



THE
OFFICIAL GAZETTE
OF THE
COLONY AND PROTECTORATE
OF
KENYA.

Published under the Authority of His Excellency the Governor of the
Colony and Protectorate of Kenya.

Vol. XXX.—No. 27.

NAIROBI, May 22, 1928.

Price 50 Cents.

Registered as a Newspaper at the G. P. O.

Published every Tuesday.

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GOVERNMENT NOTICE No 254

ARRIVALS

Name.	Rank.	From leave or on 1st Appointment.	Date of leaving England.	Date of Embarkation.	Date of arrival at Kilindini
L. M. Olerholzer	Driver, K. & U. Rly.	Leave	* 23rd April, 1928	23rd April, 1928	3rd May, 1928
D. S. Sweeney	2nd Engineer, Lake Steamers, K. & U. Rly.	do	13th April, 1928	13th April, 1928	12th May, 1928
N. G. Treliving	Clerk II Grade, K. & U. Rly.	1st appt.	do	do	do
A. F. Marsh	Commander, Lake Steamers, K. & U. Rly.	Leave	17th April, 1928	† 21st April, 1928	do
Miss V. M. Mordaunt	Nursing Sister	1st appt.	13th April, 1928	do	do
Dr. W. J. Laird	Medical Officer	do	19th April, 1928	† 21st April, 1928	do
S. Gillet	Asst. Agricultural Officer	do	13th April, 1928	do	do
Miss A. A. Biss	Assistant Mistress	do	19th April, 1928	† 21st April, 1928	do
T. A. Angus	Forester	Leave	13th April, 1928	do	do
R. M. Graham	Asst. Conservator of Forest	do	do	† 21st April, 1928	do
E. Jones	Carp. Instructor, Education Dept.	do	do	do	do
J. McMunn	Chief Technical Instructor, Education Dept.	do	do	do	do
C. A. Mathias	Asst. Inspector of Police	do	do	do	do
D. K. Noble	Clerk. Secretariat	do	do	do	do
G. R. Thomas	Senior Asst. Quantity Surveyor	do	do	do	do
Mrs. E. O. Milne	Clerk, Education	do	do	do	do
D. I. Leared	Asst. Engineer, P. W. D.	1st appt.	20th April, 1928	† 21st April, 1928	do

* Date of leaving South.

† Date of leaving Marseilles.

DEPARTURES.

Name.	Rank.	On leave or termination of appointment.	Date of Departure.
A. R. Havard	Shed Foreman K. & U. Rly.	Leave	12th May, 1928
E. F. Luckes	Storeman, K. & U. Rly.	do	do
Mrs. W. M. Willoughby	Clerk III Grade, K. & U. Rly.	do	do
Lt. Comdr. G. D. Brown, R.N.R.	Asst. Survey Officer, Lake Steamers, Kenya and Uganda Railway	do	do
T. J. Anderson	Entomologist, Agricultural Dept.	do	do
Major W. B. Brook	District Officer	do	do
J. V. Willoughby	Road Foreman, P. W. D.	do	do
A. N. Bailward	District Officer	do	do
W. M. Keatinge	Registrar General	do	do
P. S. Mackrell	Jr. Postmaster	do	do
Capt. B. W. D. Cochrane	Asst. Supdt. of Police	do	do
F. J. Gosden	Computer, Survey and Registration	do	do
R. F. Palmer	Clerk, Agricultural Dept.	do	do
G. W. Clochley	Asst. Storekeeper, Vetry. Research Dept.	do	do
W. P. Bruce	Laboratory Asst., Vetry. Research Dept.	do	do
Miss R. Smart	Clerk, Education	do	do
H. E. Lambert	District Officer	do	do
H. Hayes	Postal Clerk	do	do
J. A. Sheridan	2nd Puisne Judge	do	do
W. McDonald	District Surveyor	do	do
Capt. T. W. Hodkin	Principal, Education	do	do
Miss M. E. Rhind	Nursing Sister, Medical	do	do
Dr. J. R. Davies	Medical Officer	do	do
P. H. Stephenson	Inspector of Police	do	do
Miss M. E. Bleakman	Matron, Education	do	do
C. W. J. Lambert	C. S. M., 3rd K. A. R.	do	do
John Lane	Driver, K. & U. Rly.	do	do

APPOINTMENTS.

VICTOR MALCOLM MCKEAG, to be Assistant District Commissioner, Meru, Kikuyu Province, with effect from 26th April, 1928.

ROBERT PAUS PLATT, to be Assistant Resident Commissioner, Mombasa, with effect from 9th May, 1928.

S. 20064/24.

BASIL STONE, to be Acting Registrar General, Public Trustee and Official Receiver; Acting Controller, Local Clearing Office, and Acting Custodian of Enemy Property, with effect from the 12th May, 1928.

S. 20064/24.

JOSEPH BASIL WITHERICK, to be Acting Assistant Registrar General, Public Trustee and Official Receiver, with effect from the 12th May, 1928.

JOHN MCPHAIL CAMPELLE, M.B., CH.B., D.P.H., to be Medical Officer of Health for the Districts of the Uasin Gishu and Trans Nzoia, and the Townships of Eldoret and Kitale, with effect from 21st May, 1928.

JAMES REID KENNEDY, to be Registrar of Brands, Department of Agriculture, with effect from 11th May, 1928.

H. WILKINSON, A.R.C.S.C., F.E.S., F.L.S., to be Acting Entomologist, Department of Agriculture, with effect from 7th May, 1928.

DARRELL SMYLY WARDLE, to be a Warden of the Colonial Standards of Weights and Measures.

KENYA AND UGANDA RAILWAYS AND HARBOURS.

WILLIAM ARTHUR MCCLELLAND, Senior Assistant Engineer, to be District Engineer, with Headquarters at Nakuru, with effect from the 12th January, 1928.

MAGISTERIAL WARRANT.

VICTOR MALCOLM MCKEAG, to be a Magistrate of the Second Class, with power to hold a Subordinate Court of the Second Class in the Meru District, whilst holding his present appointment as Assistant District Commissioner, Meru, Kikuyu Province.

W. M. LOGAN,
for Colonial Secretary.

Colony and Protectorate of Kenya.

GOVERNMENT NOTICE NO. 255

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

R. W. LAMBERT,
Clerk to the Legislative Council.

A Bill to make Provision for the Fencing of Farms and Other Holdings.

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 Fencing Ordinance, 1928,” and shall commence and come into operation on such date as the Governor may by notice in the Gazette appoint. Short Title.

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

“ Contributions ” shall mean contributions by an owner in accordance with this Ordinance towards the cost of dividing fences, and “ contribute ” shall be construed accordingly;

“ cost ” shall in respect of the erection or alteration or repair of any fence, include any cost of or incidental to such erection, alteration or repair, including the cost of the transport of materials;

“ district ” means any area the boundaries of which are defined by the Chief Veterinary Officer as being a district for the purposes of this Ordinance;

“ clean area ” means the alienated area the boundaries of which are defined in Schedule I of the Diseases of Animals Ordinance;

“ dirty area ” means an area infected with East Coast Fever;

“ guard area ” means each and every holding which has any common boundary or portion thereof abutting on a dirty area within a clean one;

“ department ” shall mean the Department of Agriculture acting through an officer delegated thereto by the Governor;

“ dividing fence ” shall mean, in relation to a holding, a fence erected on or as near as possible to any boundary thereof and separating that holding from another holding or public road, including any necessary gate in such fence;

“ holding ” shall mean—

(a) any defined area of land held by any person or authority under separate grant, deed of transfer, or certificate of title; or

(b) any defined area of land held under lease, licence, or allotment from the Crown, with an option to purchase such area, provided the instrument of lease, licence, or allotment is registered in accordance with the law of the Colony for the time being; or 5

(c) any native reserve or any other land lawfully occupied by natives;

“ owner ” shall include—

(a) any person company co-partnership or public body in actual occupation or entitled as owner to occupy any land, or the representative of any such company co-partnership or public body; 10

(b) any person lawfully occupying or holding land in accordance with the provisions of any law or agreement empowering the Government to allot Crown lands, subject to the fulfilment by the allottee of prescribed conditions; 15

(c) in respect of a holding described in paragraph (c) of the said definition, the Department of Native Affairs or Native Lands Trust Board; 20

and in respect of a holding described in any such paragraph shall include the legal representative of an owner who has died, become insolvent, is a minor, or of unsound mind or is otherwise under disability, and if the owner be a company in liquidation shall include also the liquidator thereof; 25

“ repair ” shall, in relation to any fence or ditch or any part thereof, include trimming, cutting, or in any other manner whatever putting and maintaining the same in good order. 30

PART I.

DIVIDING FENCES, ADVANCES FOR ERECTION THEREOF AND CONTRIBUTIONS TOWARDS COST OF ERECTION.

Advance by Land Bank towards cost of erection of dividing fences

3. Whenever fencing has been declared to be obligatory by the Governor under section 5 of this Ordinance, anyone in such area may apply in the prescribed form to the Land and Agricultural Bank of Kenya (hereinafter referred to as “ the Land Bank ”) for an advance to defray the cost of the erection of such fence or fences as he may be required to construct under this Ordinance. 35 40

Beneficial use by one owner of fence erected on holding of adjoining owner.

4. If any owner has, under this Ordinance or any other Ordinance or otherwise, lawfully erected a dividing fence on the boundary lines of his holding in an area in which contributions towards the cost thereof are not obligatory and the owner of an adjoining holding adopts means whereby such a fence is rendered of beneficial use to himself, either owner may, in default of agreement, demand that an assessment be made of the value to each owner of the fence, regard being had to the extent to which and the time at which the beneficial use is being or has been made. Such value, if not agreed upon, shall be submitted to arbitration in accordance with the provisions of the Arbitration Ordinance, and thereupon it shall be obligatory upon the owner who has made beneficial use of the fence to contribute towards the cost of such fence in accordance with such assessment. 45 50

Cap. 18.

5. The Governor in Council shall declare contributions towards the cost of a dividing fence to be obligatory in any area if the Commissioner for Local Government has transmitted to the Director of Agriculture a certified copy of a resolution
 5 passed by a two-thirds majority of the owners or occupiers of land (as the case may be) throughout a district requesting such area to be proclaimed, and contributions when so declared
 obligatory in any area shall be made as from a date to be by
 10 the said Proclamation fixed : provided that in any area a group of owners or occupiers not fewer than fifteen in number may
 apply to the Commissioner for Local Government to have the area represented by their group of holdings declared a district for the purposes of this Ordinance.

Contributions by adjoining owner to cost of dividing fence when obligatory.

6. (1) Whenever such application has been transmitted to
 15 the Commissioner for Local Government the Chief Veterinary Officer shall thereupon define the boundaries of the district, and thereafter in consultation with the owners and occupiers of the district as defined, at a public meeting approve or adjust and approve the boundary of the area as a district under this
 20 Ordinance.

(2) When the district has been approved and defined then a resolution in terms of section 5 of this Ordinance may be transmitted to the Commissioner for Local Government as provided for in the last preceding section.

7. (1) Every owner who intends to erect a dividing fence upon his holding may, if he desires that the owner of an adjoining holding shall contribute to the cost of such fence, transmit to that owner written notice dated and in the form as nearly as possible set out in the Schedule to this Ordinance,
 25 of such his intention, and when he transmits such notice he shall attach thereto the specification of the dividing fence which he desires to erect, together with a statement of the estimated cost thereof and the proportion of such cost which he requires such owner to contribute.

Notice to adjoining owners of intention to erect a dividing fence.

35 (2) If the last mentioned owner fail, within a period of one month after the date when the said notice was transmitted, to lodge with the owner who transmitted the notice an objection thereto, the latter may forthwith proceed with the erection of the dividing fence.

40 (3) If an owner to whom the said notice has been transmitted lodge an objection within the said period and state therein that he desires to erect a dividing fence of a different type and transmit with the objection a specification of the type of fence he desires to erect, either owner may, in default
 45 of agreement between them, claim that the matter shall be submitted to arbitration in accordance with the provisions of the Arbitration Ordinance.

Cap. 18.

(4) The provisions of this section shall apply *mutatis mutandis* in respect of a dividing fence existing at the commencement of this Ordinance or at the date as from which contributions become obligatory by proclamation under section 5, provided in either case the fence is in good order.

50

(5) If an owner has erected a dividing fence without complying with the provisions of sub-section (1) of this section and the owner of an adjoining holding adopts means whereby such a fence is rendered of beneficial use to himself the provisions of section 4 of this Ordinance shall, *mutatis mutandis*, apply. 5

Notice to
absentee owner.

8. If the whereabouts of any owner be unknown or if he be absent from the Colony, the notice mentioned in the last preceding section shall be deemed to be duly given—

- (a) when it is given to a person generally or specially authorised by him to be his representative, or (if there be no such authorised representative known to the person required to give the notice), 10
- (b) when it has been published once in the Gazette and three times in a newspaper circulating in the Colony : 15

Provided that in the case described in paragraph (b) a period of three months shall be substituted for the period of one month prescribed by the last preceding section as the period within which objections shall be lodged or the terms of the notice shall be complied with. 20

The cost of publication described in paragraph (b) shall be added to the contribution towards the cost of the fence required to be made by the owner whose whereabouts is unknown or who is absent from the Colony. 25

Holding in
proclaimed area
adjoining
holdings in
unproclaimed
area.

9. Whenever a defined holding in an area in respect of which a proclamation is in force under section 5 adjoins a defined holding in another area in respect of which such a proclamation is not in force, the owner of the last-mentioned holding shall be liable to contribute towards the cost of the dividing fence between the two holdings, only if he adopts means whereby the fence is rendered of beneficial use to himself. 30

10. Whenever a holding in an area in respect of which a proclamation is in force under section 5 adjoins a Native Reserve, Forest Area or other Crown Land then it shall be compulsory that a contribution be made by both the adjoining owners towards the cost of the fence on the common boundaries. 35

Power of
Department to
enter upon
holding and
inspect fences,
etc.
Repairs.

11. The Department may, by its officers, enter upon any holding to inspect any fence and if it be of the opinion that the same is in need of any repairs, it may give written notice to the owners to execute any such repairs within a period to be specified in the notice and, in default of compliance with the terms of the notice, the Department may proceed to execute such repairs and may recover the costs thereof by action in a competent court. 40 45

PART II.

COMPULSORY FENCING TO PREVENT THE SPREAD OF STOCK DISEASES IN A CLEAN AREA. 50

Erection of
dividing fences
by owner or
by Director of
Agriculture.

12. For the purpose of preventing the spread of diseases amongst stock, as defined in any law relating to diseases of and the cleaning of stock and notwithstanding anything to the contrary contained in this Ordinance, the Director of Agriculture may call upon the owner of any holding to erect a fence along the whole or any part of the boundaries thereof if the holding be within an area declared under any such law to be a dirty area or a guard area. The specifications of any such 55

fence shall be determined by the Department. If the owner fail within the period specified by the Director of Agriculture to erect such a fence, the Director of Agriculture may cause the same to be erected by the Department.

- 5 **13.** The costs of any dividing fence erected by the Department under this Part shall, in the first instance, be defrayed out of moneys specifically appropriated by the Legislative Council for the purpose :

Cost of erection of fences under this Part and repayment of same by owners.

10 Provided that the total cost of any such fence (not exceeding the cost of an ordinary six-wire fence), together with interest at the rate of six per cent. per annum, shall be repaid by the owners of the two holdings divided by the fence by equal yearly instalments, commencing, as regards both instalments and interest, such instalments being so calculated and
15 fixed that the said cost and interest will be wholly repaid within a period of ten years from the date on which the first instalment became due, and which moneys shall be secured and collected by the Land Bank :

20 Provided further that any amount not exceeding ten pounds shall become payable immediately after the completion of the fence.

- 25 **14.** (1) In any case where any Crown land has been fenced under the provisions of this Part, and has, before the erection of the fencing, been leased under the provisions of any law in force in the Colony, the lessee shall, in addition to the rent payable under his lease or licence, pay to the Government interest at the rate of six per cent. per annum upon one-half of the total cost of the fence from the date of the completion of such fence, provided that the lessee may, if
30 he so desire, cancel his lease.

Special provisions relating to repayment by lessees of Crown lands of cost of fences erected under this Part.

(2) If a lease or licence under any of the laws referred to in sub-section (1) of this section contains a right of conditional purchase of the land, then upon that right being exercised, the conditional purchaser shall, as from the date on
35 which the purchase takes effect become liable for and shall pay to the Government from time to time as prescribed by this Part the instalments due to the Government, together with interest at the rate in that sub-section mentioned. The period between the date of completion of the fence and the date when the
40 purchase takes effect shall be reckoned as part of the time within which the cost of erection shall be repaid, and the instalments which shall be payable during that period shall be added to the purchase price of the land and any instalments of purchase price which will become due under such terms of the
45 lease as relate to conditional purchase of the land shall be increased accordingly.

(3) The provisions of sub-section (2) of this section shall *mutatis mutandis* apply when a lease of land under any of the said laws is converted into a licence and shall further apply to
50 land held under licence in accordance with those laws.

(4) Whenever the interest of a licensee of land held under licence terminates, half of the instalments paid by him under this section in respect of fencing, but not the interest on those instalments, shall be repaid to the licensee.

Repayment of cost of fencing native locations under this Part.

15. Whenever the Director of Agriculture or an adjoining owner has incurred any costs in respect of the fencing under this Part of a location or part of a Native Reserve, the adult male inhabitants thereof shall be jointly liable for repayment of one half of such costs and for payment of interest thereon at the rate of six per cent. per annum. For the purpose of obtaining such repayment and payment of interest the Governor may, by proclamation in the Gazette, order that a rate, not exceeding in any one year the sum of five shillings, be levied and collected from each such adult male inhabitant, fix the date when such rate shall be levied and collected, make regulations defining the incidence of such rate and provide that the amount thereof shall be recoverable in the same manner as any native hut tax or poll tax is by law recoverable from natives liable to pay such tax.

Repayment of cost of fencing town lands and commonage under this Part.

16. Whenever the Director of Agriculture has incurred any costs in respect of the fencing under this Part of any town lands which are vested in or controlled by any local authority, one-half of the cost shall be payable by such local authority and also one-half by the adjoining owner in manner provided by this Part.

Contributions in kind towards fencing under this Part.

17. Nothing in this Part contained shall be construed as preventing any person liable thereunder for any part of the costs of the erection of a fence from contributing labour or transport towards such costs and any such contribution shall be set off against the amounts due under this Part and the value of the contribution shall, in the absence of agreement, be submitted to arbitration in accordance with the provisions of the Arbitration Ordinance.

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Liability of adjoining owners under this Part.

18. If a fence erected under this Part divide the holdings of adjoining owners, each adjoining owner shall pay one-half of the amount to be repaid in accordance with this Part of that part of the fence dividing those holdings, together with the interest aforesaid.

Fence not to be removed without consent.

19. No person shall, whether or not the costs of the fence with the interest thereon have been repaid, remove any fence erected under this Part unless he has previously obtained the written permission of the Department, and, in any proceedings for a contravention of this section, the burden of proving that he has previously obtained such permission shall lie on the said person.

20. Whenever in a clean area a route of public highway becomes infected, it shall then be the duty of the local authority, subject to the provisions of section 42 of this Ordinance, to erect fences on both sides of the route, to the extent required by and to the satisfaction of the Director of Agriculture.

Buffer fencing.

21. The Director of Agriculture may cause fences to be erected—

- (a) along or across any road, whether public or private;
- (b) along the boundaries of any number of holdings, on or within the boundaries of any native reserve, and the cost of any fence erected under this section shall be defrayed entirely out of the moneys specifically appropriated by the Legislative Council for the purpose of this Part and no contribution shall be payable by any owner or other person in respect of the fence:

Provided that whenever a fence erected under this section is no longer required for the purpose for which it was erected the Department may sell that fence or any portion thereof, at a price to be approved by the Director of Agriculture, to any person desiring to purchase it.

22. If any fence erected under this Part, or any gate connected therewith, be out of repair and the owners on either side fail to repair it, the Department may cause written notice to be served upon the person or persons liable to pay for the cost or part of the cost of the erection of the fence, to put the fence or the gate (as the case may be) in repair to the satisfaction of any person named by the Department and within a time to be fixed by the notice, and if such fence or gate be not put into satisfactory repair within the time so fixed, any person or persons nominated by the Department in writing may execute the repairs, and the cost thereof shall be added to and be deemed part of the cost of erection, and the provisions of this Part, relating to repayment of the costs of the erection of the fence shall in all respects apply to the repayment and mode of securing repayment of the costs of such repairs.

Repair of fences erected under this Part.

In any case in which the service of such notice cannot be effected without loss of considerable time, the Department may execute the repairs without such notice, and the cost shall be recoverable from the owner in manner aforesaid.

PART III.

OFFENCES.

23. Any person who—

Leaving gates open.

(a) opens and leaves open or unfastened; or

(b) finding open on passing through, neglects to shut and fasten any gate in any fence;

shall be liable on conviction, in the case of a first offence, to a fine not exceeding five pounds, or, in default of payment, to imprisonment of either description for a period not exceeding fourteen days, and in the case of a second or subsequent conviction, to a fine not exceeding twenty pounds, or, in default of payment, to imprisonment of either description for a period not exceeding one month, or to such period of imprisonment without the option of a fine.

24. Any person who climbs over or through a fence or gate without permission of the owner or lessee of the land upon which such fence is situate shall be liable on conviction to a fine not exceeding ten pounds, or in default of payment, to imprisonment of either description for a period not exceeding fourteen days.

Climbing through fences.

25. Any person who wilfully injures or removes any fence, gate, or other appliance or contrivance forming part or serving the purpose thereof, shall be liable on conviction to a fine not exceeding seventy-five pounds, or, in default of payment, to imprisonment of either description for a period not exceeding six months, or to such imprisonment without the option of a fine.

Malicious injury to fences.

Accidentally
damaging
fencing.

26. (1) Any person who inadvertently or accidentally injures any fence or gate situated upon a holding or on a public road within a holding, shall forthwith repair the same, and in the event of his being unable to do so he shall forthwith report the injury and inability to repair to the owner of the holding and deposit or give security for such sum as may be reasonably sufficient to cover the cost of the repair, and the owner shall thereupon on request give such person an acknowledgment of the sum deposited or secured. 5

(2) If any person fail to comply with the requirements of this section he shall be liable to a fine not exceeding ten pounds, or, in default of payment, to imprisonment of either description for a period not exceeding fourteen days. 10

Failure to give
name after
injury to fence.

27. Any person who, having injured a fence or gate, or having climbed over or through a fence or gate without permission, fails, on request by the owner or lessee of the land on which it is situate or by some person authorised thereto by such owner or lessee, to give his correct name and address, shall be liable on conviction to a fine not exceeding twenty pounds, or, in default of payment, to imprisonment of either description for a period not exceeding one month. 15 20

Penalties where
not expressly
provided.

28. Any person who wilfully fails to comply with, or who contravenes any provision of, this Ordinance in respect whereof no penalty is expressly provided, shall be liable on conviction to a fine not exceeding twenty pounds, or, in default of payment, to imprisonment of either description for a period not exceeding one month. 25

PART IV.

GENERAL AND MISCELLANEOUS.

Fencing of land
subject to
grazing
servitude.

29. (1) An owner shall have the right to fence his holding or to contribute towards the cost of erecting a dividing fence between such holding and any adjoining holding notwithstanding that such first-mentioned holding is subject to an easement for grazing or an easement for watering live-stock thereon in favour of any other owner or person whomsoever, provided that reasonable means of ingress and egress be allowed to the live-stock of the person enjoying the easement through suitable and sufficient gates, and in default of agreement between the owner and the person enjoying the easement as to the suitability or sufficiency of the gates, either of them may claim that the matter shall be submitted to arbitration in accordance with the provisions of the Arbitration Ordinance. 30 35 40

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(2) The holder of an easement for grazing as in subsection (1) of this section described shall be liable to pay to the owner of the holding a fair share of the costs of erection, maintenance and repair of the fence proportionate to his interest in the grazing rights over the holding, and in default of agreement between the owner and the person enjoying the easement as to their respective shares in the grazing rights either of them may claim that the matter shall be submitted to arbitration in accordance with the provisions of the Arbitration Ordinance. 45 50

Cap. 18

Settlement of
disputes.

30. Whenever, under this Ordinance, two owners are unable to agree—

(a) as to the specifications of any dividing fence proposed to be erected or altered; or 55

(b) as to the assessment to be made of the value to any owner of any dividing fence; or

(c) as to the use which an owner is making of a dividing fence and whether such use is beneficial use and if so the extent to which the beneficial use is being made; or

5 (d) as to any other matter in respect of which a dispute has arisen between the two owners;

the matter shall be submitted to arbitration in accordance with the provisions of the Arbitration Ordinance.

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10 **31.** (1) Whenever any person is convicted by a Magistrate's court of a contravention of section 25 or section 26 of this Ordinance and it appears that such person has by that offence caused damage to the owner or occupier of a holding, the court may, at the request of such owner or occupier, as the case may be, but in the presence of the convicted person, 15 inquire summarily and without pleadings into the amount of damage so caused.

Summary proceedings for recovery of damages from convicted persons.

20 (2) Upon proof of such amount the court may give judgment therefor in favour of such owner or occupier, as the case may be, and against the convicted person, and such judgment shall be of the same force and effect, and be executable in the same manner, as if it had been given in a civil action duly instituted before such court: Provided that judgment shall not be given under this section for a sum exceeding fifty pounds.

25 **32.** If any fence crosses a recognised public road the owner concerned shall allow an opening of not less than fifteen feet across such road and shall erect and maintain in good order a gate made of iron or wood, or an iron or wooden frame 30 spanned with wire, placed as nearly as possible at right angles to the road and properly fixed by means of hinges or pivots and closing of the gate:

Gates.

35 Provided that in an area wherein a road authority exists such authority shall define the types and width of gates which may be erected over any road.

40 **33.** Any person erecting any fence whatever on land covered with bush may clear the bush for a distance not exceeding five feet on each side of such fence and may remove any tree standing in the immediate line of such fence, and the cost of such clearing shall be deemed to be part of the cost of erecting the fence.

Bush may be cleared for fencing.

45 **34.** Where any holding fenced under this Ordinance is held under lease the owner shall be entitled during the term of the lease to receive from the lessee, as from the date when such holding became so fenced, a payment of six per cent. per annum on any sum which such owner has paid in respect of the fence. The owner shall have the same rights in respect of recovering any such payment as he has in law to recover rent due to him from the lessee, and the lessee shall have the 50 right to determine the lease, unless the owner's liability to contribute towards the cost of the fence arose from any act of the lessee.

Payment by lessee to lessor of fenced holding under this Ordinance.

Give-and-take
line.

35. (1) If between two or more holdings a dividing line is formed by a watercourse or a river (not being of such a nature as to form a natural barrier for stock) or range of hills, or ravine, outcrops of solid rock along which it is impracticable or inexpedient to erect a fence, the owners concerned may agree upon a fair give-and-take line as a dividing line to be fenced in accordance with this Ordinance, or, in default of such agreement, any such owner may claim that the matter shall be submitted to arbitration in accordance with the provisions of the Arbitration Ordinance.

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(2) Any give-and-take line so agreed or determined shall be deemed to be the boundary line for the purposes of this Ordinance, but shall not otherwise affect the titles to any such holdings.

Repair of
fences.

36. If any dividing fence whatever be out of repair the owner of each holding separated by the fence shall be liable for the cost of the repair to the extent to which under this Ordinance he would be liable to contribute to the cost of such fence; and either owner may serve upon the other owner a notice requiring him within a period of one week to assist in repairing such fence; and if such other owner fail to comply with the terms of such notice the owner who has served the said notice may himself repair it and recover from the other owner the proportion of the cost of repair due from him.

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Right to alter
type of fence.

37. Any owner of a holding separated by a dividing fence shall have the right at any time so to alter the fence as to make it a fence of a superior type: Provided that the owner of the adjoining holding separated by the fence shall not be liable to contribute to the alteration unless or until he derives beneficial use from the type of the fence as altered. The provisions of the next succeeding section shall apply *mutatis mutandis* as if the alteration were an erection or repair of the fence.

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Access to
persons erecting
fences.

38. Any person erecting or repairing any dividing fence whatever, whether erected under this Ordinance or otherwise, shall for himself, his servants, implements, materials, animals and vehicles have at all times access to any property for the purpose of carrying out the work reasonably required for the erection or repair:

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Provided that nothing in this section contained shall be construed as authorising the entry, without the consent of the occupant, upon land under cultivation or upon a garden, plantation or pleasure ground, or the cutting down, lopping or injury of any fruit trees, ornamental trees or shrubs.

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Access by
magistrates,
officials and
surveyors.

39. For the purpose of inspection, valuation or survey or of carrying out any of the provisions of this Ordinance, any person authorised by the Department or any person appointed or nominated to determine a dispute in accordance with the provisions of the Arbitration Ordinance may enter upon any land and value, measure, survey, take grades and levels, fell trees, cut fences, and do all other acts necessary for such purposes:

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Cap. 18.

Provided that all damage caused by the exercise of the powers of this section shall, as far as possible, be repaired, and so far as the repair of damage is not possible the value

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thereof shall be paid to the owner, and shall, in default of agreement, be submitted to arbitration in accordance with the provisions of the Arbitration Ordinance.

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5 **40.** If any civil proceedings be taken under this Ordinance against a lessee for which the owner would ultimately incur any liability, the lessor may intervene and defend such proceedings, and any defence which is available to the lessee shall be available to the owner in addition to any other available defence.

Lessor may intervene in and defend proceedings against his lessee.

10 **41.** The Magistrate's court of the district in which the defendant in any civil proceedings under this Ordinance resides shall have jurisdiction to entertain such proceedings and give judgment for the amount claimed, notwithstanding that the proceedings or amount claimed is, under the law relating to
15 Magistrate's courts, outside the ordinary jurisdiction of such courts.

Special civil jurisdiction of magistrate's court.

20 **42.** No owner or occupier of a holding shall be held liable in damages in respect of an injury caused to any person or to any property by such person or property coming in contact with any fence: Provided that the injury has not been
occasioned by the negligence of such owner or occupier in erecting, altering, maintaining or repairing the fence.

Non-liability of owner or occupier for injury caused by contact with fence.

25 **43.** (1) Wherever an owner desires to fence that part of his holding which abuts on to the boundary of a line of railway or of public highway together with gates of access he may require the railway or the local or other authority to contribute towards the cost of the fence or fences as specified by the Department and under the provision of section 6 of this Ordinance.

Fences along railway lines or public roads.

30 (2) If a line of railway or of public highway traverses any area which has been declared obligatory under paragraph (1) of section 5 of this Ordinance, the railway or the local or other authority together with the owners of the land adjoining such line of railway or public road shall erect and maintain a fence
35 according to the specifications of the Department: Provided that where the railway or road runs exactly along the boundary of the holding the owner may not be called upon to pay more than half of the cost of one fence as specified by the Department.

40 If, however, the railway or road traverses the holding then the cost of fencing to the owner shall be no greater than if the railway or road ran along the boundaries of the holding.

45 (3) If it is found necessary to fence the boundaries of a road of access under Part II of this Ordinance then the owner may require the local authority to contribute as provided in this section.

50 **44.** Nothing in this Ordinance contained shall be construed as affecting any act done or right acquired prior to the commencement of this Ordinance under any contract, covenant, or agreement made between any lessor and lessee, or between the owners of adjoining holdings relative to dividing fences.

Ordinance not to affect agreements as to dividing fences.

55 **45.** Any right conferred or obligation or duty imposed by this Ordinance on an owner or lessee shall, if the Crown or railway authority be the owner or lessee of a holding, whether by registration or otherwise, belong to or be binding upon it.

Ordinance to be binding on Crown as owner or lessee.

SCHEDULE.

To
Owner

_____ of farm

Agent for the owner

Address

Notice of intention to fence.

Take notice in terms of section 6 of the Fencing Ordinance, 1928, that I desire to have a fence erected along the boundary line of my farm No. and your farm No. The work will be commenced on or about the day of 19 , in accordance with the specification hereunder appended, and I request that you will inform me whether it is your intention to contribute either labour or material or both, towards this fencing.

If no reply or objection to the proposed specification reaches me within one month after the date of this notice, the work will be proceeded with in the usual manner.

Date..... (Signature).....

Owner

_____
Agent for

OBJECTS AND REASONS.

The main object of this Bill is to provide a means whereby stock diseases, particularly East Coast Fever, may be circumscribed in their incidence.

The Bill defines the relations which are to exist between owners of adjoining holdings who fence the boundaries of their holdings, and the relation between both Railway authorities, local authorities and the public as to the fencing of public highways, are also provided for.

Further the Bill makes it possible for a district to adopt a method of compulsory fencing in order that a concerted effort may be made against stock diseases.

It further lays down the relation of holders of land adjoining Forest Reserves and Crown land in respect of fencing common to both.

In certain circumstances, loans may be obtained from the Land Bank for the erection of fences under this Bill.

The Bill further provides for the erection of buffer fences by the Department of Agriculture, and deals specifically with offences which are liable to impair the efficacy of a fence.

When this Bill is approved and applied it will be necessary to provide moneys for fencing in the Estimates under the Department of Agriculture, Department of Lands and Department of Native Affairs, approximately £7,000 per annum for a few years.

GOVERNMENT NOTICE No. 256.

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

R. W. LAMBERT,

Clerk to the Legislative Council.

A Bill to Provide for the Cleansing of Cattle.

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 Cattle Cleansing Ordinance, 1928.” Short Title.

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

- 5 “ cattle ” shall mean bulls, cows, heifers, calves and oxen ;
- “ immune cattle ” means cattle bearing the registered Government brands denoting that the cattle are immune to East Coast Fever ;
- 10 “ clean area ” means the alienated area the boundaries of which are defined in Schedule I of the Diseases of Animals Ordinance ;
- “ dirty area ” means an area infected with East Coast Fever ;
- 15 “ guard area ” means each and every holding which has any common boundary or portion thereof abutting on a dirty area within the “ clean area ” ;
- “ district ” means any area the boundaries of which are defined by the Chief Veterinary Officer as being a district for the purposes of this Ordinance ;
- 20 “ engorged tick ” shall mean any tick obviously distended with blood ;
- “ tick infestation ” shall mean having ten or more engorged ticks on one, or five or more engorged ticks on each of five or more head of cattle, not being bont (*amblyomma hebraeum* or *variegatum*) or bont-legged (*hyalomma aegyptium*) ticks ;
- 25 “ to clean ” shall mean the maintaining of cattle free from tick infestation by submerging such cattle in a dipping tank containing an effective tick-destroying agent, and by hand dressing and by clipping hair as prescribed ;
- 30 “ dipping tank ” shall mean any contrivance for the cleaning of cattle by submerging, and structures incidental thereto ;
- 35 “ effective tick-destroying agent ” shall mean an aqueous solution containing the equivalent of .16 per centum of arsenious oxide or such other percentage of arsenious oxide or such other ingredients in such proportion as the Governor may from time to time prescribe by proclamation in the Gazette ;
- 40 “ owner ” as applied to land, shall include—
- (a) any person, company, co-partnership or public body in actual occupation of or entitled as owner to occupy any land, or the representative of any such
- 45 company, co-partnership or public body ;

(b) any person lawfully occupying or holding land in accordance with the provisions of any law or agreement empowering the Government to allot Crown lands subject to the fulfilment by the allottee of prescribed conditions ; 5

“ owner ” as applied to cattle, shall include any person claiming jointly or severally any right, title or interest in any cattle in his possession or having charge, control or management of cattle.

“ holding ” means— 10

(a) any defined area of land held by any person or authority under separate grant, deed of transfer, or certificate of title ; or

(b) any defined area of land held under lease, licence or allotment from the Crown, with an option 15 to purchase such area, provided the instrument of lease, licence or allotment is registered in accordance with the law of the Colony for the time being ; or

(c) any native reserve or any other land law- 20 fully occupied by natives.

Cleaning of
cattle.

3. (1) The Governor in Council shall by Proclamation in the Gazette declare cleaning of cattle to be obligatory in any clean or dirty area in the Colony or part thereof, if the Commissioner of Local Government has transmitted to the 25 Director of Agriculture a certified copy of a resolution to that effect passed by a two-thirds majority of the owners or occupiers of land (as the case may be) throughout a district, and all owners of cattle in such areas shall clean their cattle from a date to be by the said proclamation fixed : Provided that in 30 any area a group of owners or occupiers not fewer than fifteen in number may apply to the Commissioner of Local Government to have the area represented by their group of holdings declared a district for the purposes of this Ordinance.

4. (1) Whenever such application has been transmitted 35 to the Commissioner of Local Government the Chief Veterinary Officer shall thereupon define the boundaries of the district, and thereafter in consultation with the owners and occupiers of the district as defined at a public meeting approve or adjust and approve the boundary of the area as a district 40 under this Ordinance.

(2) When the district has been defined and approved then a resolution in terms of section 3 of this Ordinance may be transmitted to the Commissioner of Local Government as provided for in the last preceding section. 45

5. (1) In a clean area the provisions of this Ordinance shall apply to those holdings declared dirty areas, and also to those declared guard areas.

(2) Wherever a holding has been declared a “ dirty area ” or a “ guard area ” the owners shall, if they desire to use 50 cattle for transport purposes from such holdings, use immune cattle only for such purposes.

Appointment of
inspectors.

6. The Governor may appoint a sufficient number of officers to be styled inspectors for the purpose of this Ordinance.

7. Every inspector shall have full power and authority to inspect and count any cattle at any time and to take a sample or samples from the contents of any dipping tank, and to call upon all owners to produce all cattle in their possession or under their control or on their holding for the purpose of inspection and enumeration. Every owner shall keep the inspector of the area in which his cattle are located advised of the dates and places of dipping of such cattle with a view to facilitating the inspection or enumeration of the same. Any person who shall refuse to allow any inspector to enter upon any land or premises or to examine cattle, or who shall impede or hinder or attempt to impede or hinder any such inspector in the execution of his duties, shall be liable to a fine not exceeding one hundred pounds, or in default of payment to imprisonment of either description for a period not exceeding six months.

Powers of inspectors. Penalty for hindering in execution of duties.

8. An owner who shall fail to clean his cattle in areas in which such cleaning has been declared to be obligatory, shall be liable to a fine not exceeding one hundred pounds, or in default of payment to imprisonment of either description for a period not exceeding twelve months.

Penalty for failing to clean cattle in areas in which cleaning obligatory.

9. The owner of cattle, notwithstanding that such cattle are free from tick infestation, shall be liable to the penalties prescribed in the last preceding section if it is shown that he has failed to clean them at such intervals as may from time to time be prescribed by the Governor.

Penalty for failing to submerge cattl

10. The Chief Veterinary Officer or any person duly authorised by him thereto in writing may, for considerations of weather, drought or condition of cattle, or for other causes beyond the control of the owner, temporarily exempt owners in any areas in which cleaning of cattle has been declared to be obligatory from the provisions of section 9 hereof, and may during such period prescribe the interval of cleaning. A list of all exemptions granted under this section shall be posted whilst in operation at the magistrate's office and all police stations in the district, and at the cattle inspector's office in the area in which the cattle affected are located. No movement of cattle shall be permitted from any area in which total exemption from cleaning under this section is in force unless such cattle have been cleaned for such periods and at such intervals as may from time to time be prescribed:

Chief Veterinary Officer may exempt temporarily owners.

Provided that such movement of cattle shall not be permitted save under the Rules for the time being in force under this Ordinance or the Diseases of Animals Ordinance or any Ordinance in amendment thereof or in substitution therefor.

Cap. 157.

11. (1) The owners of land on which native-owned cattle are kept shall be required by the Chief Veterinary Officer to provide facilities, including the erection and maintenance of dipping tanks and the provision of effective tick-destroying agents, for the cleaning of such cattle, on terms and conditions to be approved of by him. Such owners of land shall take adequate steps to enforce the cleaning of native-owned cattle kept on such land, and shall, in addition, keep a true and correct register, which shall be open for inspection by any member of the police or other duly authorised official, showing—

Owners of land on which native owned cattle are kept may be required to provide cleaning facilities.

Penalties.

(a) the names of all native owners of cattle kept on their land;

(b) the number of cattle on their land owned by each native owner; and

(c) the number of cattle dipped on each dipping day by each native owner :

Provided that if an owner of land and a native owner of cattle agree that the owner of such land shall himself or by his servants or agents clean the cattle belonging to the native owner, then and in such case the owner of such land may charge the native owner such sum for cleaning of such cattle as may from time to time be fixed by the Chief Veterinary Officer, and such owner of land may recover such sum from such native owner as if it were a debt due from such native owner to such owner of land.

(2) Any person who affords an owner of cattle facilities for cleaning such cattle in a dipping tank shall be required to maintain a sufficient supply of an effective tick-destroying agent in such tank. Any owner of land failing to comply with any of the provisions of this section shall be liable to a fine not exceeding twenty pounds, or in default of payment to imprisonment of either description for a period not exceeding three months, but the payment of such fine or the undergoing of such imprisonment shall not relieve the said owner of his obligations under this section.

Government may act on behalf of absentee owners.

12. Should any person, company, or co-partnership own land with cattle thereon, the property of such person, company or co-partnership, and be absent from or not have a representative or agent in this Colony having authority to carry out the terms of this Ordinance, the Governor may authorise the due performance of the terms of this Ordinance in such manner as he may deem expedient, and any disbursements thereby incurred shall be recoverable by summary sale by auction of sufficient cattle and goods, the property of such person, company or co-partnership, to repay the said disbursements.

Construction of dipping tanks compulsory.

13. The Governor may, in areas in which cleaning has been made obligatory, require any owner to construct a dipping tank at his own expense upon his land, and may require owners of cattle in native reserves to construct dipping tanks thereon at their own expense.

Advance by Land Bank towards cost of erection of dipping tanks.

14. (1) Whenever cleaning of cattle has been declared to be obligatory in any area any owner of land and/or cattle in such area may apply on the prescribed form to the Land and Agricultural Bank of Kenya (hereinafter referred to as "the Land Bank") for an advance to defray the cost of the construction of such dipping tank or tanks as he may be required to construct under this Ordinance.

(2) The Agricultural Department may, by its officers or delegates, enter upon any holding to inspect any dipping tank and if it be of the opinion that the same is in need of any repairs, it may give written notice to the owner to execute any such repairs within a period to be specified in the notice and, in default of compliance with the terms of the notice the Department may proceed to execute such repairs and recover the costs thereof by action in a competent court.

Interest on cost payable by tenant, and cost and interest payable by occupant with right of purchase.

15. When any dipping tank is constructed in an area where compulsory cleaning of cattle is in force by an owner—

(1) upon land held by any person as a tenant, such tenant shall pay yearly during the continuance of his lease the interest, calculated at six pounds per centum

per annum, upon the cost of construction : Provided, however, that no tenant whose unexpired term of lease does not exceed one year shall be liable to pay such interest ;

5 (2) upon land occupied by any person having a right to purchase such land, such person shall pay yearly during the continuance of his occupancy the interest, calculated at six pounds per centum per annum, upon the cost of such construction, and shall, on 10 completion of the purchase, pay in augmentation and as part of the purchase money the cost of such construction.

16. The Governor shall in those areas which come under the provisions of sections 3, 4 and 5 of this Ordinance provide 15 dipping tanks on routes of public highway for the common use of owners, and fix or approve a scale of fees for the cleaning of cattle in such tanks. Provisions of dipping tanks in certain areas.

17. The Governor may appoint one or more persons 20 possessing competent knowledge, skill and experience as analysts for the purpose of analysing samples of dip taken under the provisions of section 7 of this Ordinance. Such persons shall be paid such fees or at such rate of remuneration as the Governor may determine. Appointment of analysts.

18. In all areas controlled by municipal councils, district 25 councils, or township authorities, the town clerk, clerk, secretary or other duly authorised official shall, between the first and thirtieth day of January and July of each year, furnish the inspector of the area in which the lands controlled by such councils or authorities are situated, a return showing 30 the names of all cattle owners on such lands, together with the number of cattle belonging to each owner as and when required by the inspector. Local authorities to furnish returns of cattle owners.

19. An inspector taking a sample of dip with the intention of submitting the same to analysis shall forthwith 35 notify the owner or his agent of such intention, and shall offer to divide the dip into three parts, to be then and there separated and each part to be sealed in a separate bottle and marked, and shall, if required to do so, proceed accordingly and shall deliver one of the bottles to the owner or 40 his agent. He shall retain one of the said parts for future comparison, and submit the third part, if he deem it right to have it analysed, to an analyst appointed for the purpose of this Ordinance. If the owner or his agent do not accept the offer to divide the sample of the dip in his presence, 45 the analyst receiving the same for analysis shall, if informed accordingly, divide it into two parts, and shall seal or fasten up one of those parts and shall cause it to be delivered when he supplies his certificate to the inspector applying for the analysis, who shall retain the same for production in case 50 proceedings shall afterwards be taken in the matter. Procedure in regard to sampling and analysing dip.

20. The inspector requiring a sample to be analysed may, if such course be convenient, forward the same to the analyst through the Post Office as a registered parcel, subject to any regulations which the Postmaster General may make in reference to the carrying and delivery of such samples. Samples of dip may be sent to analyst by post.

Analyst's
certificate to be
evidence of facts
contained
therein.

21. In any proceedings under this Ordinance the production of a certificate of analysis by a person appointed under section 17 hereof shall be evidence of the facts therein stated, unless the defendant shall at his expense require that the analyst be called as a witness.

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Making of
regulations.

22. The Governor may frame regulations prescribing a form of certificate of analysis and providing generally for the better carrying out of the objects and purposes of this Ordinance. Any person contravening the provisions of any regulation as aforesaid, or of any provisions of this Ordinance for which no special penalty has been provided, shall be guilty of an offence and shall be liable to a fine not exceeding twenty pounds or in default of payment to imprisonment of either description for a period not exceeding three months.

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Repeal.

23. The Cattle Cleansing Ordinance (Chapter 158 of the Revised Edition) is hereby repealed.

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OBJECTS AND REASONS.

This Bill has been prepared in the hope and expectation that the application of its provisions will assist in the eradication of East Coast Fever.

The Bill provides for the cleaning of cattle by submersion in a dipping tank and for construction by owners of land of dipping tanks for that purpose. Dipping is to be obligatory in such areas of the Colony as the Governor may specify, and it shall also be made obligatory in any other area of the Colony if a two-thirds majority of the land-owners of that area pass a resolution for it to be applied. Advances in certain conditions may be made by the Land Bank to defray the cost of the construction of dipping tanks. Also the field staff necessary will cost in the initial stages some £6,000 per annum.

GOVERNMENT NOTICE No 257

THE LAND ACQUISITION ACT, 1894.

NOTICE.

Declaration under section 6.

It is hereby notified and declared that the land specified in the Schedule hereto is required for Public Purposes:—

SCHEDULE.

District : Kilifi.

Province : Coast.

Purpose : Road giving access to Takaungu Creek.

Approximate Area : 6.5742 acres, comprising the following portions of private freehold land:—

A portion of Plot 4, Group 1, 1.095 acres in extent

„	„	5	„	„	.529	„
„	„	6	„	„	.958	„
„	„	51	„	„	.225	„

and in addition certain land, approximately 3.7672 acres in extent, of which no description is yet available but which is precisely delineated on a plan lodged with the District Commissioner, Kilifi District, at his offices at Malindi and Kilifi. Copies of the plan can be inspected at the office of the Mudir of Takaungu and at the Survey and Registration Department, Mombasa.

Nairobi,

This 17th day of May, 1928.

H. T. MARTIN,

for Colonial Secretary.

GOVERNMENT NOTICE No. 258.

THE LAND ACQUISITION ACT, 1894

NOTICE.

I hereby appoint G. M. Castle-Smith, Esq., District Commissioner, Kilifi District, or the officer for the time being performing the duties and holding the office of District Commissioner, Kilifi District, to perform the functions of a Collector under the Land Acquisition Act, 1894, in relation to the acquisition of certain land at Takaungu, District of Kilifi, Coast Province in the Protectorate of Kenya, the subject of a notice under the said Act published in the Gazette of the 22nd May, 1928, and I direct the said G. M. Castle-Smith, Esq., or such officer as aforesaid, to take order for the acquisition of the said land.

Nairobi,

Dated 17th day of May, 1928.

H. T. MARTIN,

for Colonial Secretary.

GOVERNMENT NOTICE No. 259.

THE COMMISSIONS OF INQUIRY ORDINANCE.
(Chapter 25 of the Revised Edition).

I, Edward William Macleay Grigg, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Companion of the Distinguished Service Order, upon whom His Majesty has conferred the decoration of the Military Cross, Lieutenant-Colonel in His Majesty's Army (retired), Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, do by virtue and in exercise of the powers conferred upon me by the Commissions of Inquiry Ordinance (Chapter 25 of the Revised Edition) by this my Commission under my hand appoint Walter William Ridout, Esquire, to be Assistant Secretary to the Commission appointed by Government Notice No. 14 of the 12th January, 1927, and in cancellation of the appointment made by Government Notice No. 186 of the 21st March, 1927.

Given under my hand at Nairobi this 16th day of May, 1928.

EDWARD GRIGG,
Governor.

GOVERNMENT NOTICE No. 260.

THE LIQUOR ORDINANCE.
(Chapter 71 of the Revised Edition).

NOTICE.

THE following gentlemen are hereby appointed members of the Licensing Court, Kikuyu Licensing Area, for the year ending 31st December, 1928:—

The District Commissioner, North Nyeri,
Chairman.

Captain H. C. C. de la Poer.

Captain O'Hagan.

J. B. Soames, Esq.

P. A. Mackenzie-Ashton, Esq.

A. Bosman, Esq.

S. S. Bastard, Esq.

By command of His Excellency the Governor.

Nairobi,

This 17th day of May, 1928.

W. M. LOGAN,
for Colonial Secretary.

GOVERNMENT NOTICE No 261

THE LIQUOR ORDINANCE.

NOTICE.

Licensing Court, Nakuru Licensing Area.

IN EXERCISE of the powers conferred upon him by section 11 of the Liquor Ordinance (Chapter 71 of the Revised Edition), His Excellency the Governor has been pleased to appoint:—

The Provincial Commissioner, or in his absence,
the District Officer, Nakuru, (Chairman).

J. B. Park, Esq., Nakuru,

A. W. Cole, Esq., Nakuru,

H. Watkins, Esq., Solai,

Allen Turner, Esq., Naivasha,

I. North Lewis, Esq., Gilgil,

to be members of the Licensing Court of the Nakuru Licensing Area, for the year 1928.

By command of His Excellency the Governor.

Nairobi,

This 15th day of May, 1928.

W. M. LOGAN,
for Colonial Secretary.

GOVERNMENT NOTICE No. 262.

THE COURTS ORDINANCE.
(Chapter 5 of the Revised Edition, Section 11.)

THE NATIVE TRIBUNAL VALIDITY
RULES, 1924.

AND

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

GOVERNMENT NOTICE No. 99 OF 1924.

APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I hereby grant jurisdiction to the Council of Elders named in the Schedule annexed hereto within the area named therein.

Nairobi,

This 15th day of May, 1928.

G. V. MAXWELL,
Chief Native Commissioner.

SCHEDULE.

NORTHERN FRONTIER PROVINCE.

Name of Council.	President of Council.	Vice President.	Area of Jurisdiction.	Remarks.
Rendille	Kupess Lumeri	Rageh Affrari	Rendille in Marsabit District	New Appointment.

GOVERNMENT NOTICE No. 263.

NOTICE.

NOTICE is hereby given that the next meeting of the Plateau Licensing Court will be held at the office of the Provincial Commissioner, Eldoret, on Monday, the 11th June, 1928, at 10-30 a.m.

Eldoret,

12th May, 1928.

A. J. MACLEAN,
Chairman,
Plateau Licensing Court.

GOVERNMENT NOTICE No. 264.

NOTICE.

NOTICE is hereby given that the next sitting of the Kikuyu Liquor Licensing Board will be held on Monday, the 11th June, 1928, at the Resident Commissioner's Office, Nyeri, at 10 a.m.

North Nyeri,

30th April, 1928.

J. LLEWELLIN,
Chairman,
Kikuyu Liquor Licensing Court.

GOVERNMENT NOTICE No. 265.

THE DISEASES OF PLANTS PREVENTION
ORDINANCE.

IN EXERCISE of the powers conferred on me by the Diseases of Plants Prevention Rules, 1927, I hereby appoint:—

Cedric Owen Oates, N.D.A.,
Reginald George Bentall, B.A. (Agric.),
William Owen Sunman, B.Sc. (Agric.),
Charles Beverly Croft Handley, B.Sc. (Agric.),
Stuart Gillett, Dip. Agric., S.E.A.C.,
Cecil George Bishop,

to be Inspectors for the purpose of the said Rules.

Nairobi,

18th May, 1928.

D. L. BLUNT,
for Acting Director of Agriculture.

GOVERNMENT NOTICE No. 266.

THE REGISTRATION OF TRADE MARKS
ORDINANCE.

TRADE MARKS RENEWED.

Trade Mark Number.	Advertised in the Official Gazette.	Name of Applicants.	Class.
15/14	3-6-14	Blyth and Platt Ltd.	50
16/14	3-6-14	The Anglo Indian Drug and Chemical Company.	48

Nairobi,
15th May, 1928.

B. STONE,
Ag. Registrar of Trade Marks.

GOVERNMENT NOTICE No. 267.

THE MARRIAGE ORDINANCE.
(Chapter 167 of the Revised Edition, Section 4.)

AND

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

GOVERNMENT NOTICE No. 380 OF 1924.

APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the Superintendent of Suburban Areas to be Deputy Registrar of Marriages for the District of Nairobi, in place of the Assistant District Commissioner, with effect from 21st May, 1928.

Nairobi,

This 15th day of May, 1928.

B. STONE,
Acting Registrar General of Marriages.

GOVERNMENT NOTICE NO. 268

NOTICE.

THE LIQUOR ORDINANCE, 1909.

NOTICE is hereby given that the next meeting of the Lamu Liquor Licensing Board will be held at the office of the District Commissioner, Lamu, on Monday, the 25th June, 1928, at 10 a.m.

Lamu,

10th May, 1928.

S. V. COOKE,
District Commissioner.

GENERAL NOTICE NO. 492.

NOTICE.

THE following packages which have been lying in the Nairobi Colonial Bonded Warehouse for over two years are due for sale by public auction under section 91 of the Customs Management Ordinance, 1926:—

Marks and Nos.	Description.
Sir Pyers Mostyn, 1 case or trunk,	personal effects.
R. M. Grant, 1 case,	sample of provisions.
A.M. Co., 1, 1 bundle	motor car old tyres.
C.G. Ex. Nos. 1/10, 9 cases	bicycle carriers, 8 doz. each case.

The sale will be held at the Nairobi Bonded Warehouse on 11th June, 1928, at 10 a.m.

Custom House,
Mombasa, 17th May, 1928.

J. H. MCQUADE,
*for Commissioner of Customs,
Kenya and Uganda.*

GENERAL NOTICE NO. 493.

POST OFFICE NOTICE.

IT is hereby notified for public information that a Postal Agency will be opened at Lugari Railway Station as from the 1st June, 1928.

General Post Office,
Nairobi,
15th May, 1928.

H. C. WILLBOURN,
*for Postmaster General,
Kenya and Uganda.*

GENERAL NOTICE NO. 494.

NOTICE.

UNDER THE MEDICAL PRACTITIONERS AND DENTISTS ORDINANCE, 1910.
(Chapter 119, Revised Edition).

THE undernoted has been registered in accordance with the terms of the Medical Practitioners and Dentists Ordinance (Chapter 119 of the Revised Edition).

Laird, William John, M.B., CH.B., 1923. U.
L'pool.

Nairobi,
14th May, 1928.

JOHN L. GILKS,
Registrar.

GENERAL NOTICE NO. 495

THE DISEASES OF ANIMALS ORDINANCE.

IN EXERCISE of the powers conferred upon me by Rules Nos. 13 and 56 of the Diseases of Animals Rules, 1918, I hereby appoint the gentleman named hereunder to be an Honorary Permit Issuer for the purposes of the said Rules:—

Francis Bedford Pim, Esq., P.O. Cherangani.

Nairobi,

22nd day of October, 1927.

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

GENERAL NOTICE NO. 496.

UGANDA PROTECTORATE.

TENDERS.

TENDERS are invited for the purchase of serviceable gunny bags as follows:—

	Approximately.
Masaka	3,000
Lira	8,700
Soroti	18,700
Mbale (Bugwere) ...	6,900
Kitgum	5,100
Arua	600

2. Delivery to be taken at the places shown above.

3. The approximate numbers at each place may be exceeded, and persons whose tenders are accepted will be given the first option of purchasing any gunny bags over and above the quantities specified above.

4. Tenders will be considered for the whole or part of the quantities in lots of not less than one hundred gunny bags.

5. Tenders should reach the office of the Tender Board, The Treasury, Entebbe, not later than the 30th May, 1928, in sealed envelopes plainly marked "Tender for Gunny Bags" and the price offered must be per 100 bags.

6. The Tender Board does not bind itself to accept the highest or any tender.

Entebbe, Uganda,
3rd May, 1928.

C. K. DAIN,
President, Tender Board.

GENERAL NOTICE NO 497.

NYANZA PROVINCE.

LABOUR AGENTS' PERMITS ISSUED DURING THE MONTH OF APRIL, 1928

No.	Name.	Date of receipt.	Date of commencement.	Date of expiration.
252	J. L. Riddoch	10-4-28	8-3-28	7-6-28
253	W. Phillips	11-4-28	4-2-28	4-5-28
254	Imam Din Noor Din	19-4-28	1-4-28	30-6-28
255	Sasa Hivi Recruiting Co.	24-4-28	30-3-28	30-6-28

Kisumu,
10th May, 1928.

LL A. FIELD JONES,
Ag. Provincial Commissioner, Nyanza.

GENERAL NOTICE NO 425.

NOTICE.

GRAZING, MOLO.

TENDERS are invited for the grazing rights for 2 years from June 1st, 1928, over the following areas in the Western Mau Forest Reserve.

A.—Approximately 730 acres lying to the west of L.O. No. 538.

B.—Approximately 500 acres west of Farm L.O. No. 534/1.

Both are situated in the Molo "clean area."

2. Tenders to be submitted for each area separately.

3. The basis of tender to be an annual licence fee per acre payable in advance on the 1st June each year.

4. Particulars as to the terms of the licence to be issued to the successful tenderer may be obtained from the Forest Office, Londiani.

5. Sealed tenders marked "Grazing, Molo" should be addressed to the Acting Senior Assistant Conservator of Forests, Londiani, and will be received by him up to and including the 27th May, 1928.

6. The highest or any tender will not necessarily be accepted.

Nairobi,
5th May, 1928.

N. V. BRASNETT,
Acting Conservator of Forests.

GENERAL NOTICE NO. 456.

THE CROWN LANDS ORDINANCE.
(Chapter 140, Revised Laws of Kenya).

NOTICE.

AUCTION OF PLOTS, MOMBASA-MAINLAND,
CHANGAMWE.

NOTICE is hereby given that grants in respect of the plots on the mainland, in the Changamwe area, specified hereto, will be sold by auction in the Jubilee Hall, Mombasa, on Monday, the 20th August, at 10 a.m.

The right to withdraw any plot from the auction is reserved to the Commissioner of Lands.

CONDITIONS OF SALE.

1. Each plot will be auctioned separately.
2. The amount of the advance of each bid will be regulated by the auctioneer, and no bidding shall be retracted.
3. The highest bidder will be the purchaser, but if any dispute arise as to any bid, the plot will be re-offered at the last undisputed bid.
4. Each purchaser shall pay to the auctioneer immediately on the fall of the hammer a deposit of 25% of the 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.

5. Each purchaser shall on paying the deposit inform the auctioneer of the name or names of the person or persons on whose behalf the plot is purchased; the grant will be issued in accordance with this information.

6. The balance of the purchase money together with the rent due to the 31st day of December, 1928, the survey fees, Shs. 100, the fees payable for the preparation and registration of the grant, Shs. 110, and the stamp duty payable in respect of the grant, and all other expenses, if any, shall be paid to the Resident Commissioner, Mombasa, within seven days from the date of the sale, and upon such payments being duly made the purchaser shall, 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 shall be presented to him duly executed as soon as conveniently may be. Provided that the balance of the purchase money shall 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.

7. The term of each grant shall be 99 years from the 1st day of September, 1928.

8. Plots shall be developed in accordance with sections 40 and 41 of the Crown Lands Ordinance.

9. The grants shall be subject to the special covenants herein and generally to the terms of the Crown Lands Ordinance.

SCHEDULE REFERRED TO IN NOTICE OF SALE.

District.	L. O. No.	Approximate area Acres.	Reserve Price Shs.	Survey Fees Shs.	Annual Rent Shs.
Mombasa Mainland	... 400	... 1.66	... 332	... 100	... 10
Section VI, Changamwe	... 830	... 2.51	... 502	... 100	... 10

Nairobi,
4th May, 1928.

R. W. LAMBERT,
*for Commissioner for Local Government,
Lands and Settlement.*

GENERAL NOTICE NO. 498.

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.
25th April, 1928	S.S. "Gascon".	17th May, 1928
28th April, 1928	S.S. "Ex. Grandidier".	do

General Post Office,
Nairobi,
19th May, 1928.

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

GENERAL NOTICE No. 383.

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 Mombasa and to commence on Tuesday, the 5th day of June, 1928, at 10 a.m. or as soon thereafter as cases can be heard.

To ensure appeals from H. M. Supreme Court of Kenya being set down for hearing at these sessions,

memoranda of appeal should be filed with the Registrar, Supreme Court, Nairobi, on or before the 12th day of May, 1928.

Nairobi,

Dated 16th April, 1928.

E. J. O'FARRELL,

for Registrar,

H. M. Court of Appeal for Eastern Africa.

CAUSE LIST

FOR HEARING ON THE 5TH DAY OF JUNE, 1928, AT MOMBASA.

Appeal No.	Civil or Criminal	Appellant.	Respondent.	Original No. of Case.	Appeal from
7 of 1928	Criminal	Wasonga s/o Oreasi	Rex.	Criminal Case No 136/27	H. M. Supreme Court of Kenya, at Kitale.
8 of 1928	"	Munyomos/o Irumba	Rex.	Cr. Case No. 30/27	H. M. High Court of Uganda, at Kampala.
9 of 1928	"	Matenga bin Malengo	Rex.	Cr Case No 1/28	H. M. High Court of Tanganyika, at Moshi.
10 of 1928	"	Mnubi s/o Ussoso	Rex.	Cr. Case No. 1/28	H. M. High Court of Tanganyika, at Dodoma.
11 of 1928	"	Mdachi s/o Limu	Rex.	Cr Case No. 23/27	H. M. High Court of Tanganyika, at Dodoma.
12 of 1928	"	F. Klopfer	Rex.	Cr. Case No 17/28	H. M. Supreme Court of Kenya, at Nairobi.
13 of 1928	"	Kimani s/o Kamau	Rex.	Cr. Case No. 30/28	H. M. Supreme Court of Kenya, at Nairobi (Application for leave to appeal out of time).
21 of 1927	Civil	Khoja Alibhai Kanji	Mahomed Premji	Civil Case No 271/21	H. M. Supreme Court of Kenya, at Mombasa.
26 of 1927	"	G. H. Claassen	Canstaff Flax Co., Ltd.	Civil Case No. 160/26	H. M. Supreme Court of Kenya, at Nairobi.
28 of 1927	"	The Public Trustee	Said bin Salim	Civil Appeal No. 32/27	H. M. Supreme Court of Kenya, at Mombasa.
1 of 1928	"	Kirina Ole Kibiri Masai	Ngera s/o Kibuchuki	Civil Case No. 224/27	H. M. Supreme Court of Kenya, at Nairobi.
2 of 1928	"	Yusuf bin Said Salim	Sayid Salim bin Abdulrehman	Civil Appeal No. 27/27	H. M. Supreme Court of Kenya, at Mombasa.
4 of 1928	"	The Products Corporation, and Willy Muller	Khoja Jaffer Dewji	Civil Case No 119/27	H. M. Supreme Court of Kenya, at Mombasa.
5 of 1928	"	Sebastian Francisco Xavier de Silva	Vincent Xavier Machado	Civil Case No. 1/7	H. M. High Court of Tanganyika, at Dar-es-Salaam.
6 of 1928	"	The B. E. A. Corporation Ltd	Alibhai Kanji	Civil Case No 28/27	H. M. Supreme Court of Kenya, at Mombasa.
7 of 1928	"	Kasturi Singh s/o Lal Singh	Harnam Dass s/o Naran Dass Administrator of the estate of Waryam Dass--deceased	Civil Case No. 198/26	H. M. Supreme Court of Kenya, at Nairobi.

GENERAL NOTICE NO. 499.

SESSIONS of His Majesty's Supreme Court of Kenya will be held at the place and on the dates hereinafter set out:—

KISUMU, 18TH JUNE, 1928.

Criminal Case No.	27/28.	Rex vs. Harbahuri d/o Luhungu.
"	"	"
"	39/28.	Rex vs. Gunana s/o Ogido.
"	51/28.	Rex vs. Matoso s/o Vitamba.
"	52/28.	Rex vs. Nditi s/o Ojiri.
"	67/28.	Rex vs. Kibore arap Yetor, LBW. 343283.

District Registry.

Civil Case No.	8/27.	Henry H. Hine vs. R. H. O. Lopdell (in chambers).
"	"	"
"	3/28.	The Nyanza Oil Mills Co., Ltd. vs. Kassam Rajan.
"	5/28.	Alibhai Ismail & Co. vs. Ebrahim Mohamed
"	6/28.	Elsie Beatrice O'Hara Brady vs. H. R. Hine.
"	7/28.	Morarji Kala vs. Chhaganlal Karamsy & Co.

KACHELIBA, 29TH JUNE, 1928.

Criminal Case No.	40/28.	Rex vs. Ibrahim bin Saleh.
"	"	"
"	63/28.	Rex vs. Erigai s/o Loitan, and 9 others.

Nairobi,
17th May, 1928.

E. J. O'FARRELL,
Acting Registrar,
H. M. Supreme Court of Kenya.

GENERAL NOTICE No. 500.

THE BANKRUPTCY ORDINANCE, 1925.

NOTICE OF INTENDED DIVIDEND.

Debtor's name.—Bhimji Premji.*Address.*—Nakuru.*Description.*—Shoemaker.*Court.*—Supreme Court, Nairobi.*Number.*—27 of 1927.*Last day for receiving proofs.*—6th June, 1928.*Name of trustee.*—Official Receiver.*Address.*—P.O. Box 231.

Nairobi,

29th March, 1928.

J. B. WITHERICK,
for Acting Official Receiver.

GENERAL NOTICE No. 501.

THE BANKRUPTCY ORDINANCE, 1925.

RECEIVING ORDER, FIRST MEETING AND ADJUDICATION.

Debtor's name.—E. W. Benson.*Address.*—Unknown.*Description.*—Proprietor, Motor Garage.*Court.*—Supreme Court, Nairobi.*Number.*—2 of 1928.*Date of filing petition.*—11th January, 1928.*Whether debtor's or creditors' petition.*—Creditors'.*Act or acts of bankruptcy.*—Debtor absconded.*Date of first meeting.*—29th May, 1928.*Hour.*—2-15 p.m.*Place.*—Official Receiver's Office, Old Secretariat Buildings, Nairobi.*Date of order.*—12th May, 1928.

Nairobi,

17th May, 1928.

J. B. WITHERICK,
for Acting Official Receiver.

GENERAL NOTICE No. 502.

THE BANKRUPTCY ORDINANCE, 1925.

ADJUDICATION.

Debtor's name.—Shah Juthalal Gosher.*Address.*—Nairobi.*Description.*—Shopkeeper.*Court.*—Supreme Court, Nairobi.*Number.*—12 of 1928.*Date of order.*—11th May, 1928.*Date of petition.*—4th April, 1928.

Nairobi,

15th May, 1928.

B. STONE,
for Official Receiver.

GENERAL NOTICE No. 503.

THE BANKRUPTCY ORDINANCE, 1925.

ADJUDICATION.

Debtor's name.—Jozua Visagie.*Address.*—Nairobi.*Description.*—Lorry driver.*Court.*—Supreme Court, Nairobi.*Number.*—13 of 1928.*Date of order.*—11th May, 1928.*Date of petition.*—4th April, 1928.

Nairobi,

15th May, 1928.

B. STONE,
for Official Receiver.

GENERAL NOTICE No. 504

THE BANKRUPTCY ORDINANCE, 1925.

FIRST MEETING AND PUBLIC EXAMINATION.

Debtor's name.—Mit Singh s/o Wasava Singh.*Address.*—River Road, Nairobi.*Description.*—Fuel Contractor.*Court.*—Supreme Court, Nairobi.*Number.*—18 of 1928.*Date of first meeting.*—31st May, 1928.*Hour.*—2-15 p.m.*Place.*—Official Receiver's Office, Old Secretariat Buildings, Nairobi.*Date of public examination.*—1st June, 1928.*Hour.*—10 a.m.*Place.*—Law Courts, Nairobi.

Nairobi,

16th May, 1928.

J. B. WITHERICK,
for Acting Official Receiver.

GENERAL NOTICE No. 505.

THE BANKRUPTCY ORDINANCE, 1925.

RECEIVING ORDER.

Debtor's name.—Balwantsingh.*Address.*—River Road, Nairobi.*Description.*—Petition Writer, Nairobi.*Date of filing petition.*—8th May, 1928.*Number of matter.*—20 of 1928.*Date of order.*—12th May, 1928.*Whether debtor's or creditors' petition.*—Debtor's.*Act or acts of bankruptcy.*—Inability to pay his debts.

Nairobi,

17th May, 1928.

J. B. WITHERICK,
for Acting Official Receiver.

GENERAL NOTICE No. 506.

THE BANKRUPTCY ORDINANCE, 1925.

RECEIVING ORDER.

Debtor's name.—Balwant Singh.*Address.*—Duke Street, Nairobi.*Description.*—Contractor.*Date of filing petition.*—11th May, 1928.*Number of matter.*—21 of 1928.*Date of order.*—12th May, 1928.*Whether debtor's or creditors' petition.*—Debtor's.*Act or acts of bankruptcy.*—Inability to pay his debts.

Nairobi,

17th May, 1928.

J. B. WITHERICK,
for Acting Official Receiver.

GENERAL NOTICE No. 507.

THE BANKRUPTCY ORDINANCE, 1925.

RECEIVING ORDER.

Debtor's name.—James Gorman.*Address.*—Nakuru.*Description.*—Motor driver.*Date of filing petition.*—12th May, 1928.*Number of matter.*—23 of 1928.*Date of order.*—15th May, 1928.*Whether debtor's or creditors' petition.*—Debtor's.*Act or acts of bankruptcy.*—Inability to pay his debts.

Nairobi,

18th May, 1928.

J. B. WITHERICK,
for Acting Official Receiver.

GENERAL NOTICE No. 503.

THE BANKRUPTCY ORDINANCE, 1925.
RECEIVING ORDER.

Debtor's name.—Devilal s/o Dhulji.

Address.—Ngara Road, Nairobi.

Description.—Motor driver.

Date of filing petition.—12th May, 1928.

Number of matter.—23 of 1928.

Date of order.—15th May, 1928.

Whether debtor's or creditors' petition.—Debtor's.

Act or acts of bankruptcy.—Inability to pay his debts.

Nairobi, 18th May, 1928. J. B. WITHERICK,
for Acting Official Receiver.

GENERAL NOTICE No. 509

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT NAIROBI.

PROBATE AND ADMINISTRATION.

CAUSE No. 99 OF 1927.

IN THE MATTER OF MARY JOSEPHINE DAISY CHAPLIN,
DECEASED.

PURSUANT to an order of His Majesty's Supreme Court of Kenya at Nairobi, dated the 18th day of January, 1928, whereby letters of administration with an exemplification of the will annexed to the estate of the above deceased was granted to Gladys Edith Annie Gailey (formerly Roberts).

TAKE NOTICE that all persons having any claims against the estate of the above deceased who died at 7, Avenue Road, St. John's Wood, in the County of Middlesex in England on the 7th day of July, 1927, are required to lodge and prove such claims with the undersigned on or before the 7th day of June, 1928, after which date only claims which have been so proved will be paid and the estate distributed according to law.

Dated this 16th day of May, 1928.

HAMILTON, HARRISON & MATHEWS,
Solicitors for the Administratrix.

GENERAL NOTICE No. 510.

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT MOMBASA.

PROBATE AND ADMINISTRATION.

CAUSE No. 15 OF 1928.

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE
OF BALOCH ALIKHAN NATHUKHAN, LATE OF
MOMBASA, DECEASED.

TAKE NOTICE that application having been made in this Court by Baloch Osmankhan Nathukhan, of Mombasa, for the administration of the estate of Baloch Alikhan Nathukhan, late of Mombasa, who died at Mombasa on the 7th day of May, 1928, 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 5th day of June, 1928.

Mombasa, 15th May, 1928. G. H. PICKERING,
Judge.

GENERAL NOTICE No. 511.

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT MOMBASA.

PROBATE AND ADMINISTRATION.

CAUSE No. 16 OF 1928.

NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF
FRIQUETE CRUZ DA GAMA, LATE OF MOMBASA,
DECEASED.

TAKE NOTICE that application having been made in this Court by Francisco Janin da Gama, of Mombasa, for the probate of the will of Friquete Cruz da Gama, late of Mombasa, who died at Mombasa on the 10th day of May, 1928, 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 5th day of June, 1928.

Mombasa, 15th June, 1928. G. H. PICKERING,
Judge.NOTE:—The will above named is now deposited and
open to inspection at the Court.

GENERAL NOTICE No. 512.

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT NAIROBI.

PROBATE AND ADMINISTRATION.

CAUSE No. 25 OF 1928.

NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF
MRS. MARY GEORGINA ROSE DASHWOOD, LATE
OF KYAMBU, DECEASED.

TAKE NOTICE that application having been made in this Court by Mrs. Rose Emily Bertie, of 13, Bradmore Road, Oxford, England, for probate of the will of Mrs. Mary Georgina Rose Dashwood, late of Kyambu, who died at Nairobi on the 5th day of March, 1928, 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 5th day of June, 1928.

Nairobi, 18th May, 1928. ERIC T. JOHNSON,
Acting Judge.NOTE:—The will above named is now deposited and
open to inspection at the Court.

GENERAL NOTICE No. 513.

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT NAIROBI.

PROBATE AND ADMINISTRATION.

CAUSE No. 30 OF 1928.

IN THE MATTER OF MRS. HELEN LIBRA FORBES,
DECEASED.

PURSUANT to an order of His Majesty's Supreme Court of Kenya at Nairobi, dated the 18th day of April, 1928, whereby probate of the will of the above deceased was granted to Monthermer Stanley Hume Montagu and James Keith Forbes, executors in the said will named.

TAKE NOTICE that all persons having any claims against the estate of the above deceased, who died at Nairobi, Kenya Colony on the 18th day of August, 1927, are required to lodge and prove such claims with the undersigned on or before the 4th day of June, 1928, after which date only the claims so proved will be paid and the estate distributed according to law.

Kyambu, Dated the 12th day of May, 1928.

M. S. H. MONTAGU,
For the Executors.

GENERAL NOTICE No. 514.

PROBATE AND ADMINISTRATION.

PUBLIC TRUSTEE'S CAUSE No. 51 OF 1928.

IN THE MATTER OF TUPKEGEN, DECEASED.

To all whom it may concern.

TAKE NOTICE that on or after the 5th day of June, 1928, I intend to apply to the Supreme Court of Kenya at Nairobi, for an order to administer the estate of the above-named Tupkegen, a Nandi woman, who died at Naivasha on the 25th day of March, 1928.

Nairobi, 18th May, 1928. J. B. WITHERICK,
for Acting Public Trustee.

GENERAL NOTICE No. 515.

PROBATE AND ADMINISTRATION.

SUPREME COURT CAUSE No. 54 OF 1928.

PUBLIC TRUSTEE'S CAUSE No. 34 OF 1928.

IN THE MATTER OF MOHAMED BIN ABDUREHMAN, DECEASED.
To all whom it may concern.

PURSUANT to an order of the Supreme Court of Kenya, dated the 10th day of May, 1928, by which the undersigned was appointed administrator of the estate of the late Mohamed bin Abdurehman, who died on the 22nd day of February, 1928, at Lamu.

TAKE NOTICE that all persons having any claims against the estate of the said Mohamed bin Abdurehman are required to lodge and prove such claims before me the undersigned on or before the 23rd day of July, 1928, after which date only the claims so proved will be paid and the estate distributed according to law.

Nairobi, 15th May, 1928. J. B. WITHERICK,
Acting Public Trustee.

GENERAL NOTICE No. 516.

PROBATE AND ADMINISTRATION.
SUPREME COURT CAUSE No. 55 OF 1928.
PUBLIC TRUSTEE'S CAUSE No. 42 OF 1928.

IN THE MATTER OF MOHAMED BIN ABDALLA, DECEASED.
To all whom it may concern.

PURSUANT to an order of the Supreme Court of Kenya, dated the 10th day of May, 1928, by which the undersigned was appointed administrator of the estate of the late Mohamed bin Abdalla, who died on the 10th day of December, 1927, at Mombasa.

TAKE NOTICE that all persons having any claims against the estate of the said Mohamed bin Abdalla are required to lodge and prove such claims before me the undersigned on or before the 23rd day of July, 1928, after which date only the claims so proved will be paid and the estate distributed according to law.

Nairobi,
15th May, 1928.

J. B. WITHERICK,
Acting Public Trustee.

GENERAL NOTICE No. 517.

PROBATE AND ADMINISTRATION.
SUPREME COURT CAUSE No. 56 OF 1928.
PUBLIC TRUSTEE'S CAUSE No. 43 OF 1928.

IN THE MATTER OF NASIBU BIN MARUZUKU, DECEASED.
To all whom it may concern.

PURSUANT to an order of the Supreme Court of Kenya, dated the 12th day of May, 1928, by which the undersigned was appointed administrator of the estate of the late Nasibu bin Maruzuku, who died on the 2nd day of June, 1927, at Mombasa.

TAKE NOTICE that all persons having any claims against the estate of the said Nasibu bin Maruzuku are required to lodge and prove such claims before me the undersigned on or before the 23rd day of July, 1928, after which date only the claims so proved will be paid and the estate distributed according to law.

Nairobi,
18th May, 1928.

J. B. WITHERICK,
for Acting Public Trustee.

GENERAL NOTICE No. 518

NOTICE.

THE Smithfield Butchery has now been transferred to the Smithfield Butchery, Limited. All accounts to the Smithfield Butchery will be paid by Mr. P. McFarlane up to and including 28th April, 1928.

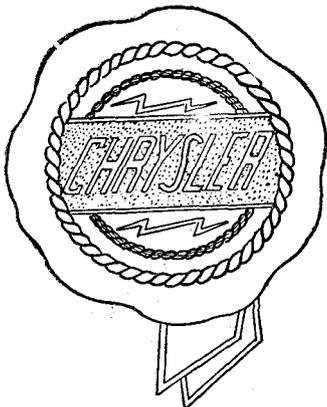
Nairobi,
15th May, 1928.

P. MCFARLANE,
p.p. Smithfield Butchery.

GENERAL NOTICE No. 519.

THE REGISTRATION OF TRADE MARKS
ORDINANCE.

APPLICATION No. 77/27.



To all whom it may concern.

TAKE NOTICE that an application for the registration of the Trade Mark shown above in Class 22 of Part III of the Schedule to the above-mentioned Ordinance, in respect of motor vehicles and motor chassis included in Class 22, has been lodged by Chrysler Sales Corporation, of 341, Massachusetts Avenue, in

the City of Highland Park, State of Michigan, United States of America, whose address for service in the Colony is Messrs. Atkinson, Wright and Bown, Advocates, Mombasa.

Registration is not claimed under the special provisions of paragraph 5 of section 7 of the said Ordinance in regard to names, signatures or words.

The said Trade Mark will be registered after the expiration of the period mentioned in section 13 of the said Ordinance, provided no notice of opposition is received.

A specimen of the Trade Mark the registration of which is applied for can be seen at the office of the undersigned at Nairobi.

Nairobi,
16th May, 1928.

B. STONE,
for Registrar of Trade Marks.

GENERAL NOTICE No. 520.

THE REGISTRATION OF TRADE MARKS
ORDINANCE.

APPLICATION No. 18/28.



To all whom it may concern.

TAKE NOTICE that an application for the registration of the Trade Mark shown above in Class 25 of Part III of the Schedule to the above-mentioned Ordinance, in respect of towels, sheets, blankets, table cloths, serviettes, curtains, quilts, napkins, bath mats, bedspreads, pillow cases, bolster cases, table covers, antimacassars, dusters, d'oyleys, furniture covers, bed valances, mattress covers, blinds, shawls, handkerchiefs, all being cotton goods not in the piece and included in Class 25, has been lodged by Nico Ter Kuile & Zonen, of Lage Bothofstraat, 34, Enschede, Holland; Manufacturers, whose address for service in the Colony is Messrs. Atkinson, Wright and Bown, Advocates, Mombasa.

Registration is not claimed under the special provisions of paragraph 5 of section 7 of the said Ordinance in regard to names, signatures or words.

The said Trade Mark will be registered after the expiration of the period mentioned in section 13 of the said Ordinance, provided no notice of opposition is received.

A specimen of the Trade Mark the registration of which is applied for can be seen at the office of the undersigned at Nairobi.

Nairobi,
16th May, 1928.

B. STONE,
for Registrar of Trade Marks.

GENERAL NOTICE No. 521.

NOTICE.

To all whom it may concern.

NOTICE is hereby given that Abbasbhai Mahomedalli has retired from the partnership hitherto carried on under the name or style of Allibhai Ghulam Husein & Co., as and from the 9th day of April 1928, and Allibhai Ghulam Husein has taken over all the partnership assets and liabilities as from that date, who shall receive and pay all the partnership outstandings and liabilities.

Nairobi,
17th May, 1928.

ABBASBHAH MAHOMEDALLI.
ALLIBHAI GHULAM HUSEIN.

GENERAL NOTICE No. 491

TENDERS.

TENDERS are invited by the Central Tender Board for the supply of foodstuffs as specified hereunder to various Government Departments during the six months ending the 31st of December, 1928 :—

(1)	(2)	(3)	(4)
ARTICLE.	Approximate Quantity only.	Quotation required for the weights, etc., stated below and delivered at places named.	Place.
Beans	41,680 lbs.	per 60 lbs.	Kabete.
"	6,000 "	"	Eldoret.
"	5,200 "	"	Kitale.
"	23,000 "	"	Kisumu.
"	4,050 "	"	Kacheliba.
"	41,000 "	"	Mombasa.
"	78,400 "	"	Nairobi.
"	7,000 "	"	Nakuru.
"	1,000 "	"	Naivasha.
"	6,700 "	"	School, Machakos.
Bran	2,700 "	"	Eldoret.
"	44,800 "	"	Kabete.
"	1,620 "	"	Kyambu.
"	1,080 "	"	Lumbwa.
"	540 "	"	Machakos.
"	16,680 "	"	Nairobi.
"	5,940 "	"	Nakuru.
"	1,620 "	"	Nyeri.
"	13,240 "	"	Ngong.
"	540 "	"	Rumuruti'
Bread	600 "	per lb.	Mombasa.
"	6,150 "	"	Nairobi.
Butter	531 "	"	Nairobi.
Chickens	650 "	each	Nairobi.
Choroko	500 "	per 60 lbs.	Mombasa.
"	73,307 "	"	Nairobi.
"	1,800 "	"	Nakuru.
Dhall	300 "	"	Mombasa.
"	960 "	"	Nairobi.
Eggs	30,000 (cooking)	per dozen	Nairobi.
"	3,216 (fresh)	"	Nairobi.
Fish, fresh	320 lbs.	per lb.	Nairobi.
Fruits, fresh	350 doz. oranges	per dozen	Nairobi.
"	400 doz. bananas	"	Nairobi.
"	250 lbs.	per lb.	Nairobi.
Ghee	3,024 "	per 36 lbs.	Kabete.
"	600 "	"	Eldoret.
"	540 "	"	Kitale.
"	2,216 "	"	Kisumu.
"	2,000 "	"	Mombasa.
"	31,618 "	"	Nairobi.
"	1,020 "	"	Nakuru.
"	600 "	"	Waa.
Ground Nuts	15,600 "	per 60 lbs.	Kabete.
"	30,467 "	"	Nairobi.
Hay, Lucerne	81,680 "	per ton	Nairobi.
"	100 tons	"	Kabete.
Jaggery	600 lbs.	per 60 lbs.	Mombasa.
"	20,481 "	"	Nairobi.
"	360 "	"	Nakuru.
"	750 "	"	Waa.
Kunde	6,000 "	"	Waa.
Lemons	15,000	per 100	Kisumu.
"	4,000	"	Eldoret.
"	4,320	"	Kitale.
"	12,000	"	Mombasa.
"	44,000	"	Nairobi.
"	6,000	"	Nakuru.

(1) ARTICLE.	(2) Approximate Quantity only.	(3) Quotation required for the weights, etc., stated below and delivered at places named.	(4) Place.
Maize Meal	352,000 lbs.	per 60 lbs.	Kabete.
"	72,000 "	"	Kacheliba, delivery on a farm not more than 30 miles from Kacheliba prefer- ably on one of the Trans-Nzoia farms bordering this dis- trict.
"	37,000 "	"	School, Kapsabet.
"	10,020 "	"	Kitai.
"	4,320 "	"	Kingwal.
"	24,300 "	"	Kisumu.
"	100,000 "	"	Kitale.
"	16,800 "	"	Kajiado.
"	2,580 "	"	Lumbwa.
"	250,400 "	"	Meru.
"	36,360 "	"	Machakos.
"	134,000 "	"	Mombasa.
"	569,612 "	"	Nairobi.
"	20,600 "	"	Nakuru.
"	126,000 "	"	Narok.
"	74,220 "	"	Ngong.
"	15,000 "	"	Njoro.
"	1,080 "	"	Nanyuki.
"	1,000 "	"	Naivasha.
"	30,000 "	"	Waa.
"	10,800 "	"	Rongai.
"	2,160 "	"	Eldoret.
Maize, crushed	9,360 "	"	Eldoret.
"	26,880 "	"	Kabete.
"	2,880 "	"	Kitale.
"	3,240 "	"	Kyambu.
"	18,720 "	"	Kisumu.
"	5,040 "	"	Lumbwa.
"	2,220 "	"	Gilgil.
"	1,080 "	"	Machakos.
"	5,000 "	"	Meru.
"	32,560 "	"	Nairobi.
"	17,280 "	"	Nakuru.
"	6,540 "	"	Ngong.
"	4,320 "	"	Nyeri.
"	3,240 "	"	Rumuruti.
Maize Grain	16,000 "	"	Kabete.
"	35,000 "	"	Eldoret.
"	103,000 "	"	Kisumu.
"	70,000 "	"	Mombasa.
"	26,800 "	"	School, Machakos.
"	251,104 "	"	Nairobi.
"	12,000 "	"	Naivasha.
"	48,000 "	"	Nakuru.
Mbaazi	6,700 "	"	School, Machakos.
Meat—Mutton	300 "	per lb.	Mombasa.
"	488 "	"	Nairobi.
"	360 "	"	Nakuru.
Meat—Beef	35,200 "	"	Kabete.
"	8,800 "	"	Kisumu.
"	3,800 "	"	School, Machakos.
"	13,400 "	"	Mombasa.
"	42,580 "	"	Nairobi.
"	2,184 (roasting)	"	Nairobi.
"	5,500 lbs.	"	Nakuru.
"	2,400 "	"	Waa.
Milk, fresh	2,000 bottles	per bottle	Kisumu.
"	1,550 "	"	Mombasa.
"	4,631 half gallons	per gallon	Nairobi.
"	1,440 bottles	per bottle	Nakuru.
Milk, condensed	100 cases	per case	Nairobi.
Oatmeal	300 lbs.	per lb.	Nairobi.
Pollard	4,480 "	per 60 lbs.	Kabete.
Potatoes	23,600 "	"	Kisumu.
Potatoes or Mohogo	24,000 "	"	Mombasa.

(1) ARTICLE.	(2) Approximate Quantity only.	(3) Quotation required for the weights, etc., stated below and delivered at places named.	(4) Place.
Potatoes	118,440 lbs.	per 60 lbs.	Nairobi.
"	6,750 "	"	Nakuru.
"	9,000 "	"	Waa.
"	2,600 "	"	Kacheliba.
"	10,000 "	"	Meru.
Rice, polished	1,940 "	"	Kisumu.
"	3,400 "	"	Mombasa.
"	2,080 "	"	Nairobi.
"	3,900 "	"	Kajiado.
"	3,000 "	"	Waa.
Rice, unpolished	7,000 "	"	Mombasa.
"	126,700 "	"	Nairobi.
"	1,200 "	"	Nakuru.
Salt, coarse	2,700 "	"	Kabete.
"	300 "	"	Eldoret.
"	2,060 "	"	Kisumu.
"	2,420 "	"	Mombasa.
"	21,708 "	"	Nairobi.
"	600 "	"	Machakos.
"	820 "	"	Nakuru.
"	1,344 "	"	Ngong.
"	600 "	"	Waa.
"	900 "	"	Meru.
Salt, rock	4,704 "	"	Kabete.
"	364½ "	"	Nairobi.
Sugar	300 "	"	Kajiado.
"	250 "	"	Nairobi.
Sim Sim Cakes	35 tons	per ton	Kabete.
"	9,100 lbs.	per lb.	Ngong.
Tea	2,000 "	"	Nairobi.
Vegetables	120 "	"	Mombasa.
"	30,200 "	"	Nairobi.
"	2,500 "	"	Nakuru.
"	1,200 "	"	Waa.
Water, mineral	148 dozen	per dozen	Nairobi.
Wheat Flour	4,200 lbs.	per 60 lbs.	Mombasa.
"	4,840 "	"	Nairobi.
Linseed	5,040 ounces	per lb.	Nairobi.

Full particulars including specifications and special conditions of contract, information regarding method of delivery and quantities in which these commodities are required may be obtained on application to the Central Tender Board, The Treasury, P.O. Box 591, Nairobi.

Tenders and contract forms will be supplied on application to the Secretary, Central Tender Board, and no tender will be considered unless on the prescribed form and quoted for the weights as set out in column (3) and for delivery at place enumerated in column (4).

Tenders for foodstuffs as scheduled above will be received up to 4 p.m. on Tuesday the 5th of June, 1928, and may be sent either through the post or placed in the Tender Box at the Treasury Branch, Bishops Road, Nairobi.

Envelopes should be plainly marked "Tender for Foodstuffs," and samples of foodstuffs specified in the form for Tender should not be less than one pound in weight, and should be clearly labelled and marked with the name of the person tendering.

The Treasury,
P.O. Box 591,
Nairobi.

D. S. WARDLE,
Secretary,
Central Tender Board.

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NOTICE.

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