22nd July, 1927.

JOHN HERBERT HORRY, to be Assistant District Commissioner, Fort Hall, with effect from 17th July, 1927.

S. 20064/17.
HAROLD JOHN LE MARE, to be a Probationer Assistant to the Commissioner of Customs, with effect from the 1st January, 1927.

ROBERT JAMES LATHBURY, M.A., to be Assistant Plant Breeder, Department of Agriculture, with effect from 25th June, 1927.

S. 20064/15.
REGINALD WILLIS LAMBERT, to act as Secretary, Secretariat, with effect from the 22nd July, 1927.

S. 20064/1.
HAROLD DENNIS TONKING, M.R.C.S., L.R.C.P., to be Medical Officer, with effect from 10th June, 1927.

S. 20064/1.
MISS SYBIL JOHNSON, to be Nursing Sister, Medical Department, with effect from 10th June, 1927.

SYDNEY NEAL FAULKNER, O.B.E., Deputy Chief Accountant, to be Acting Superintendent (Administrative), with effect from 15th July, 1927.

ALFRED EDWARD ROBERT MAYNE, Assistant Superintendent (Administrative), to be Acting Deputy Chief Accountant, with effect from 15th July, 1927.

HERBERT ARTHUR BAILEY, Acting Workshops Accountant, to be Acting Assistant Superintendent (Administrative), with effect from 20th July, 1927.

BENJAMIN BECKETT THORNTON, Clerk, to be Acting Workshops Accountant, with effect from 20th July, 1927.

MAGISTERIAL WARRANT.

HUBERT EUGENE BADER, to be a Magistrate of the Second Class, with power to hold a Subordinate Court of the Second Class, whilst holding his present appointment as Assistant District Commissioner, Masai Province.

SWAHILI EXAMINATION.

LOWER STANDARD—PASS.

K. V. RAMUSSEN, Foreman, Public Works Department.

J. V. WILLOUGHBY, Road Foreman, Public Works Dept.

POLICE QUALIFIED FOR PROMOTION TO ASSISTANT SUB-INSPECTOR.

E. G. HARGREAVES, European Police Constable.

J. E. S. MERRICK,
for Acting Colonial Secretary

Colony and Protectorate of Kenya.

GOVERNMENT NOTICE No. 401.

HIS EXCELLENCY the Acting Governor has approved of the following Bills being introduced into Legislative Council :—

G. R. SANDFORD,
Clerk to the Legislative Council.

A Bill to make Provision for Granting Pensions to Widows and Children of Deceased Asiatic Public Officers.

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Asiatic Widows' Short title.
and Orphans' Pension Ordinance, 1927.

2. (1) In this Ordinance, unless the context otherwise Interpretation.
requires :—

5 " This Government " means the Government of the Colony and Protectorate of Kenya, but does not include the Kenya and Uganda Railway;

" Asiatic officer " means any officer both of whose
10 parents or either of them are of Asiatic descent, but includes also any other officer who is appointed under the conditions of service ordinarily applicable to Asiatics;

" Fund " means the Asiatic Widows' and Orphans' Fund;

15 " The Board " means the Board constituted under this Ordinance;

" Bombay Agents " means the General Agents in India for the British Protectorates in Africa;

20 " Of a pensionable age " as applied to children means, in the case of a male, that he is under the age of eighteen years, and, in the case of a female, that she is under the age of twenty-one years and has not been married. A child shall be deemed to cease to be of a pensionable age within the meaning of this Ordinance, if
25 a male, on attaining the age of eighteen years or dying under that age, and, if a female, on attaining the age of twenty-one years, or dying or marrying under that age;

30 " Contributor " means a person all of whose contributions are fully paid;

" Beneficiary " means and includes :—

(a) the widow of a contributor;

(b) the children of a contributor, by his marriage with
35 any wife dying in his lifetime, who are alive and of a pensionable age at the death of their father.

(2) When the marriage of any contributor has been annulled or dissolved by the decree of any competent court the wife, party to such marriage, shall for all purposes of this Ordinance be deemed to have died and the contributor
40 to have become a widower at the date of such decree.

3. The following shall be eligible to become contributors :—

(1) All Asiatic officers holding permanent and pensionable appointments specifically provided in the estimates of the Colony;

Who shall
become
contributors.

- (2) All Asiatic officers on agreements for a specified period of not less than three years and whose posts are specifically provided in the estimates of the Colony.
- Who shall not be contributors. 4. The following shall not be eligible to be contributors :— 5
- (1) Asiatic officers actually in the service of the Government of India or other Governments who are temporarily seconded for service in Kenya;
- (2) Asiatic officers temporarily employed on special missions; 10
- (3) Females;
- (4) Asiatic officers whose engagement may be for a specified period but who do not fill any specific post and whose employment is regarded as purely temporary;
- (5) Persons who are unmarried and are at the time 15 of employment under the age of twenty-one years: Provided that if they are otherwise liable to contribute, they shall, on becoming married or on reaching the age of twenty-one years, forthwith become contributors.
- Who must contribute. 5. Subject to the exceptions mentioned in the last 20 preceding section, every Asiatic officer appointed permanently or temporarily to a post in the service of this Government after, and not appointed or selected for appointment to such service on or before, the first day of October, 1927, shall become a contributor from the date on which he commences 25 to draw any salary of the post.
- Who may but need not become contributors. 6. Subject to the same exceptions every Asiatic officer who was in or selected for appointment to the service of this Government on the first day of October, 1927, may, if at the time of election he is in the service of this Government, 30 by a written notice addressed to the Secretary, The Asiatic Widows' and Orphans' Pension Fund, and received by the Secretary before the first day of April, 1928, elect to become a contributor; and if he so elect he shall contribute as from the first day of the month after that in which his notice was 35 received by the Secretary.
- Rate of contributions. 7. Contributions to the Fund shall be at the rate of four per centum of the contributor's annual salary. All annual contributions shall be paid in monthly instalments and shall be payable until the contributor reaches the age of 40 fifty years or up to the date of his retirement from the service whichever is the later.
- Salary only to determine rates of contribution. 8. For the purpose of fixing the rate of contribution no regard shall be had to any personal, duty or acting allowance, nor to any other receipts, emoluments or advantages 45 of any kind which the officer may receive or enjoy; but the contribution shall be assessed with regard only to the amount of the salary of the definite post held by the officer without previous deduction of the amount of contributions: Provided that in the case of an officer retiring from 50 the service before reaching the age of fifty years the contribution shall be assessed upon the salary of the post last held by such officer before his retirement.

9. The Government shall deduct the contributions from the salaries of contributors. If a contributor is on leave on half salary or under interdiction or on leave without salary he shall still be liable to contribute at the ordinary rate. In the last mentioned case, if the contributor does not himself pay to the Government his contributions during the period when he was on leave without salary the amount of his contributions in arrear shall be deducted from the first payment of salary subsequent to such leave.
10. 10. All contributions under this Ordinance shall be paid into, or credited by the Bombay Agents to, the Treasury of the Colony and Protectorate of Kenya for the credit of the Fund.
11. The pension payable to the widow of a contributor, or to the children of a contributor, by his marriage with any wife dying in his lifetime, who are alive and of pensionable age at the death of their father, shall be fifty pounds per annum.
12. (1) Immediately after the commencement of this Ordinance the Governor shall appoint a Board, consisting of the Treasurer and two European and two Asiatic officers, for the purposes of this Ordinance.
- (2) On the death, inability to act, resignation or absence from the Colony for more than three months of any member of the Board the Governor may appoint an European or Asiatic officer, as the case may be, to the vacancy.
- (3) The Treasurer shall be Chairman of the Board.
- (4) The Chairman and two other members shall form a quorum.
- (5) The Chairman shall have a casting vote.
- (6) The Board shall from time to time appoint an officer to be Secretary and may replace at its pleasure any officer so appointed.
13. The duties and powers of the Board shall be as follows :—
- (1) To make rules regulating their own proceedings;
 - (2) To consider and advise the Governor on all questions arising on the interpretation of this Ordinance;
 - (3) To supervise and control all financial transactions;
 - (4) To approve in writing the payment of all pensions and any expenditure authorised by them;
 - (5) To invest in Trustee Securities any funds which may be available from time to time;
 - (6) Generally to do any other act or perform any other duty reasonably necessary for the carrying out of the provisions of this Ordinance.
14. All accounts passed by the Board shall be audited each year by the Auditor, who shall certify as to their correctness or otherwise prior to their submission to the Governor for his approval.

Manner of contribution.

How contributions brought to account.

Pension to beneficiaries.

Constitution of Board.

Secretary to the Board.

Duties and powers of the Board.

Audit of accounts.

Registers of
particulars.

15. Registers shall be kept by the Treasurer in which shall be entered the date of the birth of every contributor and, if he be married, the dates of the births of his wife and children (if any), particulars of his contributions, and all other dates and particulars respecting contributors and their families 5
material to be recorded for the purposes of this Ordinance.

Information to
be furnished by
contributors.

16. (1) Every contributor shall within three months of his first becoming a contributor under this Ordinance notify to the Treasurer in writing :—

(a) The date of his birth; and 10

(b) If he is a married man, or a widower with children of a pensionable age, the dates of his marriage and of the births of his wife and children (if any).

(2) Every contributor who marries while a contributor shall within three months after his marriage notify the same 15
to the Treasurer in writing and state the date of the birth of his wife.

(3) Every contributor shall notify to the Treasurer in writing within three months from the date of the event :—

(a) The birth of any child born to him; 20

(b) The marriage of any female child under the age of twenty-one;

(c) The death of his wife or of any of his children of a pensionable age.

Information to
be furnished
by widows.

(4) After the death of any married contributor, the widow 25
of such contributor shall notify to the Treasurer in writing within three months from the date of the event :—

(a) The date of the death of the contributor, if he was not at the time in the service of this Government;

(b) The birth of any posthumous child born to such 30
contributor;

(c) The marriage of any female child of such contributor under the age of twenty-one years;

(d) The death of any child of such contributor while 35
of a pensionable age.

Proof of
statements.

(5) Any such statement or notice shall be proved by the production of birth, death or marriage certificates or by affidavit or otherwise, to the satisfaction of the Treasurer.

Penalty for non-
compliance.

17. (1) A contributor or widow who fails or neglects to comply with any of the requirements of the last preceding 40
section shall be liable, for each default, to pay a fine not exceeding forty shillings, which may be deducted from his salary or his or her pension as the case may be.

Penalty
for false
statement.

(2) A contributor or widow who wilfully makes any false statement respecting any of the particulars required by this 45
Ordinance to be furnished shall be liable to forfeit at the discretion of the Secretary of State all or any part of his or her rights under this Ordinance.

18. (1) Where a beneficiary consists of the widow of a contributor the pension payable to such beneficiary* shall, subject to any deductions in respect of partial forfeitures under sub-section (2) of section 17, be paid to her and shall cease on her death, bankruptcy or re-marriage or on the forfeiture of the whole of such pension in accordance with the provisions of that sub-section.

Pension to widow.

(2) If on such pension ceasing as aforesaid there are no children of the marriage of such widow with the contributor living and of pensionable age, such beneficiary shall be deemed to cease to exist and the pension payable to it shall lapse.

Lapse of widow's pension.

(3) If on such pension ceasing as aforesaid there are such children living and of pensionable age such pension shall be continued and paid to such children as hereinafter provided and such children shall be deemed to constitute a beneficiary within the meaning of this Ordinance.

Pension to children on lapse of widow's pension.

19. Where a beneficiary consists of children of a contributor the pension payable to such beneficiary shall be at the same rate as the pension which their mother received or would have received if she had been alive and entitled to a pension and shall be paid to such children in equal shares while they remain of pensionable age. When any of such children ceases to be of pensionable age his or her share of such pension shall be paid to the surviving children of pensionable age in equal shares, and when the last surviving child of pensionable age ceases to be of pensionable age such beneficiary shall be deemed to cease to exist and the pension payable to it shall lapse.

Pensions to children.

20. (1) No widow of a contributor whose marriage with him is contracted after he has ceased to contribute to the Fund and no issue of such marriage shall be capable of constituting a beneficiary or become entitled to any pension under this Ordinance.

Who not entitled to pension.

(2) No widow of a contributor whose husband dies within twelve months of the marriage without issue of such marriage born in his lifetime, or in due time after his death, shall be capable of constituting a beneficiary or become entitled to any pension under this Ordinance: Provided that the Board may, with the approval of the Governor, grant to such widow all or any part of the pension to which she would have been entitled but for the provisions of this sub-section.

21. Notwithstanding anything contained in this Ordinance no officer who is dismissed from the service of this Government for misconduct shall be entitled to rank for benefit under this Ordinance whether by way of pension or return of contributions.

Officer dismissed for misconduct not to rank for benefit.

22. All pensions payable under this Ordinance shall commence upon the death of the contributor in respect of whom they are payable, shall accrue daily, and shall be payable monthly in arrear: Provided that a pension may be payable quarterly instead of monthly if the pensioner so desires.

Pension: when to commence, and how payable.

Allowance in lieu of pension to widow on bankruptcy.

23. If a widow's pension ceases in her lifetime by reason of her bankruptcy, and there are no children of hers to whom such pension can be continued in accordance with sub-section (3) of section 18 hereof, the Board with the approval of the Governor may, from time to time, during the remainder of her life, or during such shorter period or periods, either continuous or discontinuous, as shall be thought fit, pay to such widow an allowance at a rate not exceeding the rate of such pension, or may apply the same for the maintenance and personal support or benefit of such widow, in such manner as the Board may, from time to time, think proper.

Pension not to be assigned or levied upon.

24. No pension payable under this Ordinance and no rights of any contributor acquired thereunder shall be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever.

Payment of pension to persons acting on behalf of minors in case of desertion.

25. If the widow of a contributor while in receipt of a pension does not assist or deserts or abandons a child of hers by the contributor whom she is bound by law to maintain and who is of a pensionable age, the Board with the approval of the Governor may pay to a fit and proper person on behalf of such child, such portion of the pension as they may think fit, and the widow shall have no further claim in respect of such portion.

Discretion as to payment of minor's pensions.

26. In all cases where under this Ordinance the parties entitled to pensions are minors, such pensions may be paid either to the legal guardian or guardians of such minors, or to such minors, or to such person or persons as the Board may, in their absolute discretion, think fit and proper persons to apply the same for the benefit of such minors, and after such payment this Government shall be free from all responsibility in respect of such payment.

Proof of title may be required before payment of pension.

27. The Board may require such proof as they deem desirable that any person claiming to be entitled to pension, or on behalf of whom such claim is made, is alive and entitled to pension, and the payment of any pension may be refused until such proof is furnished to the satisfaction of the Board.

Half contributions of contributor dying in or leaving the service without beneficiaries to be refunded.

28. If a contributor being—
(a) a bachelor, or
(b) a widower without children of a pensionable age, leaves, or dies in, the service of this Government, there shall be payable to him or his legal representatives, in case (a) one-half of his total contributions without interest, and in case (b) one-half (without interest) of the contributions which he has paid since the death of his last wife, or the ceasing to be of a pensionable age of his last child, whichever event shall have last happened.

Contributors, not of pensionable standing, married or widowers with children.

29. (1) If a contributor who is married or who is a widower with children of pensionable age and whose service is not of such a nature or is not of such length as would render him eligible for a pension if retired from the service of this Government on medical certificate, and whose contribution term has not expired, leaves the service of this Government, and dies within a period dating from the day of his leaving the service equal to one-third of the number of complete months during which he contributed, his beneficiaries shall be entitled

to a pension; but such a contributor shall not be eligible to continue to contribute after he has left the service and, if he is alive on the expiration of the period above mentioned, he shall cease to be entitled to rank for benefit under this Ordinance whether by way of pension or return of contributions.

(2) For the purpose of this section one-third of a month shall be taken as ten days and two-thirds of a month as twenty days.

10 **30.** The rates of contribution and amount of pension payable may be revised after a period of ten years after investigation by an actuary appointed by the Secretary of State. If after such an investigation it is decided by the Secretary of State that revised rates of contribution and
 15 pension shall be adopted, the new rates shall be substituted for those previously in force and shall come into force on a date which shall be previously notified in the Gazette and shall apply to any pension payable in respect of a contributor dying on or after that date, but not to any pension payable in respect
 20 of a contributor dying before that date.

Revision after 10 years of rates of contribution and amount of pension payable.

31. All questions and disputes as to who is entitled to be deemed a contributor, or as to the rights of a widow or child to a pension, or as to the amount of such pension or as to the rights or liabilities of any person under this
 25 Ordinance shall be referred by the Board to the Governor, and the Governor's decision shall be binding and conclusive on all parties and shall be final to all intents and purposes and shall not be subject to appeal or be questioned or revised by any Court of Justice.

Questions and disputes to be decided by the Governor.

30 **32.** All pensions granted under the provisions of this Ordinance shall be guaranteed by this Government.

Government guarantee.

33. Subject to the approval of the Secretary of State first obtained, it shall be lawful for the Governor in Council, from time to time, to frame rules and regulations, not inconsistent
 35 herewith, for the proper carrying out of the provisions of this Ordinance, and from time to time to repeal, alter or vary the same.

Rules and regulations.

34. For the payment of contributions or of pensions under this Ordinance the rate or rates of exchange, in all
 40 cases where conversion is necessary from Kenya currency to any other currency, shall be such as may be fixed from time to time by this Government for such purposes.

Rates of exchange.

OBJECTS AND REASONS.

This Bill has been prepared on the instructions of the Secretary of State in order to provide pensions for the widows and orphans of the deceased Asiatic officers in the service of this Government.

The main features of the scheme are :—

(1) Contributions at the rate of four per centum on the contributor's salary will be payable until the contributor reaches the age of 50 or until his retirement, whichever is the later. In the event of a contributor retiring before reaching 50 it is proposed that his con-

tribution after retirement shall be assessed on the salary of the post last held by the contributor.

(2) The widow will receive a pension at the flat rate of £50 per annum in all cases.

(3) Should the wife predecease the contributor or should both die leaving children of pensionable age (i.e., boys up to the age of 18 years and girls up to the age of 21 years or earlier marriage) the pension will be paid to the children in equal proportions.

(4) The fund will be kept separate from the general revenues of the Colony and will be administered for the benefit of the participants by a Board comprising three European and two Asiatic officials to be appointed by the Governor.

(5) Pensions are guaranteed by the Government of Kenya.

(6) It will be optional for the existing staff but compulsory to all future entrants to join the scheme.

(7) All other relevant provisions of the European Widows' and Orphans' Pension Scheme are applied to Asiatics.

(8) The rates of contribution and amount of pension payable may be revised after a period of ten years after investigation by an actuary appointed by the Secretary of State.

GOVERNMENT NOTICE NO. 402.

**A Bill to Provide for the Construction of Works
in or over Navigable or Tidal Waters.**

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "the Navigable Waters (Construction of Works) Ordinance, 1927." Short title.
2. After the commencement of this Ordinance no person shall construct or commence to construct any wharf, bridge, tunnel, pier or other structure or works in, upon, over, under, through or across any navigable or tidal waters, or upon the beach, bed or lands covered by such waters, without first obtaining the order of the Governor in Council as provided by this Ordinance. Prohibition of construction of works in navigable waters.
3. When any person is desirous of constructing any wharf, bridge, tunnel, pier or other structure or work, in, upon, over, under, through or across any navigable or tidal water or upon the beach, bed, or lands covered by such waters, such person shall, before the commencement of any such work, submit to the Director of Public Works, for approval by the Governor in Council, a plan and description of the proposed site for such work, and a general plan of the work to be constructed, and such other plans, drawings and specifications as the Governor in Council may require. Approval by Governor in Council.
4. The Governor in Council may—
 - (a) make an order authorising the construction of the work upon such terms and conditions as the Governor in Council may deem expedient;
 - (b) make alterations in the detail plans, profiles, drawings and specifications so submitted;
 - (c) give directions respecting the supervision of any such works; and
 - (d) require that such other works, structures, equipment, appliances and materials be provided, constructed, maintained, used and operated, and measures taken, as under the circumstances of each case may appear to the Governor in Council to be best adapted for securing the protection, safety and convenience of the public.Order of Governor in Council authorising works.
5. Upon such order being made such person shall be at liberty to construct such works in accordance therewith. Liberty to construct.
6. No deviation from the site or plans approved by the Governor in Council shall be made without the consent of the Governor in Council. No deviation from site or plans without authority.
7. If any person shall, after the commencement of this Ordinance, construct or commence to construct any work contrary to the provisions of this Ordinance, or otherwise than in accordance with the order of the Governor in Council, it shall

Abatement and removal of works constructed without authority.

be lawful for the Director of Public Works to abate and remove the same and to restore the site thereof to its former condition, at the cost and charge of such person; and the amount of such cost and charge may be recovered at the suit of the Director of Public Works in any competent Court. 5

Protection
from
obstruction.

8. Any person who—

- (a) does or causes or procures to be done any act which obstructs or might obstruct the approaches to any works authorised under this Ordinance or endangers or might endanger the lives of persons using the same; or 10
 - (b) damages or in any other way interferes with such works or any part thereof or removes therefrom any material forming part of the structure of the works; or 15
 - (c) attempts, or counsels the doing of, or assists in doing, any of the acts mentioned in this section,
- shall be liable to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding two years or to both such fine and imprisonment. 20

OBJECTS AND REASONS.

The Bill provides machinery by which the construction of works in navigable or tidal waters may be authorised. It is hoped by this means to avoid the necessity for special legislation dealing with specific construction works on every occasion when such works appear desirable.

The Governor in Council is created the authority who, after the plans and drawings of the works have been submitted for approval, may make an order authorising construction and imposing terms and conditions.

GOVERNMENT NOTICE NO. 403.

A Bill to Amend the Native Liquor Ordinance.

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as “ the Native Liquor (Amendment) Ordinance, 1927,” and shall be read as one with the Native Liquor Ordinance (Chapter 143 of the Revised Edition), hereinafter referred to as “ the Principal Ordinance.” Short title.

2. Section 2 of the Principal Ordinance is hereby amended as follows :— Interpretation.

(1) By the deletion of the definitions of “ Native intoxicating liquor ” and of “ sale ”;

(2) By the insertion of the following definitions :—

“ Native intoxicating liquor ” includes palm wine, pombe, fermented asali, and all liquors such as are prepared by natives which contain more than one per centum by weight of absolute alcohol;

“ Palm wine ” includes tembo tamu, tembo kali, and the juice of the Mkoma Palm (*Hyphaene cortacia*);

“ Farm ” means any area of land, not being land in a township or municipality or in a native reserve or a gazetted trading centre;

“ Occupier ” means the owner or lessee of a farm and includes a duly authorised agent of such owner or lessee :

Provided that in the case of unalienated Crown land and Forest Reserves the Commissioner of Lands and Assistant Land Officers and the Conservator and Assistant Conservators of Forests shall respectively be deemed to be occupiers for the purposes of this Ordinance;

“ Sale ” includes barter and the giving of native intoxicating liquor to a native in lieu of or as part of wages or gratuitously as an inducement to work.

3. Sub-section (1) of section 8 of the Principal Ordinance is hereby repealed and in lieu thereof shall be read the following :— Amendment of section 8 (1) of Principal Ordinance.

“ (1) No person unless he holds a licence issued to him under this Ordinance shall manufacture for the purpose of sale or shall sell native intoxicating liquor, or shall, in a township, municipality or trading centre, manufacture or use any process for the manufacture of native intoxicating liquor, whether such liquor is for his own use or otherwise.”

4. The following shall be inserted as section 8A of the Principal Ordinance :— Manufacture or possession of intoxicating liquor on farms.

“ 8A. (1) Notwithstanding anything contained in this Ordinance, no person, whether licensed under this Ordinance or not, shall manufacture or be in possession of native intoxicating liquor on any farm without a permit in writing from the occupier of such farm. Such permit shall be in addition to and not in lieu of any licence required under this Ordinance.”

(2) It shall not be lawful for any occupier to issue a permit under this section without a general or special authority in writing from the District Commissioner for the district in which the farm is situated.

(3) The District Commissioner in granting any such authority may impose such conditions as he may consider necessary for the purpose of guarding against excessive manufacture or consumption of native intoxicating liquor or of preventing a breach of the peace or disorder, and no permit shall be issued by an occupier which contravenes any of such conditions.

(4) If any person is found in possession of native intoxicating liquor on any farm such person shall be deemed to be guilty of an offence under this Ordinance, unless he shall prove that such possession was covered by a permit as prescribed by this section."

Amendment to
section 11 of
Principal
Ordinance.

5. Section 11 of the Principal Ordinance is hereby amended by deleting the proviso thereto and by inserting the following in lieu thereof:—

"Provided that it shall be lawful for any person licensed to sell native intoxicating liquor in a township, municipality or trading centre to supply any adult male native for consumption off the licensed premises any quantity of native intoxicating liquor not exceeding one Imperial quart if such liquor is contained in a quart vessel :

Provided also that in the Coast Province any native desiring to purchase native intoxicating liquor for consumption in any place other than on the licensed premises from which it has been purchased shall obtain a permit to possess and transport such liquor from the place of purchase to the intended place of consumption. Such permit shall be in writing and shall be obtained from the District Commissioner of the district in which the licensed premises are situated, who shall have absolute discretion to refuse its issue. There shall be stated on the permit the date of issue, the date of expiration and the quantity of liquor so to be possessed and transported."

Sale on
unlicensed
premises and
manufacture in
township.

6. Section 13 of the Principal Ordinance is hereby repealed and in lieu thereof shall be read the following:—

"13. (1) Any unlicensed person who shall manufacture for the purpose of sale or shall sell native intoxicating liquor, or who in a township, municipality or trading centre shall manufacture or use any process for the manufacture of native intoxicating liquor whether such liquor is for his own use or otherwise, and any licensed person who shall manufacture for the purpose of sale or shall sell native intoxicating liquor on premises other than those authorised by his licence, shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment of either description for a period not exceeding twelve months or to both such fine and imprisonment.

(2) On conviction of any person of an offence under this section the Court may, in addition to any other punishment which it may impose, order the forfeiture and cancellation of any licence issued to such person under this Ordinance, and shall order the confiscation of all native intoxicating liquor found on the premises or in the possession of such person whether in the course of manufacture or not."

7. Section 14 of the Principal Ordinance is hereby repealed and in lieu thereof shall be read the following :—

Being in possession of native intoxicating liquor in a township off licensed premises.

5 “ 14. (1) Subject to the provisions of sub-section (3) of this section, if any person is found in a township, municipality or trading centre in possession of native intoxicating liquor off licensed premises such person shall be deemed to be guilty of an offence unless he shall prove that the liquor in question was being transported from a licensed place of manufacture to licensed premises for the purpose of sale therein :

10 Provided that this sub-section shall not apply to any native who is in possession of a valid permit issued under the second proviso to section 11 of this Ordinance.

15 (2) On conviction of any person of an offence under this section the Court shall order the liquor in question to be confiscated.

20 (3) Notwithstanding anything contained in this section, it shall be lawful for an adult male native to have in his possession off licensed premises a quantity of native intoxicating liquor not exceeding one Imperial quart :

Provided, however, that such liquor shall be contained in a quart vessel and also that the native shall prove that the liquor was obtained from a licensed person.”

25 8. Section 20 of the Principal Ordinance is hereby repealed and in lieu thereof shall be read the following :—

Arrest and punishment of persons found drunk.

30 “ 20. Any person who is found drunk and incapable or drunk and disorderly on or near any licensed premises, or on any road or on any farm, or in any place to which the public ordinarily have access whether as of right or not, or in any place which it is a trespass in him to enter, shall be guilty of an offence and any police officer may arrest such person without a warrant.”

9. Section 23 of the Principal Ordinance is hereby repealed and in lieu thereof shall be read the following :—

Power to search licensed premises.

35 “ 23. Any magistrate or police officer of or above the rank of European police constable or assistant sub-inspector and any other police officer having special written authority from a magistrate or an officer in charge of a police station, may at any hour enter any unlicensed premises in which he suspects that native intoxicating liquor is being sold or kept in contravention of this Ordinance, and may if cause be discovered, take into custody all persons found therein ; and may take possession of all liquor found there-
40 in and all such persons shall be brought before a magistrate and upon conviction of any of them or if it is proved to the satisfaction of the magistrate that such liquor was being sold or otherwise kept in contravention of this Ordinance, all such liquor shall be confiscated.”

50 10. The following shall be inserted as section 31 of the Principal Ordinance :—

Offences cognizable to the police.

“ 31. All offences against this Ordinance shall be cognizable to the police.”

OBJECTS AND REASONS.

The principal objects of this Bill are :—

- (a) To prohibit the manufacture, whether for purposes of sale or otherwise, of native intoxicating liquor in a township or municipality without a licence. This is effected by amending section 8 (1) of the Principal Ordinance. (*Vide* Clause 3 of Bill.)
- (b) To restrict the manufacture and possession of native intoxicating liquor on farms. Under Clause 4 of the Bill it is provided accordingly that no person, whether licensed or not, shall manufacture or be in possession of native intoxicating liquor on a farm without a written permit from the occupier. Such permits may be granted by the occupier of a farm with the written permission of the District Commissioner and subject to any conditions which that officer may impose.

Opportunity is also taken to amend the existing law in other respects. The following are the more important amendments :—

Clause 5.—Section 11 of the Principal Ordinance (which prohibits the sale of liquor to any person except for consumption on the licensed premises or for transport from the place of manufacture to the licensed premises) is amended so as to allow in a township or municipality the sale of liquor not exceeding one quart to any adult native (*Vide* Clause 7), and also to provide for the issue of a permit to a native in the Coast Province to transport liquor from licensed premises, whether within or without a Reserve, to any other place for the purposes of consumption.

Clause 6.—The amendments provided for in sub-clause (1) of this clause are consequential on the proposed prohibition upon the manufacture of native intoxicating liquor in townships or municipalities without a licence. By sub-clause (2) power is conferred on the Courts, on conviction of any person, to order the forfeiture and cancellation of any licence issued to such person and also the confiscation of any liquor found on the premises or in the possession of such person.

Clause 7.—Section 14 of the Principal Ordinance has been redrafted so as to increase the maximum penalty for an offence under the section from £5 or one month's imprisonment to £50 or six months' imprisonment. A proviso has also been added to the effect that any adult male native may have in his possession off licensed premises a quantity of liquor not exceeding one quart.

Clause 8.—The provisions of section 20 of the Principal Ordinance have been extended so as to make it an offence to be drunk and incapable or drunk and disorderly on any farm or in any place to which the public ordinarily have access.

Clause 9.—The provisions of section 23 of the Principal Ordinance have been extended.

Clause 10.—All offences against the provisions of the Principal Ordinance and this Bill are made cognizable to the police.

GOVERNMENT NOTICE No. 404.

MINING LEGISLATION.

It is considered desirable to obtain uniform mining legislation for Kenya, Uganda, and Tanganyika Territory. The following model Bill, which has been prepared in England under the directions of the Secretary of State, is published for general comment and criticism. Representations should be addressed to the Commissioner of Mines, Box 82, Nairobi, before the 31st October, 1927.

ORDINANCE.

PART I.—GENERAL.

- „ II.—ADMINISTRATIVE.
- „ III.—PROSPECTING.
- „ IV.—DISCOVERY.
- „ V.—MINING.
- „ VI.—WATER RIGHTS.
- „ VII.—SURFACE RIGHTS.
- „ VIII.—TRANSFER, CHARGING AND SURRENDER.
- „ IX.—REGISTRATION.
- „ X.—PROSPECTING AND MINING FOR OIL.
- „ XI.—MISCELLANEOUS.
- „ XII.—PENALTIES.

**A Bill to Consolidate and Amend the Law
Relating to Mining.**

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

PART I.

GENERAL.

1. This Ordinance may be cited as “ the Mining Short title Ordinance, 1927.”

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

- 5 (1) “ Minerals ” include all materials of economic value forming part of or derived naturally from the crust of the earth, and not being either forest produce within the meaning of any Forest Ordinance for the time being in force, or materials used exclusively for building purposes or as road metal. Minerals may be either precious minerals or non-precious minerals.
- 10 “ Non-precious minerals ” include not only solid substances but mineral oil and natural gas and all other minerals except precious minerals. “ Precious minerals ” include precious stones and precious metals and the ores of precious metals. “ Precious metals ” include platinum, gold and silver and such other metals as the Governor may prescribe : Provided that no ore shall be deemed to be
- 15 a precious mineral unless there be present in the ore such proportion of precious metal or metals as would enable the ore in bulk to be mined profitably
- 20

apart from the proceeds realised by the extraction therefrom of any other mineral substance. "Precious stones" include diamonds, rubies, sapphires, emeralds, and such other stones as the Governor may prescribe. Where any question arises as to whether a mineral mined is a precious or a non-precious mineral the opinion of the Commissioner of Mines shall be taken and his decision shall be final;

- (2) "Owner of land" means any person whose rights in the land extend over both the surface and the minerals thereunder, and have been or shall be recognised by the Governor; 10
- (3) "Holder of the mineral rights" means any person who has the right to the minerals in or under land and whose rights have been or shall be recognised by the Governor; 15
- (4) "Holder of surface rights" includes every person for the time being entitled to occupy the surface of the land but whose rights do not extend over the minerals therein or thereunder; 20
- (5) "To mine" includes all acts reasonably necessary for the working, winning, getting, underground transporting, and raising of minerals;
- (6) "To prospect" and its cognate expressions includes all operations connected with the *bonâ fide* search for minerals; 25
- (7) "Commissioner of Mines" means the Commissioner of Mines or the person acting as such for the time being under lawful authority; 30
- (8) "Oil" means mineral oil and includes natural gas but not oil shale;
- (9) "Person" includes corporation;
- (10) "Prescribed" means prescribed by or in virtue of this Ordinance. 35

All minerals
vested in
Crown.

3. The entire property in and control of all minerals in, under or upon any lands in the Colony, is and shall be vested in the Crown, save in so far as such rights may in any case have been granted to any private person by any express grant made before the commencement of this Ordinance, which grant has been or shall be recognised by the Governor. 40

Mining to be
deemed a
public purpose.

4. Mining or prospecting shall be deemed a public purpose within the meaning of any Ordinance for the time being in force in the Colony relative to the acquisition of land by the Crown for any public purpose. 45

Extent of rights
to minerals.

5. The rights to minerals in respect of any area of land shall be limited to the minerals within the vertical boundaries of such area and shall not extend to any continuation of mineral lodes, veins, reefs, or beds beyond such boundaries.

General rights
under prospect-
ing permit or
licence.

6. Notwithstanding any provision of this Ordinance to the contrary any person lawfully employed in *bonâ fide* prospecting under either a prospecting permit or prospecting licence issued under this Ordinance shall have the following general rights in addition to the rights specifically conferred upon him by or under this Ordinance :— 50

- (a) The right of grazing, free of charge, upon any land in the vicinity of his operations and open to prospecting and not being land over which any other person has exclusive prospecting or mining rights, not more than twenty riding or transport animals free from contagious or infectious disease : Provided that he shall not introduce or take any horned cattle or entire male herbivorous animals of any description upon occupied land without the consent of the owner or holder of surface rights over such land. Grazing.
- (b) The right of taking for domestic use or for the purpose of his prospecting operations indigenous wood or timber not being a protected tree within the meaning of any Forest Ordinance for the time being in force. Taking wood.
- (c) The right of taking water for the use of himself, or his employees or servants or that of the animals above referred to as well as for panning. Taking water.
- (d) The right to erect temporary shelters or buildings for the purpose of the protection and comfort of himself and his employees or servants : Provided that this right shall not be deemed to confer any right, title, or interest in any land upon which such buildings may have been erected : Provided further that this right shall not exist in respect of land in private occupation save with the consent of the holder of the surface rights : Provided further that this right shall involve the duty of removing such temporary erections on the termination of the purpose for which they were erected if requested so to do by the owner or holder of the surface rights. Erecting buildings.
- (e) The right to remove such shelters or buildings so erected. Removing buildings.
7. The Ordinances referred to in the Third Schedule hereto together with all rules or regulations issued thereunder are hereby repealed as from the date on which this Ordinance comes into force, save that such repeal shall not impair the rights acquired thereunder of any person. Repeal.

PART II.

ADMINISTRATIVE.

8. The Department of Mines, in this Ordinance referred to as "the Mines Department," shall be charged with the administration of this Ordinance and the regulations issued thereunder. The responsible officer in charge shall be termed the Commissioner of Mines, and shall be appointed by the Governor. The Governor may appoint such other officers as are necessary to carry into effect the provisions of this Ordinance and the regulations issued thereunder. Appointment of Commissioner of Mines.
9. No action shall lie against the Commissioner of Mines or against any officer appointed under this Ordinance for any act *bonâ fide* done in the discharge of his duties. Protection of Commissioner of Mines against action.

PART III.

PROSPECTING.

(a) *Prospecting Permits.*

10. It shall be in the discretion of the Commissioner of Mines to grant a prospecting permit to any person making application in the manner prescribed and on payment of the prescribed fees. Grant of prospecting permit.

Duration of
permit.

11. Such permit may be held by the holder for his own benefit or as agent, and shall not be transferable, and shall expire at the end of twelve months from the date of issue unless renewed.

Holder of
permit only
may prospect.

12. The holder only and not his principal may prospect 5
in virtue of a prospecting permit.

Prospecting
without a
permit.

13. The owner of land, or the holder of mineral rights with the consent of the holder of surface rights, or the holder of surface rights may prospect such land without a prospecting permit on giving notice to the Commissioner of Mines in the 10 manner prescribed. Failure to give notice shall be an offence punishable by a fine not exceeding twenty pounds.

Conditions of
permit.

14. (1) Save as hereinafter provided the holder of a prospecting permit during the currency of the permit has the right of prospecting for the minerals mentioned in the permit 15
anywhere subject to the provisions of section 15.

(2) (a) The Commissioner of Mines may if he thinks fit limit a prospecting permit to any particular district or districts.

(b) If no district be mentioned the permit shall extend 20
to the whole Colony.

(3) The Commissioner of Mines may if he thinks fit limit a prospecting permit to a particular mineral or minerals.

(4) If no mineral be mentioned the permit shall, subject to the provisions of this Ordinance relating to prospecting for oil, give the right to prospect for minerals of every kind. 25

(5) The holder of a prospecting permit may be accompanied by not more than ten employees and servants and shall be responsible for any act on their part which may arise out of or be committed in the course of their employment or which shall be done on his behalf. 30

Consent
necessary in
certain cases.

15. No holder of a prospecting permit may prospect on or under the land hereinafter specified, except with the written consent of the person or persons which is hereinafter required, that is to say—

(a) land over which any other person (other than the 35
Crown) possesses any legal rights which would be in any way interfered with or disturbed by such prospecting operations, except with the consent of such persons or of the Governor;

(b) land within a native reserve, except with the consent 40
of the Senior Commissioner of the Province in which such reserve is situate;

(c) land dedicated or set apart for any public purpose other than mining or as a burial place, except with the consent of the Governor; 45

(d) any area situate within any township or municipal area, except with the consent of the owner or holder of surface rights and of the Governor or municipal authority;

(e) any area over which exclusive prospecting or mining 50
rights have previously been granted by the Governor or by or on behalf of His Majesty and are still subsisting, except with the consent of the Commissioner of Mines;

- (f) land reserved for the purpose of any railway or situate within one hundred yards of any railway, except with the consent of the High Commissioner for Transport and of the Governor;
- 5 (g) any area which is the site of or is within one hundred yards of any building or is the site of or within three hundred yards of any artificial dam or reservoir, the property of the Crown, except with the sanction of the Governor;
- 10 (h) any street, road or highway without the consent in writing of the Governor or of the municipal corporation or other public body having the control thereof.

In granting or withholding consent under this section the Governor, Commissioner of Mines or other public authority
 15 whose consent is required shall consider not only the special interests involved but the manner in which the mineral resources of the Colony may be most effectively and speedily developed. Any damage or diminution in value which may result to private or public rights and property in the course
 20 of prospecting shall be made good by the prospector and security may be demanded from him in respect thereof.

(b) *Prospecting Licences.*

16. Save as hereinafter provided any person who holds directly or through his agent a prospecting permit may, after
 25 beaconing an area over which he is entitled to prospect in virtue of a prospecting permit in the manner prescribed and on paying the prescribed fees, obtain a prospecting licence in the prescribed form which shall confer upon him the exclusive right to prospect, for such period as shall be stated in the
 30 licence, the area mentioned in the licence.

Grant of prospecting licence.

17. No prospecting licence shall be issued for any area hereinbefore excluded from prospecting under a prospecting permit save with the consent or consents hereinbefore required.

Certain areas excluded without consent.

18. It shall be within the discretion of the Commissioner
 35 of Mines to determine whether a prospecting licence for a specific area shall be granted and if so for what area and for what mineral or minerals.

Grant in discretion of Commissioner of Mines.

19. No prospecting licence shall be issued for any area owned by an owner of land (or occupied by a holder of surface
 40 rights) except with the consent of the owner or holder of surface rights or his representative: Provided that if the applicant for the prospecting licence has himself or through his agent prospected the land in question in virtue of a prospecting permit and with the consent of the owner or holder of surface
 45 rights no further consent shall be required:

When consent of private owner required.

Provided further that if such consent be not given within one month of application therefor being made, and such owner (or holder of surface rights) is not prospecting and is not prepared to prospect the area himself or by his agent in a
 50 manner approved by the Commissioner of Mines, a prospecting licence may be issued if the person applying for a prospecting licence gives such security as the Commissioner of Mines may reasonably require for the payment of reasonable compensation for the damage which may be done in the course of prospecting.

Number of
areas that may
be held by
same person.

20. There shall be no limit to the number of the prospecting areas for which application may be made by the same person but the Commissioner of Mines shall have an absolute discretion as to the number of prospecting licences which shall be granted to the same person having in view the need for the adequate and proper prospecting of each area for which a licence is granted. There shall be imposed upon the holder of a prospecting licence the duty of prospecting the area mentioned in the licence with due skill and diligence either by himself or his agent.

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Cancellation of
licence.

21. Failure to exercise due skill or due diligence shall be a ground for cancellation of the licence.

Discretion of
Commissioner
of Mines.

22. Whether due skill or due diligence is being shown shall be a matter within the discretion of the Commissioner of Mines.

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Prospecting
area to be
beaconed.

23. The holder of a prospecting licence shall beacon off his prospecting area in the manner prescribed.

Conformation
of area.

24. The area of the prospecting area shall not exceed the maximum prescribed and shall be of the conformation prescribed.

20

Abandonment.

25. (1) The holder of a prospecting licence may on giving notice in the manner prescribed abandon his prospecting area.

Excavations to
be filled in.

(2) On abandoning his prospecting area he shall securely and to the satisfaction of the Commissioner of Mines fence or fill in all excavations. Failure to do so shall be an offence punishable with imprisonment not exceeding three months or a fine not exceeding twenty pounds.

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(3) On abandonment all beacons and notice boards shall be removed and failure to do so shall be an offence punishable with a fine of ten pounds.

30

Reports, etc., to
be furnished to
Commissioner
of Mines.

26. Every person who holds a prospecting permit or who is granted a prospecting licence shall (if prospecting thereunder) make such reports to the Commissioner of Mines on the minerals or rocks examined by him and shall furnish such other information and such specimens as the Commissioner of Mines may require.

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PART IV.

DISCOVERY.

Action to be
taken on
discovery of
minerals.

27. Any person who in the course of prospecting or otherwise discovers minerals in apparently payable quantities shall erect a beacon at the place of discovery in the prescribed manner, and shall forthwith notify the Commissioner of Mines of the discovery in the manner prescribed. On receiving notification of discovery the Commissioner of Mines shall cause enquiries to be made into the nature of the discovery, and if satisfied that minerals exist in apparently payable quantities shall issue to the person who has made the discovery a certificate of discovery in the form prescribed.

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Power of
Commissioner
of Mines to
enter and
inspect.

28. The Commissioner of Mines shall have full power for the purposes of this Ordinance, which power may be delegated to others, to enter on any area for the purposes of examination, enquiry or inspection.

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PART V.

MINING.

29. In all cases where a discovery of minerals has been notified the Governor shall, subject to the provisions hereinafter contained, have the power to confer on any person the right to mine in the manner, to the extent, and subject to the limitations hereinafter provided. Right to mine.

30. The right to mine may be conferred either by the grant of a mining right or by the grant of a mining lease. Right to mine to be conferred either by mining right or mining lease.
 10 The Commissioner of Mines shall, subject to the rights of the discoverer, decide whether in the circumstances of the case it is desirable that mining shall be carried on in virtue of a mining right or a mining lease.

31. A mining right may be granted over an area within Mining right.
 15 the maximum prescribed, it shall remain in force for one year from the date thereof but may be renewed for further periods of one year, and it shall confer upon the holder thereof the right to enter upon the lands in respect of which the mining right is granted and the exclusive right to mine thereon for the
 20 minerals specified in the right. The grant of a mining right shall confer upon the holder of the mining right the surface rights and easements referred to in Part VII subject to the payment of the compensation (if any) therein expressed to be payable where the value of private proprietary rights is thereby
 25 reduced.

32. A mining lease may be granted over an area within Mining lease.
 the maximum prescribed, it shall be for a period not exceeding sixty-six years, it shall operate as a demise of the mines and minerals in the area leased, it shall confer upon the lessee
 30 the right to occupy the surface and subsoil for shafts, adits, surface works, plant and stores reasonably necessary to mine the area leased, and it shall confer surface rights over an additional area not exceeding ten acres, together with the right to call for a surface lease over a further area if
 35 necessary for the depositing or treatment of the mineral or minerals mined or waste or slime raised, removed or created in the course of mining or treatment of minerals.

33. Such area or areas may be selected by the mining Selection of area.
 lessee : provided that if part of the surface of the area included
 40 in the mining lease is in the occupation of an owner of land or a holder of surface rights such part shall not be selected without the consent of the owner of land or holder of surface rights if it be practicable to select an area not so owned or occupied, and provided that in no case shall surface building,
 45 works, roads or railway be interfered with without the consent of the Crown or the person having the right to give consent.

34. If any part of the land in respect of which the When consent necessary.
 mining right or mining lease is applied for is owned by an owner of land or is occupied by a holder of surface rights, or if
 50 the mineral rights thereunder are vested in a holder of mineral rights a mining right or mining lease shall not be granted in respect of such part save with the consents following—

- (a) in the case of the owner of the land, the consent of the owner of the land;
- 55 (b) in the case of the holder of mineral rights or surface rights, the respective consent of the holder of mineral rights or the holder of surface rights :

Provided that if consent be withheld and if in the opinion of the Governor it is in the public interest that mining should proceed, the Governor shall have power to grant a mining lease or mining right as though consent had not been withheld. Where consent is thus dispensed with the person whose consent is dispensed with shall have a right to compensation on the footing of actual pecuniary loss sustained. The amount of such compensation shall in the absence of agreement be determined by arbitration. The compensation shall be payable by the mining lessee or the holder of the mining right. 10

Payments when private land is affected.

35. Where mining proceeds under a mining right or mining lease in or on land of which there is an owner of land, or holder of mineral rights, such person shall receive of the monies paid by the holder of the mining right or by the mining lessee to the Government whether by way of rent or royalty the proportion following: One half of the proportion of the total rent and royalty which the area of which the owner of land is owner or the holder of mineral rights is holder bears to the total area the subject of the mining right or mining lease. 20

Form of application.

36. Application for a mining right or mining lease shall be made in the manner prescribed.

Form of mining right and lease.

37. Every mining right or lease shall be in the form prescribed.

Discoverer to apply for mining lease within two years.

38. The discoverer or his nominee (which term shall include his personal representatives) shall have a period of two years from the date of the grant of a certificate of discovery in which to apply for a mining lease in respect of the mineral or minerals mentioned in the certificate of discovery over such area within the prescribed maximum over which a mining lease may be granted. Such area shall be selected by the discoverer as soon as practicable after the grant of the certificate of discovery and shall be delimited by him in the manner prescribed. 25 30

Protection of discoverer.

39. (1) For two years after the date of the certificate of discovery no mining right or mining lease shall be granted to any person other than the discoverer or his nominee in respect of the area delimited as provided in section 38 unless within the said period of two years the discoverer shall in writing waive his right to apply for a lease over the area in question. A mining lease shall be granted to the discoverer or his nominee on application being made within the said period of two years on the discoverer's or his nominee's producing evidence to the satisfaction of the Commissioner of Mines that the discoverer or his nominee is able adequately to develop the mineral resources of the area in question. 35 40 45

Payment to discoverer if mining lease not granted.

(2) If a mining lease be not granted to the discoverer or his nominee and if a mining right or mining lease be granted over the area in question or any part thereof the Commissioner of Mines shall cause to be paid to the discoverer or his nominee out of the royalties received in respect of minerals the subject of the discovery mined in the area selected by the discoverer twenty per cent. of such sum received as royalty annually: 50

Provided that the sums so paid in respect of royalties to the discoverer shall not in the aggregate exceed the sum of £20,000. 55

40. Should the Commissioner of Mines refuse the application of the discoverer or his nominee for a mining lease appeal shall lie to the Governor. Appeal by discoverer.
41. In no case shall an application for a mining lease be refused because a person other than the discoverer or his nominee has applied for a lease over the area in question. In no case shall an application be refused if the discoverer or his nominee commands capital adequate to the development of the mineral resources of the area in question. The discoverer or his nominee may apply for a smaller area than the area delimited under the provisions of section 38. When application shall not be refused.
42. If within the period stated in section 38 the discoverer or his nominee shall not apply for a mining lease or if it be decided not to grant to the discoverer or his nominee a mining lease over the whole area in question the Commissioner of Mines may insert a notice in the form prescribed in the Gazette and if he thinks fit in such other newspaper or periodical circulating in such country as he may determine calling for applications for either a mining right or a mining lease or both as in his discretion he shall think fit. Procedure when mining lease is not granted to discoverer.
43. Applications received for a mining right or mining lease shall be considered by the Commissioner of Mines who shall report to the Governor who may grant the application which in his opinion in view of the report of the Commissioner of Mines will secure the best development of the mineral resources of the area in question. Consideration of applications.
44. The successful applicant shall be informed by the Commissioner of Mines of the acceptance of his application, and on payment of the prescribed fees shall be granted a mining right or mining lease, as the case may be. If he fail to pay the prescribed fees within one month of the notification of acceptance being forwarded to him he shall become liable to pay a forfeit of fifty pounds and the applications may be re-considered. Grant of mining right or lease to successful applicant.
45. There shall be payable in respect of a mining right or mining lease the prescribed fees, rents and royalties. Fees, rents, and royalties.
46. The holder of a mining lease who desires to exercise the right to lease a further surface area as provided in section 32 for the purpose of depositing or treating minerals mined, and who has not exercised such right prior to the grant of the mining lease, shall apply to the Commissioner of Mines for a surface lease which shall be granted in the form prescribed on payment by the applicant of the fees prescribed and shall confer upon the applicant a demise of the surface for a period equal to the unexpired portion of the applicant's mining lease. Such surface lease may be renewed for the same period as the applicant's mining lease is renewed. The provisions relating to the selection of the area for shafts and surface works contained in section 33 shall apply *mutatis mutandis* to the selection of the area the subject of the surface lease referred to in section 32. Surface leases.
47. The right residing in the mining lessee of applying for a surface lease as indicated in section 32 shall not be deemed to be in derogation of his right to arrange with the Crown in the case of unoccupied Crown land or the person having the power of granting surface leases in the case of land in private occupation for a lease of a further area of such size, term and at such rental as may be agreed. Mining lessee may apply for additional surface lease.

PART VI.

WATER RIGHTS.

Exclusion of
water rights.

48. No person shall in virtue of any licence, right, or lease granted under this Ordinance to such person have any proprietary right to any river, stream, lake, water-course or water-furrow contiguous to or running through any surface area the subject of such licence, right or lease. 5

Application for
water right.

49. Any person being the holder of a prospecting licence, mining right or mining lease or any person acting on behalf of a number of such persons who requires the use of water for the purpose of prospecting or mining or the treatment of minerals mined or for purposes directly connected therewith or for domestic use shall apply in the manner prescribed to the Commissioner of Mines for the grant of a water right. 10

Notice to be
given to parties
affected.

50. The Commissioner of Mines shall cause a notice to be inserted in the Gazette stating that an application has been received for the grant of a water right, stating the situation, extent and nature thereof, and indicating that such right may be granted within a month from the date of publication of the notice unless objection thereto is lodged with the Commissioner of Mines, and shall cause a copy of the said notice to be forwarded to any person whose private rights are believed to be affected. 15 20

Objections.

51. (1) Objections (if any) to the grant of a water right shall be made in the manner prescribed. 25

(2) If objection or objections be made the Commissioner of Mines shall cause a day to be fixed for the hearing of such objection or objections at such date, place and by such magistrate or official, hereinafter referred to as "the person appointed," as the Commissioner of Mines shall arrange or appoint having in view the convenience of the parties concerned. 30

Settlement of
disputes as to
water rights.

52. Notes of the proceedings shall be kept, and the person appointed to hear the objection shall have the power either— 35

- (a) to grant the water right as applied for; or
- (b) to reduce the extent or vary the nature of the water right as applied for; or
- (c) to grant the water right as applied for subject to such compensation being paid to the objector or objectors as the person appointed shall think fit; or 40
- (d) to refuse to grant the water right in cases where there are paramount public reasons requiring that the grant of a water right should be refused.

Appeal.

53. In all cases appeal from the decision of the person appointed shall be to the Supreme Court as though it were an appeal from the decision of an inferior Court. 45

Form of grant
of water right.

54. A grant of a water right shall be in the form prescribed.

Fees and costs.

55. No fees or licence moneys shall be charged in respect of the grant of a water right, provided that in the event of an objection being lodged the costs of the hearing shall be borne by the unsuccessful party or in the case neither party is successful on all points in such proportion as between the parties as the person appointed may decide. Such decision 50

on a question of costs shall be final : provided that if there be an appeal from the decision of the person appointed as in section 53 provided the costs of such appeal shall be borne as the Court hearing such appeal shall decide.

- 5 **56.** A water right shall not be granted for a period exceeding the unexpired portion of the prospecting licence, mining right or mining lease held by the prospector or miner to whom or on behalf of whom the water right is granted, but if such licence, right or lease be renewed such water right shall *ipso facto* be renewed also. Duration of water right.
- 10
- 15 **57.** If the Commissioner of Mines is of opinion that no sufficient use or an improper use is being made of the water right he may cause to be served a notice in the prescribed form on the holder of the water right calling upon him to show cause why the water right should not be cancelled. Cancellation of water right.
- 20
- 25 **58.** Cause shall be shown before a person at a place and time appointed by the Commissioner of Mines having in view the convenience of the parties concerned, and the nature of the proceedings shall be as in the case of the original hearing of an objection to the grant of a water right save that the person appointed shall give no decision thereon but shall forward the notes of evidence together with his report thereon to the Commissioner of Mines for decision. Cause to be shown before cancellation.
- 30
- 35 **59.** The decision of the Commissioner of Mines may amount either to the cancellation, the modification or the continuance of the water right. An appeal shall lie to the Supreme Court. Costs shall be in the discretion of the Commissioner of Mines or the Supreme Court, as the case may be. If cause be not shown the water right shall *ipso facto* be cancelled. Cancellation and appeal.
- 40
- 45 **60.** The holder of a water right may at any time apply for an enlargement of the water right. Such application shall set forth the reasons on which the application is based and if in the opinion of the Commissioner of Mines a *prima facie* case is made out for the enlargement of the water right, and on payment by the applicant of the prescribed fee, steps shall be taken as in the case of an original application for a water right. Enlargement of water right.
- 50
- 55 **61.** A water right may confer any or all of the following rights and the nature of the right or rights conferred shall be stated in the water right :— Privileges conferred by water right.
- 60
- 65 (a) The right to abstract water to the extent determined and stated in the water right from any river, stream, lake, water-course, or water-furrow.
- 70 (b) The right to interfere whether by dams or deflection of course with the natural or normal flow of water along any river, stream, water-course or water-furrow.
- 75 (c) The right to store water and construct all necessary works for that purpose.
- 80 (d) The right to dig furrows or lay pipes for the conveyance of water from any river, stream, lake, water-course, water-furrow or place of storage :

Provided that if in the course of the exercise of such right or rights an actionable wrong other than wrongs necessarily involved in the reasonable exercise of the right or rights conferred by the water right shall be committed the grant of the water right shall not be deemed to destroy any cause of action arising from the commission of such actionable wrong : Provided further that the holder of a water right in respect of any river, stream or water-course shall owe *prima facie* the same duties to the holder of a water right in respect of the lower part of such river, stream or water-course as he owes to a lower riparian proprietor.

PART VII.

SURFACE RIGHTS.

Grant of
surface rights
and easements.

62. (1) The Crown shall have the power to grant in favour of the holder of a prospecting licence, mining right, or mining lease all surface rights and easements necessary for the prospecting, mining, depositing, treating or removing of minerals in a commercial manner, but in all cases where by a grant of any such surface rights or easements the value of any private proprietary right is reduced compensation shall be paid by the grantee of the surface right or easement to the person the value of whose private proprietary right is thereby reduced. The amount of such compensation shall in the absence of agreement be determined by arbitration. The basis of the compensation shall be the actual pecuniary loss sustained.

(2) The powers vested in the Crown by sub-section (1) shall be exercised by the Governor.

PART VIII.

TRANSFER, CHARGING AND SURRENDER.

Definition of
mining interest.

63. Mining interest within the meaning of this Part shall include the rights conferred by prospecting licences, prospecting oil licences, mining oil licences, mining rights, or mining leases granted under or by virtue of this Ordinance.

Mining interest,
etc., may be
transferred.

64. All mining interest or easements connected therewith and all water rights granted under or in virtue of this Ordinance shall, subject to the provisions of this Ordinance, be capable of being transferred, whether absolutely or by way of charge, surrendered or amalgamated or otherwise dealt with in the same manner as other interests in land.

Surrender of
mining interest.

65. The holder or grantee of a mining interest may, subject to the provisions of this Ordinance, surrender the same subject further to the terms of the same and to the rights of persons claiming through or under the person surrendering :

Provided that such surrender shall not relieve the person surrendering of the liability to perform the duties imposed upon him and due to be performed at or before the date of surrender :

Provided further that the person surrendering may be required on surrendering so to fence or safeguard to the satisfaction of the Commissioner of Mines any pits, shafts, or open working and surface works in or on the area the subject of the mining interest surrendered that the safety of persons and domestic animals is not imperilled.

66. On making surrender the person surrendering shall have one month or such further period as the Commissioner of Mines may in writing allow in which to remove surface works, erections, plant, machinery or other mining accessories by which the area the subject of the mining interest surrendered has by him been improved, that is to say increased in value or rendered more easy to mine: Provided that on a surrender the Commissioner of Mines may serve the person surrendering with a notice requiring such person to sell to the Government or their nominee the said improvements at a price agreed, or failing agreement as determined by arbitration.

Removal of
plant after
surrender.

As from the serving of such a notice the property in the said improvements shall be deemed to be in the Government or their nominee aforesaid.

67. (1) On any such surrender the persons surrendering shall not interfere with, remove or destroy safety pillars or the timbering, floors, sides or roofs of underground roadways, haulage roads or working places or the shafts or adits of the mine save for the purpose of rendering the same safe as provided in section 65: Provided that the person surrendering shall, subject to the provisions of section 63, be entitled to do all things reasonably necessary to remove improvements of the nature of rails, haulage or ventilating plant or materials, signalling apparatus, compressed air pipes, electric cables, machinery, and the like.

In what state
mine to be
left on
surrender.

(2) Breach of the provisions of this section shall be an offence punishable by a fine not exceeding one hundred pounds or imprisonment for a period not exceeding six months or both.

30

PART IX.

REGISTRATION.

68. Every prospecting licence, mining right, mining lease, prospecting oil licence, mining oil licence and water right granted under or by virtue of this Ordinance and every instrument by or under which the rights or any portion thereof granted by such licence, right or lease shall be transferred or surrendered or amalgamated or otherwise dealt with shall be registered in appropriate books kept for the purpose in the Mines Department and if not presented for registration in the Mines Department within one month of the date thereof or within such further time (if any) as the Commissioner of Mines may allow shall be null and void.

Registration of
licences,
rights, leases,
etc.

69. The register in the Mines Department shall be open to the public for inspection on payment of the prescribed fee.

Register to be
opened for
inspection.

70. When any instrument is registered under section 68 the person registering shall pay the prescribed fee and shall receive a certificate of registration in the prescribed form.

Certificate of
registration.

71. Every instrument required to be registered in the Mines Department shall be deemed to be an instrument the registration of which is compulsory under the Ordinance or Ordinances for the time being in force relative to the registration of instruments relating to land.

Instruments
registered
under this
Ordinance to be
registered
under certain
other
Ordinances.

PART X.

PROSPECTING AND MINING FOR OIL.

Prospecting,
etc., for oil.

72. Prospecting and mining for oil shall proceed in virtue of the same permit, licence, right or lease as in the case of prospecting or mining for other non-precious minerals, save that no person shall prospect for oil unless he has obtained a prospecting oil licence in the prescribed form and no person shall raise, win, or get oil either directly or by distillation save as an incident of prospecting for oil unless he has obtained a mining oil licence in the prescribed form.

Prospecting oil
licence.

73. A prospecting oil licence shall be granted to persons holding a prospecting permit or licence for prospecting for oil on the payment of the prescribed fee and may be for such period not exceeding five years and not less than two years as the Commissioner of Mines thinks fit.

Prospecting oil
licence may be
renewed.

74. When a prospecting oil licence has been granted to a person such person on paying the prescribed fee shall be entitled to the renewal of his prospecting permit or licence for so long as he shall conform to the provisions of this Ordinance until the prospecting oil licence is expired.

British
nationality
essential for
mining oil
licence.

75. A mining oil licence shall not be granted to any person unless such person is the holder of or lessee under a mining right or mining lease for mining for oil and if an individual he is a British subject and if a firm it is composed exclusively of British subjects and if a company it is a company registered and having its principal place of business within His Majesty's dominions and of which all the directors are and are required by the articles of association to be British subjects. If at any time the provisions relating to British nationality cease to be complied with the licence shall be deemed *ipso facto* null and void.

If British
control
relinquished
Governor may
declare rights
void.

76. If any right to raise, win, or get oil directly or by distillation under or by virtue of this Ordinance shall at any time be directly or indirectly controlled by any foreign person or persons it shall be lawful for the Governor, on satisfying himself that such control exists, to declare such rights to be null and void and his decision shall be final.

Acquisition of
shares by
Governor.

77. To avoid doubts as to the continuity of title involved in the provisions of section 76 and to encourage the exploitation of the oil resources of the Colony, the Governor may on behalf of His Majesty accept such number of shares in a company as shall give him under the terms of the articles of association the indirect control of the company, such shares to be issued fully paid up, to be non-transferable, and to be non-dividend paying, and to be of such amount as shall not substantially increase the share capital of the company. In all cases where such shares are issued to the Governor the articles of association shall provide that voting of shareholders' meetings may be by proxy.

Power of
enquiry in
certain cases.

78. If at any time the Governor is of opinion that the holder of a mining oil licence is acting in relation to the raising, mining or getting of oil in the Colony contrary to British interests he shall have the fullest powers of enquiring in the case of a company into the shareholding and management and control of the company or in the case of a private individual or firm into the nationality of such private individual or of the members of such firm.

79. A mining oil licence shall be granted on the payment of the prescribed fee for the period of the mining right or mining lease granted to the holder of the right or lessee, and, if such rights or lease be renewed, for the period for which such right or lease is renewed.

Duration of mining oil licence.

80. The Governor may by notice in the Gazette declare any area to be an oil field for the purpose of this Ordinance and may define the limits of such area.

Power of Governor to declare oil field.

PART XI.

10

MISCELLANEOUS.

81. The Governor may make regulations for all or any of the purposes following :—

Regulations.

(a) For the purpose of amending, deleting or adding to any of the regulations contained in any Schedule to this Ordinance.

15

(b) For regulating the control, management, inspection of mines, and the safety of and health of persons employed therein.

(c) Generally for the purpose of carrying into effect the purposes of this Ordinance.

20

82. The fees, rents and royalties payable under this Ordinance shall be as prescribed in Schedule II.

Fees, rents and royalties.

83. (1) No person shall purchase, trade in, or receive precious minerals or metals without a trader's licence in the form prescribed. Such licence may be granted or refused at the discretion of the Commissioner of Mines.

25

Restrictions on trading, etc., in precious minerals and metals.

(2) Every person so licensed shall keep proper accounts of transactions effected under or by virtue of or in connection with the said licence and if so required by the Commissioner of Mines shall submit the same for inspection.

30

(3) No person shall pay any person employed by him in precious stones or in silver or gold save in the form of coins duly issued as currency.

84. No person shall be in possession of any precious mineral found in or upon any land within the Colony save a person holding a trader's licence or a person holding a prospecting permit, a prospecting licence, a mining right, a mining lease or the duly authorised employee of such person.

35

Illicit possession of precious minerals.

85. Every trader's licence shall expire one year from the date on which the same was granted.

40

Duration of trader's licence.

86. No trader's licence shall be transferable.

Trader's licence not transferable.

87. The holder of a trader's licence shall not purchase, trade in, or receive any precious mineral unless he has first satisfied himself that the seller is authorised to be in possession of such mineral and to dispose of the same and shall at the time of each transaction enter in a book kept for the purpose the name and address of the person from whom he received the precious mineral, the nature of the transaction, the nature and amount of the mineral obtained, and the price paid by him.

45

Records to be kept by holder of a trader's licence.

PART XII.

PENALTIES.

Offences.

88. Any person who without lawful cause—

- (a) interferes with any mining or prospecting operation authorised by or under this Ordinance; 5
- (b) obstructs any person in the exercise of any right conferred by or under this Ordinance or in the performance of any duty imposed by or under this Ordinance;
- (c) interferes with any peg, beacon, notice-board, notice, machinery, plant, works, or property established on, in, under or over any land in exercise of any right or in performance of any duty conferred or imposed by or under this Ordinance; 10
- (d) commits a breach of any of the provisions of this Ordinance other than provisions relating to the administration of this Ordinance, for which breach a penalty is not expressly provided; 15

shall be liable to a fine of fifty pounds or to imprisonment for a period not exceeding one year or both, and any permit, licence, right or lease held by or granted to such person under this Ordinance may be cancelled by the Commissioner of Mines if the Commissioner of Mines shall consider that it should be cancelled and if in the case of a mining right, prospecting oil licence, mining oil licence, mining lease or water right the Governor approves such cancellation : 20 25

Mode of
punishment
when offender
is corporation.

Provided that notwithstanding anything to the contrary in this Ordinance contained, where the person convicted of an offence under any of the provisions of this Ordinance is a corporation, such corporation shall be liable to a fine not exceeding three times the fine which might have been imposed upon any person for a similar offence under all or any of such provisions had such person been an individual and not a corporation, and such fine shall be recoverable by distress. 30

Unauthorised
mining.

89. Except as in this Ordinance provided and subject to the provisions of section 7, no person shall prospect or mine on any land in the Colony. Any person who shall prospect or mine contrary to the provisions of this Ordinance shall be guilty of an offence and shall be liable to pay a fine not exceeding forty shillings for every day on which he shall so prospect or mine or a fine not exceeding fifty pounds or to imprisonment for a period not exceeding one year. 35 40

Illegal
prospecting.

90. Any person who prospects on land contrary to the provisions of section 15 or section 17 shall be guilty of an offence and shall be liable to pay a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding six months and may be required to pay the cost of remedying any damage done to the land. 45 50

Failure to
render reports
or to report
discovery.

91. Any person who shall fail to comply with the provisions of section 26 or who shall fail to notify the Commissioner of Mines of a discovery as required by section 27 shall be guilty of an offence and shall be liable to pay a fine not exceeding ten pounds. 50

92. Any person who shall place or deposit or be an accessory to the placing or depositing of any mineral or substance in any spot or place for the purpose of misleading any person as to the mineral-bearing qualities of any land or shall tamper with any sample with the like object with the intent to mislead or defraud any person shall be guilty of an offence and shall be liable to a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding five years or to both, and on conviction all rights which are possessed by such person under this Ordinance shall be lost and the entries in the register in the Mines Department referring to such rights shall be cancelled accordingly.

SCHEDULE I.

GENERAL REGULATIONS.

- 15 PART I.—PROSPECTING.
 „ II.—DISCOVERY.
 „ III.—MINING.
 „ IV.—WATER RIGHTS.
 „ V.—MISCELLANEOUS.
 20 ANNEXE TO SCHEDULE I.—FORMS.

PART I.

PROSPECTING.

Section (a) —Prospecting Permits.

- 25 1. Application for a prospecting permit shall be made in person at the office of the Mines Department. The applicant shall state his name and address within the Colony and if he apply as agent the name and address of his principal. Mode of application for prospecting permit.
- 30 2. The applicant may be required to give proof of age and nationality or alternatively to make a sworn declaration as to age and/or nationality. Proof of age and nationality.
- 35 3. The applicant shall declare, on oath if so required, whether he or his principal (if any) has previously held any mining licence, right, or lease granted under any Mining Ordinance now or formerly in force in the Colony with sufficient particulars to identify the same. Declaration as to previous mining rights.
4. The applicant shall state the district or districts over which he desires to prospect and the mineral or minerals for which he intends to prospect. District and minerals to be specified.
- 40 5. If it be decided to issue to the applicant a prospecting permit the statements made by the applicant shall before such issue be entered in a record book kept for that purpose in the Mines Department (which particulars shall be signed by the applicant). The applicant shall then pay the prescribed fee. A prospecting permit in the Form I in the Annexe hereto shall then be signed on the back thereof by the applicant as holder, and after being signed by the Commissioner of Mines, or an officer deputed by him for that purpose, shall be issued. Method of issuing prospecting permits.
- 50 6. On the payment of the prescribed fee a prospecting permit shall be renewed on application (which may be made in writing) made to the Commissioner of Mines unless the conduct of the holder since the issue of the permit shows that there is reasonable ground for believing that the holder is a person who should not be granted a renewal of the prospecting permit. The Commissioner of Mines may in his absolute discretion refuse a renewal. Renewal of prospecting permit.

Procedure upon application for renewal.

7. The application for renewal if in writing shall state the number of the prospecting permit renewal of which is desired. If the application is made personally the prospecting permit to be renewed shall be produced by the applicant for inspection.

5

Renewal to bear same number as prospecting permit.

8. On a renewal being granted a new prospecting permit bearing the same number as the old prospecting permit shall be issued to the applicant.

Further renewal.

9. A renewed prospecting permit in like manner and subject to the like conditions may be again renewed an indefinite number of times.

10

Particulars to be furnished to Commissioner of Mines.

10. The notice required to be given by section 13 of the Ordinance shall be in writing, shall state the name and address of the person prospecting, the nature of his interest in the land or the minerals, the mineral or minerals for which prospecting is proceeding, the nature of the work being done, and, if the consent of the holder of surface rights is required, shall be accompanied by a statement signed by such holder showing that his consent has been given.

15

Section (b)—Prospecting Licences.

20

Mode of application for prospecting licence.

11. Application for a prospecting licence shall be made in person by the principal or by his agent at the office of the Mines Department. The applicant if the holder on his own behalf of a prospecting permit shall produce the same for inspection.

25

Production of prospecting permit.

12. The applicant if the principal on whose behalf a prospecting permit has been obtained by an agent shall either produce such permit or shall satisfy the Commissioner of Mines that he is the principal in question.

Area to be identified.

13. The applicant shall identify the area over which he desires exclusively to prospect and shall state the mineral or minerals for which he intends to prospect.

30

When private land is affected.

14. If the whole or a part of such area is owned or occupied by a private person the applicant shall produce evidence to the satisfaction of the Commissioner of Mines that the applicant either himself or through his agent has prospected the area or part thereof in question for the mineral or minerals in question with the consent of the said owner or holder of surface rights or that such area or part thereof has not been prospected and the consent of the owner or holder of surface rights in question or his representative as required by section 19 of the Ordinance has been obtained by the applicant.

35

40

When consent has not been obtained.

15. If the applicant is not in a position to prove either of the alternatives in the last preceding regulation contained, a prospecting licence shall not be issued in respect of the area privately owned or occupied unless and until it appear that the owner or holder of surface rights is not prospecting and is not prepared to prospect the area himself or by his agents in a manner approved by the Commissioner of Mines when a prospecting licence may be issued to the applicant on the applicant's giving the security required by section 19 of the Ordinance.

45

50

Preliminaries to issue of licence.

16. (1) If it be decided to issue to the applicant a prospecting licence, before such issue all necessary information given by the applicant shall be entered in a record book kept for that purpose in the Mines Department which particulars shall be signed by the applicant.

55

(2) Before a prospecting licence is issued the applicant shall pay the prescribed fee and shall sign his name on the back of the prospecting licence to be issued.

17. A prospecting licence shall be in the Form II in the Form of licence.
 5 Annexe hereto, shall be completed, and after being signed by the Commissioner of Mines shall be issued.

18. The period for which the prospecting licence is granted shall not be less than one year nor more than five years. A prospecting licence may be renewed in the same Duration and renewal of prospecting licence.
 10 manner as a prospecting permit and the provisions relating to the renewal of a prospecting permit shall *mutatis mutandis* apply.

19. Notice of abandonment of a prospecting area shall be given in writing and shall be forwarded to the Mines Abandonment of prospecting area.
 15 Department. Such notice shall state the number of the prospecting licence under which the area was held and shall be signed by the holder thereof.

Section (c)—Prospecting Areas.

20. A prospecting area shall be rectangular in form as Shape of prospecting area.
 20 near as practical and the shorter sides shall not be less than one-third of the longer sides.

21. The size of the prospecting area shall not exceed in Size of prospecting area.
 the case of precious minerals one square mile; in the case of non-precious minerals other than oil two square miles; in the
 25 case of oil one hundred square miles.

Section (d)—Delimiting, Marking and Beaconing of Prospecting or Discoverer's Area.

22. (1) Before applying for a prospecting licence in Delimitation of prospecting area.
 respect of a prospecting area the prospector shall erect approximately in the centre of the area to be applied for a location
 30 post which shall be not less than three inches in diameter and which shall project above the ground at least four feet, and which shall be securely fixed in or on the ground. Upon such
 35 post shall be affixed a notice-board on which shall be stated the name of the prospector, the date of erection, and the approximate size of the area to be applied for.

- (2) Delimiting as required by section 38 of the Ordinance shall be done as in the case of a prospecting area except that upon the notice-boards shall be stated the name of the
 40 discoverer, the date of the certificate of discovery, the name of the mineral or minerals discovered, and the approximate length and direction with reference to the compass of the sides of the area over which the discoverer proposes to apply for a mining lease. On completion the area delimited shall be
 45 examined by an official of the Mines Department deputed for that purpose and if the delimitation is of the proper area and is properly performed the certificate of discovery shall be marked by him with the words "delimitation approved," and shall be signed by him and stamped with an official impressed
 50 stamp. The official shall make a sketch plan of the area so delimited and such sketch plan shall be lodged in the Mines Department.

Marks and
beacons to be
erected.

23. After obtaining a prospecting licence the licence-holder shall erect the following marks and beacons in the manner following :—

- (1) At each corner a post or stone or metal pillar not less than three inches in diameter which shall project 5 above the surface of the ground at least four feet, and which shall be securely fixed in or on the ground. On each such post or pillar a notice-board shall be affixed stating the date of erection, the name of the prospector, the number of the prospect- 10 ing licence held, the approximate length of the sides of the area and the name of the mineral for which he is prospecting.
- (2) From each post two trenches shall be dug for not less than ten feet in the direction of the sides which 15 meet at the post. Such trench shall be at least one foot wide and one foot deep : Provided that where the nature of the ground does not permit of the digging of trenches large stones shall be placed so as to form a like design : Provided further that in 20 wooded country instead of digging such trenches or placing such stones trees may be blazed along approximately similar lines for a distance of ten yards.

Oil area.

24. In the case of an oil area the number of the oil prospecting licence shall also be stated on the notice-board 25 referred to in regulation 23.

Removal of
marks.

25. In the event of a prospecting licence being refused for any part of the area applied for the prospector shall as soon as practicable remove the location post previously erected together with the notice-board affixed thereto. 30

PART II.

DISCOVERY.

Beacon to be
erected at
place of
discovery.

26. A prospector making a discovery shall erect a beacon at the place of discovery which beacon shall consist of a wooden post or cairn of stones not less than three feet high 35 above the surface securely placed and encircled by a trench one foot deep and one foot wide. When a trench cannot be dug a circle of stones of large size shall be placed in circular form around the post or cairn. Affixed to the post or cairn there shall be a notice-board bearing the name of the person making 40 the discovery, the date of discovery and the name of the mineral discovered.

Notice of
discovery to
Commissioner
of Mines.

27. The discovery shall be notified to the Commissioner of Mines by the person making the discovery either in person or in writing as soon as possible. The Form III in the Annexe 45 hereto for the notification of discovery should be employed or followed as far as possible. The discoverer shall within a reasonable time furnish such particulars and samples of the rocks and minerals at, and in the neighbourhood of, the discovery as the Commissioner of Mines may require. The 50 Commissioner of Mines may require the person making such notifications and giving such information and samples to verify the same by oath or statutory declaration and may require such other evidence as he may consider necessary or desirable.

Certificate of
discovery.

28. A certificate of discovery shall be in the Form IV 55 in the Annexe hereto.

PART III.

MINING.

29. The area of a mining right shall not exceed one square mile or in the case of dredging an area extending one mile along the course of the stream and one hundred yards on one side from the centre of the same.

Area of mining right.

30. The area of a mining lease shall not exceed the maximum area over which a prospecting licence may be granted in respect of the mineral to be mined except with the consent of the Secretary of State.

Area of mining lease.

31. Application for a mining right or mining lease by a discoverer under the provisions of section 38 of the Ordinance shall in all cases be made personally by the discoverer or his nominee to the Commissioner of Mines or other officer of the Mines Department appointed to consider such applications, and at such interview the applicant may be required to give proof to the satisfaction of the Commissioner of Mines or other officer aforementioned of means and ability adequately to exploit the mineral resources of the area in question.

Application for mining right or lease.

32. Application for a mining right or mining lease by a person not applying under the provisions of section 38 of the Ordinance shall be in writing and shall be accompanied by a tender giving the particulars required by the Form VII in the Annexe hereto duly completed.

Form of application.

33. On the grant of a mining right, mining lease or surface lease the fees payable shall be the prescribed fees.

Fees.

PART IV.

WATER RIGHTS.

34. Application for the grant of a water right in pursuance of section 49 of the Ordinance shall be made in writing to the Commissioner of Mines and shall give the particulars following :—

Mode and particulars of application for water right.

(1) Name and address in the Colony of the person applying.

(2) Whether the applicant applies on his own behalf or on behalf of others; if the former sufficient details to enable his prospecting licence, mining right or mining lease to be identified must be given; if the latter the names of the persons on whose behalf application is made together with sufficient details to enable their prospecting licences, mining rights or mining leases to be identified must be given.

(3) The nature of the right required, *i.e.*, which of the rights indicated in section 61 of the Ordinance is or are required.

(4) The purpose for which this right is required.

(5) The extent of the right required.

(6) The river, stream, lake, water-course, or water-furrow that will be affected and the place at which it will be affected and the manner in which it will be affected, and, if rights (c) or (d) indicated in section 61 of the Ordinance are required, the nature of the work it is proposed to do indicating the situation and/or direction of the same.

- (7) Whether any private rights are known to the applicant to be affected and if so the name and address of the private person in question and whether his consent has been obtained. The said particulars shall be certified by the applicant as true to the best of his knowledge and belief and shall be signed by him. 5

Objections.

35. Objection to the grant of a water right shall be made in writing to the Commissioner of Mines, shall be signed by the person objecting, and shall state the interest of the objector that is affected and the grounds of his objection. The objector shall state the address to which all communications relative to the objection should be sent. 10

Cancellation.

36. The notice to show cause why a water right should not be cancelled shall be in the Form XI in the Annexe hereto. 5

PART V.

MISCELLANEOUS.

Form of certificate of registration.

37. The certificate of registration issued under section 70 of the Ordinance shall be in the Form XII in the Annexe hereto. 20

Form of oil licence.

38. A prospecting oil licence shall be in the Form XIV in the Annexe hereto. A mining oil licence shall be in the Form XIII in the Annexe hereto.

Form of trader's licence.

39. A trader's licence shall be in the Form XV in the Annexe hereto. 25

Prescribed forms.

40. The forms in the Annexe hereto shall be deemed to be prescribed forms.

Thumb-mark instead of signature.

41. Where any person is required in virtue of the Ordinance or these regulations to sign his name and such person is unable to write or sign his own name the document he is required to sign shall be read over to him so that he understands it, and he shall then, if he agrees to the terms of the document or report, attach his thumb-mark to it. The person writing the report and reading it shall also sign his name and shall write opposite the thumb-mark the name of the person making it. 30 35

COLONY AND PROTECTORATE OF KENYA.

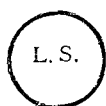
PROCLAMATION No. 48.



THE NATIVE FOODSTUFFS ORDINANCE.

PROCLAMATION.

E. B. DENHAM.



BY His Excellency Sir Edward Brandis Denham,
Knight Commander of the Most Excellent
Order of the British Empire, Companion of
the Most Distinguished Order of Saint
Michael and Saint George, Acting Governor
and Commander-in-Chief of the Colony and
Protectorate of Kenya, in Executive Council.

WHEREAS by Section 3 of the Native Foodstuffs Ordinance (Chapter 135 of the Revised Edition) it is provided that where it has been made to appear to the Governor in Council that any district or area is suffering from, or threatened with a shortage of native foodstuffs, he may issue a proclamation (a) prohibiting the purchase or barter of such foodstuffs generally or of any class or classes of the same, for the purpose of re-sale in or export from the district or area in such proclamation specified, unless the written permission of the Resident Commissioner or District Commissioner, as the case may be, be first obtained; (b) prohibiting the export of such foodstuffs generally or of any class or classes of the same from any district or area; (c) prohibiting the use of such foodstuffs or of any class or classes of the same for the manufacture of liquor in any district or area; (d) prohibiting the concealment or destruction of such foodstuffs or any class or classes of the same in any district or area;

AND WHEREAS it has been made to appear to me that the District of Elgeyo-Marakwet is suffering from or threatened with a shortage of native foodstuffs:

NOW, THEREFORE, by virtue of the powers in me vested as aforesaid and having taken the advice of my Executive Council, I do hereby prohibit—

- (a) the purchase or barter of maize, beans, potatoes, sweet potatoes and mtama for the purpose of re-sale in or export from the Elgeyo-Marakwet District unless the written permission of the District Commissioner of the said district be first obtained;
- (b) the export of any such native foodstuffs from the said area;
- (c) the use of any such native foodstuffs for the manufacture of liquor in the said area; or
- (d) the concealment or destruction of any such native foodstuffs in the said area.

GOD SAVE THE KING.

GIVEN under my hand at Nairobi this 26th day of July,
1927.

By Command of His Excellency the Acting Governor in
Council.

J. E. S. MERRICK,
Clerk to the Executive Council.

PROCLAMATION No. 49.

THE DISEASES OF ANIMALS ORDINANCE.

(Chapter 157 of the Revised Edition, Section 4.)

AND

THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE.*(Chapter 1 of the Revised Edition, Section 13.)*

GOVERNMENT NOTICE No. 231 of 1919.

PROCLAMATION.

IN EXERCISE of the powers thereunto enabling me, I hereby declare the following farms to be infected areas for the purposes of the said Diseases of Animals Ordinance.

EAST COAST FEVER.

Farms L.O. Nos. 2655 and 2853, Commander E. C. Ward, Ol'Momoi Estate, Subukia, Nakuru District.

CONTAGIOUS BOVINE PLEURO-PNEUMONIA.

The northern portion of Farm L.O. No. 188 occupied by Mr. W. H. Nicholson, Hoey's Bridge, Uasin Gishu District.

TRYPANOSOMIASIS.

Farm L.O. No. 1838, Mr. G. Manley, Trans Nzoia District.

And further I do hereby declare the following portions of Proclamations are revoked:—

That portion of Proclamation No. 15, dated the 18th day of February, 1926, declaring Farm L.O. No. 164, Major J. Patterson, Limuru, Kyambu District, including the main Limuru Road passing through the farm, to be an infected area (East Coast Fever).

That portion of Proclamation No. 30, dated the 12th day of May, 1927, declaring that portion of Eldoret Township Reserve, commencing at the point mile 124/24 on the Kenya and Uganda Railway line; thence in a southerly direction to the Sosiani River; thence following the Sosiani River to its junction with the western boundary of the Eldoret Township Reserve; thence following the western boundary of the Eldoret Township Reserve in a northerly direction to mile 124/24 on the Kenya and Uganda Railway line, the point of commencement, to be an infected area (Rinderpest).

That portion of Proclamation No. 29, dated the 5th day of May, 1927, declaring Farm L.O. No. 1834, Mr. A. Mitford-Barberton, Kitale, Trans Nzoia District, to be an infected area (Rinderpest).

Given under my hand at Nairobi this 28th day of July, 1927.

H. H. BRASSEY-EDWARDS,
Acting Chief Veterinary Officer.

PROCLAMATION No. 50.

THE DISEASES OF ANIMALS ORDINANCE.

(Chapter 157 of the Revised Edition, Section 4.)

AND

THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE.*(Chapter 1 of the Revised Edition, Section 13.)*

GOVERNMENT NOTICE No. 231 of 1919.

PROCLAMATION.

IN EXERCISE of the powers thereunto enabling me, I hereby declare the following farms to be infected areas for the purposes of the said Diseases of Animals Ordinance.

RINDERPEST.

That portion of Farm L.O. No. 503, Messrs. Equator Saw Mills' Forest Concession, Sabatia, Ravine District, situated to the east of the main Londiani-Ravine Road.

TRYPANOSOMIASIS.

That portion of Farm L.O. No. 4399, occupied by Messrs. The Victoria Nyanza Sugar Company, Limited, Miwani, Kisumu-Londiani District.

And further I do hereby declare the following Proclamation and portion of Proclamation are revoked:—

Proclamation No. 22, dated the 31st day of March, 1927.

That portion of Proclamation No. 9, dated the 17th day of February, 1927, declaring Farm L.O. No. 1865, Messrs. Bouwer and Lamb, Timboroa, Ravine District, to be an infected area (Contagious Bovine Pleuro-pneumonia).

Given under my hand at Nairobi this 27th day of July, 1927.

H. H. BRASSEY-EDWARDS,
Acting Chief Veterinary Officer.

GOVERNMENT NOTICE No. 405.

NOTICE.

STORAGE OF DUTY-PAID CASED KEROSENE AND PETROL IN
GOVERNMENT GODOWNS AT KILINDINI AND MOMBASA.

NOTICE is hereby given that control of the storage accommodation provided by Government at Kilindini and Mombasa for the deposit of duty-paid kerosene oil and petrol will be transferred from the Customs Department to the Port Administration as from 1st August, 1927.

Bonded Godowns Nos. 1 and 2 provided by Government at Kilindini for the storage of inflammable oils under bond will continue to be controlled by the Customs Department as heretofore.

Nairobi,

This 28th day of July, 1927.

G. A. S. NORTHCOTE,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 406

THE EAST AFRICA RAILWAYS ORDINANCE.

(Chapter 115 of the Revised Edition).

KENYA AND UGANDA RAILWAY, THIKA-NYERI BRANCH
RAILWAY.

ORDER.

IN EXERCISE of the powers conferred by Section 18 of the East Africa Ordinance (Chapter 115 of the Revised Edition), His Excellency the Acting Governor in Council hereby sanctions and orders the opening as from the 8th August, 1927, of the section of the Thika-Nyeri Branch Railway shown in the Schedule hereto for the purpose shown therein.

By order of His Excellency the Acting Governor in Council.

Nairobi,

Dated 26th day of July, 1927.

J. E. S. MERRICK,
Clerk to the Executive Council.

SCHEDULE.

Nyeri to Narro Moru ... (mile 112 to mile 128)	Public carriage of goods while still under construction subject to a general speed restriction of 15 miles per hour and such other local speed restrictions as may from time to time be found necessary, and also subject to the condition that goods will only be accepted by arrangement with the Resident Engineer and at owner's risk.
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GOVERNMENT NOTICE No. 407.

THE DETENTION CAMPS ORDINANCE, 1925.

NOTICE.

IN EXERCISE of the powers conferred upon him by Section 3 of the Detention Camps Ordinance, 1925, His Excellency the Governor is pleased to declare the Camp at Naivasha to be a Detention Camp for the purposes of the aforesaid Ordinance, and His Excellency is further pleased to appoint as Officer-in-Charge of such Detention Camp, the Resident Commissioner, Naivasha.

By command of His Excellency the Acting Governor.

Nairobi,

This 27th day of July, 1927.

JUXON BARTON,
for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 408.

THE EAST AFRICA MARRIAGE ORDINANCE.

NOTICE.

IN EXERCISE of the powers thereunto enabling me, I hereby give notice that I have this day licensed the Canadian Martyrs Catholic Church at Nangina, Central Kavirondo District to be a place for the celebration of marriages under the aforesaid Ordinance.

Nairobi,

29th July, 1927.

W. M. KEATINGE,
Registrar General of Marriages.

GOVERNMENT NOTICE No. 409.

THE NATIVE AUTHORITY ORDINANCE.

(Chapter 129 of the Revised Edition, Section 3 (1).)

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

(Chapter 1 of the Revised Edition, Section 13.)

GOVERNMENT NOTICE No. 406 of 1926.

APPOINTMENT.

IN EXERCISE of the powers thereto enabling me, I hereby appoint the person named in the Schedule annexed hereto to be Official Headman for the area named therein.

Nyeri,

This 26th day of July, 1927.

R. W. HEMSTED,
Senior Commissioner.

SCHEDULE.

SOUTH NYERI DISTRICT, KIKUYU PROVINCE.

Name.	Area	With effect from.	Remarks.
George Magondu	Ndia Location No. 30 Raicheri.	1st July, 1927	Vice Magondu wa Muna, died. Appointed by Govt. Notice No. 175 dated 1st May, 1924. Probationary appointment for 6 months.

GOVERNMENT NOTICE No. 410.

THE NATIVE AUTHORITY ORDINANCE.

(Chapter 129 of the Revised Edition as amended by the Revised Edition of the Laws (Operation) Ordinance, 1926, Section 20.)

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

(Chapter 1 of the Revised Edition, Section 13.)

GOVERNMENT NOTICE No. 406 of 1926.

LOCAL NATIVE COUNCIL, NANDI.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the persons named in the Schedule annexed hereto to be members of the Nandi Local Native Council established under Government Notice No. 297 of 1925.

Nairobi,

This 25th day of July, 1927.

G. V. MAXWELL,
Chief Native Commissioner.

SCHEDULE.

Nominated by Government.

Kipsang arap Kiboi, Location 1.

Nominated in open Baraza.

Kimuge arap Kibiwot, Location 11.

GOVERNMENT NOTICE No. 411.

THE PUBLIC TRAVEL AND ACCESS

ROADS ORDINANCE, 1920.

APPOINTMENT OF DISTRICT ROAD BOARD.

IN EXERCISE of the powers conferred upon His Excellency the Governor by the Public Travel and Access Roads Ordinance, 1920, which powers His Excellency in exercise of the powers conferred upon him by the Interpretation and General Clauses Ordinance, 1912, has been pleased by Government Notice No. 501 of 1925 to delegate to District Commissioners, I hereby make the following appointment to the District Road Board, North Lumbwa, for the year 1927:—

A. S. Carlin, Esq., Inglewood, Lumbwa, *vice* Major A. K. O'Brien, deceased.

Dated at Kisumu, 27th day of July, 1927.

W. B. BROOK,
District Commissioner,
Kisumu-Londiani.

GOVERNMENT NOTICE No. 412.

THE DETENTION CAMPS ORDINANCE, 1925
NOTICE.

IN EXERCISE of the powers conferred upon him by Section 3 of the Detention Camps Ordinance, 1925, His Excellency the Governor is pleased to declare the Camp at Machakos to be a Detention Camp for the purposes of the aforesaid Ordinance, and His Excellency is further pleased to appoint as Officer-in-Charge of such Detention Camp, the District Commissioner, Machakos.

By command of His Excellency the Acting Governor.

Nairobi,

This 23rd day of July, 1927.

JUXON BARTON,
for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 413.

THE NATIVE REGISTRATION ORDINANCE.
(Chapter 127 of the Revised Edition, Section 21.)
NOTICE.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint Mr. R. P. Rownthwaite, Headmaster of the Ali bin Salim School, in Malindi District to be a Registration Officer during the month of August, 1927, whilst on tour in the Nyika Reserve.

Nairobi,

28th July, 1927.

O. F. WATKINS,
Native Research Officer.

GOVERNMENT NOTICE No. 414.

THE DISEASES OF PLANTS PREVENTION
ORDINANCE, 1910.

APPOINTMENT.

IN EXERCISE of the powers conferred upon me by the Diseases of Plants Prevention Regulations, 1924, I hereby appoint Denzil Layton Blunt to be an Inspector for the purposes of the said Regulations.

Nairobi,

21st July, 1927.

E. HARRISON,
Acting Director of Agriculture.

GENERAL NOTICE No. 672.

NOTICE.

OWING to the extension of the existing sidings in Nakuru Station yard, the level crossing at the east end of Nakuru Station connected with Menengai Road will be closed to the public from 3rd August, 1927.

Nakuru,

27th July, 1927.

E. C. CREWE-READ,
Senior Commissioner.

GENERAL NOTICE No. 673.

NOTICE.

THE ESTATE DUTY (CONSOLIDATED) ORDINANCE, 1926.

Appointment of Approved Valuers.

IN EXERCISE of the powers thereunto enabling them, the Estate Duty Commissioners have approved as a Valuer for the purposes of the Estate Duty (Consolidation) Ordinance, 1926, the person whose name is shown in the Schedule hereto.

This appointment is in addition to those notified in General Notice No. 809 in the Official Gazette dated the 11th of August, 1926, and subsequent notices.

The Treasury,

Nairobi,

This 22nd day of July, 1927.

H. NIEBURG,
Secretary,
Board of Estate Duty Commissioners.

SCHEDULE.

Mr. Purshotam F. Patel, Kisumu.

GENERAL NOTICE No. 674.

KIJABE TOWNSHIP.

IT is hereby notified for general information that a plan of the proposed layout of Kijabe Township is available for inspection at the office of the Assistant District Commissioner, Dagoretti, and at the Land Office, Nairobi.

Comments should be submitted to the Acting Commissioner of Lands on or before the 15th August.

Nairobi,

12th July, 1927.

A. LINDSAY BASFORD,
for Acting Commissioner of Lands.

GENERAL NOTICE No. 675.

EAST AFRICA RAILWAYS ORDINANCE.

IN EXERCISE of the powers conferred by the East Africa Railways Ordinance (Chapter 115 of the Revised Edition) and by virtue of the Kenya and Uganda (Transport) Order in Council, 1925, the High Commissioner for Transport for the Colony and Protectorate of Kenya and the Protectorate of Uganda, with the sanction of the Governor in Council, has authorised a jetty fee of Shs. 2 to be levied on all vessels, other than native canoes, using the below mentioned piers on and after the 1st day of August, 1927:—

Kisumu Railway and Dhow Piers.
Karungu Pier.
Usembu Pier.
Homa Bay Pier.

Nairobi,

18th July, 1927.

C. L. N. FELLING,
General Manager,
Kenya and Uganda Railway.

GENERAL NOTICE No. 676.

THE MUNICIPAL CORPORATIONS ORDINANCE.

BY-LAWS.

IN EXERCISE of the powers conferred upon them by the Municipal Corporations Ordinance (Chapter 84 of the Revised Edition) the Nairobi Corporation with the consent of His Excellency the Acting Governor in Council have made the following By-laws :—

1. These By-laws may be cited as “ the Nairobi (Building Amendment) By-laws, 1927,” and shall be read as one with the Nairobi Township By-laws, 1926, hereinafter called “ the Principal By-laws.”

2. By-law No. 9 of the Principal By-laws is hereby revoked and the following substituted therefor :—

“ Every building, subject to the exceptions stated hereinafter, erected on any plot or sub-plot within the area described in the Schedule to this By-law shall be constructed as to the external walls thereof wholly of stone, brick or concrete :—

“ Exceptions :—

- “ (1) Any building the plans for which were approved within the period of two years before the date hereof.
- “ (2) Any building designed to be used exclusively as a conservatory or plant-house.
- “ (3) Any building designed to be used exclusively for a poultry house, garden tool house, cycle, rickshaw, or motor shed or temporary clerk of works' office.
- “ (4) Any building designed to be used exclusively as a workshop, and not covering more than 600 square feet of surface, and not divided internally by partitions or walls.

SCHEDULE.

“ The whole of the area within the following boundaries :—Commencing at Ainsworth Bridge and following the line of the commercial area south to Whitehouse Road; thence along Whitehouse Road, eastwards to Racecourse Road, along Racecourse Road, northwards to the bridge over the Nairobi River; thence along Nairobi River in a westerly direction until Ainsworth Bridge is reached.”

Nairobi.

20th July, 1927.

L. GILBERT.

Town Clerk.

GENERAL NOTICE No. 677.

THE MUNICIPAL CORPORATIONS ORDINANCE.

BY-LAWS.

IN EXERCISE of the powers conferred upon them by the Municipal Corporations Ordinance (Chapter 84 of the Revised Edition), the Nairobi Corporation with the consent of His Excellency the Acting Governor in Council have made the following By-laws :—

1. These By-laws may be cited as “ the Nairobi Township (Amendment) (No. 4) By-laws, 1927,” and shall be read as one with the Nairobi Township By-laws, 1926, (hereinafter called “ the Principal By-laws ”) and all amendments thereto.

2. By-law No. 35 of the Principal By-laws is hereby revoked and the following is substituted therefor :—

“ 35. No building shall be erected or altered in such a manner that any part thereof projects beyond a straight line drawn in the direction of such building from a point 35 feet outside the boundary of the plot or sub-plot on which the building stands or is to be erected. Such line shall be drawn from a point at the same level as the mean ground level of the nearest wall of the building and shall be so drawn as to form an angle of 60 degrees with a straight horizontal line from such point to the building :

Provided that this By-law shall not apply to any architectural or ornamental feature such as a clock-tower, steeple, dome or other similar detail, sanction for the construction of which may have been given in writing by the Town Clerk.”

Municipal Offices,
22nd June, 1927.

L. GILBERT,
Town Clerk.

GENERAL NOTICE No. 678.

POST OFFICE NOTICE.

ARRIVAL OF KENYA MAILS IN ENGLAND.

IT is notified for general information that the mails despatched from Mombasa on the under-mentioned dates arrived in England as stated :—

Date of despatch from Mombasa.	Name of vessel by which despatched.	Date of arrival in England.
3rd July, 1927 8th July, 1927	S.S. “A. Pierre” S.S. “G. Mazzini”	23rd July, 1927. 24th July, 1927.

General Post Office,
Nairobi,
26th July, 1927.

D. CORMACK,
*for Postmaster General,
Kenya and Uganda.*

GENERAL NOTICE No. 653.

HIS MAJESTY'S COURT OF APPEAL FOR
EASTERN AFRICA.

THE next Sessions of His Majesty's Court of Appeal for Eastern Africa have been fixed to be holden at Zanzibar, and to commence on Monday, the 12th day of September, 1927, at 10 a.m. or as soon thereafter as cases can be heard.

To ensure cases being set down for hearing at these sessions the records should be received by the Registrar, His Majesty's Court of Appeal for Eastern Africa, at Nairobi, on or before the 19th day of August, 1927.

Nairobi,
18th July, 1927.

D. EDWARDS,
*Registrar,
H. M. Court of Appeal for Eastern Africa.*

GENERAL NOTICE No. 679.

PROBATE AND ADMINISTRATION.
SUPREME COURT CAUSE No. 91 of 1926.
IN THE MATTER OF F. E. YATES, DECEASED.

To all whom it may concern.

TAKE NOTICE that the account of the estate of the above-named F. E. Yates, deceased, has been lodged with the Registrar of the Supreme Court at Nairobi, and that he has appointed the 24th day of August, 1927, at 2 o'clock in the afternoon, for passing of such account.

Nairobi,
26th July, 1927.

W. M. KEATINGE,
Public Trustee.

GENERAL NOTICE No. 680.

IN THE DISTRICT DELEGATE'S COURT
AT NAKURU.
PROBATE AND ADMINISTRATION.
CAUSE No. 1 of 1927.

NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF
MARY PATRIDGE CHEESMAN, LATE OF NAKURU,
DECEASED.

TAKE NOTICE that application having been made in this Court by H. Cheesman, of Nakuru, for probate of the will of Mary Patridge Cheesman, late of Nakuru, who died at Nakuru on the 1st day of May, 1927, this Court will proceed to make a decree in the same unless cause be shown to the contrary and appearance in this respect entered on or before the 15th day of August, 1927.

Nakuru,
15th July, 1927.

E. C. CREWE-READ,
District Delegate.

NOTE:—The will above named is now deposited and open to inspection at the Court.

GENERAL NOTICE No. 681.

IN THE DISTRICT DELEGATE'S COURT
AT ELDORET.
PROBATE AND ADMINISTRATION.
CAUSE No. 7 of 1927.

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE OF
MATHEW LONGFELLOW ANDERSON, LATE OF 14, CORNWALL
ROAD, HARROWGATE, IN THE COUNTY OF YORK,
ENGLAND, CIVIL ENGINEER, DECEASED.

TAKE NOTICE that application having been made in this Court by Digby Green, of Eldoret, for the administration of the estate of Mathew Longfellow Anderson, late of 14, Cornwall Road, Harrowgate, in the County of York, England, who died at 46, Westbourne Terrace, London, England, on the 24th day of June, 1926, 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 10th day of August, 1927.

Eldoret,
22nd July, 1927.

A. J. MACLEAN,
District Delegate.

GENERAL NOTICE No. 682.

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT MOMBASA.
PROBATE AND ADMINISTRATION.
CAUSE No. 10 of 1927.

IN THE ESTATE OF DOM ALBINO FRANCISCO MENEZES,
DECEASED.

To all whom it may concern.

TAKE NOTICE that the final account in the estate of the above-named deceased, has been lodged by the administrator, and that this Court has fixed the 17th day of August, 1927, at 2-30 p.m. for the passing of the account after which date no objections thereto will be heard.

Mombasa,
22nd July, 1927

E. J. O'FARRELL,
*Deputy Registrar,
Supreme Court of Kenya.*

GENERAL NOTICE No. 683.

PROBATE AND ADMINISTRATION.
SUPREME COURT CAUSE No. 54 of 1927.
PUBLIC TRUSTEE'S CAUSE No. 59 of 1927.

IN THE MATTER OF MOHAMED BIN SALIM, DECEASED.

To all whom it may concern.

PURSUANT to an order of the Supreme Court of Kenya, dated the 19th day of July, 1927, by which the undersigned was appointed administrator of the estate of the late Mohamed bin Salim, who died in the month of August, 1921.

TAKE NOTICE that all persons having any claims against the estate of the said Mohamed bin Salim are required to lodge and prove such claims before me the undersigned on or before the 3rd day of October, 1927, after which date only the claims so proved will be paid and the estate distributed according to law.

Nairobi,
26th July, 1927.

W. M. KEATINGE,
Public Trustee.

GENERAL NOTICE No. 684.

PROBATE AND ADMINISTRATION.
SUPREME COURT CAUSE No. 56 of 1927.
PUBLIC TRUSTEE'S CAUSE No. 62 of 1927.

IN THE MATTER OF SHEIKH SALIM BIN MOHAMED,
BASHARAHIL, DECEASED.

To all whom it may concern.

PURSUANT to an order of the Supreme Court of Kenya, dated the 21st day of July, 1927, by which the undersigned was appointed administrator of the estate of the late Sheikh Salim bin Mohamed, Basharahil, who died on the 19th day of June, 1927.

TAKE NOTICE that all persons having any claims against the estate of the said Sheikh Salim bin Mohamed, Basharahil, are required to lodge and prove such claims before me the undersigned on or before the 3rd day of October, 1927, after which date only the claims so proved will be paid and the estate distributed according to law.

Nairobi,
26th July, 1927.

W. M. KEATINGE,
Public Trustee.

GENERAL NOTICE No. 685.

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT NAIROBI.
PROBATE AND ADMINISTRATION.
CAUSE No. 57 of 1927.

NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF
JOHN GEORGE KERR, LATE OF NAKURU, DECEASED.

TAKE NOTICE that application having been made in this Court by Harry Goldsworthy, of Nairobi, for the probate of the will of John George Kerr, late of Nakuru, who died at Nakuru on the 15th day of April, 1927, 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 16th day of August, 1927.

Nairobi,
27th July, 1927.

G. H. PICKERING,
Acting Chief Justice.

NOTE:—The will above named is now deposited and open to inspection at the Court.

GENERAL NOTICE No. 686

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT NAIROBI.
PROBATE AND ADMINISTRATION.
CAUSE No. 58 of 1927.

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE OF
ANNIE EMLEY, LATE OF 32, O'REILLY ROAD, JOHANNES-
BURG, SOUTH AFRICA, AND 14, HENRIETTA STREET,
MARYLEBONE, IN THE COUNTY OF MIDDLESEX,
IN ENGLAND, DECEASED.

TAKE NOTICE that application having been made in this Court by Herbert Barnes Emley, of Nairobi, for the administration with an exemplification of a grant of letters of administration annexed of the estate of Annie Emley, late of 32, O'Reilly Road, Johannesburg, South Africa, and 14, Henrietta Street, Marylebone, in the County of Middlesex, in England, who died at 15, Henrietta Street on the 21st day of September, 1923, 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 16th day of August, 1927.

Nairobi,
27th July, 1927.

G. H. PICKERING,
Acting Chief Justice.

GENERAL NOTICE No. 687.

NOTICE.

To all whom it may concern.

NOTICE is hereby given that the business carried on by Bhagat Singh son of Shiam Singh, in Victoria Street, Nairobi, under the name or style of the Oriental Furniture Store has been sold by him to Natha Singh son of Uttam Singh. All debts due to or owing by the said business will be received and paid by the said Natha Singh who will continue the said business under the same trade name.

Dated this 27th day of July, 1927.

F. HOPLEY,
Advocate for the Parties.

GENERAL NOTICE No. 688.

NOTICE.

To all whom it may concern.

NOTICE is hereby given that the power of attorney granted by Obed Musleh to Mullan Ali bin Esmail and Mohamed Ahmed, dated the 5th day of July, 1925, has been revoked, and that said Mullan Ali bin Esmail and Mohamed

Ahmed have no authority to do any acts or sign any instruments on behalf of the said Obed Musleh as from the 15th day of July, 1927.

Dated at Nairobi this 27th day of July, 1927.

SHAPLEY & SCHWARTZE,
Solicitors for the said Obed Musleh.

GENERAL NOTICE No. 689.

NOTICE.

IN THE MATTER OF THE ESTATE OF DECEASED LALJI SON OF DEWJI, LATE OF KAKAMEGA, NYANZA PROVINCE.

PURSUANT to an order of the Court of the District Delegate, Kisumu, dated the 5th day of May, 1927, whereby letters of administration of the estate of the late Lalji Dewji, late of Maragoli, in the Nyanza Province, who died at Kakamega, Nyanza Province on the 19th day of May, 1925, were granted to the undersigned.

Please take notice that all persons having any claims against the estate of the said Lalji Dewji are required to lodge and prove such claims before my advocate, Mr. Dhanwant Singh, Kisumu, on or before the 31st day of August, 1927, after which date only the claims so proved will be paid and the estate distributed according to law.

Kisumu,

28th July, 1927.

DEWJI VISRAM.

GENERAL NOTICE No 669.

THE CROWN LANDS ORDINANCE.

(Chapter 140, Revised Laws of Kenya).

NOTICE.

TENDERS FOR FARM GRANTS.

TENDERS are invited for Europeans only for the purchase of the grants in respect of the two farms situate in the Highlands as shown in the attached Schedule. Plans of the farms may be seen at the Land Department, Nairobi.

2. The grants will be for the term of 999 years as from 1st October, 1927, and will be subject to the ordinary conditions of the Crown Lands Ordinance, 1915, (Chapter 140, Revised Laws of Kenya). Title will be issued under the Registration of Titles Ordinance, 1919.

3. The successful tenderers will be required to pay within seven days of notification that their tenders have been accepted, 10% of the amount tendered, the survey fees and the rent due from the commencement of the grant to the 31st December, 1927. The balance of the purchase price shall be paid prior to the issue of title or may be paid in nine equal annual instalments, the first becoming due on 1st January, 1928.

4. Titles will be issued as soon as conveniently may be, the successful tenderer being required to pay on demand the cost of the preparation and registration of the grant (Shs. 110) and the stamp duty in respect of the grant.

5. Sealed tenders marked "Tender for Komo Farm" must be deposited with the undersigned before noon, on Saturday, the 17th September, 1927.

6. No tender of a sum less than that shown in Column No. 4 of the Schedule hereto will be considered. The highest or any tender will not necessarily be accepted.

SCHEDULE REFERRED TO IN NOTICE OF TENDER.

District.	L. O. No.	Approximate Aare Acres.	Reserve Price Shs.	Survey Fees. Shs.	Annual Rent Shs Cts.	Proportionate rent 1-10-27 to 31-12-27. Shs. Cts.
Komo						
Station	5810/1	69	2,760	238	13 80	3 45
	5810/2	174	6,960	330	34 80	8 70

Nairobi,
12th July, 1927.

A. LINDSAY BASFORD,
for Acting Commissioner of Lands.

GENERAL NOTICE NO. 690

UNDER THE CROWN LANDS ORDINANCE.

(Chapter 140 of the Revised Edition).

NOTICE.

SALE OF PETROL PLOTS, MACHAKOS.

NOTICE is hereby given that the grants in respect of Plots Nos. 1, 2 and 3, Section XXII, Machakos, will be sold by auction at the District Commissioner's Office, Machakos, on Thursday, the 25th August, 1927, at 10 a.m.

The plots are of uniform size and the following details refer to each plot:—

Area.—114784 of an acre.

Upset Price.—Shs. 600.

Rent.—Shs. 144 per annum.

Tenure.—99 years from 1st September, 1927.

User.—Petrol and oil storage only.

Proportionate Rent, 1st September to 31st December, 1927.—Shs. 48.

Plans of the sites may be seen at the Public Map Office attached to the Land Department, Nairobi, and at the office of the District Commissioner, Machakos, or may be had on application to the Land Department on payment of Shs. 3, post free.

CONDITIONS OF SALE.

1. The plots will be offered separately and the highest bidder will be the purchaser. If any dispute arise as to any bidding, the plot will be put up again at the last undisputed bid.

2. The amount of the advance of each bidding will be regulated by the auctioneer and no bid shall be retracted.

3. The purchaser shall pay to the auctioneer immediately on the fall of the hammer a deposit of 25% of his purchase money. In default of such payment the plot may be immediately re-offered for sale and any subsequent bid by the person who has made default may be ignored or refused.

4. The balance of the purchase money together with the rent due to the 31st December, 1927, the survey fees (Shs. 70 per plot) and the fees payable for the preparation and registration of the grant (Shs. 110) and the stamp duty payable in respect of the grant shall be paid to the Commissioner of Lands at the Land Department, Nairobi, within seven days from the date of the sale, and upon such payments being duly made the purchaser will, subject to the provisions of the Crown Lands Ordinance, 1915, and if the conditions of sale have been complied with, be entitled to a grant of the plot, which grant will be presented to him duly executed as soon as conveniently may be. Provided that the balance of the purchase money will not be payable within the time stated or thereafter unless and until the Commissioner of Lands can present to the purchaser the grant of the plot duly executed.

5. The grant will be for 99 years and will commence from the 1st day of September, 1927. The rent will be payable from that date.

6. Subject to the proviso contained therein, if the balance of the purchase money together with the rent, fees and duty mentioned in Condition No. 4 is not paid to the Commissioner of Lands at the Land Department, Nairobi, within seven days from the date of the sale, the Commissioner of Lands may order the deposit made by the purchaser to be forfeited and the purchaser will have no further claim to a lease of the plot.

7. No building shall be erected on any plot unless plans, drawings, elevations and specifications thereof shall have been previously submitted to and approved by the Commissioner of Lands or such other person as he may appoint.

8. The grantees shall further submit a block plan of the plot with the position of the building clearly defined and showing a system of drainage which shall satisfy the Director of Medical and Sanitary Services, for properly dealing with the surface water on the plot and before any building may be occupied, the grantee shall satisfy the Director of Medical and Sanitary Services that such system of drainage has been properly constructed.

9. The grantees shall suitably connect their premises with any town drainage system when, in the opinion of the Director of Medical and Sanitary Services, such drainage scheme is so far completed as to enable the grantee reasonably so to connect.

10. The Government or such person as may be appointed for the purpose shall have the right to enter upon the plot and lay and have access to water mains and service pipes, telegraph or telephone wires, and electric mains of all descriptions whether overhead or underground, and the grantees shall not erect any building in such a way as to cover or interfere with any existing routes, main or service pipes or telegraph or telephone wires and electric mains aforementioned.

11. The purchaser shall bear the cost of the preparation and registration of deeds (Shs. 110), the stamp duty in respect of the grant, the survey fees (Shs. 70) and all other expenses, if any, connected with the purchase of the plot.

12. The purchaser shall erect on the plot within two years of the commencement of the grant a building constructed of stone, brick or concrete.

13. The plot shall be used for the purpose of storing petrol and oil and for no other purpose whatsoever.

14. Not more than two-thirds of the plot may be built upon.

15. The grantees shall not at any time during the term of the grant assign or sublet any portion of the plot.

Nairobi,

12th July, 1927.

A. LINDSAY BASFORD,
for Acting Commissioner of Lands.

GENERAL NOTICE No. 691.

PRINCIPAL ARTICLES IMPORTED INTO THE COLONY AND PROTECTORATE OF KENYA AND
UGANDA PROTECTORATE AND CLEARED FOR HOME CONSUMPTION *DURING THE MONTH
OF MAY, 1927.

ARTICLES.										Unit of Quantity.	TOTAL	
											Quantity	Value.†
1.	Rice	..	..	..	..	..	..	..	Cwts.	10,254½	227,822
2.	Wheat Meal and Flour	..	..	..	..	..	..	..	"	5,196½	96,965
3.	Ale, Beer, Stout, etc.	..	..	..	..	..	..	..	Imp. gals.	10,572	43,745
4.	Ghee	..	..	..	..	..	..	..	Cwts.	1,019¾	99,065
5.	† Spirits	..	..	..	..	..	..	..	† I. & Pf. gl.	6,137	152,050
6.	Sugar	..	..	..	..	..	..	..	Cwts.	703½	17,056
7.	Tea	..	..	..	..	..	..	..	"	723¾	140,229
8.	Wines	..	..	..	..	..	..	..	Imp. gals.	5,210	64,944
9.	Cigarettes	..	..	..	..	..	..	..	Lbs.	35,523	162,707
10.	Tobacco, other, manufactured	..	..	..	..	..	..	..	"	55,532	112,971
11.	Wood and Timber	..	..	..	..	..	..	..	Cub. feet	5,161	19,400
12.	Cement, Building	..	..	..	..	..	..	..	Tons	1,849½	160,413
13.	Galvanised Iron Sheets, Corrugated	..	..	..	..	..	..	..	"	439	169,439
14.	Iron and Steel Manufactures	..	..	..	..	..	..	..	"	900½	485,209
15.	Hardware	..	..	..	..	..	..	..	Cwts.	85½	8,796
16.	Shovels and Spades, etc.	..	..	..	..	..	..	..	Nos.	76,590	46,037
17.	Machines and Machinery	..	..	..	..	..	..	..	Value	..	430,972
18.	Cotton Piece Goods: grey, unbleached	..	..	..	..	..	..	..	Yards	1,146,746	
19.	" " " " bleached	..	..	..	..	..	..	..	Cwts.	2,631	368,603
20.	" " " " printed	..	..	..	..	..	..	..	Yards	192,983	103,161
21.	" " " " dyed in the piece	..	..	..	..	..	..	..	"	192,567	126,002
22.	" " " " coloured	..	..	..	..	..	..	..	"	445,271	363,053
23.	Cotton Blankets	..	..	..	..	..	..	..	"	470,867	304,529
24.	Jute Bags and Sacks	..	..	..	..	..	..	..	Nos.	74,568	171,836
25.	" " " " " "	..	..	..	..	..	..	..	Doz.	33,558	
26.	Disinfectants and Insecticides	..	..	..	..	..	..	..	Cwts.	7,412½	327,392
27.	Lubricating Oils	..	..	..	..	..	..	..	"	526	16,743
28.	Lubricating Greases	..	..	..	..	..	..	..	Imp. gals.	80,452	215,443
29.	Motor Spirit (Petrol)	..	..	..	..	..	..	..	Cwts.	159½	5,292
30.	Mineral Oil, Illuminating or Burning (Kerosene)	..	..	..	..	..	..	..	Imp. gals.	208,246	233,055
31.	Soap, Common	..	..	..	..	..	..	..	"	158,627	131,431
32.	Soap, Toilet	..	..	..	..	..	..	..	Cwts.	925½	39,733
33.	Cycles (not motor)	..	..	..	..	..	..	..	Value	..	28,744
34.	Motor Cars	..	..	..	..	..	..	..	Nos.	426	59,867
35.	Motor Lorries	..	..	..	..	..	..	..	"	78	324,571
36.	Motor Tractors	..	..	..	..	..	..	..	"	12	67,928
37.	Motor Cycles	..	..	..	..	..	..	..	"	60	264,564
38.	" " Sidcars for	..	..	..	..	..	..	..	"	49	43,453
39.	Fertilisers and Manures	..	..	..	..	..	..	..	"	6	3,521
40.	Other Articles	..	..	..	..	..	..	..	Tons	12	2,951
41.		..	..	..	..	..	..	..	Value	..	4,644,682
TOTAL											—	10,284,383
TOTAL TRANSIT IMPORTS											—	405,923
GRAND TOTAL Sh.											—	10,690,306

*Note.—Home Consumption means: Goods cleared from Customs control on landing and also goods cleared from Bonded Stocks.

† Includes produce of Tanganyika Territory valued at S/h. 620,615, and intended for ultimate re-exportation.

† No allowance made for under-proof in excess of 12½%.

CUSTOM HOUSE,
MOMBASA,
21st July, 1927.

G. WALSH,
Commissioner of Customs,
Kenya and Uganda.

PRINCIPAL ARTICLES IMPORTED INTO AND CLEARED FOR *HOME CONSUMPTION IN THE COLONY AND PROTECTORATE OF KENYA AND UGANDA PROTECTORATE DURING THE MONTH OF MAY, 1927, SHOWING THE PRINCIPAL COUNTRIES OF ORIGIN OF IMPORTED TRADE GOODS.

ARTICLES.	Unit of Quantity.	Great Britain.		India and Burmah.		Union of South Africa.		Other British Possessions.†		Belgium	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
			Sh.		Sh.		Sh.		Sh.		Sh.
1. Rice	Cwts.	..	..	3,227½	70,807	..	..	7,026½	157,015	..	..
2. Wheat Meal and Flour .. .. .	"	..	..	5,135	95,320	..	..	17½	457	..	..
3. Ale, Beer, Stout, etc.	Imp. gals.	1,231	6,201	..	..	1,228	5,033	..	..	..	..
4. Ghee	Cwts.	..	..	57½	10,770	..	..	961½	88,205	..	..
5. †Spirits	†I. & P. gl.	4,954	129,323	..	..	..	..	44	959	..	..
6. Sugar	Cwts.	35½	1,700	14½	477	..	..	..	..	..	..
7. Tea .. .. .	"	..	..	474	100,679	..	..	248½	39,002	..	..
8. Wines	Imp. gals.	128	3,353	..	..	..	..	40	651	..	..
9. Cigarettes	Lbs.	35,399	162,049	..	..	73	444	..	..	..	..
10. Tobacco, other, manufactured	"	1,684	8,088	28	30	830	2,031	849	214	440	675
11. Wood and Timber	Cub. feet	23	286	374	2,170	..	..	1,446	7,800	..	..
12. Cement, Building	Tons	1,350	120,910	..	..	..	..	..	..	..	..
13. Galvanised Iron Sheets, Corrugated	"	397½	153,111	..	..	..	..	..	..	41½	16,328
14. Iron and Steel Manufactures	"	609½	377,168	1½	1,995	..	..	..	..	75½	20,014
15. Hardware	Cwts.	50½	3,274	2½	87	..	..	¾	157	..	..
16. Shovels and Spades, etc.	Nos.	7,278	10,697	..	..	..	..	..	..	..	..
17. Machines and Machinery	Value	..	284,849	..	761	..	..	..	31,555	..	..
18. Cotton Piece Goods: Grey, unbleached	Yards	1,220	..	166,476	..	..	..	..	..	..	..
" " " " bleached	Cwts.	3½	577	429½	62,214	..	..	..	..	..	..
" " " " printed	Yards	77,295	45,632	158	106	..	..	..	..	..	..
20. " " " " dyed in the piece	"	158,885	105,698	12,334	8,288	..	..	..	..	..	..
21. " " " " coloured	"	274,097	244,612	10,340	2,346	..	..	..	..	2,220	3,456
22. " " " "	"	86,661	82,052	119,370	61,888	..	..	..	..	18,604	23,843
23. Cotton Blankets	Nos.	1,838	8,820	9,872	18,295	..	..	..	..	3,200	10,272
24. Jute Bags and Sacks	Doz.	..	..	33,558	..	..	..	..	..	..	..
" " " "	Cwts.	..	..	7,412½	327,392	..	..	..	..	..	..
25. Disinfectants and Insecticides	"	136½	6,988	..	20	..	..	..	..	..	..
26. Lubricating Oils	Imp. gals.	4,044	15,166	..	..	..	..	924	1,254	..	..
27. Lubricating Greases	Cwts.	44½	1,512	..	..	..	..	..	..	..	..
28. Motor Spirit (Petrol)	Imp. gals.	..	..	..	..	..	..	..	..	..	..
29. Mineral Oil, Illuminating or Burning (Kerosene) .. .. .	"	..	..	..	..	..	..	..	..	..	..
30. Soap, Common	Cwts.	896	38,366	4½	125	..	..	6½	275	..	..
31. Soap, Toilet	Value	..	19,438	..	119	..	..	..	242	..	..
32. Cycles (not motor)	Nos.	426	59,867	..	..	..	..	..	..	..	..
33. Motor Cars	"	17	104,700	..	..	..	..	30	68,155	..	..
34. Motor Lorries	"	2	15,432	..	..	..	..	2	3,874	..	..
35. Motor Tractors .. .. .	"	..	..	..	..	..	..	9	18,766	3	12,276
36. Motor Cycles	"	47	42,153	..	..	..	..	..	..	..	..
37. " " " " Sidecars for	"	6	3,521	..	..	..	..	..	..	..	..
38. Fertilisers and Manures	Tons	2	575	..	..	..	..	..	..	..	..
39. Other Articles	Value	..	1,975,242	..	236,941	..	357,269	..	657,496	..	29,720
TOTAL		—	4,031,360	—	1,000,830	—	367,777	—	1,076,077†	—	116,864
TOTAL TRANSIT IMPORTS		—	112,328	—	9,847	—	5,403	—	6,864	—	51,317
GRAND TOTAL	Sh.	—	4,143,688	—	1,010,677	—	370,180	—	1,082,941	—	168,181

* Note.—Home Consumption means: Goods cleared from Customs control on landing and also goods cleared from Bonded Stocks.

† Includes produce of Tanganyika Territory valued at Sh. 620,615. and intended for ultimate re-exportation.

‡ No allowance made for under-proof in excess of 12½%.

PRINCIPAL ARTICLES IMPORTED INTO AND CLEARED FOR *HOME CONSUMPTION IN THE COLONY AND PROTECTORATE OF KENYA AND UGANDA PROTECTORATE
DURING THE MONTH OF MAY, 1927, SHOWING THE PRINCIPAL COUNTRIES OF ORIGIN OF IMPORTED TRADE GOODS.—Contd.

ARTICLES.	Unit of Quantity.	France.		Germany.		Holland.		Japan.		United States of America.		Other Foreign Countries.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
1. Rice	Cwts.	..	Sh.	..	Sh.	..	Sh.	..	Sh.	..	Sh.	..	Sh.
2. Wheat Meal and Flour .. .. .	"	..	..	..	..	..	..	..	..	43½	1,188	..	..
3. Ale, Beer, Stout, etc.	Imp. gals.	..	..	6,527	26,660	1,138	3,843	..	..	40	150	408	1,867
4. Ghee	Cwts.	..	..	..	..	..	..	..	..	..	..	½	90
5. Spirits	† L. & P. gl.	1,103	21,228	..	..	2	29	..	..	..	..	34	511
6. Sugar	Cwts.	..	..	95½	3,022	..	..	..	..	..	..	558½	11,857
7. Tea .. .. .	"	..	..	..	..	..	..	..	..	..	..	1½	548
8. Wines	Imp. gals.	3,284	34,200	24	550	10	185	..	..	..	..	1,724	26,005
9. Cigarettes	Lbs.	..	..	..	..	..	..	..	..	51	214	..	..
10. Tobacco, other, manufactured .. .. .	"	..	..	..	..	49,995	100,466	..	..	24	66	1,682	1,401
11. Wood and Timber	Cub. feet	..	..	..	..	..	..	..	..	..	..	3,318	9,144
12. Cement, Building	Tons	..	..	269½	21,383	..	..	..	..	..	..	229½	18,120
13. Galvanised Iron Sheets, Corrugated .. .. .	"	..	..	..	..	..	..	..	..	..	..	..	..
14. Iron and Steel Manufactures.. .. .	"	11½	2,693	166½	65,646	3	2,803	¾	1,181	¾	605	31½	13,104
15. Hardware	Cwts.	..	43	25½	4,812	6	423	..	..	..	..	..	..
16. Shovels and Spades, etc.	No.	..	..	67,560	33,026	1,752	2,314	..	..	..	..	..	..
17. Machines and Machinery	Value	..	15,889	..	18,123	..	646	..	..	..	63,118	..	15,751
18. Cotton Piece Goods: Grey, unbleached	Yards	..	..	..	..	..	..	315,200	..	628,750	..	35,100	..
	Cwts.	..	..	..	..	..	..	983	111,780	1,114½	182,210	100½	11,822
19. " " " bleached	Yards	..	..	4,000	2,600	59,020	33,603	52,510	21,220	..	..	..	..
20. " " " printed .. .. .	"	..	..	7,764	4,772	5,449	3,151	..	..	..	..	8,135	4,093
21. " " " dyed in the piece	"	3,416	2,903	2,574	6,350	101,789	70,897	43,274	21,242	..	..	7,561	11,247
22. " " " coloured	"	972	1,331	1,200	1,125	68,740	59,424	165,900	65,182	..	..	9,420	9,684
23. Cotton Blankets	Nos.	2,950	12,335	6,855	17,296	47,443	96,669	..	..	..	..	2,410	8,149
24. Jute Bags and Sacks	Doz. & cwts.	..	..	..	..	..	..	..	..	..	..	..	..
25. Disinfectants and Insecticides	Cwts.	..	..	380	7,747	..	..	..	..	9¾	1,988	..	..
26. Lubricating Oils	Imp. gals.	..	..	1,104	2,619	..	..	..	..	74,380	196,404	..	..
27. Lubricating Greases	Cwts.	..	..	1½	124	..	..	..	..	113	3,656	..	..
28. Motor Spirit (Petrol)	Imp. gals.	..	..	..	..	..	..	..	..	119,232	153,190	89,014	79,865
29. Mineral Oil, Illuminating or Burning (Kerosene) .. .. .	"	..	..	..	..	..	..	..	..	66,666	68,170	91,961	63,261
30. Soap, Common	Cwts.	6½	317	..	..	12½	650	..	..	..	..	..	..
31. Soap, Toilet	Value	..	1,054	..	5,845	..	1,144	..	80	..	639	..	183
32. Cycles (not motor)	No.	..	..	..	..	..	..	..	..	..	..	..	..
33. Motor Cars .. .. .	"	..	..	..	..	..	..	..	..	31	151,716	..	..
34. Motor Lorries .. .. .	"	..	..	..	..	..	..	..	..	8	48,622	..	..
35. Motor Tractors .. .. .	"	..	..	15	87,655	..	..	..	..	33	145,867	..	..
36. Motor Cycles	"	1	600	1	700	..	..	..	..	..	..	..	..
37. " " Sidecars for .. .. .	"	..	..	..	..	..	..	..	..	..	..	..	..
38. Fertilisers and Manures	Tons	..	..	10	2,376	..	..	..	..	..	..	..	..
39. Other Articles	Value	..	102,545	..	259,309	..	67,670	..	115,408	..	461,262	..	381,820
TOTAL		—	195,138	—	571,740	—	443,917	—	336,093	—	1,479,065	—	668,522
TOTAL TRANSIT IMPORTS		—	7,200	—	16,981	—	176,778	—	—	—	2,750	—	16,455
GRAND TOTAL	Sh.	—	202,338	—	588,721	—	620,695	—	336,093	—	1,481,815	—	684,977

* Note.—Home Consumption means: Goods cleared from Customs control on landing and also goods cleared from Bonded Stocks. † No allowance made for under-proof in excess of 12½%.

GENERAL NOTICE No. 692.

SUMMARY OF PRINCIPAL EXPORTS OF DOMESTIC PRODUCE OF THE COLONY AND PROTECTORATE
OF KENYA AND UGANDA PROTECTORATE DURING THE MONTH ENDED 31st MAY, 1927.

ARTICLES.	Unit of Quantity.	TOTAL.	
		Quantity.	Value.
			<i>Sh.</i>
1. Maize	Cwts.	101,669½	610,024
2. Other Grain and Pulse	"	1,746½	17,866
3. Wheat Meal and Flour	"	290½	6,128
4. Maize Meal and Flour	"	10,272½	77,182
5. Bran	Tons	49	4,110
6. Cattle for Food	Nos.	175	16,612
7. Sheep and Goats for Food	"	440	6,538
8. Butter	Cwts.	47½	11,078
9. Cheese	"	9½	1,510
10. Chillies	"	31½	1,739
11. Coffee	"	8,075½	756,007
12. Potatoes	"	1,938½	8,713
13. Sugar (Refined)	"	3,244½	102,455
14. Wood and Timber	Cub. feet	6,930	32,999
15. Carbonate of Soda	Tons	4,340	390,600
16. Metalliferous ores non-ferrous	Value	..	4,480
17. Raw Cotton	Centals	123,989½	7,811,322
18. Flax Fibre and Tow	Tons	3½	3,188
19. Sisal Fibre and Tow	"	1,216½	661,388
20. Cotton Seed	"	3,310	380,651
21. Sesame Seed	"	381½	142,913
22. Groundnuts	"	..	34
23. Cocoanut Oil	Imp. gals.	12	54
24. Sesame Oil	"	125	678
25. Hides dry and dry-salted	Cwts.	4,741½	260,798
26. Skins, Sheep and Goat	Nos.	125,507	164,617
27. Rubber	Centals	1,355	169,318
28. Barks for Tanning	Cwts.	3,759½	38,139
29. Ivory, Elephant	"	23½	37,695
30. Shells Marine	Tons	13½	1,200
31. Wool	Cwts.	225½	36,080
32. Soap Common	"	299	10,647
33. Animals not for Food	Nos.	7	2,000
34. Other Articles	Value	..	125,492
TOTAL EXPORTS		—	11,894,255
*TOTAL RE-EXPORTS		—	1,855,080
TOTAL TRANSIT EXPORTS		—	404,546
GRAND TOTAL		—	14,153,881

*Re-exports include goods the produce or manufacture of Tanganyika Territory to the value of Shs. 445,150.

CUSTOM HOUSE,
MOMBASA,
21st July, 1927G. WALSH,
Commissioner of Customs
Kenya and Uganda

SUMMARY OF PRINCIPAL EXPORTS OF DOMESTIC PRODUCE OF THE COLONY AND PROTECTORATE OF KENYA AND UGANDA PROTECTORATE
DURING THE MONTH ENDED 31st MAY, 1927.

ARTICLES.	Unit of Quantity.	Great Britain.		India and Burmah.		Other British Possessions.		Belgium.		France.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
			<i>Sh.</i>		<i>Sh.</i>		<i>Sh.</i>		<i>Sh.</i>		<i>Sh.</i>
1. Maize	Cwts.	67,715	406,290	..	..	337	2,031	14,000	84,000	..	..
2. Other Grain and Pulse	"	245	2,940	..	..	1,501 $\frac{3}{4}$	14,926	..	..	..	..
3. Wheat Meal and Flour .. .. .	"	..	..	..	..	182 $\frac{1}{4}$	3,691	..	..	..	..
4. Maize Meal and Flour .. .. .	"	..	..	..	..	10,272 $\frac{3}{4}$	77,182	..	..	..	..
5. Bran	Tons	..	..	..	..	49	4,110	..	..	..	..
6. Cattle for Food	Nos.	..	..	..	..	175	16,612	..	..	..	..
7. Sheep and Goats for Food .. .. .	"	..	..	..	..	256	2,938	..	..	..	..
8. Butter	Cwts.	..	..	..	..	42 $\frac{3}{4}$	10,018	..	..	..	..
9. Cheese .. .. .	"	..	..	..	..	9 $\frac{3}{4}$	1,510	..	..	..	..
10. Chillies .. .. .	"	..	..	..	..	11 $\frac{1}{2}$	653	..	..	..	..
11. Coffee	"	3,865	400,479	..	..	1,165 $\frac{1}{4}$	101,197	..	..	436 $\frac{3}{4}$	51,100
12. Potatoes .. .. .	"	..	..	..	..	1,100	4,944	..	..	..	..
13. Sugar (Refined) .. .. .	"	..	..	..	..	3,243 $\frac{1}{4}$	102,420	..	..	..	..
14. Wood and Timber	Cub. feet	..	..	..	..	5,617	22,495	..	..	..	..
15. Carbonate of Soda	Tons	$\frac{1}{2}$	45	850	76,500	25	2,250	..	..	..	..
16. Metalliferous ores, Non ferrous	Value	..	480	..	..	..	..	..	4,000	..	..
17. Raw Cotton	Centals	16,129 $\frac{3}{4}$	1,016,174	69,859	4,401,117	..	..	..	..	..	..
18. Flax Fibre and Tow	Tons	3 $\frac{3}{4}$	3,188	..	..	..	..	..	..	..	..
19. Sisal Fibre and Tow	"	439	235,250	..	..	..	..	604 $\frac{1}{4}$	330,987	..	..
20. Cotton Seed	"	2,464 $\frac{1}{2}$	283,418	..	..	23 $\frac{1}{2}$	2,703	..	..	..	..
21. Sesame Seed	"	19 $\frac{3}{4}$	7,406	..	..	39 $\frac{1}{2}$	14,812	..	..	..	..
22. Groundnuts .. .. .	"	..	..	..	..	..	..	..	..	..	..
23. Coconut Oil	Imp. gals.	..	..	..	..	8	36	..	..	..	..
24. Sesame Oil .. .. .	"	..	..	..	..	125	678	..	..	..	..
25. Hides, dry and dry-salted	Cwts.	2,373 $\frac{1}{2}$	130,542	16	830	128 $\frac{3}{4}$	7,031	1,056	58,081	6	330
26. Skins, Sheep and Goat	Nos.	22,363	30,389	14,154	18,531	..	..	..	..	16,590	21,567
27. Rubber	Centals	1,325 $\frac{1}{4}$	165,718	..	..	..	..	..	..	..	..
28. Barks for Tanning	Cwts.	2,170	24,630	..	..	..	..	..	..	..	..
29. Ivory, Elephant	"	11	19,920	..	..	4 $\frac{1}{4}$	4,775	..	..	..	..
30. Shells, Marine	Ton	..	..	13 $\frac{1}{2}$	1,200	..	..	..	..	..	..
31. Wool	Cwts.	225 $\frac{1}{2}$	36,080	..	..	..	..	..	..	..	..
32. Soap, Common .. .. .	"	..	..	..	..	299	10,647	..	..	..	..
33. Animals, not for Food	Nos.	7	2,000	..	..	..	..	..	..	..	..
34. Other Articles	Value	..	19,774	..	6,842	..	45,537	..	1,898	..	33,972
TOTAL EXPORTS		—	2,784,723	—	4,505,070	—	453,246	—	478,966	—	106,969
*TOTAL RE-EXPORTS		—	184,072	—	6,179	—	1,138,641	—	96,912	—	26,013
TOTAL TRANSIT EXPORTS		—	—	—	..	—	320,075	—	50	—	—
GRAND TOTAL	<i>Sh.</i>	—	2,968,795	—	4,511,249	—	1,911,962	—	575,928	—	132,982

* Re-exports include goods the produce or manufacture of Tanganyika Territory to the value of *Sh.* 445,150.

August 2, 1927.

THE OFFICIAL GAZETTE

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SUMMARY OF PRINCIPAL EXPORTS OF DOMESTIC PRODUCE OF THE COLONY AND PROTECTORATE OF KENYA AND UGANDA PROTECTORATE
DURING THE MONTH ENDED 31st MAY, 1927.—*Contd.*

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August 2, 1927.

ARTICLES.	Unit of Quantity.	Germany.		Holland.		Italy.		Japan.		United States of America.		Other Foreign Countries.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
1. Maize	Cwts.	14,210	Sh. 85,260	..	Sh. ..	..	Sh. ..	1½	Sh. 10	..	Sh. ..	5,405½	Sh. 32,433
2. Other Grain and Pulse .. .. .	"	..	..	..	..	..	..	..	..	..	..	..	..
3. Wheat Meal and Flour .. .. .	"	..	..	..	..	..	..	..	..	..	..	108	2,437
4. Maize Meal and Flour .. .. .	"	..	..	..	..	..	..	..	..	..	..	..	..
5. Bran	Ton	..	..	..	..	..	..	..	..	..	..	..	..
6. Cattle for Food	Nos.	..	..	..	..	..	..	..	..	..	..	184	3,600
7. Sheep and Goats for Food .. .. .	"	..	..	..	..	..	..	..	..	..	..	5	1,060
8. Butter	Cwts.	..	..	..	..	..	..	..	..	..	..	..	..
9. Cheese .. .. .	"	..	..	..	..	..	..	..	..	..	..	..	..
10. Chillies .. .. .	"	..	..	..	..	19½	1,086	..	..	..	..	..	..
11. Coffee .. .. .	"	..	..	..	..	62	7,254	39½	4,651	..	..	2,507	191,326
12. Potatoes .. .. .	"	..	..	..	..	..	..	..	..	..	..	838½	3,769
13. Sugar (Refined) .. .. .	"	..	..	..	..	..	..	..	..	..	..	1	35
14. Wood and Timber	Cub. feet	1,313	10,504	..	..	..	..	..	..	..	..	..	..
15. Carbonate of Soda	Ton	..	..	..	..	..	..	3,035	273,150	..	..	429½	38,655
16. Metalliferous ores Non-ferrous	Value	..	..	..	..	..	..	..	..	..	..	..	..
17. Raw Cotton	Cental	..	..	200	12,600	..	..	37,800½	2,381,431	..	..	..	..
18. Flax Fibre and Tow	Ton	..	..	..	..	..	..	..	..	..	..	..	..
19. Sisal Fibre and Tow	"	36½	20,075	91½	50,188	..	..	½	138	45	24,750	..	..
20. Cotton Seed	"	200	23,000	..	..	..	..	62½	71,530	..	..	..	..
21. Sesame Seed .. .. .	"	..	..	..	..	25½	9,563	..	..	..	..	296½	111,132
22. Groundnuts .. .. .	"	..	..	..	..	..	..	..	34	..	..	..	..
23. Coconut Oil	Imp. gals.	..	..	..	..	..	..	4	18	..	..	..	..
24. Sesame Oil .. .. .	"	..	..	..	..	..	..	..	..	..	..	..	..
25. Hides, dry and dry-salted	Cwts.	25½	1,403	610½	33,564	439	24,146	..	..	..	..	86½	4,771
26. Skins, Sheep and Goat	Nos.	2,800	1,120	..	..	..	..	..	..	69,600	93,010	..	..
27. Rubber	Cental	5½	600	24	3,000	..	..	..	..	..	..	..	..
28. Barks for tanning	Cwts.	400	3,400	..	..	..	..	1,189½	10,109	..	..	..	..
29. Ivory, Elephant .. .. .	"	..	..	..	..	..	..	..	..	8½	13,000	..	..
30. Shells, Marine	Ton	..	..	..	..	..	..	..	..	..	..	..	..
31. Wool	Cwt.	..	..	..	..	..	..	..	..	..	..	..	..
32. Soap, Common .. .. .	"	..	..	..	..	..	..	..	..	..	..	..	..
33. Animals not for food	Nos.	..	..	..	..	..	..	..	..	..	..	..	..
34. Other Articles	Value	..	1,045	..	..	..	950	..	..	..	8,650	..	6,824
TOTAL EXPORTS.. .. .		—	146,407	—	99,352	—	42,999	—	2,741,071	—	139,410	—	..
*TOTAL RE-EXPORTS		—	3,209	—	—	—	12,926	—	566	—	14,720	—	371,842
TOTAL TRANSIT EXPORTS		—	—	—	—	—	—	—	—	—	—	—	84,421
GRAND TOTAL	Sh.	—	149,616	—	99,352	—	55,925	—	2,741,637	—	154,130	—	852,305

* Re-exports include goods the produce or manufacture of Tanganyika Territory to the value of Sh. 445,150.

G. WALSH

Commissioner of Customs, Kenya and Uganda.

GENERAL NOTICE NO. 693.

NOTICE.

NOTICE is hereby given that the undermentioned goods will be sold by public auction in Godown No. 2, Mombasa Old Port, on 5th September, 1927, if not cleared before that date and the proceeds will be applied as follows:—

- Firstly*, in the payment of expenses of the sale;
Secondly, in payment of the duty;
Thirdly, in the payment of the warehouse rent and charges;
Fourthly, in the payment of the freight, if any, due upon the goods if written notice of such freight shall have been given to the Collector

The surplus, if any, will be paid to the proprietor of the goods on his application in writing for the same within six months from the date of sale, but if on expiration of that date no such application shall have been received the surplus will be forfeited and shall be applied as if it had originally been paid as duty due and payable.

Custom House,
Mombasa, 21st July, 1927.

G. WALSH,
Commissioner of Customs, Kenya and Uganda

UNCLAIMED CARGO LYING IN THE KING'S WAREHOUSE, KILINDINI, OVER THREE MONTHS.
FOR SALE ON 5TH SEPTEMBER, 1927.

Under Section 106 of the Customs Management Ordinance, 1926.

Date.	Steamer.	Marks and Numbers.	No. & Description of Packages.
1927			
12th Mar	City of Madras, Europe	Nil	2 pieces iron fitting
14th "	Geikerk, Europe	Nil	12 loose flat bars
		Nil	9 bundles flat bars
		Nil	1 bundle sleepers
		L.B.C.	1 cask cement broken
		Nil	1 bag cement
16th "	Clan Mackay, South	Jacquiline	
		Birkeik	1 box merchandise
		C/o S.B. of	
		S. Africa	
		S. B.	
		L. M.	1 bag merchandise
19th "	Mantola, Europe	Nil	4 bottles whisky
22nd "	Clan Ranald, Europe	Nil	1 b'dle galv. plain sheets
30th "	Colonial, Europe	Nil	4 wheels with axles
			1 coil fencing wire
			1 bundle iron hoops
			2 coils baling hoops
			2 cases merchandise
2nd April	Guildford Castle, Europe	< D.H.B. > 1/2	
4th "	Jagersfontein	< F.H.R. > 3163	1 cask earthenware
		S.M.T.	
		Beyrouth	1 case merchandise
		390	
		C < M.R. > J. 122/1	1 case merchandise
		A.H.K. & Co.	1 bundle ceiling boards
4th "	Francisco Crispi, Europe	N.S.M. 1060	1 case merchandise
4th "	Usambara, South	L. A.	
		Rotherdan	1 bag simsim
13th "	Modasa, Europe	Nil	1 brick
		"	14 pieces loose machinery
		35	1 cask cement
		Nil	3 bags sweeping cement

UNCLAIMED BAGGAGE LYING IN THE KING'S WAREHOUSE, KILINDINI, OVER THREE MONTHS—contd.
FOR SALE ON 5TH SEPTEMBER, 1927.

Under Section 106 of the Customs Management Ordinance, 1926.

Date.	Steamer.	Mark and Number.	No. & Description of packages.
1927 13th April	Unknown Steamers	Nil	6 iron frames 1 lot gutterings 10 boxes tinplates 4 wheels 7 nos. ironpipes broken 4 bundles C. I. sheets 1 drum paint broken 4 casks oil leaking 1 drum leaking 1 case merchandise 1 glv. pipe broken 12 bags sweeping cement 14 square bars 2 flat bars 1 angle bar 1 lot iron materials 1 bale fibre 2 drums coal tar

UNCLAIMED BAGGAGE LYING IN THE KING'S WAREHOUSE, KILINDINI, OVER THREE MONTHS.
FOR SALE ON 5TH SEPTEMBER, 1927.

Under Section 106 of the Customs Management Ordinance, 1926

Date.	Steamer.	Marks and Numbers.	Nos. & Description of packages.
1927 19th Mar.	Mantola, Europe	F. C. Anderson S. R. Boyd Hebder	1 bag 1 chair 1 chair
19th „	Unknown, Europe	Nil	3 overcoats

UNCLAIMED CARGO LYING IN THE KING'S WAREHOUSE, MOMBASA, OVER THREE MONTHS.
FOR SALE ON 5TH SEPTEMBER, 1927.

Under Section 106 of the Customs Management Ordinance, 1926.

Date.	Steamer.	Marks and Number.	No. & Description of packages.
1927 15th Mar.	Ayamonte, South	Nil	1 quilt
16th „	do	Nil	1 trunk 1 bedding