



THE OFFICIAL GAZETTE OF THE COLONY AND PROTECTORATE OF KENYA.

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Paragraphs (40) and (41) of section 2 of the Principal Ordinance proposed to be replaced —

- (40) “ Senior Commissioner ” means the officer in charge of a province and “ District Commissioner ” means the officer in charge of a district included in a province
- (41) “ Resident Commissioner ” means the officer in charge of a district not included in any province

Section 25 of the Principal Ordinance proposed to be repealed —

25 Where in any Ordinance powers are conferred on or duties are appointed to be performed by a senior commissioner, then in districts which are not included in any province such powers shall be exercised or such duties performed by a resident commissioner and in any such case the word “ province ” shall be construed as if it were equivalent to the word “ district ”.

Colony and Protectorate of Kenya.

GOVERNMENT NOTICE No 130

HIS Excellency the Governor has approved of the following Bill being introduced into the Legislative Council

G R SANDFORD,
Clerk to the Legislative Council

A Bill to Amend the Interpretation and General Clauses Ordinance

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

1 This Ordinance may be cited as “ the Interpretation and General Clauses (Amendment) Ordinance, 1930,” and shall be read as one with the Interpretation and General Clauses Ordinance, hereinafter referred to as “ the Principal Ordinance ”

Short title
Cap 1

2 Paragraphs (40) and (41) of section 2 of the Principal Ordinance are hereby repealed and the following paragraphs are substituted therefor —

Amendment of
section 2 (40)
and (41) of
Cap 1

10 “ (40) ‘ Provincial Commissioner ’ means the officer in charge of a province, and ‘ District Commissioner ’ means the District Officer in charge of a district,

15 (41) ‘ District Officer ’ means any administrative officer subordinate to a Provincial Commissioner ”

3 Section 25 of the Principal Ordinance is hereby repealed

Repeal of
section 25 of
Cap 1

20 4 Where in any Ordinance or in any order, rule, proclamation, notice, contract or other document any of the expressions mentioned in the first column of the Schedule to this Ordinance is used, there shall be substituted for such expression the similarly numbered expression in the second column of the said Schedule

Amendment of
designations
used in
Ordinances,
etc

SCHEDULE

No	First Column	No	Second Column
1	Senior Commissioner	1	Provincial Commissioner
2	Resident Commissioner	2	District Commissioner
3	Assistant District Commissioner	3	District Officer
4	Assistant Resident Commissioner	4	District Officer

OBJECTS AND REASONS

Now that the whole Colony has been divided into Provinces and there are no extra-Provincial Districts it is proposed to revert to the former title of Provincial Commissioner in place of Senior Commissioner. Officers of the Administrative Service below the rank of "Provincial Commissioner" are now classified in one long grade, advancement in which is automatic subject to the passing of certain efficiency bars. It is evident, therefore, that the use of the term "Assistant" is no longer appropriate to junior officers of the Administrative Service and Government has decided that all officers below the rank of "Provincial Commissioner" shall in future be styled "District Officers," the title "District Commissioner," however, still being used by an officer who is placed in charge of a district.

In these circumstances this Bill has been prepared in order to effect the necessary alterations in the laws of the Colony in which frequent reference is made to administrative officers under their old titles.

GOVERNMENT NOTICE No 131

HIS Excellency the Governor has approved of the following Bill being introduced into the Legislative Council

G R SANDFORD,
Clerk to the Legislative Council

**A Bill to Consolidate and Amend the Law
relating to Native Liquor**

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

1 This Ordinance may be cited as “ the Native Liquor Short title Ordinance, 1930 ”

2 In this Ordinance, unless the context otherwise interpretation requires —

5 “ Farm ” means any area of land, not being land in a municipality or township or in a Native Reserve or a gazetted trading centre,

“ Licensing board ” means the person or body of persons authorised to grant, renew or transfer licences under this
10 Ordinance,

“ Local authority ” means—

(a) in the case of any municipality established under the jurisdiction of a Municipal Council or a Municipal Board, the Municipal Council or the Municipal Board, as the case may be, of such municipality as
15 constituted under the provisions of the Local Government (Municipalities) Ordinance, 1928, No 19 of 1928

(b) in the case of any other area, the District Commissioner, or such person, body of persons, or authority
20 as the Governor may, by notice in the Gazette, appoint to be the local authority for the purposes of this Ordinance,

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

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

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

“ Palm wine ” includes tembo tamu, tembo kali, and the
35 juice of any palm,

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

Application
of Ordinance

3 The Governor in Council may by proclamation, at the request of any local authority, apply this Ordinance to any area in the Colony, and, upon its application, this Ordinance shall come into full force and effect within the limits of such area

5

Appointment
of licensing
boards

4 (1) The Governor may appoint in and for any municipality, township, district or other area a licensing board for the consideration and determination of applications for or relating to the granting, renewal or transfer of licences for the manufacture and sale of native intoxicating liquor within such municipality, township, district or other area

10

(2) Every licensing board so appointed shall consist of the District Commissioner as chairman and two other persons

(3) The chairman and one other member shall form a quorum

15

(4) Questions before a licensing board shall be decided by a majority of votes of those present and voting, and, in the case of equality of votes, the chairman shall have a second or casting vote

Provided that no member of a licensing board shall vote upon any application in which he has any pecuniary interest

20

(5) The Governor may appoint any person to act in the place of any member of a licensing board during his temporary absence from the Colony, illness, inability (whether from interest or otherwise) or unwillingness to act

25

(6) The powers and duties of a licensing board shall, in areas for which no licensing board has been appointed, be exercised and performed by the District Commissioner of such area or by such other person as the Governor may appoint

Licensing
boards, when
to sit

5 (1) Licensing boards shall sit on the first Monday in December, and, at the discretion of the chairman, may sit on the first Monday in June in each year or on a date as near to those dates as may be possible, at such time and place as the chairman shall appoint, and shall consider all applications for licences of which due notice has been given

30
35

(2) At least one month's notice of any sitting shall be given by the chairman in the Gazette

No person to
manufacture
or sell without
a licence

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

40

(2) Every licence issued under this Ordinance shall authorise the holder to manufacture and sell native intoxicating liquor in such quantities on such premises or in such village only and subject to such conditions as the licensing board shall approve and specify in the licence. In a municipality or township such licence shall be displayed in a conspicuous place in the licensed premises

50

(3) There shall be payable in respect of any licence issued under this section and in respect of any transfer of any licence such fee as the Governor in Council may from time to time fix by notice in the Gazette

7 (1) No person, unless he holds a licence in that behalf **Tapping**
from the District Commissioner, shall tap trees for palm **of trees**
wine

(2) Such licence shall authorise the holder thereof to tap
5 trees for palm wine in such area, within such hours and under
such conditions as the District Commissioner may approve and
specify on the licence

(3) There shall be payable in respect of any licence issued
under this section such fee as the Governor in Council may
10 from time to time fix by notice in the Gazette

Provided always that no fee shall be payable in respect
of any licence granted to tap trees for palm wine intended
for private consumption by the owner or his household or
dependents and not for purposes of sale

8 (1) Notwithstanding anything in this Ordinance con- **Special**
tained, any District Commissioner may grant a special tem- **temporary**
porary licence authorising the person named therein to sell **licence**
native intoxicating liquor by retail at any place of recreation
or public amusement or other assembly for the period, not
20 exceeding three days, during which such recreation or amuse-
ment continues, subject to such restrictions and conditions as
the District Commissioner shall think fit

(2) There shall be payable in respect of any licence
under sub-section (1) of this section such fee as the Governor
25 in Council may fix by notice in the Gazette

(3) Such special temporary licence shall specify the name
of the holder, the place for which such licence is granted, the
number of days and the hours during which the sale there-
under is authorised, and such restrictions and conditions as
30 the District Commissioner may impose

(4) The District Commissioner issuing such special
temporary licence shall forthwith give notice to the police
officer in charge of the district in which the place for which
such licence has been granted is situate of any special tem-
35 porary licence and the particulars thereof

9 (1) No licence shall be issued under this Ordinance to **Who may**
any person other than persons of African extraction or of **hold licences**
Arabian extraction born in Africa

(2) No licence to sell native intoxicating liquor in a
40 municipality or township shall be granted to a female

10 (1) No premises in any municipality or township shall **Approved**
be licensed unless such premises are approved by the licensing **premises**
board and by the Medical Officer of Health and are furnished
and equipped to the satisfaction of the licensing board

(2) No licensed premises shall be used for any purpose
45 other than that for which the licence is granted, except as an
eating house or by permission of the licensing board endorsed
on the licence

(3) No licence in respect of premises on private land
50 shall be issued unless the consent of the occupier of the land
has first been obtained

Unsuitable
premises

11 If any premises licensed under this Ordinance for the manufacture for the purpose of sale or for the sale of native intoxicating liquor shall in the opinion of the licensing board become unsuitable or shall fall into disrepair, the licensing board may suspend the licence until such premises have been made conformable to its requirements 5

Latrine ac-
commodation

12 Any premises in any municipality or township licensed for the sale of native intoxicating liquor shall be provided with such latrine accommodation as the Medical Officer of Health, or, in the absence of a Medical Officer of Health, as the District Commissioner shall direct 10

Licence not to
be transferred
without
consent

13 A licence granted under this Ordinance shall not be transferable from one person to another person or from one set of premises to another set of premises except with the consent in writing of the licensing board, who may refuse such consent 15

No vested
interest
created by
licence

14 No person holding or having held a licence to sell native intoxicating liquor shall be entitled to claim a renewal of such licence as of right or to claim any compensation in respect of such licence if such licence is not renewed 20

Sale on
unlicensed
premises and
manufacture in
municipality
or township

15 (1) Any unlicensed person who shall manufacture for the purpose of sale or shall sell native intoxicating liquor or who in a municipality township or trading centre shall manufacture possess or use sprouted grain, liquid yeast or any other process for the manufacture of native intoxicating liquor whether such liquor is for his own use or otherwise, and any licensed person who shall manufacture for the purpose of sale and shall sell native intoxicating liquor on premises other than those authorised by his licence or shall commit any other breach of the terms and conditions of his licence, shall be guilty of an offence and shall be liable on conviction before a magistrate to a fine not exceeding one hundred pounds or to imprisonment of either description for a period not exceeding twelve months or to both such fine and imprisonment 25 30

(2) In any proceedings against a person under this section, the averment that such person possessed or used sprouted grain, liquid yeast or any other process for the manufacture of native intoxicating liquor shall be sufficient without proof of such fact unless the accused prove the contrary, and the proof that the possession or use of sprouted grain, liquid yeast or any other process is not for the purpose of manufacture of native intoxicating liquor shall lie upon the accused 35 40

(3) On conviction of any person of an offence under this section the Court may, in addition to any other punishment which it may impose, order the forfeiture and cancellation of any licence issued to such person under this Ordinance, and shall order the confiscation of all native intoxicating liquor liquid yeast, sprouted grain or other like fermenting agency and any implements or utensils used for brewing found on the premises or in the possession of such person, whether in the course of manufacture or not 45 50

Being in
possession of
native
intoxicating
liquor off
licensed
premises

16 (1) Subject to the provisions of this section, if any person is found in a municipality, township or trading centre or in any district of the Coast Province to be in possession of any native intoxicating liquor in any place other than licensed premises, such person shall be deemed to be guilty of an offence unless he shall prove that such liquor was being transported from a licensed place of manufacture to licensed premises for the purpose of sale therein 55

Provided that it shall be lawful for any person to purchase, possess or transport native intoxicating liquor if he shall have first obtained a permit from the administrative officer in charge of the district of sale or of the district in which he is so found, to purchase, possess or transport such liquor. Any such permit shall be produced on demand to any administrative officer or police officer or any person authorised thereto by an administrative officer.

Provided also that any person who shall have been granted a licence under section 7 of this Ordinance shall not require such permit to transport palm wine from the place of tapping to licensed premises.

(2) Any person who purchases any native intoxicating liquor except on licensed premises shall be guilty of an offence against this Ordinance.

(3) On the conviction of any person of an offence under this section the Court shall order the liquor in respect of which such offence is committed to be confiscated.

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

Manufacture
or possession
of intoxicating
liquor on
farms

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

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

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

18 Save as provided in the case of special temporary licences under section 8 of this Ordinance, every licence granted under this Ordinance shall expire on the thirty-first day of December of the year in respect of which it is issued. Provided that where application has been made for the renewal of any licence, such licence shall continue in force until the decision of the licensing board has been notified to the applicant and for seven days thereafter.

Duration
of licence

19 (1) In any municipality or township the local authority and in any other area in the Colony the District Commissioner may prescribe the days and hours during which native intoxicating liquor may be sold.

Hours of sale
of native
intoxicating
liquor in
municipalities
and townships

(2) If in any area the hours during which native intoxicating liquor may be sold have not been prescribed as aforesaid, no such liquor shall be sold between the hours of 8 p.m. and 8 a.m.

To whom may be sold	20 No person who has been granted a licence under this Ordinance shall sell or supply any native intoxicating liquor —	5
	(a) To any person other than a person of African extraction or a person of Arabian extraction born in Africa,	
	(b) To any female in a municipality or township,	
	(c) To any person apparently under the age of eighteen years,	
	(d) To any drunken person,	10
	(e) To any person for consumption off the premises, unless such person has in his possession a permit authorising him to purchase and possess such liquor	
Drunk and disorderly persons	21 (1) No licensee shall allow drunkenness on his licensed premises	15
	(2) No licensee shall admit to his licensed premises any person who is drunk or disorderly or who carries a dangerous weapon	
	(3) A licensee shall take all steps in his power to compel any drunk or disorderly person or any person who is found to be in possession of a dangerous weapon to leave the licensed premises	20
	(4) Any person entering or remaining on licensed premises against the orders of a licensee as provided for in this section shall be guilty of an offence	25
	In this section the word " licensee " shall be taken as including an employee of the licensee	
Arrest and punishment of persons found drunk	22 Any person who is found drunk and incapable or drunk and disorderly on or near any licensed premises, or on any road or on any farm, or in any place to which the public ordinarily have access whether as of right or not, or in any place which it is a trespass for him to enter, shall be guilty of an offence, and any police officer or justice of the peace or any tribal police officer in the area or district for which he is appointed may arrest such person without a warrant. Provided that where any person is arrested under this section by a justice of the peace he shall with all practicable speed be either handed over to the police or brought before a magistrate to be dealt with according to the law	30
		35
Employment of females in connexion with the sale	23 No female shall be employed in connection with the sale of native intoxicating liquor on licensed premises in a municipality or township, or, except with the special permission of the licensing board, in any other area. Such permission shall be endorsed on the licence	40
Power to search licensed premises and inspect licences	24 (1) Any police officer may enter any premises licensed under this Ordinance at any time when he has reasonable grounds for believing that native intoxicating liquor is being sold on such premises contrary to the provisions of this Ordinance, and if cause be discovered may take into custody the licensee and all his servants and all persons taken into custody shall be brought before a magistrate as soon as possible, and such police officer may take possession of all liquor, liquid yeast, sprouted grain or other like fermenting agency and any implements or utensils used for brewing found on such premises and upon conviction all liquor, liquid yeast, sprouted grain or other like fermenting agency and any implements or utensils used for brewing found therein shall be confiscated	45
		50
		55
	(2) Any magistrate or police officer of or above the rank of an assistant sub-inspector or European police constable in charge of an out-station or any other person authorised thereto	

by a magistrate shall have power to inspect any premises licensed under this Ordinance and to demand and inspect any licence issued under this Ordinance

(3) The powers conferred on police officers by subsection (1) of this section shall be exercisable by tribal police officers in respect of any premises licensed under this Ordinance in the district or area for which they are appointed

25 Any magistrate, justice of the peace, or police officer of or above the rank of European police constable or assistant sub-inspector, and any other police officer or tribal police officer having special written authority from a magistrate, a justice of the peace or an officer in charge of a police station, may at any hour enter any unlicensed premises in which he suspects that native intoxicating liquor is being sold or kept in contravention of this Ordinance, and may, if cause be discovered, take into custody all persons found therein and may take possession of all liquor, liquid yeast, sprouted grain or other like fermenting agency and any implement or utensils used for brewing found therein, and all such persons shall be brought before a magistrate and upon conviction of any of them or if it is proved to the satisfaction of the magistrate that such liquor was being sold or otherwise kept in contravention of this Ordinance, all such liquor shall be confiscated

Power to
search
unlicensed
premises

26 In any proceeding relating to any offence under this Ordinance it shall not be necessary to show that any money actually passed or that any native intoxicating liquor was actually consumed if the Court hearing the case be satisfied that a transaction in the nature of a sale actually took place or that any consumption was about to take place and proof of consumption or intended consumption of native intoxicating liquor in licensed premises by some person other than the occupier or his servant in such premises shall be evidence that such liquor was sold to the person consuming or about to consume the same by the holder of such licence

Evidence

27 When any licence has been granted under this Ordinance, the District Commissioner issuing such licence shall have the provisions of this Ordinance fully explained to the licensee and on signing such licence the District Commissioner shall certify on the same that the provisions have been so explained

Explanation
of Ordinance
to licensee

28 (1) Notwithstanding anything to the contrary contained in this Ordinance, the Governor in Council may at the request of a local authority in charge of any area declare, by order in the Gazette, that the right to manufacture and/or sell and supply native intoxicating liquor in such area is vested exclusively in the local authority, and thereupon such local authority may establish breweries and canteens or hostels for the purpose of manufacture and/or sale of native intoxicating liquor

Application
by local
authority for
exclusive
right to
manufacture
and sale

(2) Such local authority shall not be required to apply for any licence under this Ordinance in respect of any brewery, canteen or hostel so established

(3) All breweries, canteens or hostels so established shall be registered in a register to be kept by the District Commissioner of the district

(4) From and after the date of any order under subsection (1) hereof no further licences shall be granted under this Ordinance in respect of any premises within the area within which the local authority is authorised to establish breweries, canteens or hostels, and no licence existing at the date of such order shall be renewed or transferred

Inspection of
breweries,
canteens or
hostels
established
by local
authority

29 (1) Any officer duly appointed for that purpose by the Governor shall at all reasonable times have the right to enter and inspect any brewery, canteen or hostel established by a local authority for the purpose of—

(a) ensuring that good order and proper standards of comfort and cleanliness are maintained, 5

(b) ensuring that proper books of accounts are kept by the local authority in connection with the manufacture for the purpose of sale or sale of native intoxicating liquor and for the purpose of examining and auditing the same, and 10

(c) inquiring into any complaints against the proper conduct of the premises,

and the local authority shall afford all reasonable facilities and assistance to such officer whilst engaged in the foregoing duties 15

(2) Such officer shall transmit a written report of any such inspection provided in sub-section (1) of this section to the Chief Native Commissioner as to the facts ascertained by such inspection and a copy of such report shall be transmitted to the local authority concerned 20

Power of
Governor
where local
authority fails
to maintain
satisfactorily
any brewery,
etc

30 If at any time it shall appear that any local authority has failed to maintain to the satisfaction of the Governor any brewery, canteen or hostel, the Governor may direct, by order in the Gazette, that all powers, duties and authorities conferred under this Ordinance on such local authority shall be temporarily transferred to and vested in the District Commissioner or any other suitable officer who shall exercise all such powers and authorities on behalf of the local authority 25 30

Profits to be
expended
on native
projects

31 All profits accruing to a local authority from the manufacture for purpose of sale and sale of native intoxicating liquor shall be expended in such ways and on such projects on behalf of the natives resident in the area controlled by such local authority as may to the Governor seem best and expedient 35

Obstructing
or hindering
licensing
boards or
officers an
offence

32 Any person who contravenes any provision of this Ordinance or obstructs or hinders a licensing board or any member thereof or any officer acting in the lawful exercise of any power or performance of any duty conferred or imposed upon him or them by this Ordinance shall be guilty of an offence against this Ordinance 40

Offences
cognizable
to Police

33 All offences against this Ordinance shall be cognizable to the police

General
penalty for
offences

34 Any person who is guilty of any offence against this Ordinance or against any Rule made thereunder for which no penalty is expressly provided shall be liable, on conviction before a magistrate, for every such offence, to a penalty not exceeding fifty pounds or to imprisonment of either description for a period not exceeding six months, or to both 45 50

Power to
make Rules

35 The Governor in Council may make Rules for the purposes of—

(1) Confiscation of any liquor manufactured or being manufactured or kept in contravention of this Ordinance and of all instruments and utensils appertaining thereto, 55

- (2) Manufacture for the purpose of sale or for the sale of native intoxicating liquor by any local authority and the management and control of the breweries, canteens or hostels of such local authority,
- 5 (3) Taking of samples and for the analysis of native intoxicating liquor manufactured for sale or sold by a local authority or any other licensed persons,
- (4) Prohibition of the manufacture for the purpose of sale or sale by any person of any native intoxicating
- 10 liquor exceeding the strength of 7·5 per centum by weight of absolute alcohol,
- (5) Providing of co-operative arrangement between local authorities for the manufacture for the purpose of sale or sale of native intoxicating liquor,
- 15 (6) Fixing of any fees to be charged for services rendered in connexion with this Ordinance,
- (7) Generally for the better carrying into effect of the purposes of this Ordinance

20 **36** Nothing in this Ordinance shall be deemed to override the provisions of the Native Authority Ordinance or any Ordinance amending or replacing the same

Saving of
Native
Authority
Ordinance

37 The Native Liquor Ordinance (Chapter 133 of the Revised Edition), as amended by the Native Liquor (Amendment) Ordinance, 1927, and the Native Liquor (Amendment) Ordinance, 1928, is hereby repealed

Repeal

OBJECTS AND REASONS

Section 14 of the Native Liquor Ordinance (Chapter 133 of the Revised Edition), as amended by the Native Liquor (Amendment) Ordinance, 1928, makes it lawful to have any amount of liquor in "one's own premises" It has been found that the Ordinance, as amended, is unworkable, and the immediate object of this Bill is to alter the law in that respect Opportunity has also been taken to consolidate all the existing Ordinances on the subject of native liquor

Apart from the amendments which are specifically dealt with hereunder and also numerous drafting amendments, the Bill is mainly a re-enactment of the existing law The phraseology in a good many instances has been altered with a view to simplification

Clause 2—In view of the recent Local Government legislation the definition of "local authority" has been altered The definition of "native intoxicating liquor" has also been altered to exclude tembo tamu

Clause 8—It is proposed—as in the case of special licences under the Liquor Ordinance (Chapter 71 of the Revised Edition)—to transfer the power of granting special temporary licences from the licensing board to the District Commissioner The board meets only twice a year and under the existing law no special licence can be granted at any other time of the year should any special occasion arise

Clauses 22 and 24—The powers of arrest and of search of licensed premises and inspection of licences conferred on police officers are extended to tribal police officers in areas in which they are appointed

Clause 27 —Section 21 of Chapter 133 of the Revised Edition imposes a duty on the chairman of the licensing board to have the provisions of the Ordinance fully explained to any person *applying* for a licence. It is not considered necessary that the District Commissioner should be saddled with this obligation, except in the case of granting a licence, and the appropriate amendment has been made.

Clauses 29, 30 and 31 —These clauses reproduce subsections (6), (7), (8) and (9) of section 30 of Chapter 133, and relate to matters which are more appropriately dealt with in separate sections than under a rule-making power section.

Clause 32 —The original section has been amplified to bring within its scope the obstruction of any officer exercising any power or duty imposed upon him by the Ordinance.

THE MINING ORDINANCE, 1929

ARRANGEMENT OF SECTIONS

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PART I

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GOVERNMENT NOTICE No 132

HIS Excellency the Governor in Council has approved of the following Bill being introduced into Legislative Council

G R SANDFORD,
Clerk to the Legislative Council

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

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

Short title and
commencement

1 This Ordinance may be cited as “the Mining Ordinance, 1929,” and shall come into operation on such date as the Governor by notice in the Gazette shall determine

PART I

GENERAL

5

Interpretation

2 In this Ordinance, unless inconsistent with the context—

“alluvial” includes all forms of mineral deposits which do not fall within the definition of “lode”,

“claim” means a portion of land lawfully taken possession of for the purpose of prospecting and mining, but does not include land comprised in a mining lease, 10

“Government” means the Government of the Colony,

“lode” or “reef” includes all true fissure veins, contact veins, segregated veins, bedded veins, metalliferous bankets, stockworks, such irregular deposits as conform generically to the above classification, and beds of any mineral, such as beds of iron-stone, 15

“mine” includes any place, excavation or working whereon, wherein or whereby any operation in connection with mining is carried on, 20

“to mine” means intentionally to win minerals and shall include any operations necessary for the purpose,

“minerals” means all minerals and mineral substances, other than mineral oils, and may be either precious metals, precious stones or non-precious minerals, but shall not include clay, sand and stone for building or similar purposes, 25

“Native Reserve” includes any land which is considered by the Government to be required by and necessary to be reserved for natives whether gazetted or not, 30

“non-precious minerals” means all minerals other than precious metals or precious stones,

“notice” means a notice in the Gazette,

“open-cast” means any uncovered excavation which has been made from the surface for the purpose of winning minerals, 35

“owner” or “occupier” includes an owner in fee simple, a lessee, a grantee, a licensee and a native in occupation of Crown land,

“person” includes corporation, company, syndicate or individual, 40

“precious metals” means gold, silver or metal of the platinoid group in the unmanufactured state, including ores containing such metal, but shall not include ores containing any such metal in combination with another mineral where

such metal cannot be worked apart from such mineral and the value of such metal is less than the cost of producing both the metal and the mineral,

“ precious stones ” means any diamond, emerald, opal,
5 ruby, sapphire, turquoise and any other stones which the Governor in Council may by notice declare to be included in this definition,

“ prescribed ” means prescribed by this Ordinance or any regulations made thereunder,

10 “ private lands ” includes lands privately owned and land the subject of a grant, lease or licence from the Crown,

“ to prospect ” means to search for minerals and includes such working as is reasonably necessary to enable the prospector to test the mineral-bearing qualities of the land,

15 “ the regulations ” means the regulations made under this Ordinance,

“ salt licks ” means those deposits of salt or other mineral which have been or are being used as salt licks for cattle, whether privately owned or not,

20 “ shaft ” and “ pit ” mean any vertical or inclined tunnel, other than a stope or winze, which is or might be used for winding, travelling, draining or ventilating purposes in connection with prospecting or mining operations,

25 “ tailings ” means all gravel, sand, slimes, or other substance which is the residue of *bona fide* mining operations,

3 Nothing in this Ordinance shall be deemed to authorise any person to enter any district or area to which entrance by him may be forbidden by any law, Ordinance or regulation for the time being in force Prospecting in closed districts

30 4 Nothing contained in this Ordinance shall confer any right to prospect for or to win any mineral oil Mineral oil excluded from this Ordinance

5 (1) The entire property in and control of all minerals and mineral oils in, under or upon any lands in the Colony are and shall be vested in the Governor in trust for His Majesty, save in so far as such right may in any case have
35 been limited by any express grant made before the commencement of this Ordinance, or by any certificate of ownership issued or hereafter issued under the hand and seal of the Recorder of Titles Control and property in minerals and mineral oils vested in the Governor

40 (2) This section shall not apply to any part of the Protectorate of Kenya which is now or may hereafter be held on lease from His Highness the Sultan of Zanzibar

6 Except as in this Ordinance provided, any person who shall prospect or mine on any lands in the Colony shall be
45 liable to a fine of two thousand shillings or imprisonment of either description for twelve months, and the forfeiture of all minerals obtained in the course of such unauthorised mining or prospecting, or if such minerals cannot be forfeited such sum as the court shall assess as the value of such minerals Penalty for prospecting or mining without authority

50 7 Nothing in this Ordinance shall be deemed to prevent any native of the Colony from taking, subject to such conditions as may be prescribed, iron, salt or soda from lands (other than lands within the area of a mining lease or claim) from which it has been the custom of the members of the community to which that native belongs to take the same Saving for native custom

Employment of officers	8 The Governor may appoint an officer, to be styled the Commissioner of Mines (hereinafter referred to as "the Commissioner"), and such other officers, to be known as Inspectors and Assistant Inspectors of Mines, Wardens and Registrars, as may be necessary for the carrying into effect of the provisions of this Ordinance	5
Powers of Commissioner may be exercised by other officers	9 The Commissioner may, with the approval of the Governor, delegate or assign to any other officer appointed under section 8 all or any of the powers, duties and jurisdiction	
No action lies against officers for acts done in execution of their duties	10 No action or other legal proceeding whatsoever, civil or criminal, shall be instituted in any court against the Commissioner or other officer or any person acting under his authority for or on account of or in respect of anything done in good faith and done or purported to be done in the execution of his duty under this Ordinance	10 15
Royalties	11 All minerals obtained in the course of prospecting or mining operations shall be liable to such royalties as may be prescribed	

PART II

PROSPECTING

20

Prospecting right	12 (1) The Commissioner or other prescribed officer may issue to any person a prospecting right in the prescribed form upon the payment of the prescribed fee. Provided that a prospecting right shall not be granted— (a) to any person who is under eighteen years of age, (b) to any person who is unable to read or to any person who is incapable of understanding this Ordinance in such a way as to form a reasonable guide to and restriction on his actions (2) A prospecting right may be granted to an individual as agent for another individual (3) A prospecting right shall not be granted to a company or partnership as such, but may be granted to an individual as agent of the company or partnership. In such case the application for the prospecting right must be made by the individual in person, who must either be the lawfully constituted attorney of the company or partnership or produce an application in writing for the grant of the prospecting right to the individual as agent for the company or partnership, signed by a director or responsible manager or partner of the company or partnership. Such application must contain an undertaking by the company or partnership with the Government to be responsible for the acts and omissions of the individual, who shall also be responsible for his own acts and omissions (4) A prospecting right shall not be transferable and shall be in force for a period of one year from the date of issue, but may be renewed for a period of one year from the date of expiration thereof or of the expiration of any renewal thereof upon application being made in the prescribed form and upon payment of the prescribed fee (5) A prospecting right shall be produced whenever demanded by the owner or occupier of private land on which the holder thereof is prospecting, or by any administrative officer, officer of the Mines Department or police officer	25 30 35 40 45 50
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13 The following classes of land are (save where otherwise in this Ordinance provided) excluded from prospecting or occupation under any prospecting right —

Lands
excluded from
prospecting

- 5 (a) Land dedicated or set apart for any public purpose other than mining or as a place of burial, except with the consent of the Governor
- 10 (b) Any area situate within any municipality or township except with the consent of the owner or holder of surface rights and of the Governor or municipal or township authority
- 15 (c) Lands held under grants or leases giving the holder rights of working the minerals, non-precious minerals, precious metals and precious stones which are recognised by the Government
- 20 (d) Any area over which exclusive prospecting or mining rights have previously been granted by the Governor and are still subsisting and any area in respect of which an application in the prescribed form has been made for such rights
- 25 (e) Land reserved for the purpose of any railway or situate within one hundred yards of any railway, except with the consent of the Railway Administration
- 30 (f) Any area which is the site of or is within one hundred yards of any building dam or reservoir owned by Government except with the sanction of the Governor
- 35 (g) Any street, road or highway without the consent of the Governor or of the municipal corporation or other public body having the control thereof
- (h) Salt licks which have been or are being used for cattle
- (i) Land within a Native Reserve except with the consent in writing of the Senior Commissioner of the Province within which the Reserve is situate and on such conditions as may be prescribed
- (j) Land which the Governor may by notice declare to be excluded from prospecting

Should any question arise as to whether any particular land is excluded under this section it shall be referred to the Governor, whose decision shall be final and conclusive

14 For the purpose of this Ordinance, every Native Reserve shall be deemed to be private land, and the person, board or other body of persons by law for the time being in charge of Native Reserves shall be deemed to be the owner

45 Provided that any moneys received by that authority by way of rents, compensation, fees or penalties shall be devoted to the use of the natives concerned

Native
Reserves

15 Subject to the exceptions in section 13 and to the regulations and to the provisions of any law as to forests or as to the regulation of natural water supply, the holder of a prospecting right may—

Prospecting
right
privileges

- (1) prospect for any minerals on any land in the Colony,

- (2) whilst engaged in *bona fide* prospecting erect on any unoccupied land his camp and such buildings or machinery as may be necessary for the purpose of prospecting and for such purpose or for domestic purposes take timber and water from any lake, stream or water-course, 5

Provided that he shall not—

- (a) divert water from any river, stream or water-course without the consent of the authority having the control thereof, or 10

- (b) prospect in a forest or game reserve unless he has first given notice to the officer in charge of such reserve and complies with the conditions lawfully imposed by such officer,

- (3) sink shafts or wells or dig trenches, 15

- (4) on any land not excluded from prospecting take for his domestic use water from any lake, river or stream and with the consent of the owner or occupier of private land or on tendering to the owner or occupier a reasonable sum in payment thereof, any fuel other than standing timber, 20

- (5) graze upon lands not excluded from prospecting such horses or other animals as may be necessary for his subsistence and for the carrying on of prospecting or mining, free of charge on unoccupied Crown lands and on private lands on payment or tender of a reasonable sum in payment thereof, 25

- (6) apply for an exclusive prospecting licence, claim or a mining lease

Prospecting on private land

16 Any person intending to prospect on private lands shall when practicable give notice of his intention to the occupier of such land before commencing prospecting operations thereon, and shall, if required by the owner or occupier, give security in such sum as the Commissioner may direct for the payment of compensation for the disturbance of surface rights and for any damage done to the lands or trees or crops thereon by the prospector and, if required by the owner or occupier, shall desist from prospecting on the land until such security has been given 30 35

Authority to prospect on land excluded

17 The holder of a prospecting right may apply to the Governor for an authority to prospect on any lands excluded from prospecting and the Governor may grant such authority on such terms as to area, period, rent and other conditions as he shall think fit. Failure to comply with any of the terms so fixed shall render the authority liable to cancellation 40 45

Exclusive prospecting licences

18 (1) The Governor may grant an exclusive prospecting licence to any person who himself holds a prospecting right or to any person who employs a holder of a prospecting right

(2) Application for an exclusive prospecting licence shall be in the prescribed form, and the applicant shall satisfy the Governor that he has sufficient capital to ensure the proper prospecting of the area in respect of which the application is made and the payment of any compensation which may be payable to the owners and occupiers of the land in respect of 50

which the licence is required and shall, if required by the Governor or by the regulations, furnish a financial guarantee for such sum as the Governor may direct or as may be prescribed

- 5 (3) The Governor may grant or withhold the grant of an exclusive prospecting licence as he may think proper

Provided that a person who has previously held such licence shall not within a period of one year after its expiry be granted a further licence in respect of any portion of the
10 area in respect of which he has previously held a licence This prohibition shall extend to any person associated with the former holder of the licence

(4) An exclusive prospecting licence shall not be granted in respect of any area exceeding eight square miles

- 15 Provided that under special circumstances the Governor may at his sole discretion grant exclusive prospecting licences over areas exceeding eight square miles upon such terms and conditions as he may think fit

(5) An exclusive prospecting licence shall be valid for
20 one year from the date thereof, subject to renewal, at the discretion of the Governor, for further terms of one year each up to a maximum of three years in the case of an alluvial deposit, and of six years in the case of a lode deposit

Provided that the Governor may, on such terms as he may
25 think proper, grant a renewal of such licence in respect of an alluvial deposit for a fourth year if it be shown to his satisfaction that prospecting operations have been stopped or seriously hindered by special circumstances beyond the control of the licensee

30 Provided further that in the case of a lode deposit, the Governor may on any renewal of such licence direct that such renewal is allowed in respect of a specified portion only of the area of the licence

(6) All exclusive prospecting licences shall be registered
35 at the office of the Commissioner in the prescribed manner

19 An applicant for an exclusive prospecting licence wilfully or recklessly giving false information as to any of the matters in respect of which information is or may be given under this Ordinance shall be liable to a fine of one thousand
40 shillings or to imprisonment of either description for six months or to both Penalty for giving false information

20 (1) The holder of an exclusive prospecting licence shall have the sole right of prospecting upon the lands within the area of his prospecting licence, and for such purpose may— Rights under an exclusive prospecting licence

45 (a) enter upon the lands within such area with his agents and workmen and thereon exercise all or any of the rights conferred upon the holder of a prospecting right,

(b) employ in prospecting on such land any number of
50 persons who for the purpose of such prospecting shall not be required to hold prospecting rights, and

(c) on and over unoccupied land within the area of his licence erect and maintain such machinery and plant and construct such ways as may be necessary for or in connection with his prospecting operations

(2) The holder of an exclusive prospecting licence who shall have fulfilled all the conditions attached thereto may be granted, subject to the provisions of this Ordinance, a mining lease or leases over the whole or any part of the area the subject of the licence

5

Transfer of
rights under
licence

21 The holder of an exclusive prospecting licence shall not transfer his licence or any portion of the rights granted thereunder without the consent of the Governor signified by an endorsement thereon

The transferee of a licence shall be liable for all rents and obligations which may have accrued at the time of transfer

10

Amalgamation
of prospecting
licence areas

22 The Commissioner may permit the amalgamation of any number of duly registered adjoining exclusive prospecting licence areas

Disposal of
minerals
obtained in
prospecting

23 (1) Minerals obtained in the course of prospecting under a prospecting right or an exclusive prospecting licence shall be the property of the Government and, except for the purpose of sampling and assay, shall not be removed from the land or disposed of by the holder of the right or licence or by any other person except with the consent of the Commissioner

15

20

Any person who commits an offence against this subsection shall be liable to a fine of two thousand shillings or imprisonment of either description for twelve months, or both

(2) The Commissioner may authorise the removal of minerals from the land from which they have been obtained to any place approved by him for safe custody, subject to such conditions, if any, as he may impose

25

(3) If the holder of a prospecting right or an exclusive prospecting licence should desire to retain or dispose of any minerals obtained in the course of prospecting he shall make an application to the Commissioner in the prescribed manner and if the Commissioner is satisfied that the prospector has been conducting such work only as is reasonably necessary to enable him to test the mineral-bearing qualities of the land, he may authorise the applicant to retain or dispose of the minerals in respect of which application is made on payment of the prescribed royalties

30

35

Obligation of
the holder of
exclusive
prospecting
licence

24 The holder of an exclusive prospecting licence shall during the continuance of the licence adequately carry on to the satisfaction of the Commissioner *bonâ fide* prospecting operations on the lands included in the area in respect of which the licence has been granted

40

Provided that the Commissioner may on the application of the holder and for good cause shown by writing under his hand suspend the obligation imposed by this section in respect of any licence for such time as to the Commissioner may seem proper

45

Records of
prospecting
operations

25 The holder of an exclusive prospecting licence shall keep to the satisfaction of the Commissioner full and accurate records of his prospecting operations,

26 (1) The holder of a prospecting right or of an exclusive prospecting licence shall, on demand being made by the owner or occupier of land upon or under which prospecting operations are or have been carried on, pay him fair and reasonable compensation for any disturbance of the rights of such owner or occupier, and for any damage done to the surface of the land by such operations, and shall, on demand being made by the owner of any crops, trees, buildings or works damaged by the holder of the right or licence or by any agent or servant of such holder, pay compensation for such damage

Payment of compensation to owners or occupiers of land

(2) (i) If the holder of a prospecting right or exclusive prospecting licence fails to pay compensation when demanded under sub-section (1) or if an owner or occupier is dissatisfied with the compensation offered, the owner or occupier may take proceedings before the Commissioner in which case the provisions of Part IV of this Ordinance shall apply

Provided that when the claimant is a native, the Administrative Officer in charge of the district shall, if the native so desires, assess and determine the amount of the compensation, and that the decision of such Administrative Officer shall in such case be final, subject only to an appeal to the Governor

(ii) Notice of appeal against the decision of the Administrative Officer shall be given to such officer within fourteen days of the date on which his decision is notified to the party desiring to appeal

(3) The sum awarded by the Commissioner or Administrative Officer or, when there has been an appeal, by the Governor, shall be paid by the holder of the prospecting right or exclusive prospecting licence to the person entitled thereto, within fourteen days of the date on which the amount of the award is notified to the holder of the right or licence

(4) If the sum awarded is not paid within the time specified in sub-section (3), such sum may be paid out of any moneys deposited by the holder of the right or licence under section 16 or, if no moneys or insufficient moneys have been deposited, may be sued for by the persons entitled thereto in any court

(5) The Governor may suspend the prospecting right or exclusive prospecting licence of the person in default until the amount awarded has been paid and until the holder of the right or licence has deposited with the Government such further sum as security for any future payments as the Governor may demand, and if such payment and deposit is not made within such time as the Governor may consider reasonable the Governor may revoke the prospecting right or exclusive prospecting licence of the person in default

27 In the case of any breach by the holder of a prospecting right or an exclusive prospecting licence or by any attorney or manager employed by such holder of any of the provisions of this Ordinance or of any regulation made thereunder, it shall be lawful for the Commissioner to call upon the holder of the right or licence to show cause, within a time specified by the Commissioner, why his right or licence should not be revoked, and should he fail to comply with such order within the time specified or should the cause shown not be adequate in the opinion of the Governor, the Governor may summarily revoke the right or licence, and thereupon all privileges and rights conferred thereby or enjoyed thereunder shall as from the date of such revocation cease

Revocation of prospecting right or exclusive prospecting licence

Provided always that such revocation shall not in any way affect the liability of any person in respect of the breach of any provision of this Ordinance or of any regulation committed by him before such revocation

PART III

5

MINING

- 28** Mining shall be lawful under a claim or a mining lease
- 29** The classes of claims and leases and the areas, shapes and rents payable under such claims and leases shall be such as may be prescribed
- 30** No person may hold more than one alluvial claim for precious metals or stones
- 31** Any holder of a prospecting right who discovers minerals in apparently payable quantities may, in addition to the claims allowed by this Ordinance, peg five extra claims of the prescribed area, and shall apply to the Commissioner for registration of such claims. If the Commissioner is satisfied that minerals exist in apparently payable quantities and that the discovery lies in a locality in which such minerals were not hitherto known to exist, the Commissioner shall register such claims, which shall be known as "reward claims"
- 32** (1) When any holder of a prospecting right pegs out a claim on land not excluded from prospecting in accordance with the provisions of the Ordinance and regulations, he shall within thirty days thereafter apply in manner prescribed for registration in the office of the Commissioner through an officer who may be appointed for the purpose in the district in which the claim is situated
- (2) If the application is in accordance with the provisions of the Ordinance and the regulations, the Commissioner shall register the claim
- 33** The claim shall be granted for one year from the date of pegging, and may be renewed, subject to the provisions of sections 16 and 26, for further terms of one year each, on payment of the prescribed rent

34 Where any interest in a claim registered as aforesaid is transferred to, vests in (absolutely or as security only), or devolves upon any person, such person shall within thirty days thereafter register such transfer or vesting in the prescribed manner in the office aforesaid

Registration
of transfer

35 Any person failing to apply for the registration of a claim or a share in a claim within the period aforesaid shall forfeit all rights in respect thereof and shall, if he works or mines on such a claim incur the penalty prescribed for unauthorised mining

Failure to
register

36 The holder of a claim shall have the right to enter upon the land the subject of the claim, and the exclusive right to prospect or mine thereon and to remove therefrom and dispose of the minerals in respect of which the claim shall have been registered

Rights under a
claim

37 The Commissioner may permit the amalgamation of any number of adjoining claims of the same class

Amalgamation
of claims

38 Subject to the approval of the Commissioner, after a claim has been registered as aforesaid, the holder may in the manner prescribed by the regulations by instrument in writing divide his interest in the claim into such shares as he shall think proper, and may allot shares or transfer the claim or create or transfer any interest therein

Transfer of
claims and
interests
therein

Provided that the holder who has transferred an alluvial claim for precious metals or precious stones may not hold another such claim until the first claim has been abandoned, subject to the provisions of sections 30 and 31

39 A claim shall be liable to forfeiture by the Commissioner by written notice to the holder or by notice published in the Gazette in the following circumstances —

Claims w^ho
liable to
forfeiture by
the Com-
missioner

(a) if the person pegging has failed to apply for registration in prescribed manner within the time fixed by section 32,

(b) if the holder has not produced when demanded by the Commissioner, within such period as he may allow, satisfactory evidence of compliance with the working conditions prescribed,

(c) if the rent payable is not paid to the Commissioner within thirty days from the date when it became due, or within such additional time as the Commissioner may allow,

(d) if the holder fails to render any prescribed return when due, or within such additional time as the Commissioner may allow,

(e) if the holder has not complied with any of the prescribed conditions, or

(f) if registration thereof has been obtained by any false or fraudulent representation or concealment

Nothing in this section contained shall impose any obligation on the Commissioner to declare the forfeiture of a claim

Obligation on
abandonment

40 (1) Any person who shall abandon his claim shall forthwith notify the Commissioner of such abandonment

(2) Any person who shall abandon his claim and any person whose claim shall have been forfeited shall forthwith fill up, fence, or secure to the satisfaction of the Commissioner or other prescribed officer all shafts, pits, holes and excavations, in such a manner as to prevent persons or stock inadvertently entering them and shall remove the discovery beacon and all boundary posts thereon, and in default of so doing, shall be liable to a fine of one thousand shillings or to imprisonment of either description for six months, and in addition shall be liable to pay such sum as the Commissioner may certify the cost of doing so will be

Penalty for
false
representation

41 Any person who shall by false representation or fraudulent concealment of facts obtain registration of any claim under this Ordinance shall, in addition to the forfeiture of the claim, be liable to a penalty not exceeding one thousand shillings

Application
of sections 16
and 26 to
claims

42 The provisions of sections 16 and 26 shall apply *mutatis mutandis* to a claim

Grant of
leases

43 The Governor may grant a lease to the holder of a prospecting right or of an exclusive prospecting licence, provided that in the latter case the lease applied for shall be wholly within the boundaries of that licence, or to the holder of a claim in respect to the whole or any part of the area of his claim

Applications
for leases

44 Applications for leases shall be made in the prescribed form and manner, and shall be subject to the prescribed conditions as to marking out and survey of the land applied for, taking possession thereof and otherwise, and shall be accompanied by payment of one year's rent in advance at the rate prescribed

Applicant
to show
sufficient
capital

45 The Governor may require an applicant for a lease to show to his satisfaction that he possesses or commands or will command within twelve months sufficient working capital to ensure the development of and working of mining operations on the area applied for, and may require any reports on the matter made by prospectors or engineers to be submitted for his information

In the event of the applicant failing to satisfy the Governor as aforesaid, the Governor may refuse the application, but the applicant may make a new application at any time

Giving false
information

46 Any applicant for a lease wilfully or recklessly giving false information as to any of the matters in respect of which information is or may be required to be given under this Ordinance shall be liable to a fine of one thousand shillings, or to imprisonment of either description for six months

Duration of
lease

47 A lease may be granted for such term, not being less than five or more than twenty-one years, as the Governor may think proper

Provided that when permission to mine on the area is granted under section 28 pending the grant of the lease such term shall commence from the date of the grant of such permission

48 If at the expiration of the term originally granted or of any renewal thereof the lessee shall be carrying on work in a normal and business-like manner, and the lease shall not at that time be liable to be forfeited under any of the provisions of this Ordinance, and the lessee shall have given to the Commissioner six months' notice in that behalf, then the lessee shall be entitled on payment of the prescribed fee to obtain a renewal of the lease for a further term not exceeding twenty-one years upon the conditions which are then generally applicable to new leases

Renewal
of lease

Provided that in the case of any renewal the rent shall not be increased by more than fifty per centum above that reserved by the original lease

49 A lease may be surrendered at any time after six months' notice in writing has been given to the Commissioner of the intention to surrender if the sanction of the Governor be endorsed in writing thereon, and on payment of the prescribed fee, but not otherwise, provided that such surrender shall not affect any liability incurred by the holder before such surrender shall have taken effect

Surrender
of lease

50 The Commissioner may permit the amalgamation of any number of leases of the same kind

Amalgamation
of leases

51 A lessee shall not transfer or assign his lease or any of the rights conferred thereby without the consent in writing of the Governor signified by endorsement thereon

No transfer of
lease without
consent

52 (1) The Governor may grant a special lease of any land if he is satisfied that by reason of the difficulties and cost attending the mining in, on or under such land, or for any other cause, it is necessary that such a lease be granted

Special lease

(2) The Governor may fix the form of, and area to be comprised in, any such lease, the rent and royalty to be paid, and the labour and other conditions, reservations and exceptions to be contained in the same, but in all other respects such special lease and the application for the same shall be subject to the provisions of this Ordinance and of the regulations made thereunder

53 A lease shall confer upon the lessee the right to enter upon the lands the subject of the lease, and, subject to the regulations, the exclusive right to mine on such lands and the right to remove and dispose of the minerals specified in the lease

Rights under
a lease

54 (1) The Commissioner may grant authority upon such terms as he may think fit permitting the lessee to mine on the land comprised in his lease for any mineral other than that in respect of which the lease was granted, and may vary or revoke any such authority

Mining for
mineral other
than that for
which lease
granted

(2) If the lessee mines for any mineral other than that in respect of which his lease or any authority as aforesaid has been granted, his lease shall be liable to forfeiture

55 In so far as it may be necessary to the lessee for or in connection with his mining operations and subject to the provisions of this Ordinance and to the regulations, the lessee shall have on the lands included in his lease the following rights—

Surface rights
of lessee

(a) to make all necessary excavations,

	(b) to erect, construct, and maintain houses and buildings for his use and for the use of his agents and servants,	
	(c) to erect, construct and maintain such engines, machinery, buildings and workshops and other erections as may be necessary or convenient,	5
	(d) to stack or dump any of the products of mining,	
	(e) to lay water-pipes and to make water-courses and ponds, dams and reservoirs, and to divert from a natural water-course any water on or flowing entirely through the land, provided that—	10
	(i) any water diverted not containing any noxious or poisonous matter shall be returned to its natural channel before leaving such land,	
	(ii) any existing rights to use any source of natural water supply shall not be disturbed,	15
	(f) to construct and maintain all such tramways, roads, communications and conveniences as may be necessary	
	Provided that whenever a disagreement shall arise between the owner in the case of private land and the lessee in connection with surface rights, the matter shall be determined by the Commissioner	20
Mining near public buildings, railways, etc., prohibited except with the consent of the Governor	56 A lease shall not authorise the lessee to occupy or mine on or under land occupied by a native village or by a market or burial ground, or on or under land within one hundred yards of any Government or public buildings or works, or any market, burial ground, public road, or tramways, or of any railway, without the consent in writing of the Governor first obtained, and subject to the conditions, if any, prescribed by the Governor	25 30
Notice to private occupiers who may demand security	57 The provisions of sections 16 and 26 shall apply <i>mutatis mutandis</i> to a lease granted under this Ordinance	
Right of lessee and claim-holder to take timber	58 A lessee or a claim-holder may, on the lands included within the area of his lease or claim, cut, take and use any tree when necessary in the course of mining operations or when required for mining or domestic purposes, provided that he shall be liable for any fees or royalties which may be payable under any law relating to forests	35
Treatment of tailings, etc., after determination of lease	59 (1) Any lessee whose tenancy is by any means determined may, within thirty days of such determination, apply to the Commissioner for leave to enter the land comprised in the lease and treat or remove any tailings, ore or stone left thereon by him. The Commissioner may grant such leave and may fix a time within which such treatment or removal is to be completed	40 45
	(2) If such leave is not applied for within thirty days or such treatment or removal is not completed within the time fixed, any tailings, ore or stone remaining on the land shall become the absolute property of the Government	
Grounds for forfeiture of lease	60 (1) The Governor may, by notice to the lessee, determine a lease in the following cases —	50
	(a) if the lessee shall commit a breach of any provision of this Ordinance or of any regulations, or of any conditions of the lease, and does not repair such breach,	

within such period, being not less than one month from the date of the receipt of a notice in writing from the Commissioner so to do, as the Governor may decide, or

- 5 (b) if the lessee shall wholly cease work in, on, or under the lease during a continuous period of six months, without the written consent of the Commissioner

(2) Such determination shall not affect any liability already incurred by the lessee

- 10 (3) Publication in the Gazette shall be sufficient notice to the lessee

61 Any person who discovers any minerals on any land subject to any licence, claim or lease granted under this Ordinance shall forthwith report the discovery within a period
15 of thirty days to the Commissioner, except in cases where it is proved to be impracticable to do so in the time stated and then in the earliest practicable time

Discovery to be reported

62 The subterranean limits of any claim or mining lease shall be vertical planes passing through the sides by which the
20 claim or lease is bounded

Subterranean limits

63 The rent payable under a lease shall be payable yearly in advance and, if not paid within one month of becoming due, an amount of twenty-five per centum of the amount due shall be added to the rent and shall be due and
25 payable as if it were part of the rent

Penalty on non-payment of rent

64 The rent reserved by any lease, claim or exclusive prospecting licence may be levied or recovered under the authority of or in the name of the Commissioner, in like manner as rent is or shall be leviable or recoverable by law in
30 cases where private persons only are concerned

Rent, how recoverable

65 Every lease under this Ordinance, and every transfer or sub-lease of the land comprised in any such lease, shall be registered in the office of the Commissioner in the manner prescribed, and no such lease, transfer or sub-lease shall be
35 valid unless so registered

Registration of leases, etc

66 Whenever a lease becomes liable to forfeiture, the Governor may extend the period during which the lessee may perform the conditions of his lease, for such time and subject to such terms and conditions as he may think fit, and the
40 terms and conditions so imposed by the Governor shall bind the lessee and all transferees, mortgagees, and other persons claiming through or under him, and the lease shall thereafter be construed as if such terms and conditions were inserted therein

Extension after breach

67. The owner of any plant, machinery, engines or
45 tools on any forfeited or surrendered lease may within three months from the date of forfeiture or surrender or within such further period as the Commissioner may allow remove such plant, machinery, engines or tools, but shall not, under a penalty of not more than three thousand shillings or less than
50 one hundred and fifty shillings for each such offence, be permitted to remove or to interfere with any timber in any mine. If such plant, machinery, engines or tools are not so removed they may be sold by auction by the order of the Commissioner at the risk of the former lessee. The net
55 proceeds of such sale shall be paid into the Treasury and held until applied for by such former lessee

Owner may remove plant

PART IV

DISPUTES

Commissioner
may decide
disputes

68 The Commissioner may inquire into and decide all disputes between persons engaged in prospecting or mining operations, either amongst themselves or in relation to themselves and third parties, concerning any of the matters herein-after mentioned, and shall have power to make any order which may be necessary for the purpose of giving effect to his decision, and to order the payment by any party to the dispute of such compensation to any other party as may be reasonable 10
Such matters are as follows —

- (a) disputed boundaries, 5
- (b) any wrongful act committed, or any act wrongfully omitted, or alleged to have been committed or omitted, in the course of prospecting mining operations, by any person against any other person, 15
- (c) acts, omissions or matters in the course of, connected with, or auxiliary to prospecting or mining operations, 35
- (d) the claim of any person to be entitled to erect, cut, 20
construct, or use any pump, line of pipes, flume,
race, diam, dam or reservoir for mining purposes,
or to have any priority of water taken, diverted,
used, or delivered, as against any other person
claiming the same, 25
- (e) assessment and payment of compensation where
provided for under this Ordinance

Procedure

69 The mode of proceeding in a complaint before the Commissioner shall be as follows —

- (1) The person complaining shall lodge a memorandum 30
in duplicate at the office of the Commissioner
- (2) The memorandum shall be in the prescribed form or
in a form to the like effect, and shall specify shortly
the subject-matter of the complaint and the relief
claimed 35
- (3) Upon receipt of the memorandum the Commissioner
shall give notice in the prescribed form, by post or
otherwise, to the party sued of the nature of the
complaint, and the time and place at which the
same will be heard and determined 40
- (4) At the time and place appointed the parties shall
attend and state their cases before the Commissioner
and may call evidence on oath (which oath the
Commissioner is hereby authorised to administer) in
support thereof, and the Commissioner, having 45
heard such statement and evidence, shall give his
decision
- (5) The Commissioner may adjourn such hearing to any
other time or place, and may, either at the original
hearing or any adjournment, proceed in the absence 50
of either party
- (6) The Commissioner may at any time during the hear-
ing seize or cause to be seized any minerals, and
may detain them pending his decision

- (7) The law for the time being regulating proceedings before and the powers of a subordinate court of the first class in the exercise of its civil jurisdiction shall, so far as practicable and subject to any modifications, additions or alterations which may be prescribed, apply to proceedings before the Commissioner and to the enforcement of his decisions in like manner as if such decisions were the decisions of such court
- 5
- (8) Fees shall be charged as may be prescribed
- 10

70 (1) The Commissioner shall keep a record of all cases heard and complaints decided by him and shall take notes in writing of all evidence given before him

Commissioner to keep record and take notes

- (2) Any person interested in any dispute, decision, or order shall be entitled to obtain a copy of such record and notes upon payment of the prescribed fee
- 15

71 (1) The Commissioner may send a copy, certified under his hand and seal, of any decree or order made by him to any civil court within the local limits of whose jurisdiction the subject-matter of the decree is situated, and such civil court shall enforce the decree of the Commissioner in the same manner in which it would enforce its own decree or order

20

Enforcement of Commissioner's decrees

- (2) The same fees only shall be payable in the civil court upon the enforcement of such decree or order as would be payable upon the enforcement of a like decree or order made by such court
- 25

72 (1) Any person aggrieved by any decree, order, or decision made or given under the powers vested in the Commissioner, may appeal to the Supreme Court

Appeal to Supreme Court from decisions of the Commissioner

- (2) No appeal to the Supreme Court shall be admitted after the expiration of thirty days from the date of the decree, order or decision appealed against
- 30

73 Nothing in this Part contained shall be deemed to prevent any person from instituting in any of the courts of the Colony any proceedings he may think fit to institute, as provided by law

35

Jurisdiction of ordinary courts not excluded

PART V

POSSESSION AND PURCHASE OF CERTAIN MINERALS

74 The minerals referred to in this Part shall be tin ore, and mica in the unmanufactured state, and shall include any other mineral to which the Governor in Council may, by notice, apply this Part

40

Minerals to which this Part applies

75 No person shall possess any such minerals unless he is the holder of a mining lease, claim or prospecting licence or right, or of a licence granted under section 77, or the duly authorised employee of such lessee or holder

45

Possession of minerals

76 No person shall buy any mineral unless he is the holder of a licence granted under the next succeeding section

Purchase of minerals

Licence to
purchase
minerals

77 (1) The Commissioner may issue a licence in the prescribed form and on payment of the prescribed fee authorising the person named therein to buy minerals

(2) Every such licence shall expire on the thirty-first day of December in the year in which the licence is granted 5

(3) No such licence shall be transferred without the consent of the Commissioner

Restriction on
purchase

78 The holder of a licence under the last preceding section shall not buy any such mineral except from the holder of a lease, a claim, a prospecting right or exclusive prospecting licence, or a licence under this Part 10

Payment of
royalties by
licensee

79 Every holder of a licence to purchase minerals shall be liable for the due payment to the Government of all royalties due on any minerals bought by him and, if so required by the Commissioner, shall give security for due payment of all such royalties 15

Books to be
kept by
licensee

80 The holder of a licence to purchase minerals shall—

(a) keep books showing—

(i) all purchases made by him and the nature and weight of such minerals purchased, 20

(ii) the date of each purchase, and

(iii) the name of the vendor and his title or authority to be in possession of such minerals, and

(b) produce such books for the inspection of the Commissioner or any officer authorised by him whenever required to do so 25

Penalties

81 The holder of a licence who shall commit any breach of the provisions of either of the two last preceding sections or of the conditions of his licence shall be liable to forfeiture of his licence in addition to the penalties prescribed by section 101 30

PART VI

INSPECTION AND ACCIDENTS

Powers of
officers

82 The Commissioner or an officer duly authorised by him in that behalf at all reasonable times by day or night, but so as not unreasonably to impede or obstruct work in progress, may— 35

(i) enter, inspect, and examine any land on which prospecting or mining operations are being conducted or which is the subject of any right, licence, claim, or lease, 40

(ii) examine into and make inquiry respecting the condition and ventilation thereof, and all matters relating to the safety and health of the persons employed,

(iii) inspect and examine the state of the external parts of the machinery used upon or in the mine, and the state of all plant, works, and ways, 45

(iv) examine and take extracts from all books, accounts, vouchers and documents relating thereto, or to any minerals obtained therefrom,

(v) inspect the storage of explosives upon any mine and direct in what manner the same shall be stored,

(vi) exercise all powers necessary for carrying this Part of the Ordinance into effect

5

83 (1) If in any respect such officer finds any mine or any matter, thing or practice in or connected with mining or prospecting operations to be dangerous or defective so as, in his opinion, to threaten or tend to the bodily injury of any person, he shall give notice in writing thereof to the lessee or the holder of the claim or licence or his agent in charge of the mine or operations and shall state in such notice the particulars in which he considers such mine, matter, thing or practice to be dangerous or defective, and shall require the same to be remedied, either forthwith or within such time as he may specify, and may order work to be suspended until the danger is removed to his satisfaction

Obligation to remedy any dangerous practice

(2) On receipt of such notice, the lessee or the holder of the right, claim or licence or his agent shall comply therewith, or, if he intends to object thereto, as provided by the following section, he shall cease to use the said mine, or part thereof, machine, plant, matter, thing or practice as to which such notice shall have been given, and shall forthwith withdraw all men from the danger indicated by such officer until such time as the matter shall have been determined by the Commissioner, and in case of default shall be guilty of an offence against this Ordinance. Provided that if, in the opinion of such officer, there be no immediate danger, he may allow work to proceed during such period, under such restrictions and upon such conditions as he may consider necessary and shall specify in writing to ensure the safety of the workmen

84 If such lessee or holder of the right, claim or licence or his agent objects to remedy the matter complained of in any notice under the last preceding section he may, immediately after the receipt thereof, state his objection in writing to the Commissioner, and thereupon the matter shall be submitted to and determined by the Commissioner or by such officer as he may appoint in that behalf

Proceedings on objection to comply with notice

85 If such lessee or holder or his agent fails to comply with the requisition of the notice, where no objection is stated within the time aforesaid, or with the decision of the Commissioner or other officer as aforesaid, immediately after the expiration of the time for objection or the decision (as the case may be), he shall be liable to a penalty not exceeding fifteen thousand shillings

Proceedings on failure to comply with notice

86 No person shall be precluded or exempted by any agreement from doing such acts as may be necessary to comply with the provisions of the last preceding four sections, or be liable under any contract to any penalty or forfeiture for doing such acts

Agreement not to preclude or exempt

87. (1) Whenever an accident shall occur in connection with mining or prospecting operations causing or resulting in loss of life or serious injury to any person, the person in charge of the operations shall report in writing with the least possible delay the facts of the matter so far as they are known to him to the District Officer and the nearest officer of the Mines Department

Proceedings in case of accidents

(2) In the event of any such accident the Mines Officer or Administrative Officer shall hold an inquiry into the cause thereof

(3) The officer holding the inquiry shall for the purpose of an inquiry under sub-section (2), have the powers of a magistrate to summon witnesses, to call for the production of books and documents and examine witnesses and parties concerned on oath 5

(4) Any person summoned to attend or to produce books or documents as afore-said, and refusing and neglecting to do so, or refusing to answer any question put to him by or with the concurrence of the officer holding the inquiry, shall be liable on conviction to a fine of one hundred shillings, provided that no person shall be bound to incriminate himself, and every witness shall, in respect of any evidence given by him at such inquiry, be entitled to the same privileges to which he would have been entitled if giving evidence before a court of justice 10 15

(5) Any witness attending at the request of or upon summons by an officer holding such inquiry shall, subject to any order made by such officer be entitled to like expenses as if summoned to attend the Supreme Court in a criminal trial, and payment shall be made in such manner as the Governor may direct 20

Compensation
on death of,
or injury to,
native

88 (1) If the person killed or injured is a native employed in connection with the mining or prospecting operations, and the lessee, or holder of the claim, licence or right shall fail to satisfy the officer holding the inquiry that the accident was due to the serious and wilful misconduct of such native, he or his representative shall be entitled to compensation, the amount of which shall be assessed by the officer holding the inquiry 25 30

(2) If the person ordered to pay compensation or the person to whom compensation is awarded shall within fourteen days of the date of the award give notice to the officer who makes the award that he is dissatisfied with the award, the person to whom compensation was awarded may take such proceedings to recover such compensation as he may be entitled to under sub-section (1) in a court of competent jurisdiction as he may think fit 35 40

PART VII

MISCELLANEOUS

Compensation
on acquisition
of land by
Government

89 In any case where the Government is acquiring, under the Indian Land Acquisition Act, 1894, as applied to the Colony, any land held under a lease or claim, compensation shall be payable in respect of any disturbance of mining rights, in addition to any other compensation 45

Power to
remove
materials

90 The Governor may at any time remove from Crown land subject to any lease or claim any clay, gravel, stone, brushwood, timber or other materials required for any public works 50

91 Any lessee, claim or licence-holder who may construct any road on Crown lands shall permit the use of any such road by officers and servants of the Government, but other persons shall not be entitled to use such road unless by agreement with him, or, in default, on making such payment to him as the Commissioner shall consider to be a fair contribution to the cost of construction

Use of road
constructed
by lessee, etc

92 The Governor may, notwithstanding the previous grant of any claim lease or licence over any land under this Ordinance, make any grant of such land which he is empowered by law to make. Provided that the person to whom any such grant may be made shall not be entitled to compensation for any disturbance of his rights under the grant by reason of the exercise by any lessee or the holder of any claim right or licence under this Ordinance of any rights conferred upon him by such lease, claim, right or licence

Subsequent
grants

93 (1) In any case where the holder of any lease, claim or licence shall—

Protection
of estate of
deceased
person,
bankrupt, or
lunatic

(i) die,
(ii) have a receiving order in bankruptcy made against him, or
(iii) be found to be a lunatic under the provisions of any law relating to lunacy for the time being in force in the Colony,

the obligations imposed upon such holder by the Ordinance and regulations thereunder shall not arise until after the expiration of ninety days—

(a) from the date of the grant of probate or the issue of letters of administration,
(b) from the date of the receiving order,
(c) from the date of the appointment of any manager of the estate of the lunatic so found,

as the case may be

(2) Where the grant of probate or the issue of letters of administration, the receiving order, and the appointment of any manager of the estate of the lunatic shall occur beyond the Colony, the said period of ninety days shall run from the date of the recognition by the courts of such probate or letters of administration, receiving order, or appointment of a manager

94 No person, whether civil or military, while in the service of the Government, shall directly or indirectly acquire or hold any right or interest under any prospecting right, exclusive prospecting licence, claim or mining lease, and any right, licence or claim or lease or other document or transaction purporting to confer any such right or interest on any such officer shall be null and void. Provided that a temporary employee may retain rights and interests acquired prior to accepting Government employment

Government
officers pro-
hibited from
acquiring
rights

95 (1) In the event of discovery of minerals by any person in the service of the Government the discoverer may peg, in the manner prescribed for pegging a claim, an area to be called a 'Government Protection Area,' not exceeding one square mile. Such discovery and pegging shall be forthwith reported to the Commissioner and no person may thereafter prospect in such area without the consent of the Commissioner

Discovery of
mineral by
Government
servant

(2) Authority to mine in any such Government Protection Area may be granted by the Governor to such person and subject to such terms and conditions as he may think fit

Salting

96 Any person who shall place or deposit or be accessory to the placing or depositing of any minerals in any place with the intent to mislead any person as to the payable nature of such place or who shall mix or cause to be mixed with any ore, any valuable metal or substance whatsoever that will increase the value or in any way change the nature of the said ore, with intent to deceive, cheat or defraud shall, on conviction, be liable to imprisonment of either description for a term not exceeding three years or to a fine not exceeding six thousand shillings, or to both

Obstructing officer

97 Any person who shall wilfully obstruct, hinder, assault or resist an officer, or any person duly authorised by an officer or a person authorised by this Ordinance to exercise any right or power or execute any duty or shall wilfully disobey an officer's order other than an order for the payment of money, or shall be guilty of contempt of the Commissioner or other officer when acting in a judicial capacity, shall be liable to a penalty not exceeding two thousand shillings or to imprisonment of either description for any period not exceeding six months, or to both

Penalty for interfering with mining, etc

98 Any person who—

- (a) interferes with any mining or prospecting operations authorised by or under this Ordinance,
- (b) obstructs any person in the exercise of any right conferred by or under this Ordinance,
- (c) interferes with any machinery, plant, works or property established on, in, under or over any land in exercise of a right conferred by or under this Ordinance,
- (d) without lawful authority shall wilfully break, deface or remove, or in any other way interfere with any boundary mark, beacon, pillar or post erected for any of the purposes of this Ordinance or under any regulations made thereunder,

shall be liable to a fine of one thousand shillings or to imprisonment for six months

Power of Commissioner to conduct prosecutions

99 The Commissioner or any officer of the Mines Department may conduct or assist in conducting a prosecution for any offence against this Ordinance

Power to arrest

100 Any officer of the Mines Department may without warrant arrest and search any person whom he may find committing, or whom he reasonably suspects of having committed, an offence against this Ordinance. Provided that the person arrested shall be taken, with as little delay as possible, before a magistrate to be dealt with according to law

General penalty

101 Any person who commits any breach of any of the provisions of this Ordinance for which breach a penalty is not expressly provided, shall be liable to a fine of one thousand shillings or to imprisonment of either description for six months

102 The Governor in Council may make regulations in connection with or for all or any of the matters or purposes following — Power to make regulations

- 5 (a) the manner in which applications for any right, licence, claim or lease which may be granted under this Ordinance shall be made and the forms to be used,
- (b) the information to be supplied by the applicants,
- 10 (c) the fees, rents and payments to be paid for any lease, claim, right or licence granted,
- (d) the shape of the areas over which exclusive prospecting licences may be granted,
- (e) the size and shape of the areas over which claims mining leases may be granted,
- 15 (f) the manner in which areas and boundaries shall be surveyed, marked and beacons and the fees payable in respect of such survey,
- (g) the working conditions to be applied to mining leases claims and licences,
- 20 (h) the construction and use of roads tramways, and railways,
- (i) the construction and erection of houses, pits, shafts, machinery, and other works to be used for prospecting or mining purposes
- 25 (j) the fencing off or rendering secure of any shaft, tunnel, drive or other works constructed, erected or made for prospecting or mining purposes,
- (k) the grazing of cattle or other animals and the cutting down and use of timber for the purpose of carrying on prospecting or mining operations,
- 30 (l) the safety of persons employed in mines and the carrying on of prospecting or mining operations in a safe, proper and effectual manner,
- (m) the renewal, transfer, assignment and surrender of rights under licences, claims and mining leases,
- 35 (n) the registration in the office of the Commissioner of mining leases, claims and exclusive prospecting licences and instruments under which any right or interest thereunder is transferred or surrendered and the fees payable on such registration,
- 40 (o) the returns to be rendered and the nature of the accounts, books and plans to be kept by mining lessees and the holders of claims and of exclusive prospecting licences,
- 45 (p) the rates of royalties to be paid to Government, the method of calculation of the amount of such royalties, and the manner and time of payment thereof,
- 50 (q) for determining what proportion of any precious mineral per ton any ore may contain without coming under the definition of precious minerals,
- (r) the amalgamation of licences, claims and leases,
- (s) the disposal of any poisonous or noxious products the result of mining operations,

- (t) the procedure on an appeal to the Governor,
- (u) the fees to be paid in respect of any matter or thing done under this Ordinance,
- (v) the contribution by parties benefited of a fair share of the cost of pumping in cases where pumping in one mine benefits other mines, 5
- (w) the defiling or wasting of water, wherever situated and wherever obtained,
- (x) generally for the carrying into effect the purposes of this Ordinance 10

Repeal

103 The Mining Ordinance, 1925, as amended by the Mining (Amendment) Ordinance 1925, and the Mining (Amendment) Ordinance, 1926, is hereby repealed

Provided that notwithstanding such repeal any right or title granted under the Ordinance so repealed shall be limited 15 as prescribed by the Ordinance under which it was granted, and provided further that except as may be expressly provided by such right or title or by such Ordinance the holder of any such right or title shall hold and exercise such right or title in accordance with the conditions set forth in this Ordinance, and 20 in all respects as if such right or title were issued under this Ordinance

OBJECTS AND REASONS

The Imperial Mining Resources Bureau has advised that from the standpoint of the mineral industry it is desirable that the mining legislation in force in the different British dependencies should be uniform. It further pointed out that although there were special circumstances in individual dependencies that require special provisions, yet there could be no real justification for the fundamental difference in principle, machinery and even language that so often prevails. It places serious obstacles in the way of prospectors and mining firms who may desire to take part in the development of mining industry in the East African territories as they have to deal with different legal systems in each case and a legal decision with regard to the mining law in one dependency is no guide to that in another.

For these reasons a conference of the representatives of the Mining Departments of Kenya, Tanganyika and Uganda was held in March, 1928, in order to consider whether greater uniformity in mining legislation could not be obtained. The Bill, as now presented, subject to amendments in matters of detail necessitated by local circumstances, embodies the recommendations of that Conference.

The Bill is designed to make provision for the development of the mineral resources of the Colony with due regard to conservation of these resources from waste, participation by the Government in the proceeds, and protection of workers in the industry.

The Bill in its present form, as regards general principles, has already been enacted in Tanganyika, and Uganda also intends to introduce it into Legislative Council at an early date.

COMPARATIVE STATEMENT OF SECTIONS WITH MINING
ORDINANCE, 1925

Section of Bill	Section of 1925 Ordinance	Comments on important differences
1	1	
2	2	"Minerals" includes coal Other definitions revised
3	4 (1)	
4	17	
5		New See also section 77 of Crown Lands Ordinance (Cap 140)
6	5	
7		New
8	6, 7	
9	16 (2), 19	
10		New See also Public Officers' Protection Ordinance (Cap 33)
11	55	See also section 105 of 1925 Ordinance All royalties in the Bill are to be prescribed by Regulation [see section 102 (p)]
12 (1)	19, 96	A prospecting licence is to be called a prospecting right The restrictions under 12 (1) (a) and (b) do not prevent such persons from acquiring interest in claims, etc
12 (2)	22	
12 (3)	22	
12 (4)	19, 20, 21	Fees and Forms to be prescribed by Regulation
12 (5)		New
13 (a)	4 (a)	
13 (b)	4 (c)	
13 (c)	4 (b)	
13 (d)	4 (d)	
13 (e)	4 (e)	
13 (f)	4 (f)	
13 (g)	4 (i)	
13 (h)	4 (k)	
13 (i)	4 (j)	
13 (j)	4 (h)	
14	59 (a)	
15 (1)	23 (a)	
15 (2)	66 (1)	See also sections 69 and 59 (b) of 1925 Ordinance
15 (3)		New
15 (4)	66 (2)	
15 (5)	67	
15 (6)	23 (b)	A lease may be granted without the necessity of first pegging claim
16	60, 61, 62	
17		New
18 (1)	25	Exclusive prospecting licences, formerly called "sole exploration licences", may be granted under the Bill to the holder of a prospecting right without the restrictions as to public importance prescribed by section 25 of the 1925 Ordinance
18 (2)	26	
18 (3)	25	
18 (4)	25	Area limited, but see proviso
18 (5)	25	One year, subject to renewal
18 (6)	29	At present merely published in Gazette
19		New
20	27	Provision is made for direct grant of lease without pegging claims
21		New, but see section 25 of the 1925 Ordinance
22		There is no provision in the 1925 Ordinance for the amalgamation of sole licences, claims, etc, but provision exists under section 45 for working contiguous areas
23		Section 27 of the 1925 Ordinance contemplates the pegging of claims, and thereafter leases, before mining is permitted
24		Section 25 of the 1925 Ordinance leaves it open to the Governor to impose any terms and conditions he may think fit
25		New, but see section 25 of the 1925 Ordinance
26	4 (g)	
	60, 61, 62	
27	24	At present, conviction of an offence under the Ordinance is necessary to secure the cancellation of a prospecting licence, but sole exploration licences usually contain a provision for cancellation for breach of covenant or condition
28	18, 46	The 1925 Ordinance contemplates prospecting and mining under a licence, etc, but does not allow the export of minerals from claims, except with the consent of the Commissioner of Mines, anticipating that full mining shall only be possible under leases Under the Bill full mining is contemplated, under both claims and leases

COMPARATIVE STATEMENT OF SECTIONS WITH MINING ORDINANCE, 1925—*continua*

Section of Bill	Section of 1925 Ordinance	Comments on important differences
29	33, 34	The Bill proposes to leave methods of pegging claims, etc., and rents, to Regulation. The 1925 Ordinance in section 39 provided for rent on claims, but this was repealed by Ordinance 14 of 1925.
30	47	At present any number may be held.
31		
32	35	New.
33		At present there is no "term" to a claim, it being a preliminary step to a lease. Thus a claim may be held for years provided it is being developed.
34		No time limit at present.
35	36	
36	38	The right to mine and remove minerals is given under a claim. At present a claim merely gives a preferential right to a lease.
37		See note under section 22 of Bill above.
38	74	Proposed to make transfer of interests in claims subject to approval of Commissioner of Mines.
39 (a)	70 (a)	The existing law provides for automatic abandonment of claims in certain events. The Bill provides for forfeiture by notice to the holder and notice in the Gazette.
39 (b)	70 (c)	
39 (c)		Section 70 (c), the relative section of the 1925 Ordinance, was repealed by Ordinance No. 14 of 1925, as rent on claims was abolished.
39 (d)	70 (e)	
39 (e)		New, but see section 70 (b) of the 1925 Ordinance.
39 (f)	37	
40 (1)	70 (f)	
40 (2)	71	
41	37	Penalty reduced to one thousand shillings.
42	60, 61, 62	
43	49, 50	At present a lease may be granted only to a claim holder.
44	53, 56, 57, 58, 97	The Bill proposes to leave to Regulation such matters as survey, rent, and royalties.
45		At present no proof of means is required, except for a sole exploration licence.
46		New.
47	52	The present term is for ten years, subject to renewal indefinitely. It is proposed to make the term from five to twenty one years, as the Governor may think proper, subject to renewal indefinitely if there has been no breach of covenant or conditions.
48	52	
49		New.
50		No provision exists at present for the amalgamation of leases.
51		It is proposed to make a transfer of a lease subject to consent of the Governor.
52		Provision is made in this section for special leases of land in connection with mining requirements, as distinct from mining leases, and special conditions as stipulated by the Governor are to be embodied in the leases. In this connection compare Part V of the Crown Lands Ordinance (Cap. 140).
53		Exclusive right to minerals specified in lease.
54	49, 51, 58	The Bill contemplates a mining lease for a particular mineral, but provides for other minerals to be mined under the lease with the consent of the Commissioner of Mines. The existing law provides for leases over classes of minerals, i.e. (a) gold or precious stones, (b) minerals, (c) coal.
55	64	The existing law provides for arbitration in the event of a dispute between a mining lessee and the owner of private land. The Bill provides for disputes to be determined by the Commissioner of Mines.
56		To some extent covered by section 4 of the 1925 Ordinance.
57	63, 65	The existing law provides for arbitration, the Bill does not.
58	66 (1)	
59		New.
60	94	
61		New.
62		Extra-lateral rights are not contemplated under the existing law, but the insertion of this clause in the Bill makes the point clear.
63		New. Penalty for non-payment of rent within one month of due date.
64	93	The existing law applies only to leases.
65		As in the existing law, the registration of leases is left to Regulation, but in the 1925 Ordinance a fee of Sh. 20 for the registration of a lease is prescribed in Schedule IV.

COMPARATIVE STATEMENT OF SECTIONS WITH MINING ORDINANCE, 1925—continued

Section of Bill	Section of 1925 Ordinance	Comments on important differences
66	95	
67	72	
68-73	8-16, 99	The existing law provides for arbitration as well as for a Commissioner of Mines Court, the Bill provides for the settlement of all disputes by the Commissioner of Mines as defined in section 68
74-81		New
82	13, 77	
83	77	
84	78	
85	79	Penalty increased to fifteen thousand shillings
86	81	
87	82, 83, 84	Enquiries re accidents extended to Administrative Officers
88		New Compensation to natives
89		New
90		New
91		New
92		New Compare section 77 of the Crown Lands Ordinance (<i>Cap</i> 140)
93		New
94	85	Extended to apply to the acquisition of any interest
95	86-91	Details left to Regulation
96		New
97	100	Penalty increased to two thousand shillings
98		New, except 98 (<i>d</i>), i.e., 101 of 1925 Ordinance
99		New
100		New No power of arrest exists at present
101	102	
102	105	More matters are left to Regulation than at present
103	3	

SECTIONS IN THE MINING ORDINANCE, 1925, NOT COVERED BY THE
DRAFT BILL

Section No	How dealt with in Bill
2	A notable change has taken place in the Bill, inasmuch as the existing classes of minerals, i.e. "coal", "minerals", and "common minerals", disappear, all becoming "minerals", but it will be noted that under the definition of "minerals" in the Bill an exemption is made in favour of building materials. Licences for clay, sand, stone, etc., will be issued under section 78 of the Crown Lands Ordinance (<i>Cap</i> 140)
10	The various forms and fees in connection with complaints before the Commissioner of Mines are left to Regulation (section 69)
19	The prescriptive right of appeal to the Governor in Council has been omitted, but <i>see</i> section 102 (<i>t</i>)
20	Forms and fees to be prescribed by Regulation (section 102)
28	The method of renewal of an exclusive prospecting licence is left open [section 18 (5)], and the number of renewals is limited
30-32	The Rhodesian practice of protection areas has been abandoned
33-35	The pegging of claims, areas, shapes, forms, fees, etc., are left to Regulation (sections 29 and 102)
40	Overlapping of claims forbidden by section 13 (<i>d</i>)
41	<i>See</i> section 13 (<i>d</i>) forbidding this
42	Omitted, but <i>see</i> section 98
43	Omitted
44	Left to Regulation [section 102 (<i>g</i>)]
47	Omitted, but <i>see</i> sections 30 and 31
48	Omitted
49-53	Classes of leases, areas, shapes and rents, are left to Regulation (sections 29 and 102)
54	Left to Regulation [section 102 (<i>g</i>)]
55	All royalties left to Regulation [section 102 (<i>p</i>)]
56	Left to Regulation [section 44 and 102 (<i>a</i>)]
57	Left to Regulation [section 44 and 102 (<i>f</i>)]
63 (2)	Omitted. But <i>cf</i> section 77 (4) of the Crown Lands Ordinance (<i>Cap</i> 140)
68	Mention of proclaimed Forest Areas is omitted, but <i>see</i> section 15
73	Omitted
74	Consent of Commissioner of Mines necessary for transfers, and method left to Regulation (section 38)
75	Omitted
76	Omitted
80	Omitted
83 (2)	Time limit deleted. Section 87 (1)
83 (3)	Omitted, but <i>see</i> section 101
85-90	The limitations of time and decision to work a Government protection area have been omitted (section 95)
91	Omitted
92	Returns left to Regulation [section 102 (<i>o</i>)]
96	Omitted, but <i>see</i> section 12 limiting holding of a prospecting right
97	Generally left to Regulation (sections 44 and 102)
98	Omitted, but <i>see</i> section 102 (<i>o</i>)
99	Omitted, but <i>see</i> Part IV
103	Omitted, but <i>see</i> section 69 (7)
104	Fees left to Regulation (section 102)
Schedules	Forms and fees left to Regulation (section 102)

GOVERNMENT NOTICE No 133

HIS Excellency the Governor in Council has approved of the following Bill being introduced into Legislative Council

G R SANDFORD,
Clerk to the Legislative Council

A Bill to Provide for the Establishment and Government of a Force styled the King's African Rifles and for matters incidental thereto.

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 King's African Rifles Ordinance, 1930 ” Short title

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

5 “ Army Act ” means the Imperial Statute 44 and 45 Vict , cap 58, as amended from time to time, or any Imperial enactment substituted therefor,

“ Administrative officer ” means any official charged with the civil administration of a district,

10 “ Battalion ” or “ unit ” includes the Somaliland Camel Corps, the Supply and Transport Corps, the Northern Brigade Headquarters and the Northern Brigade Signal Section

“ Commanding officer ” means the officer in command of a battalion, and in relation to any officer, native officer, **15** British warrant or non-commissioned officer, non-commissioned officer, or soldier, means the officer in command of the battalion to which such officer, native officer, British warrant or non-commissioned officer, non-commissioned officer, or soldier belongs,

20 “ Enemy ” includes all armed mutineers, armed rebels, armed rioters, and pirates,

“ Follower ” means any person, not being of European origin or extraction, who is attached to the regiment in any capacity, and includes any such person being of the family of **25** a native officer or soldier, or being an officer's servant, syce, employee in canteen, sutler supplying the regiment or being in the lines,

“ Enlisted or enrolled follower ” means any other person who is enlisted for a term of service,

30 “ Governor ” includes any officer administering the government of any East African Colony, Protectorate or Territory,

“ Inspector-General ” means the Inspector-General of the King's African Rifles

35 “ Military decoration ” means any medal, clasp, good-conduct badge, or decoration,

“ Military reward ” means any gratuity for long service or good conduct, it also includes any good-conduct pay or any other military pecuniary reward,

“ Native officer ” means any officer other than European above the rank of native regimental sergeant-major,

“ Non-commissioned officer ” includes an acting non-commissioned officer and a schoolmaster and an enlisted clerk, but does not include British warrant and non-commissioned officers,

“ Officer ” means an officer commissioned or in pay as an officer in His Majesty’s Imperial, Colonial, or Protectorate forces, or any arm, branch, or part thereof Warrant and other officers holding honorary commissions are officers within the meaning of this Ordinance,

“ Soldier ” does not include an officer, native officer, British warrant or non-commissioned officer, but otherwise includes every person subject to this Ordinance during the time that he is so subject, including machine and Lewis gun carriers, stretcher bearers, hospital dressers, syces, sweepers, and any other persons who have been enlisted or enrolled for any period,

“ Superior officer,” when used in relation to a native officer, British warrant or non-commissioned officer, a soldier or follower, includes all officers, British warrant or non-commissioned officers, or non-commissioned officers superior to such native officer, British warrant or non-commissioned officer, soldier or follower, when used in relation to machine and Lewis gun carriers, stretcher bearers, and syces, includes a headman

Division of Ordinance

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

- Part I Constitution and Duties
- Part II Discipline
- Part III Government
- Part IV Enlistment, Discharge, and Service 30
- Part V General Provisions
- Part VI Application of Military Law and Miscellaneous Provisions

PART I—CONSTITUTION AND DUTIES

Establishment of King’s African Rifles

4 (1) There shall be established and maintained in the Colony one or more battalion or battalions of troops forming part of a regiment of His Majesty’s Forces styled the King’s African Rifles, hereinafter called “ the regiment ”

(2) The regiment shall be charged with the defence of the Colony, the Uganda Protectorate, the Nyasaland Protectorate, the British Somaliland Protectorate, and the Tanganyika Territory, with the maintenance of order, and with such other duties as may be from time to time defined by the Governor of any East African Colony, Protectorate or Territory within which any portion of the regiment may from time to time be stationed

Employment beyond Colony

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

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

PART II—DISCIPLINE

CRIMES AND PUNISHMENTS

Offences in respect of Military Service

- 5 Every person subject to this Ordinance who commits
 5 any of the following offences, that is to say —
- (1) Shamefully abandons or delivers up any garrison,
 place, post, or guard, or uses any means to compel
 or induce any Governor, commanding officer or
 other person shamefully to abandon or deliver up
 10 any garrison, place, post, or guard which it was
 the duty of such Governor, officer or person to
 defend,
- (2) Shamefully casts away his arms, ammunition or tools
 in the presence of the enemy,
- 15 (3) Treacherously holds correspondence with or gives
 intelligence to the enemy, or treacherously or
 through cowardice sends a flag of truce to the
 enemy,
- (4) Assists the enemy with arms, ammunition, or sup-
 plies, or knowingly harbours or protects an enemy
 20 not being a prisoner,
- (5) Having been made a prisoner of war, voluntarily
 serves with or voluntarily aids the enemy,
- (6) Knowingly does when on active service any act
 25 calculated to imperil the success of His Majesty's
 Forces or any part thereof,
- (7) Misbehaves or induces others to misbehave before the
 enemy in such a manner as to show cowardice,
- shall on conviction by court-martial be liable to suffer death,
 30 or such less punishment as is in this Ordinance mentioned
- 6 Every person subject to this Ordinance who on active
 service commits any of the following offences, that is to say —
- (1) Without orders from his superior officer leaves the
 ranks in order to secure prisoners or horses, or on
 pretence of taking wounded men to the rear,
 35
- (2) Without orders from his superior officer wilfully
 destroys or damages any property,
- (3) Is taken prisoner, by want of due precaution, or
 through disobedience of orders, or wilful neglect of
 duty, or having been taken prisoner fails to rejoin
 40 His Majesty's service when able to rejoin the same,
- (4) Without due authority either holds correspondence
 with, or gives intelligence to, or sends a flag of truce
 to the enemy,
- 45 (5) By word of mouth or in writing, or by signals, or
 otherwise, spreads reports calculated to create
 unnecessary alarm or despondency,
- (6) In action, or previously to going into action, uses
 words calculated to create alarm or despondency,
- 50 shall on conviction by court-martial be liable to imprisonment
 of either description, or such less punishment as is in this
 Ordinance mentioned

Offences in
 relation to
 the enemy,
 punishable
 with death

Offences in
 relation to
 the enemy
 not punishable
 with death

Offences
punishable
more severely
on active
service than
at other
times

- 7** (1) Every person subject to this Ordinance who commits any of the following offences, that is to say —
- (a) Leaves his commanding officer to go in search of plunder,
 - (b) Without orders from his superior officer, leaves his guard, piquet, patrol or post, 5
 - (c) Forces a safeguard,
 - (d) Forces or strikes a soldier when acting as sentinel,
 - (e) Impedes the provost-marshal, or any assistant provost-marshal, or any officer or non-commissioned officer or other person legally exercising authority under or on behalf of the provost-marshal, or when called on refuses to assist in the execution of his duty the provost-marshal assistant provost-marshal, or any other officer, non-commissioned officer, or other person, 10 15
 - (f) Does violence to any person bringing provisions or supplies to the forces, or commits any offence against the property or person of any inhabitant of or resident in the country in which he is serving, 20
 - (g) Breaks into any house or other place in search of plunder,
 - (h) By discharging firearms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasions false alarms in action, on the march, in the field or elsewhere, 25
 - (i) Treacherously makes known the parole, watchword, or countersign to any person not entitled to receive it, or treacherously gives a parole, watchword, or countersign different from what he received, 30
 - (j) Irregularly detains or appropriates to his own corps, battalion, or detachment any provisions or supplies proceeding to the forces, contrary to any orders issued in that respect,
 - (k) Being a soldier acting as sentinel, commits any of the following offences, that is to say — 35
 - (i) Sleeps or is drunk at his post, or
 - (ii) Leaves his post before he is regularly relieved,
- shall on conviction by court-martial, if he commits any such offences on active service, be liable to suffer death or such less punishment as is in this Ordinance mentioned, and, 40
- if he commits any such offence not on active service, be liable to imprisonment of either description, or such less punishment as is in this Ordinance mentioned
- (2) Every person subject to this Ordinance who commits any of the following offences, that is to say — 45
- (a) By discharging firearms drawing swords, beating drums, making signals, using words, or by any means whatever negligently occasions false alarms in action, on the march, in the field or elsewhere, 50
 - (b) Makes known the parole, watchword or countersign to any person not entitled to receive it, or, without good and sufficient cause, gives a parole, watchword or countersign different from what he received,
- shall on conviction be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned 55

Mutiny and Insubordination

8 Every person subject to this Ordinance who commits any of the following offences, that is to say — Mutiny and
sedition

- 5 (1) Causes or conspires with any other persons to cause any mutiny or sedition in any forces belonging to His Majesty,
- (2) Endeavours to seduce any person from allegiance to His Majesty or to persuade any person to join in any mutiny or sedition,
- 10 (3) Joins in or, being present, does not use his utmost endeavours to suppress any mutiny or sedition,
- (4) Knowing of any actual or intended mutiny or sedition does not without delay inform his commanding officer or other superior officer of the same,
- 15 shall on conviction by court-martial be liable to suffer death, or such less punishment as is in this Ordinance mentioned

9. Every person subject to this Ordinance—

- (1) who strikes or uses or offers any violence to his superior officer, being in the execution of his office, Striking or
threatening
a superior
officer
- 20 shall on conviction by court-martial be liable to suffer death, or such less punishment as is in this Ordinance mentioned,
- (2) who strikes or uses or offers any violence to his superior officer, or uses threatening or insubordinate language to his superior officer,
- 25 shall on conviction by court-martial, if he commits such offence on active service, be liable to imprisonment of either description for a term not less than three years or such less punishment as is in this Ordinance contained, and if he commits such offence not on active service, be liable to imprisonment of either description or such less punishment as is in
- 30 this Ordinance mentioned

10 (1) Every person subject to this Ordinance who disobeys, in such manner as to show a wilful defiance of authority, any lawful command given personally by his superior officer in the execution of his office, whether the same is given orally, or in writing, or by signal, or otherwise, shall on conviction by court-martial be liable to suffer death, or such less punishment as is in this Ordinance mentioned Disobedience
to superior
officer

(2) Every person subject to this Ordinance who disobeys any lawful command given by his superior officer, shall on conviction by court-martial, if he commits such offence on active service, be liable to imprisonment of either description for a term not less than three years, or such less punishment as is in this Ordinance mentioned, and, if he commits such offence not on active service, be liable to imprisonment of either description, or such less punishment as is in this Ordinance mentioned

11 Every person subject to this Ordinance who commits any of the following offences, that is to say — Insubordina-
tion

- 50 (1) Being concerned in any quarrel, fray, or disorder, refuses to obey any officer (though of inferior rank) who orders him to effect an arrest, or strikes, or uses or offers violence to, any such officer,

(2) Strikes, or uses or offers violence to, any person, whether subject to military law or not, in whose custody he is placed, and whether he is or is not his superior officer,

(3) Resists an escort whose duty it is to apprehend him or to have him in charge, 5

(4) Breaks out of barracks, camp, or quarters,

shall on conviction by court-martial be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned 10

Neglect to
obey garrison
or other
orders

12. Every person subject to this Ordinance who neglects to obey any general or garrison or other orders, shall on conviction by court-martial be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned 15

*Desertion, Fraudulent Enlistment and Absence
Without Leave*

Desertion

13 (1) Every person subject to this Ordinance who commits any of the following offences, that is to say —

(a) Deserts or attempts to desert His Majesty's service, 20

(b) Persuades, endeavours to persuade, procures or attempts to procure any person subject to this Ordinance to desert from His Majesty's service,

shall on conviction by court-martial, if he committed such offence on active service or under orders for active service, suffer death, or such less punishment as is in this Ordinance mentioned, and if he committed such offence under other circumstances be liable for the first offence to imprisonment of either description or such less punishment as is in this Ordinance mentioned, and for the second or any subsequent offence, to imprisonment of either description for a term not exceeding five years or such less punishment as is in this Ordinance mentioned 25 30

(2) When any offender has fraudulently enlisted once or oftener he may, for the purposes of trial for the offence of deserting or attempting to desert His Majesty's service, be deemed to belong to any one or more of the corps to which he has been appointed or transferred as well as the corps to which he properly belongs, and it shall be lawful to charge an offender with any number of offences against this section at the same time, and to give evidence of such offences against him, and if he be convicted thereof to punish him accordingly, and further it shall be lawful, on conviction of a person for two or more such offences, to award him the higher punishment allowed by this section for a second offence as if he had been convicted by a previous court-martial of one of such offences 35 40 45

(3) For the purpose of the liability under this section to the higher punishment for a second offence, a previous offence of fraudulent enlistment may be reckoned as a previous offence under this section 50

14 (1) Every person subject to this Ordinance who when belonging to any of His Majesty's Imperial or Colonial forces, without having first obtained a regular discharge therefrom, or otherwise fulfilled the condition enabling him to enlist, enlists in any other of His Majesty's Imperial or Colonial Forces shall be deemed to have been guilty of fraudulent enlistment and shall, on conviction by court-martial, be liable —

Fraudulent
enlistment

10 (i) For the first offence to imprisonment of either description, or such less punishment as is in this Ordinance mentioned, and

15 (ii) For the second or any subsequent offence to imprisonment of either description for a term not exceeding five years, or such less punishment as is in this Ordinance mentioned

(2) When an offender has fraudulently enlisted on several occasions he may, for the purposes of this section, be deemed to belong to any one or more of the corps to which he has been appointed or transferred, as well as to the corps to which he properly belongs, and it shall be lawful to charge an offender with any number of offences against this section at the same time, and to give evidence of such offences against him, and, if he be convicted thereof, to punish him accordingly, and further it shall be lawful, on conviction of a person for two or more offences to award him the higher punishment allowed by this section for a second offence as if he had been convicted by a previous court-martial of one of such offences

30 (3) Where an offender is convicted of the offence of fraudulent enlistment, then, for the purposes of his liability under this section to the higher punishment for a second offence, the offence of deserting, or attempting to desert, His Majesty's service, may be reckoned as a previous offence of fraudulent enlistment under this section, with this exception
35 that the absence of the offender next before any fraudulent enlistment, shall not, upon his conviction for that fraudulent enlistment, be reckoned as a previous offence of deserting or attempting to desert

15 Every person subject to this Ordinance who commits any of the following offences, that is to say —

Assistance of
or connivance
at desertion

(1) Assists any person subject to this Ordinance to desert His Majesty's service,

45 (2) Being cognisant of any desertion or intended desertion of a person subject to this Ordinance does not forthwith give notice to his commanding officer, or take any steps in his power to cause the deserter, or intended deserter, to be apprehended,

shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned

16 Every person subject to this Ordinance who commits any of the following offences, that is to say —

Absence from
duty without
leave

(1) Absents himself without leave,

55 (2) Fails to appear at the place of parade or rendezvous appointed by his commanding officer, or goes from thence without leave before he is relieved, or without urgent necessity quits the ranks,

(3) When in camp or garrison, or elsewhere, is found beyond the limits fixed or in any place prohibited by any general, garrison, or other order, without a pass or written leave from his commanding officer,

(4) Without leave from his commanding officer, or without due cause, absents himself from any school when duly ordered to attend there, 5

shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned 10

Disgraceful Conduct

Extortion

17 Every person subject to this Ordinance who commits or connives at any extortion, shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned 15

Fraud by persons in charge of money or goods

18. Every person subject to this Ordinance who being charged with or concerned in the care or distribution of any public or regimental money or goods, steals, fraudulently misapplies, or embezzles the same, or is concerned in or connives at the stealing fraudulent misapplication, or embezzlement thereof, or wilfully damages any such goods, shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned 20

Disgraceful conduct

19 Every person subject to this Ordinance who commits any of the following offences, that is to say — 25

(1) Malingers, or feigns or produces disease or infirmity,

(2) Wilfully maims or injures himself or any other soldier whether at the instance of such soldier or not, with intent thereby to render himself or such other soldier unfit for service, or causes himself to be maimed or injured by any person, with intent thereby to render himself unfit for service, 30

(3) Is wilfully guilty of any misconduct, or wilfully disobeys, whether in hospital or otherwise, any orders, by means of which misconduct or disobedience he produces or aggravates disease or infirmity or delays cure, 35

(4) Steals, or embezzles, or receives knowing them to be stolen or embezzled, any money or goods the property of a comrade or of an officer or any money or goods belonging to any regimental mess or band, or to any regimental institution, or any public money or goods, 40

(5) Is guilty of any offence of a fraudulent nature not before in this Ordinance particularly specified, or of any other disgraceful conduct of a cruel, indecent, or unnatural kind, 45

shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned 50

Drunkenness

- 20** Every person subject to this Ordinance who commits the offence of drunkenness, whether on duty or not on duty, shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned, and either in addition to or in substitution for any other punishment to pay a fine not exceeding one pound

Drunkenness

Offences in Relation to Prisoners

- 21** Every person subject to this Ordinance who commits any of the following offences, that is to say —

Permitting escape of person in custody

- (1) When in command of a guard, picket, patrol or post, releases without proper authority whether wilfully or otherwise any person committed to his charge,

- (2) Wilfully or without reasonable excuse allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard,

shall, on conviction by court-martial, be liable, if he has acted wilfully, to rigorous imprisonment or such less punishment as is in this Ordinance mentioned, and in any other case to simple imprisonment or such less punishment as is in this Ordinance mentioned

- 22** Every person subject to this Ordinance who commits any of the following offences, that is to say —

Irregular arrest or confinement

- (1) Unnecessarily detains a person in arrest or confinement without bringing him to trial or fails to bring his case before the proper authority for investigation,

- (2) Being in command of a guard, does not, as soon as he is relieved from his guard or duty, or, if he is not sooner relieved, within twenty-four hours after a person is committed to his charge, give to the officer to whom he may be ordered to report that person's name and offence so far as known to him, and the name and rank of the officer or other person by whom he was charged, accompanied by any account he may have received,

shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned

- 23** Every person subject to this Ordinance who, being in arrest or confinement, or in prison or otherwise in lawful custody, escapes, or attempts to escape, shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned

Escape from confinement

Offences in Relation to Property

- 24** Every person subject to this Ordinance who commits any of the following offences, that is to say —

Corrupt dealing in respect of supplies to forces

- (1) Without proper authority exacts from any person carriage, portage, or provisions,

- (2) Lays any duty upon, or takes any fee or advantage in respect of, or is in any way interested in the sale of provisions or merchandise brought into any garrison, camp, station, barrack, or place, in which he has any command or authority, or the sale or purchase of any provisions or stores, 5

shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned

Deficiency in
and injury to
equipment

25 Every person subject to this Ordinance who commits any of the following offences, that is to say — 10

- (1) Makes away with, or is concerned in making away with his arms, ammunition, equipment, instruments, clothing, regimental necessaries, or any animal of which he has charge, 15

- (2) Loses by neglect anything before in this section mentioned,

- (3) Makes away with any military decoration granted to him,

- (4) Wilfully injures anything before in this section mentioned or any property belonging to a comrade, or to an officer, or to any regimental mess or band, or to any regimental institute, or any public property, 20

- (5) Ill-treats any animal used in the public service,

shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned 25

Offences in Relation to False Documents and Statements

Falsifying
official
documents
and false
declarations

26 Every person subject to this Ordinance who commits any of the following offences, that is to say — 30

- (1) In any report, return, muster roll, pay list, certificate, book, route, or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy, knowingly makes or is privy to the making of any false or fraudulent statement, or knowingly makes or is privy to the making of any omission with intent to defraud, 35

- (2) Knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters, or makes away with any document which it is his duty to preserve or produce, 40

- (3) Where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration,

shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned 45

Neglect to
report and
signing in
blank

27 Every person subject to this Ordinance who commits any of the following offences, that is to say —

- (1) When signing any document relating to pay, arms, ammunition, equipment, clothing, regimental necessaries, provisions, furniture, bedding, blankets, sheets, utensils, forage, or stores, leaves blank any material part for which his signature is a voucher, 50

- (2) Refuses, or by culpable negligence omits, to make or send a report or return which it is his duty to make or send,

shall, on conviction by court-martial, be liable to imprisonment
5 of either description or such less punishment as is in this Ordinance mentioned

28 Every person subject to this Ordinance who commits any of the following offences, that is to say,

False
accusation or
statement by
soldier

- (1) Being a soldier makes a false accusation against any
10 officer or soldier, knowing such accusation to be false,
- (2) Being a soldier, in making a complaint where he thinks himself wronged, knowingly makes any false
15 statement affecting the character of any officer or soldier, or knowingly or wilfully suppresses any material facts,
- (3) Being a soldier, falsely states to his commanding officer that he has been guilty of desertion or
20 fraudulent enlistment, or has served in and been discharged from any of His Majesty's Imperial or Colonial Forces,
- (4) Being a soldier, makes a wilfully false statement to any military or civil officer in respect of the prolongation of furlough,

25 shall be liable on conviction by court-martial to imprisonment of either description or such less punishment as is in this Ordinance mentioned

Offences in Relation to Courts-Martial

29 Every person subject to this Ordinance who commits any of the following offences that is to say —

Offences in
relation to
courts-
martial

- (1) Being duly summoned or ordered to attend as a
30 witness before a court-martial, makes default in attending,
- (2) Refuses to take an oath or make a solemn declaration
35 or affirmation legally required by a court-martial to be taken or made,
- (3) Refuses to produce any document in his power or control legally required by a court-martial to be produced by him,
- (4) Refuses, when a witness, to answer any question to
40 which a court-martial may legally require an answer,
- (5) Is guilty of contempt of a court-martial by using
45 insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court,

shall, on conviction by court-martial other than the court in relation to or before whom the offence was committed, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned

50 Provided that where a person subject to this Ordinance is guilty of contempt of a court-martial by using threatening or insulting language, or by causing any interruption or disturbance in the proceedings of such court, that court, if they think it expedient instead of the offender being tried by
55 another court-martial, may, by order under the hand of the president, sentence the offender to imprisonment of either description for a period not exceeding twenty-one days

False
evidence

30 Every person subject to this Ordinance who, when examined on oath or solemn declaration or affirmation before a court-martial or any court or officer authorised by this Ordinance (or by the Army Act) to administer an oath, wilfully gives false evidence, shall be liable on conviction by court-martial to imprisonment of either description or such less punishment as is in this Ordinance mentioned 5

Offences in Relation to Billeting

Offences in
relation to
quarters

31 Every person subject to this Ordinance who commits any of the following offences, that is to say — 10

- (1) Wilfully demands from any person, quarters or accommodation of any sort to which he is not entitled,
- (2) Is guilty of any ill-treatment, by violence, extortion, or making disturbance, of the occupier of any house 15 in which any person or animal is billeted,

shall be liable on conviction by court-martial to imprisonment of either description, or such less punishment as is in this Ordinance mentioned

*Offences in Relation to the Impressment of
Carrriages, Etc* 20

Offences in
relation to
the impress-
ment of
transport

32 Every person subject to this Ordinance who commits any of the following offences, that is to say —

- (1) Wilfully demands any carrriages, animals, vessels, or other form of transport which are not actually 25 required,
- (2) Does not discharge as speedily as practicable any carriage, animal, vessel or other form of transport,
- (3) Ill-treats any animal or person performing transport duties, 30
- (4) Uses or offers any menace to or compulsion on any person to make him provide any carriage, animal, vessel, or other form of transport which he is not bound to provide,

shall be liable on conviction by court-martial to imprisonment 35 of either description, or such less punishment as is in this Ordinance mentioned

Offences in Relation to Enlistment

Enlistment
of soldier
discharged
with
ignominy or
disgrace

33 (1) Every person subject to this Ordinance who having been discharged with disgrace from any part of His 40 Majesty's Imperial or Colonial Forces, or having been dismissed with disgrace from the Navy, has afterwards enlisted without declaring the circumstances of his discharge or dismissal, shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment 45 as is in this Ordinance mentioned

(2) For the purpose of this section, the expression "discharged with disgrace from any part of His Majesty's Forces" means discharged with ignominy, discharged as incorrigible and worthless, discharged for misconduct, or 50 discharged on account of conviction for felony or of a sentence of penal servitude or rigorous imprisonment

34 Every person having become subject to this Ordinance who is discovered to have made a wilfully false answer to any question set forth in the attestation paper which has been put to him by, or by direction of, the person before whom he appears for the purpose of being attested shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned

False
answers or
declarations
on enlistment

35 Every person subject to this Ordinance who commits any of the following offences, that is to say —

General
offences in
relation to
enlisting

(1) Is concerned in the enlistment of any man, when he knows or has reasonable cause to believe such man to be so circumstanced that by enlisting he commits an offence against this Ordinance,

(2) Wilfully contravenes any enactments or regulations in any matter relating to the enlistment of soldiers, shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned

Miscellaneous Military Offences

36 Every person subject to this Ordinance who uses traitorous or disloyal words regarding the Sovereign, shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned

Traitorous
words

37 Every person subject to this Ordinance who whether serving with any of His Majesty's Forces or not, without due authority, either verbally or in writing, or by signal or otherwise, discloses the numbers or positions of any forces, or any magazines or stores thereof, or any preparations for or orders relating to operations or movements of any force, at such time and in such manner as in the opinion of the court to have produced effects injurious to His Majesty's service, shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned

Injurious
disclosures

38 Every non-commissioned officer who commits any of the following offences, that is to say —

Ill treating
soldier

(1) Strikes or otherwise ill-treats any soldier,

(2) Having received the pay of any officer or soldier, unlawfully detains or unlawfully refuses to pay the same when due,

shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned

39 Every person subject to this Ordinance who commits any of the following offences, that is to say —

Duelling and
attempting
to commit
suicide

(1) Fights or promotes, or is concerned in or connives at fighting, a duel,

(2) Attempts to commit suicide, shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned

Refusal to
deliver to
civil power
soldiers
accused of
civil offences

40 Every person subject to this Ordinance who, on application being made to him neglects or refuses to deliver over to the civil magistrate, or to assist in the lawful apprehension of, any officer or soldier accused of an offence punishable by a civil court, shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned 5

Conduct to
prejudice of
military
discipline

41 Every person subject to this Ordinance who is guilty of any act, conduct, disorder, or neglect to the prejudice of good order and military discipline, shall, on conviction by court-martial, be liable to imprisonment of either description or such less punishment as is in this Ordinance mentioned 10

Provided that no person shall be charged under this section in respect of any offence for which special provision is made in any other part of this Ordinance, and which is not a civil offence, nevertheless the conviction of a person so charged shall not be invalid by reason only of the charge being in contravention of this proviso, unless it appears that injustice has been done to the person charged by reason of such contravention 15 20

Offences Punishable by Ordinary Law

Offences
punishable by
ordinary law

42 Subject to the provisions of this Ordinance relating to the jurisdiction of the civil courts, every person who, while he is subject to this Ordinance, shall commit any of the offences in this section mentioned, shall be deemed to be guilty of an offence against military law, and, if charged under this section with any such offence (in this Ordinance referred to as a civil offence), shall be liable to be tried by court-martial, and on conviction to be punished as follows, that is to say — 25

- (1) If he is convicted of treason be liable to suffer death, or such less punishment as is in this Ordinance mentioned, 30
- (2) If he is convicted of murder, be liable to suffer death,
- (3) If he is convicted of manslaughter or treason-felony, be liable to imprisonment of either description, or such less punishment as is in this Ordinance mentioned, 35
- (4) If he is convicted of rape, be liable to suffer death, or such less punishment as is in this Ordinance mentioned 40

Provided as follows —

- (a) A person subject to this Ordinance shall not be tried by court-martial for treason, murder, manslaughter, treason-felony, or rape, committed in any place within His Majesty's Dominions, or in a British Protectorate or in a Territory the mandate for which is being exercised by the Government of some part of His Majesty's Dominions, unless such person at the time he committed the offence was on active service, or such place is more than one hundred miles as measured in a straight line from any place in which the offender can be tried for such offence by a competent civil court 45 50
- (b) A person subject to this Ordinance may be tried by a competent civil court for any offence for which he would be triable if he were not subject to this Ordinance 55

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

Mode of
complaint by
soldier

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

(a) Death

(b) Imprisonment of either description for life or for any lesser period

(c) Discharge with ignominy from His Majesty's service

(d) Reduction in the case of a non-commissioned officer to a lower grade, or to the ranks

(e) Corporal punishment not exceeding twenty strokes in lieu of, or in addition to, other punishment under this section

(f) Forfeitures, fines and stoppages

(g) In the case of a non-commissioned officer, reprimand or severe reprimand

Scale of
punishments
by court
martial

Provided that —

- (1) Where in respect of any offence under this Ordinance there is specified a particular punishment, or such less punishment as is in this Ordinance mentioned, there may be awarded in respect of that offence, instead of such particular punishment (but subject to the other provisions of this Ordinance as to punishments, and regard being had to the nature and degree of the offence) any one punishment lower in the above scale than the particular punishment
- (2) A non-commissioned officer when sentenced to forfeiture of seniority of rank may also be sentenced to reprimand or severe reprimand
- (3) An offender when sentenced to imprisonment of either description may, in addition thereto, be sentenced to be discharged with ignominy from His Majesty's service
- (4) In addition to or without any other punishment in respect of any offence, an offender convicted may be subject to forfeiture of any service towards gratuity, military decoration, or military reward

- (5) In addition to or without any other punishment in respect of any offence, an offender may be sentenced to any deduction authorised by this Ordinance to be made from his ordinary pay
- (6) The Governor shall, by regulation, prescribe the instrument with which corporal punishment under this section shall be inflicted 5
- (7) Unless the offender be on active service, corporal punishment shall not be awarded except for offences committed on the line of march against the persons or property of inhabitants of the country 10
- (8) Where a soldier on active service is guilty of any offence, it shall be lawful for a court-martial to award for that offence such field punishment as may be directed by rules to be made from time to time by the Governor, and such field punishment shall be of the character of personal restraint or of hard labour, but shall not be of a nature to cause injury to life or limb 15
- (9) For the purpose of commutation of punishment the field punishments above mentioned shall be deemed to stand in the scale of punishment next below imprisonment 20

Arrest

Arrest

45 The following regulations shall be enacted with respect to persons subject to this Ordinance when charged with offences punishable under this Ordinance — 25

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

Provided that in every case where any offender remains in such military custody for a longer period than eight days without a court-martial for his trial being ordered to assemble, a special report of the necessity for further delay shall be made by his commanding officer in manner prescribed, and a similar report shall be forwarded every eight days until a court-martial is assembled or the offender is released from custody 30

- (2) Military custody means, according to the usages of His Majesty's service, the putting the offender under arrest or the putting him in confinement 40
- (3) An officer or native officer may order into military custody any native officer, non-commissioned officer, private, or enlisted follower of the regiment or any follower, and any British warrant or non-commissioned officer or non-commissioned officer may order into military custody any non-commissioned officer, private, enlisted follower or follower and any such order shall be obeyed, notwithstanding the person giving the order and the person in respect of whom the order is given do not belong to the same corps, arm, or branch of the service 45 50
- (4) An officer, native officer, British warrant or non-commissioned officer or non-commissioned officer commanding a guard, or a provost-marshal or assistant provost-marshal, shall not refuse to receive 55

- or keep any person who is committed to his custody by any officer, native officer, British warrant or non-commissioned officer, or non-commissioned officer, but it shall be the duty of the officer, native officer, British warrant or non-commissioned officer, or non-commissioned officer who commits any person into custody to deliver at the time of such committal or as soon as practicable, and in every case within twenty-four hours thereafter, to the officer, native officer, British warrant or non-commissioned officer, non-commissioned officer, provost-marshal, or assistant provost-marshal into whose custody the person is committed, an account either verbal or in writing of the offence with which the person so committed is charged
- (5) The charge made against every person taken into military custody shall without unnecessary delay be investigated by the proper military authority, and, as soon as may be, either proceedings shall be taken for punishing the offence, or such person shall be discharged from custody

Powers of Commanding Officer

- 46** The commanding officer shall, upon an investigation being had of a charge made against a person subject to this Ordinance of having committed an offence under this Ordinance, dismiss the charge, if he in his discretion thinks that it ought not to be proceeded with, but where he thinks the charge ought to be proceeded with, he may take steps for bringing the offender to a court-martial or in the case of a soldier or a follower he may deal with the case summarily
- Where he deals with the case summarily—
- (1) If the offender is a private or enlisted follower, the commanding officer may,
- A —Save in the case of absence without leave or of drunkenness, impose on the offender any one or more of the following punishments —
- (a) Award to the offender imprisonment of either description, for any period not exceeding forty-two days,
- (b) Dismiss the offender from the regiment,
- (c) Impose a fine not exceeding twenty-one days' pay, to be levied by stoppages from the offender's pay,
- (d) Order the offender to suffer any deduction from his ordinary pay to make good the amount of any loss or damage he may have caused,
- (e) Order confinement to barracks for any period not exceeding twenty-eight days, such confinement involving the taking of all duties in regular turn, attending parades and punishment drills, not exceeding one hour at a time nor four hours in all on the same day, inclusive of ordinary parades, and also liability to employment on duties of fatigue,
- (f) Order extra guards and piquets, but only for minor offences or irregularities when on or parading for guard or piquet,

Power of
commanding
officer

- (g) Award corporal punishment not exceeding twenty strokes in lieu of or in addition to other punishment under this section, provided that, unless the offender be on active service, corporal punishment shall not be awarded except for 5 offences committed on the line of march against the persons or property of the inhabitants of the country, and provided further that each case in which corporal punishment is awarded shall be reported at the time by the commanding officer 10 to the Governor with a statement of the circumstances,
- (h) On active service award field punishment within the meaning of section 44 (8) of this Ordinance for any period not exceeding twenty-eight days, 15
- (i) On active service, in addition to, or without any other punishment, order that the offender forfeit all ordinary pay for a period commencing on the day of the sentence and not exceeding twenty-eight days— 20

B —In the case of absence without leave by a private or enlisted follower, the commanding officer may deal with the case summarily, and may award imprisonment, of either description, up to any period not exceeding forty-two days or confinement to barracks, 25 provided that the term of imprisonment awarded, if exceeding seven days, shall not exceed the term of absence

A private or enlisted follower shall also forfeit one day's pay for every day of absence in the same way as is 30 laid down in the Royal Warrant for Pay for the Army—

**Punishments
for
drunkenness**

C —The offence of drunkenness by a private or enlisted follower may be dealt with and summarily punished by the commanding officer as follows —

(a) For the first offence the offender shall be 35 admonished or confined to barracks, but no fine shall be inflicted,

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

If within three months of the previous offence, by 40 fine to the amount of nine days' pay with or without confinement to barracks,

If over three months and within six months of the previous offence, by fine to the amount of six days' pay with or without confinement to 45 barracks,

If over six months and within nine months of the previous offence, by fine to the amount of three days' pay with or without confinement to barracks, 50

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

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

5 (c) Where a private or enlisted follower is liable to a fine, and four preceding instances of drunkenness have been recorded against him within the previous twelve months, an amount of three days' pay shall be added to the amount of the fine laid down,

10 (d) For an act of drunkenness on duty, as defined by section 20, or when an act of drunkenness is accompanied by any other offence, the offender may be sentenced, as provided by sub-section (1) of this section to imprisonment of either description or confinement to barracks in addition to the fine

15 (2) A —If the offender is a native officer, warrant or non-commissioned officer, the commanding officer may impose on the offender any one or more of the following punishments, that is to say, he may —

20 (a) Reprimand, severely reprimand, or reduce any native officer, warrant or non-commissioned officer to a lower rank or to the ranks,

(b) Dismiss the offender from the regiment,

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

25 (d) Order the offender to suffer any deduction from his ordinary pay to make good the amount of any loss or damage he may have caused —

30 B —A native officer, warrant or non-commissioned officer shall also forfeit one day's pay for every day of absence without leave in the same way as is laid down in the Royal Warrant for Pay for the Army —

35 C —A native officer, warrant or non-commissioned officer convicted of drunkenness may be fined as laid down in sub-section (1) C of this section in addition to any of the punishments laid down in sub-section (2) A of this section

(3) If the offender is a follower, the commanding officer may, for an offence under this Ordinance —

40 Award to the offender any one or more punishments described in clauses (a), (b), (d) or (g) of part A of sub-section (1) of this section, and in addition to or without any other punishment, impose a fine not exceeding twenty shillings

Powers of Officer Commanding a Detachment

45 **47** Any officer commanding a detachment, or the Administrative Officer resident at and in charge of any station where there is a detachment but no officer of the regiment, may examine into the truth of any charge against a soldier or follower, and if his decision is against the accused, he may
50 impose on him any one or more of the following punishments —

Punishments which officers commanding detachments, etc., may award

(1) If a private or enlisted follower, save in the case of absence without leave or of drunkenness —

(a) Imprisonment of either description for any period not exceeding fourteen days,

(b) Fine not exceeding ten days' pay, to be levied by stoppages from the offender's pay,

(c) Confinement to barracks for any period not exceeding twenty-one days, such confinement involving the taking of all duties in regular turn, attending 5
parades and punishment drills, not exceeding one hour at a time, nor four hours in all on the same day, inclusive of ordinary parades, and also liability to employment on duties of fatigue,

(d) In addition to or without any other punishment, deduction from ordinary pay to make good 10
the amount of any loss or damage he may have caused,

(e) Extra guards and piquets, but only for minor offences or irregularities when on or parading for 15
guard or piquet

(2) If a non-commissioned officer —

(a) Fine not exceeding ten days' pay to be levied by stoppages from the offender's pay,

(b) Reprimand, 20

(c) Deduction from his ordinary pay to make good the amount of any loss or damage he may have caused

(3) If a follower —

(a) Imprisonment of either description for any 25
period not exceeding fourteen days,

(b) Fine not exceeding ten shillings

**Punishments
for
drunkenness**

(4) (A) The offence of drunkenness by a soldier may be dealt with and summarily punished, as laid down in section 46 (1) C of this Ordinance, by such officer 30
or Administrative Officer, except that any sentence of reduction on a non-commissioned officer must be confirmed by the commanding officer

(B) In the case of absence without leave, the non-commissioned officer or soldier may be dealt with as laid 35
down in section 46 (1) B and 46 (2) B

**Delegation of
powers of
commanding
officer to
officer
commanding
detachment**

48 (1) It shall be lawful for the commanding officer by writing under his hand to confer the powers of a commanding officer, as defined by section 46 of this Ordinance, on the officer commanding any detachment, under such restrictions 40
and for such period as he may think fit, and to revoke the same Any sentence of reduction in the case of a non-commissioned officer, and any sentence of dismissal from the service, imposed under this section, shall be subject to the approval of the commanding officer 45

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

(2) Whenever it shall appear to the officer commanding a detachment or Administrative Officer as aforesaid that the offence which any soldier or follower has committed would, by reason of its aggravation or by reason of previous offences of the accused, not be adequately punished with any of the 50
aforesaid punishments, or combinations of punishments, he shall delay passing sentence, and shall report the whole proceeding in the case to the commanding officer who may send back such report for any further inquiry he considers requisite, or make any other or further order, or may rehear 55
the case as he may see fit

Powers of Officer Commanding a Company

- 49** Any officer commanding a company may examine into the truth of any charge against a soldier, and, if his decision is against the accused, he may impose upon him any
- 5** one or more of the following punishments —
- (1) If a private or enlisted follower, save in the case of absence without leave or drunkenness —
- (a) Fine according to scale, as laid down in section 46 (1) C of this Ordinance, in case of drunkenness,
- (b) Confinement to barracks for any period not exceeding seven days,
- (c) Extra guards and piquets, but only for minor offences or irregularities when on, or parading for, guard or piquet,
- (d) Deduction from his ordinary pay to make good the amount of any loss or damage he may have caused
- (2) If a non-commissioned officer —
- Reprimand
- (3) In the case of absence without leave the non-commissioned officer or soldier may be dealt with as laid down in the second sub-paragraph of section 46 (1) B
- Similar powers may, at the discretion of the commanding officer, be given to any other officer temporarily in command of a company
- Any awards of punishment under this section shall be subject to any remission the commanding officer may order, but cannot be increased

Punishments
which officers
commanding
companies
may award

Courts-Martial

- 50** (1) For the purposes of this Ordinance there shall be two kinds of courts-martial, that is to say —
- (a) General courts-martial
- (b) District courts-martial
- (2) A general court-martial shall be convened by the Governor or some officer deriving authority to convene a general court-martial from the Governor
- (3) A district court-martial shall be convened by an officer authorised to convene general courts-martial or some officer deriving authority to convene a district court-martial from an officer authorised to convene general courts-martial
- (4) A general court-martial shall consist of not less than five officers each of whom must have held a commission in His Majesty's service for not less than one year, unless the officer convening the court-martial is of opinion that five officers are not available, having due regard to the public service, in which case the court-martial may consist of three officers, in which case also the convening officer may preside
- (5) A district court-martial shall consist of not less than three officers, each of whom must have held a commission in His Majesty's service for not less than one year, unless the officer convening the court-martial is of opinion that three officers are not available, having due regard to the public service, in which case the court-martial may consist of two officers

Description
constitution
and powers
of courts
martial

(6) A general court-martial shall have power to try all persons subject to this Ordinance, and to pass sentence of death or such less punishment as is in this Ordinance mentioned. Provided that if the court-martial consists of less than five members, sentence of death shall not be passed on any prisoner without the concurrence of all the members 5

(7) A district court-martial shall not award the punishment of death or of imprisonment of either description in excess of two years, but, subject as aforesaid, any offence under this Ordinance committed by a person subject to this Ordinance may be tried and punished by a district court-martial 10

(8) The president of a court-martial shall be appointed by order of the authority convening the court, and in the case of a district court-martial, the convening officer may appoint himself as president 15

Constituent
members of
court martial

(9) (a) One of the members of the court shall, if possible, be an officer of the battalion in which the person accused is serving, and the other members of the court may be officers of the regiment, or officers of His Majesty's Army or Royal Marine Forces, Royal Navy or Royal Air Force, or officers of any of His Majesty's naval or military services 20

(b) In case of emergency, or when a sufficient number of military officers is not available, it shall be lawful for public officers of the Colony to sit as members of a court-martial, but in no case shall they sit as presidents, unless they are entitled to do so in virtue of their military rank in His Majesty's service 25

Proceedings,
how
regulated

(10) In all cases or matters before the court, the proceedings of the court shall be as nearly as may be in accordance with the Rules of Procedure made under the Army Act 30

Field General Courts-Martial

Field general
courts-
martial

51 (1) Where a complaint is made to any officer in command of any detachment or portion of troops outside the Colony, or to the commanding officer of any corps or portion of a corps on active service, or to any officer in immediate command of a body of forces on active service, that an offence has been committed by any person subject to military law, then, if in the opinion of such officer it is not practicable that such offence should be tried by an ordinary general court-martial, it shall be lawful for him, although not authorised to convene general courts-martial, to convene a court-martial, in this Ordinance referred to as a field general court-martial, for the trial of the person charged with such offence, provided as follows — 40 45

(a) An officer in command of a detachment or portion of troops not on active service shall not convene a field general court-martial for the trial of any person, unless that person is under his command, nor unless the offence with which the person is charged is an offence against the property or person of an inhabitant of or resident in the country in which the offence is alleged to have been committed, 50

(b) A field general court-martial shall consist of not less than three officers, unless the officer convening the same is of opinion that three officers are not available having due regard to the public service, in which case the court-martial may consist of two officers,

(c) The convening officer may preside, but he shall, whenever he deems it practicable, appoint another officer as president, who may be of any rank, but shall, if practicable in the opinion of the convening officer, be not below the rank of captain,

(d) Where a field general court-martial consists of less than three officers, the sentence shall not exceed such field punishment as is allowed by this Ordinance, or imprisonment of either description

(2) Section 50 of this Ordinance shall not apply to a field general court-martial, but sentence of death shall not be passed on any prisoner by a field general court-martial without the concurrence of all the members

(3) A field general court-martial may, notwithstanding the restrictions enacted by this Ordinance in respect of the trial by court-martial of civil offences within the meaning of this Ordinance, try any person subject to military law who is under the command of the convening officer, and is charged with any such offence as is mentioned in this section and may award for such offence any sentence which a general court-martial is competent to award for such offence. Provided always, that no sentence of any such court-martial shall be executed until confirmed as provided by this Ordinance

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

Confirmation
and approval
of sentences

(a) In the case of a district court-martial, the officer having authority to convene such a court-martial at the date of the submission of the finding and sentence thereof. Provided that, in the case of a sentence of imprisonment of either description being passed, the period of imprisonment does not exceed six months,

If the sentence of imprisonment exceeds six months, it shall be confirmed by the Governor, or by some officer having authority from him to confirm the findings and sentences of general courts-martial

(b) In the case of a general court-martial the Governor or some officer deriving authority from him to confirm the findings and sentences of general courts-martial

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

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

(4) When the sentence imposed by a court-martial exceeds six months imprisonment of either description, the proceedings of this court shall be forwarded to the Governor

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

Execution of Sentences

10

Execution of
sentences of
imprisonment

53 (1) Any sentence of imprisonment of either description imposed upon any person subject to this Ordinance may be carried out in any military or civil prison established within the Colony, or, where the sentence of imprisonment imposed does not exceed forty-two days, in any lock-up house or cells which for that purpose the Governor may think fit to attach to any fort or barracks. The Governor may from time to time make regulations for the government of such prisons and of any lock-up house or cells attached by him to any fort or barracks, and with regard to the admission, discharge, custody, removal, safeguarding, diet, labour, occupation, discipline, instruction, and offences of any persons confined therein, and with regard to any and every other matter or thing relating to and connected with the carrying out and management of imprisonment in any such prison, lock-up house or cells. Provided that no person shall be imprisoned in any such prison, lock-up house or cells unless and until such regulations as aforesaid shall have been made and provided that any person, notwithstanding that his sentence exceeds forty-two days, may, whilst awaiting removal to a prison, be temporarily imprisoned in any such lock-up house or cells 15 20 25 30

(2) A sentence passed upon any person subject to this Ordinance shall be in no respect affected by such person ceasing to be subject to this Ordinance by discharge or otherwise 35

Gaolers to
carry out
sentences on
order of
commanding
officer, etc

(3) Every gaoler shall receive into his custody and carry out the sentence upon any person, subject to this Ordinance, sentenced to imprisonment of either description, for any offence under this Ordinance, upon an order in writing in that behalf being delivered to him under the hand of the commanding officer or of the officer or Administrative Officer imposing the sentence, which order shall specify the offence and the period and description of imprisonment 40

Persons
undergoing
sentences
deemed
criminal
prisoners

(4) Every person whilst undergoing any such sentence of imprisonment shall be deemed and dealt with as a criminal prisoner 45

Pay not to
accrue during
absence
without leave
or imprisonment

54 No pay shall accrue or become due to any native officer, soldier, or follower in respect of any period during which he is absent by reason of desertion, or without leave, or during which he is undergoing any sentence of imprisonment of either description or is in custody on a charge for an offence of which he is afterwards convicted by a civil court or court-martial or on a charge of absence without leave for which he is afterwards awarded imprisonment of either description by competent authority 50

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

Fines to be recovered by stoppages

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

Amount of stoppages

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

Accumulated stoppages

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

Stoppages for venereal disease

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

Disposal of fines on native officers or soldiers

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

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

(a) Assistance to the wives or families of deceased native officers, soldiers or followers, or native officers, soldiers or followers discharged as invalids, who may be in immediate want,

(b) Contributions towards prizes to be given at athletic meetings, assaults-at-arms, and similar events organised by or for the benefit of the soldiers of the regiment,

(c) Purchase of ammunition for the encouragement of rifle shooting,

(d) Payments to soldiers of the regiment as rewards for special services when such payments cannot otherwise be met out of Colonial funds,

(e) Provision of any articles for the use of the regiment, when the cost of such provision cannot otherwise be met out of Colonial funds,

(f) As a reward to the apprehender or apprehenders of a deserter, and as a reward for recruiting

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

Supplemental Provisions as to Discipline

57 (1) The sentence on a native officer for any offence shall in no case include corporal punishment

Restrictions as to punishment of native officer

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

Restrictions as to punishment of non-commissioned officer

Restrictions
as to corporal
punishment

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

Apprehension
of deserters

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

Procedure
thereupon

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

Forfeiture of
good conduct
badges and
pay
consequential
on certain
sentences

60 (1) Forfeiture of one good-conduct badge and Shs 1/50 per month of good conduct pay shall be involved in and deemed a part of any sentence of —

- (a) Imprisonment or confinement to barracks for more than seven days,
- (b) Imprisonment of either description for any term,
- (c) Fine in any sum exceeding seven days' pay,
- (d) Corporal punishment,
- (e) Or in the case of a non-commissioned officer, severe reprimand,

and every such forfeiture shall be entered on the offender's defaulter sheet and in the guard report or punishment return.

Upon
reduction of
rank

(2) If a non-commissioned officer be reduced to the rank of a private, or reduced in degree of rank, he shall forfeit one good-conduct badge, should he be in possession of the same, and Shs 1/50 per month of good-conduct pay. Provided that in the case of a non-commissioned officer being reduced to private, or in degree of rank, for inefficiency, he shall not forfeit a good-conduct badge.

In aggravated
offences

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

61 Any native officer or soldier who has forfeited any period of past service qualifying towards good-conduct badges and pay or gratuity may have such service restored to him by the Governor on the recommendation of his commanding officer at any time as a reward for conspicuous gallantry in the field or other notable service or when he has served with uninterrupted good conduct, as shown by his having no entries in his regimental conduct sheet, for two years in case of a first conviction entailing loss of service, for five years in case of a second conviction of the same nature, and for seven years in case of a third conviction of the same nature, or should circumstances of an aggravated character have attended the offence on account of which his service was forfeited. Such period of probation shall be reckoned from the release of the person convicted from imprisonment or other completion of his punishment and his return to duty.

Restoration of
forfeited
service

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

Power of
summoning
witnesses

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

Form of
proceedings

PART III—GOVERNMENT

63 (1) A battalion shall consist of an officer with the rank of lieutenant-colonel or major in command and such other officers, native officers, British warrant and non-commissioned officers, non-commissioned officers, privates and enlisted followers as the Governor, subject to the approval of the Secretary of State, shall from time to time determine.

Organization

(2) Officers other than native officers shall be appointed by the Secretary of State.

(3) Officers, native officers, British warrant and non-commissioned officers, non-commissioned officers, privates, and enlisted followers shall receive such rates of pay as the Governor, subject to the approval of the Secretary of State shall determine.

(4) The officers, native officers, British warrant and non-commissioned officers, non-commissioned officers, privates, and enlisted followers of the battalion shall stand with each other in order of precedence and command as they have been here named.

(5) The Governor may from time to time fill up all vacancies that may occur amongst the native ranks from removal, death, absence, incapacity, or other cause, by promotion or fresh appointments, and may at any time enlist fit men as privates and followers of the regiment and every such enlistment shall be an appointment under this Ordinance.

Precedence
of officers

64 Officers of the same rank shall stand with each other in order of precedence and command in accordance with any order which may be signified by any of His Majesty's Principal Secretaries of State, and where no such order is signified, then according to their seniority reckoned by the dates of their respective appointments to the rank in the British Army for the time being held by them 5

Inspector
General,
duties of, etc

65 (1) The Inspector-General shall be appointed by the Secretary of State, who may prescribe his duties

(2) The Inspector-General shall inspect and report to the Secretary of State upon all officers, native officers, British warrant and non-commissioned officers, non-commissioned officers, privates and enlisted followers of the regiment, whether within or without the Colony, and upon the organisation, interior economy, and drill of the battalions and upon all matters appertaining to their welfare and efficiency 10 15

(3) The Inspector-General may, whether within or without the Colony, issue instructions with regard to the organisation, interior economy, and drill of the regiment or any part thereof, and the officers, native officers, British warrant and non-commissioned officers, non-commissioned officers, privates and enlisted followers of the regiment shall conform to all such instructions 20

(4) The Colony shall make such contribution towards the expenses of the Inspector-General and to the expenses of the Colonial battalion or battalions serving out of the Colony as the Secretary of State may determine 25

Duty of
commanding
officer

66 The commanding officer, subject to the orders and directions of the Governor shall have the command, direction, and general superintendence of the battalion, including appointments, promotions, and reductions in the native ranks 30

Duties of
officers

67 The officers of the regiment, when posted to any station or district, shall be charged with the command, direction, and superintendence of the native officers, British warrant and non-commissioned officers, non-commissioned officers, privates and enlisted followers of the regiment from time to time posted within such station or district subject to the orders of the commanding officer and of the Governor. When not posted to a station or district, the officers shall have such command and such duties as the commanding officer, subject to the orders of the Governor, may direct 35 40

Responsibility
of commanding
officers for
stores

68 The commanding officer shall be charged with, and accountable for, all public stores of whatever description belonging to or appertaining to the battalion under his command in case of their being lost, spoiled or damaged, otherwise than by unavoidable accident, theft, robbery, or actual use 45

Responsibility
of officers
commanding
detachments
for stores

69 Every officer in command of any detachment of the regiment shall be charged with the arms, accoutrements, ammunition, clothing, and all other public stores, and with all public moneys issued and delivered for the use of the detachment of the regiment under his command, and shall account for such arms, accoutrements, ammunition, clothing, and stores to the commanding officer in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident, theft, robbery, or actual use, and to the paymaster of his battalion for such public moneys in case of their being lost, otherwise than by unavoidable accident, theft, or robbery 50 55

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

Duty and responsibility of pay and quartermasters

71 The Governor may from time to time, in consultation with the commanding officer, make such rules and regulations consistent with this Ordinance and subject to the provisions thereof, relative to a battalion, as may be necessary for the purpose of preventing the spread of contagious
15 disease, and to render the force efficient in the discharge of its duties, and for the discipline, good order, and guidance of the force, for the form and method of enlistment of the persons constituting the same, and for their general government, the services required of them, their conduct in
20 the performance thereof, their distribution, posting, and removal from station to station and their inspection, and for the description, supply, use and disposal of arms, accoutrements, clothing, necessaries, and other warlike stores
25 to be furnished to them, and also with relation to the fiscal duties to be performed by the pay or quartermasters and other officers with relation to the regiment, and generally for the better carrying out of the provisions of this Ordinance

Governor to make regulations, etc

PART IV — ENLISTMENT, DISCHARGE, AND SERVICE

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

First term of engagement

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

Rules for reckoning service

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

74 (1) Any native officer, non-commissioned officer, private, or enlisted follower of good character who at any time has completed, or is within three months of completing the term of his engagement may, with the approval of his commanding officer, re-engage to serve for a further term of three years from the expiration of his first period or subsequent periods

Re engagement and continuance in service

(2) Any native officer, non-commissioned officer, private, or enlisted follower of good character who has completed at least twelve years' service may with the approval of his commanding officer, re-engage for such period as shall complete a total period of eighteen years' service, reckoning from the time of his first enlistment 5

(3) And upon completing such period of eighteen years' service he may, if he shall so desire and with the approval of his commanding officer, and of the Governor, continue in the regiment in the same manner in all respects as if his term of service were still unexpired, except that it shall be lawful for him to claim his discharge at the expiration of any period of three months after he has given notice to the officer under whose command he is serving of his wish to be discharged 15

**Conditions of
re engagement**

75 (1) Any native officer, non-commissioned officer, private, or enlisted follower who, being entitled to his discharge at the expiration of his first, second, third, or fourth period of service, re-engages for further service with the approval of his commanding officer, shall be allowed to proceed on furlough for such period on full-pay or half-pay, at the discretion of his commanding officer, as may be prescribed by regulations made under this Ordinance 20

(2) If a native officer is re-appointed, or if a non-commissioned officer or private offers to re-enlist within six months after having received a certificate of discharge, he shall on re-appointment or re-enlistment be entitled to the advantages to which he was entitled with regard to rank, good-conduct badges, pay, and gratuity at the time of his discharge. If, however, a longer period than six months from the date of his discharge has elapsed, then it shall be discretionary with the commanding officer to allow the service or part of the service, of such person previous to the date of such re-appointment or re-enlistment to reckon towards rank good-conduct badges, pay and gratuity 35

(3) In the event of enlisted followers being attested as privates, it shall be discretionary with the commanding officer to allow the service, or part of the service, of such person whilst an enlisted follower, up to a maximum of three years, to reckon towards good-conduct badges, pay and gratuity 40

**Declaration
on enlistment,
etc**

76 Every man who is enlisted, re-enlisted, or re-engaged, or being a native officer is re-appointed in the regiment as aforesaid, shall, previous to his being enlisted, re-enlisted, re-engaged or re-appointed, make the following declaration, and shall confirm such declaration by oath in his native language in such manner as he may declare to be most binding upon his conscience — 45

I, A B , do hereby solemnly and sincerely declare and promise that I will be faithful and bear true allegiance to His Majesty King George V , his heirs and successors, and that I will faithfully serve and defend His Majesty the King, his heirs and successors, for a period of * years, and will obey all orders of His Majesty and of the officers placed over me, and subject myself to all 55

* Number to be filled in according to the period fixed by the Governor
(vide Section 72)

ordinances, rules, and regulations relating to the King's African Rifles now in force, or which may from time to time be in force within the said period

5

Signature or mark

Declared at this day of , 19 ,
before me

Signature of officer

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

Prolongation
of service
terminating
during war

78 Subject to the provisions of section 74 and of the last preceding section, every native officer, non-commissioned officer, private, or enlisted follower who has completed his period or periods of engagement or service according to the provisions of this Ordinance, shall be discharged by his commanding officer, unless at the expiration of any period he is undergoing punishment for, or stands charged with, the commission of any offence under this Ordinance, and in case he is undergoing such punishment, or is charged with any such offence, his service shall be prolonged and his discharge deferred until such punishment shall have terminated, or until he has undergone his trial and any punishment awarded in respect of the offence with which he is charged, unless his sentence carries with it dismissal from the regiment

Discharge on
completion of
service

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

Native
officers, non-
commissioned
officers,
privates, and
enlisted
followers,
subject to all
regulations
until formal
discharge

80 (1) A native officer may be discharged by his commanding officer at any time during the currency of any term of engagement —

Discharge
when unfit for
service or on
being
dismissed

(a) When pronounced by the medical officer mentally or physically unfit for further service

(b) When sentenced to be dismissed the regiment for misconduct

(c) On reduction of establishment

(2) A non-commissioned officer, private, or enlisted follower may be discharged by his commanding officer at any time during the currency of any term of engagement —

(a) When pronounced by the medical officer mentally or physically unfit for further service

(b) When sentenced to be dismissed the regiment for misconduct

(c) If within one year from the date of attestation his commanding officer shall consider that he is unlikely to become an efficient soldier

(d) On reduction of establishment

Consequence
of discharge or
dismissal

81 When any native officer, non-commissioned officer, private, or enlisted follower ceases to belong to the regiment, either by being dismissed therefrom, or by being discharged on the termination of his period of engagement, or as unfit for further service, or on reduction of establishment, all powers and authorities vested in him shall, upon a certificate of discharge being given to him, immediately cease and determine. He shall, before a certificate of discharge is delivered to him, deliver over his arms, ammunition, accoutrements, uniform, and other appointments which are the property of the Government of the Colony to such person and at such time and place as shall be directed by the officer under whose command he may be at the time of ceasing to belong to the regiment. Provided that a soldier discharged before the expiration of one year for any fault, or as not likely to make an efficient soldier, shall not take away with him any arms, or any articles of uniform or equipment described by any rules or regulations as personal property of soldiers. 5 10 15

Good conduct
pay

82 (1) Every non-commissioned officer under the rank of sergeant, and every private and enlisted machine-gun and Lewis-gun carrier who shall have served for three years without having been convicted of any offence by a Court Martial or Civil Court, and without having incurred a sentence of — 20

(a) Imprisonment of either description or confinement to barracks for more than seven days, 25

(b) Fine in any sum exceeding seven days' pay,

(c) Corporal punishment,

(d) Or in the case of a non-commissioned officer, severe reprimand, 30

(e) Or in the case of a non-commissioned officer, reduction in rank, or to the ranks, or deprivation of lance-stripe,

shall be entitled to bear one good conduct badge, and receive extra pay at the rate of Shs 1/50 per month, and for every subsequent period of three years which he shall have served under like conditions he shall be entitled to bear one additional good-conduct badge, and to receive extra pay at the rate of an additional Shs 1/50 per month for each badge. Provided that no non-commissioned officer, private, or enlisted machine-gun and Lewis-gun carrier shall receive more than six good-conduct badges. 35 40

(2) Any non-commissioned officer private, or enlisted machine-gun and Lewis-gun carrier who shall have forfeited a good-conduct badge shall, after having served for twelve months without having been convicted of any offence by a Court Martial or Civil Court and without having incurred a sentence of — 45

(a) Imprisonment of either description for any term,

(b) Confinement to barracks for more than seven days

(c) Fine in any sum exceeding seven days' pay, 50

(d) Corporal punishment,

(e) Or in the case of a non-commissioned officer, severe reprimand,

(f) Or in the case of a non-commissioned officer, reduction in rank, or to the ranks, or deprivation of lance-stripe, 55

be entitled to have his good-conduct badge restored to him and to receive the extra pay in respect thereof as hereinbefore provided, and his service towards a further good-conduct badge shall be reckoned from the date of such restoration

83 (1) On the recommendation of the commanding officer and with the sanction of the Governor, gratuities at the following rates, in lieu of pension, may be granted on discharge after continuous good service extending to a period of twelve years, viz —

	£
To native officer	60
,, native regimental sergeant-majors or company sergeant-majors	30
,, sergeants	15
10 ,, corporals	12
,, lance-corporals and privates	9
,, enlisted followers	4

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

	£	s
15 To native officer	90	0
,, native regimental sergeant-majors or company sergeant-majors	45	0
sergeants	22	10
,, corporals	18	0
20 ,, lance-corporals and privates	13	10
,, enlisted followers	6	0

For the purpose of this sub-section service under the provisions of section 75 (2) shall be deemed to be continuous with previous continuous service

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

35 (3) Where any native officer, non-commissioned officer, private, or enlisted follower, whose terms of engagement and re-engagement combined shall amount to a continuous period of not less than twelve years, is discharged as unfit for further service, or as inefficient, or on account of reduction of establishment, he may, at the discretion of the commanding officer and subject to the sanction of the Governor, receive the whole or a part of such proportion of the gratuity which he might have earned if he had completed a period of eighteen years' service as the number of years actually served by him bears to eighteen

45 (4) Where any native officer, non-commissioned officer, private or enlisted follower, whose terms of engagement and re-engagement combined shall amount to a continuous period exceeding twelve years, and who shall have actually completed 50 a period of not less than twelve years' continuous good service is dismissed for misconduct he may receive such proportion of the gratuity which he would have earned if he had taken his discharge after the completion of the period of service immediately preceding the period of service he is then passing through as his commanding officer may in his discretion 55 subject to the sanction of the Governor, determine

(5) In the event of the death of any native officer, non-commissioned officer, private, or enlisted follower before the receipt by him of any such gratuity as is mentioned in either of the two preceding sub-sections of this section, it shall be lawful for the Governor to direct and cause the amount to be paid to, or for the benefit of, the widow or widows, or child or children, or to any next-of-kin of the native officer, non-commissioned officer, private, or enlisted follower so dying, on such conditions, and, if to or for the benefit of more than one person, in such proportions as to the Governor shall seem fit

(6) Where any native officer, non-commissioned officer, private, or enlisted follower, whose terms of engagement and re-engagement combined shall amount to a continuous period of twelve years, dies while serving in the regiment before completing such continuous period, it shall be lawful for the Governor to direct and cause such proportion of the gratuity which he would have earned if he had completed the full period of twelve years' service as the number of years actually served by him bears to twelve, to be paid to, or for the benefit of, the widow or widows, or child or children, or to any next-of-kin of the native officer, non-commissioned officer, private, or enlisted follower so dying, on such conditions, and, if to or for the benefit of more than one person, in such proportions as to the Governor shall seem fit

(7) Where any native officer, non-commissioned officer, private, or enlisted follower, whose terms of engagement and re-engagement combined shall amount to a continuous period exceeding twelve years, dies while serving in the regiment before completing such continuous period, it shall be lawful for the Governor to direct and cause such proportion of the gratuity which he would have earned if he had completed a period of eighteen years' service as the number of years actually served by him bears to eighteen, and if he shall have actually served for eighteen or more years the full gratuity which he would have earned if he had taken his discharge after the completion of a continuous period of eighteen years' service, to be paid to, or for the benefit of, the widow or widows, or child or children, or to any next-of-kin of the native officer, non-commissioned officer, private, or enlisted follower so dying, on such conditions, and, if to or for the benefit of more than one person, in such proportions as to the Governor shall seem fit

(8) Every native officer, non-commissioned officer, private, or enlisted follower, subject to such recommendation and sanction as aforesaid, shall after nine years' continuous good service be exempted from paying hut tax for one hut for life, or alternatively from paying poll tax in respect of himself for life

For the purpose of this sub-section, service under the provisions of section 75 (2) shall be deemed to be continuous, and in the case of enlisted followers, under section 75 (3)

(9) Any native officer, non-commissioned officer, private, or enlisted follower, being in possession of the Victoria Cross or the medal for Distinguished Conduct in the Field, shall, subject to such recommendation and sanction as aforesaid, irrespective of the amount of his service, be exempted from paying hut tax for three huts for life in the case of the

Victoria Cross and for one hut in the case of the medal for Distinguished Conduct in the Field, or alternatively shall be entitled to such equivalent exemption from taxation as may be determined by the Governor

- 5 **84** Any gratuity that might have been received by any native officer, non-commissioned officer, private, or enlisted follower had he taken his discharge under the provisions of this Ordinance shall, in the event of his re-engaging for a further term and dying in the service before the completion of such term, and subject to the recommendation of the commanding officer, and the sanction of the Governor as aforesaid, be deemed for the purposes of this Ordinance to be his personal property in the charge of the Treasurer for the time being, and shall be paid out and distributed by the Treasurer or such other person as he may appoint in accordance with the provisions and conditions of this Ordinance

Gratuities on
discharge

- 20 **85** It shall be lawful for the Governor, subject to the directions of the Secretary of State, when occasion arises, to enrol for a limited period such number of officers, native officers, British non-commissioned officers, non-commissioned officers, privates, and enlisted followers as he shall deem necessary, the period or number limited by such order may from time to time be prolonged, shortened, increased, reduced or varied by any subsequent order of the Governor. Provided that no man shall be compelled to serve for a longer period than that for which he was enrolled under this section, except with his own consent

Regiment
may be
temporarily
increased

- 30 **86** Save as hereinafter enacted, all the provisions of this Ordinance, and of any Ordinance amending or extending the same, and of the rules and regulations which may from time to time be in force, shall, so far as they may be applicable, apply to all officers, native officers, British warrant and non-commissioned officers, non-commissioned officers, privates, and enlisted followers enrolled under the last preceding section, and such officers, native officers, British warrant and non-commissioned officers, non-commissioned officers, privates, and enlisted followers shall be deemed to be for all purposes part of the regiment as long as they shall be serving therein

Condition of
service of
persons
temporarily
enrolled

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

Oath on
temporary
enrolment

87 Every non-commissioned officer, private, and enlisted follower temporarily enrolled under this Ordinance shall make the following declaration, and shall confirm his declaration by oath in his native language in such manner as he may declare to be most binding upon his conscience — 5

I, *I B*, do hereby solemnly and sincerely declare and promise that I will be faithful and bear true allegiance to His Majesty King George V, his heirs and successors, and that I will faithfully serve and defend His Majesty the King his heirs and successors, and the Government of the Colony until I am discharged and will obey all orders of His Majesty and of the officers placed over me, and subject myself to all Ordinances, rules and regulations relating to the King's African Rifles now in force, or which may from time to time be in force during my service 10 15

Signature or mark

Declared at _____, this _____ day of _____, 19____, before me _____ 20

Signature of officer

PART V — GENERAL PROVISIONS

Enforcements of Civil Contracts

Native
officer, non-
commissioned
officer, private
or enlisted
follower of
the regiment
not to be
taken from
service except
for criminal
charge or debt
of £20 or
upwards

88 (1) Any native officer, non-commissioned officer, private, or enlisted follower shall be liable to be taken out of the King's African Rifles only by process or execution on account of any criminal charge, or on account of an original debt proved by affidavit of the plaintiff, or of someone on his behalf, to the value of £20 at the least over and above all cost of suit, but not for any original debt not amounting to £20, nor for the breach of any covenant, agreement, or other engagement, nor for having left or deserted his employer or master, or his contract, work, or labour, and all warrants or other process of execution on account of the matters for which it is herein declared that such native officer, non-commissioned officer, private, or enlisted follower is not liable to be taken out of the said service shall be null and void 25 30 35

Plaintiff may
have execution
other than
personal

(2) Any plaintiff, upon notice of the cause of action first given in writing to the officer under whose command the defendant is serving at the date of service of the writ of summons may proceed in any action or suit to judgment, and have execution other than against the body of any native officer, non-commissioned officer, private, or enlisted follower or other than (except as next after mentioned) against the pay due or accruing due to him 40 45

Pay of native
officers, non-
commissioned
officers,
privates or
enlisted
followers of
the regiment
not arrestable
for debt
exception

(3) The pay of any native officer, non-commissioned officer, private, or enlisted follower due or accruing to him at the date of any judgment, or afterwards, shall not be liable to be arrested upon any civil process except in respect of any debt or liability which he may have incurred within three years next before being appointed to the regiment, and for such debt or liability when constituted by decree, his pay may be arrested to an extent not exceeding one-third thereof. Where an order for such arrestment is made the Court making the order shall give notice thereof to the paymaster, and thereupon the amount ordered shall be stopped out of the judgment debt as far as possible until the amount of the decree is made good 50 55

89 (1) Nothing in this Ordinance shall be construed to exempt any person subject to this Ordinance from being proceeded against by the ordinary course of law when accused of any crime or offence punishable under any other law in force in the Colony and whenever any person subject to this Ordinance is accused of any capital crime or of violence or of any offence against person or property punishable by the law of the Colony the officers, native officers, British warrant and non-commissioned officers and soldiers shall use their utmost endeavours to cause such persons to be discovered and secured and delivered over to be tried in the ordinary course of justice

Ordinary
course of law
not to be
interfered
with

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

90. (1) An offender shall not be liable to be tried by court-martial for any offence which has been dealt with summarily by his commanding officer, and shall not be liable to be tried by court-martial or to be punished by his commanding officer for any offence of which he has been acquitted or convicted by a competent civil court or by a court-martial. An offender shall not be liable to be tried by a civil court for any offence which has been dealt with summarily by his commanding officer or for which he has been tried by court-martial

Exemption
from second
trial or
punishment
for same
offence

(2) If any person subject to this Ordinance has been convicted by a competent civil court of any crime or offence he shall not be liable to be punished for the same under this Ordinance, otherwise than by loss of pay under section 53, and in the case of a native officer or non-commissioned officer by reduction to an inferior rank or to the rank of a private, by order of the Governor communicated through the commanding officer, or by dismissal from the regiment, or by the loss of the whole or any period of his previous service reckoning towards discharge or by the loss of all or any good-conduct badges which he may possess, together with forfeiture of the whole or any part of any good-conduct pay of which he is in receipt by order of the Governor communicated through the commanding officer

91 (1) Every person who —

(a) Buys, exchanges, takes in pawn, detains, or receives from any person, on any pretence whatever, or

(b) Solicits or entices any person to sell, exchange, pawn, or give away, or

(c) Assists or acts for any person in selling, exchanging, pawning or making away with,

Unlawful
possession of
arms, etc., of
the regiment

any of the property following namely, any arms ammunition, equipment instruments, regimental necessaries or clothing, issued for the use of officers or soldiers, or any military or air force decorations of an officer or soldier, or any furniture, bedding, blankets, sheets utensils, or stores in regimental charge, or any provisions or forage issued for the use of an officer or soldier or his horse or of any horse employed in the Government service, shall unless he proves either that he acted in ignorance of the same being such

property as aforesaid, or that the same was sold by order or with the consent of the Governor or some competent military authority, or that the same was the personal property of an officer who has retired or ceased to be an officer, or of a soldier who has been discharged, or of the legal personal representatives of an officer or soldier who had died be liable to a fine not exceeding eighty pounds, together with double the value of any property of which such offender has become possessed by means of his offence, or to imprisonment, of either description, for a term not exceeding six months or to both such fine and imprisonment

(2) Where any such property as above in this section mentioned is found in the possession or keeping of any person, such person may be taken or summoned before a Subordinate Court of the First or Second Class, and, if such Court have reasonable cause to believe that the property so found was stolen, or was bought, exchanged, taken in pawn, obtained, or received in contravention of this section, then, if such person does not satisfy the Court that he came by the property so found lawfully and without any contravention of this Ordinance, he shall be liable to the same penalties as are prescribed in the case of contravention of the last preceding sub-section

(3) A person found committing an offence against this section may be apprehended without warrant, and taken, together with the property which is the subject of the offence, before a Subordinate Court of the First or Second Class, and any person to whom any such property as above mentioned is offered to be sold, pawned, or delivered, who has reason to suppose that the same is offered in contravention of this section, may and if he has the power shall, apprehend the person offering such property and forthwith take him, together with such property, before a Subordinate Court of the First or Second Class

(4) A Subordinate Court of the First or Second Class, if satisfied on oath that there is reasonable cause to suspect that any person has in his possession, or on his premises, any property on or with respect to which any offence in this section mentioned has been committed, may grant a warrant to search for such property, as in the case of stolen goods, and any property found on such search shall be seized by the officer charged with the execution of such warrant, who shall bring the person in whose possession the same is found before some Subordinate Court of the First or Second Class, to be dealt with according to law

(5) For the purpose of this section, property shall be deemed to be in the possession or keeping of a person if he knowingly has it in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same is so had for his own use or benefit or for the use or benefit of another

(6) Every person who —

(a) Receives, detains, or has in his possession, any identity certificate, life certificate, or other certificate, or official document evidencing or issued in connection with the right of any person to a military pension, pay, or reserve pay, or to any bounty, allowance, gratuity,

relief, benefit, or advantage granted in connection with military service, as a pledge or security for a debt, or with a view to obtaining payment from the person entitled thereto of a debt due either to himself or to any other person, or

5 (b) Without lawful authority or excuse (the proof whereof shall lie on the accused) has in his possession any such certificate or document, or any certificate of discharge, or any other official document issued in connection with the mobilisation or demobilisation of any of His Majesty's Forces or any member thereof

shall be liable to the like penalty as for an offence under sub-section (1) of this section, and any such certificate or
15 other document shall be deemed to be property within the meaning of this section

Legal Penalties in Matters Respecting Regiments

92 Any person who by any means whatsoever directly or indirectly procures or persuades, or attempts to procure or
20 persuade, any native officer, non-commissioned officer, private, or enlisted follower of the regiment to desert, or who aids, abets, or is accessory to the desertion of any native officer, non-commissioned officer, private, or enlisted follower of the regiment, or who, having reason to believe that any man is
25 a deserter, harbours such deserter or aids him in concealing himself, or aids or assists in his rescue, shall be liable to imprisonment of either description for a term not exceeding six months, and shall in addition be liable to a fine not exceeding twenty pounds or to both such fine and imprisonment
30 ment

Inducing members of the corps to desert

93 Any person who aids, abets, or is accessory to any mutiny, sedition, or disobedience to any lawful command of a superior officer by any native officer, non-commissioned officer, private, or enlisted follower of the regiment, or
35 maliciously endeavours to seduce any native officer, non-commissioned officer, private, or enlisted follower of the regiment from his allegiance or duty, shall be liable to imprisonment of either description for a term not exceeding two years, and shall in addition be liable to a fine not exceeding eighty pounds or to both such fine and imprisonment
40

Inciting to mutiny, etc

94 Whoever, not being a member of the regiment, or being a deserter therefrom, puts on the dress or accoutrements of a person serving in the regiment, or part thereof, or any dress intended to simulate that of the regiment, or part thereof, or any medal or badge which he is not authorised to wear, or takes the name, designation, or character of a person appointed to or serving in the regiment, for the purpose of thereby doing or obtaining to be done any act which he would not be entitled to do or procure to be done
45 of his own authority, or for any other unlawful purpose, shall be liable to imprisonment of either description for a term not exceeding two years, or to a fine not exceeding eighty pounds or to both such fine and imprisonment
50

Personating, penalty

95 All offences under this Ordinance committed by persons not being subject to Part II of this Ordinance shall be prosecuted and all sentences imposed on such persons shall be carried into effect, in the manner provided by the laws in force in the Colony, and the amount of any fines recovered shall be paid to the Treasurer and form part of the public revenue

Procedure where offences committed by other persons

Disposal of fines

Wills and Distribution of Property

Native officer on appointment and soldier on enlistment to register name of person to whom estate is to be paid in the event of his dying intestate

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

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

Form of will

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

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

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

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

Accumulation of pay, etc., if less than £75 may be paid without probate

(2) The paymaster or any officer of the regiment, or of the Treasury or other public department having in his charge or control any pay accumulations of pay, gratuity, other allowance, or any personal property, or money belonging to such testator not exceeding in the aggregate the value of £75 may pay or deliver the same to any person entitled thereto under the will, or to the person entitled to procure probate of, or administration under, such will, although probate or administration may not have been taken out

Probate to be taken if value exceeds £75

If the value of the said money and personal property exceeds the said sum of £75, the paymaster or other officer as aforesaid, having the same in his charge or control, shall require probate or administration to be taken out and thereupon pay and deliver the said money and effects to the legal representative of the deceased

Distribution in cases of intestacy

98 In case any native officer, non-commissioned officer, private or enlisted follower of the regiment dies without having complied with the requirements stated in section 96 of this Ordinance and without having made any valid will under this or any law or ordinance regulating wills for the time being in force the paymaster or other officer having in his charge or control money or personal property of the

deceased as aforesaid may, with the concurrence of the Governor, pay or deliver such money or personal property to any claimant showing herself or himself to the satisfaction of the Governor to be the widow of the deceased or to be
 5 the child or any near relative of the deceased, according to the rules of kinship of the tribe to which the deceased belonged and where there are more such claimants than one, then in such shares and proportion as the claimants would be entitled to receive under the rules of succession prevailing among such
 10 tribe or as nearly as may be

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

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

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

100 In all cases where the money or personal property of the deceased or any part thereof is paid or delivered to
 35 any person as being interested therein by reason of his or her name having been recorded in accordance with section 96 of this Ordinance, or under the will of the deceased, or as his widow or child or near relative, or in any other manner under this Ordinance, any creditor of the deceased shall have the same rights and remedies against such person as if he or she
 40 had received the same as a legal personal representative of the deceased

101 If the money or personal property belonging to the deceased, or any part thereof, remains for one year undisposed of or unappropriated, and without any valid claim
 45 thereto having been made, then the paymaster or other officer having the charge or control thereof shall apply and make over the same towards any fund for the benefit of the regiment which may be prescribed by any order or regulations of the Governor
 50

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

As to payment
of debts

Property
distributed
subject to
rights of
creditors

Money
undisposed of
applied to
regiment fund

Medals and
decorations
excepted

102 Medals, uniforms, and decorations shall not be considered to be comprised in the personal estate of any deceased with reference to claims of creditors, or for any of the purposes of administration under this Ordinance or otherwise, and the same shall be delivered to and held by the company commander, and disposed of according to regulations made by the commanding officer under the authority of the Governor

Application of
money, etc.,
in case of
desertion

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

Provided that in every such case the provisions of section 98 of this Ordinance shall, *mutatis mutandis*, apply as nearly as may be

PART VI—APPLICATION OF MILITARY LAW AND MISCELLANEOUS PROVISIONS

Application of
the Army Act

104 (1) The Army Act and any Articles of War or rules made in pursuance of such Act and for the time being in force, shall, as to the provisions therein contained respecting discipline, apply—

(a) At all times to officers and British warrant or non-commissioned officers appointed to or attached to the regiment

(b) To native officers non-commissioned officers, privates, enlisted followers and followers when on active service, within the meaning of the said Act Provided that any native officer, non-commissioned officer, private, or enlisted follower or follower who is guilty of any offence named in Part II of this Ordinance or in the Army Act when on active service within the meaning of that Act, may be punished as provided by this Ordinance

(c) To native officers, non-commissioned officers, and privates during their residence in the United Kingdom when sent there for the purpose of undergoing instruction or training, or other duty or employment

Application of
this
Ordinance

105 This Ordinance shall apply to native officers, non-commissioned officers, privates, and enlisted followers—

(a) When in the Colony, and

(b) When employed out of and beyond the Colony in accordance with section 4 (3) of this Ordinance, in so far as it may be applicable

Interpretation
of active
service

106 A person subject to this Ordinance shall, if such interpretation be not inconsistent with the context, be deemed to be on active service whenever he is attached to or forms part of a force which is engaged in operations in a country or place wholly or partly occupied by the enemy, or is in military occupation of any country, or is engaged in any punitive patrol, patrol, or escort in any unsettled or disturbed area, or in any area declared by the Governor to be an unsettled or disturbed area

107 The King's African Rifles Ordinance (Chapter 40 of the Revised Edition) is hereby repealed

Provided that all officers and soldiers serving with the King's African Rifles at the date of the commencement of this Ordinance shall be deemed to have been appointed, enlisted, or enrolled under this Ordinance, but shall not be required to serve with the King's African Rifles for a longer period than that for which they were required to serve at the time of appointment, enlistment or enrolment

OBJECTS AND REASONS

1 The object of this Bill is to amend the law governing the administration of the King's African Rifles, which amendment is necessitated by its reorganisation

2 The Bill was originally prepared by the military advisers of the Secretary of State in consultation with the Inspector General of the King's African Rifles, with a view to enactment in all the East African Dependencies, subject to such variations and additions as might be necessary to suit local circumstances in individual dependencies, and in its present form has the approval of the Secretary of State, who has directed its introduction into the Legislative Councils of all the East African Dependencies

3 Apart from the amendments which are specifically dealt with hereunder and also numerous drafting amendments, the Bill is mainly a re-enactment of the existing Kenya law. The phrases and forms of sections of the Army Act have been retained as far as possible, as the terms used in that Act are familiar to the officers who will have to administer the Ordinance

Clause 2—The Supply and Transport Corps, the Northern Brigade Headquarters and the Northern Brigade Signal Section have been included in the definition of "battalion," as it is desired to bring these units under military law in time of peace

Clauses 5 to 42 which differ in form from the corresponding sections of the existing law (Chapter 40 of the Revised Edition), are based on the Army Act

Clauses 46 and 48 incorporate the view of the Secretary of State that the practice in the King's African Rifles as regards corporal punishment should conform to that in force in the West African Frontier Force. Under the existing law the Commanding Officer, in dealing with *any* case summarily, may award corporal punishment not exceeding twenty-four lashes. The Bill, however, provides that, unless the offender be on active service, corporal punishment should not be awarded by the Commanding Officer except for offences committed, while on the line of march, against the persons or property of the inhabitants of the country

Clause 51—This clause provides for the convening of field general courts-martial while on active service

Clause 72—It is considered desirable that a uniform period of enlistment should be provided for, and this has been fixed at six years in the first instance, and three years in the case of re-engagement (clause 74), up to a maximum of eighteen years. It is not considered necessary to make pro-

vision in this Bill to the effect that a man enlisted for a period of six years is entitled to furlough after completing three years' service, as the matter can be dealt with separately by regulations

Clause 75 —The period of furlough to be allowed on re-engagement is not specified in the Bill, but will be provided for in regulations to be made by the Governor

PROCLAMATION No 23

COLONY AND PROTECTORATE OF KENYA

MEETING OF LEGISLATIVE COUNCIL

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, in exercise of the powers vested in me by instructions under the Royal Sign Manual and Signet, dated the 11th day of September, 1920, do hereby direct that a session of the Legislative Council be held at the Memorial Hall, Nairobi, on Wednesday, the 2nd day of April, 1930, at 11 a m

Given under my hand at Nairobi, on this the 11th day of March, 1930

EDWARD GRIGG,
Governor

GOD SAVE THE KING

PROCLAMATION No 24

THE DISEASES OF ANIMALS ORDINANCE
(Chapter 157 of the Revised Edition, section 4)

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

GOVERNMENT NOTICE No 231 OF 1919
PROCLAMATION

IN EXERCISE of the powers thereunto enabling me, I hereby declare that the following Proclamation and portion of Proclamations are revoked —

Proclamation No 22, dated the 19th day of February, 1930

That portion of Proclamation No 157, dated the 19th day of September 1929, declaring Farm L R No 423, Waterloo Farm, Gilgil, Naivasha District, to be an infected area (Sheep pox)

That portion of Proclamation No 112, dated the 24th day of October 1928, declaring Farm L O No 2461, Mt J Wallace, Rumuruti, Laikipia District, that portion of Proclamation No 15, dated the 29th day of January, 1930 declaring Farms L R Nos 2470, 2471 and 2472, Major

W G Edwards, P O Rumuruti, Laikipia District, to be infected areas (Trypanosomiasis)

Those portions of Proclamation No 6, dated the 14th day of January, 1930, declaring Farm L R No 533, Molo Township Reserve, Nakuru District, Farm L R No 3912 Col C Knaggs, Mau Summit, Nakuru District, Farm L R No 570/1, Mt H E Watts, Molo, Nakuru District, those portions of Proclamation No 50, dated the 13th day of June, 1928, declaring Farms L O Nos 2473 and 2474/R, Crown Land Laikipia District, Farm L O No 5280 Mt R R Forester, Gilgil, Naivasha District, Farm L O No 2470, Major G Edwards, Rumuruti, Laikipia District to be infected areas (East Coast Fever)

That portion of Proclamation No 23, dated the 27th day of February, 1923, declaring the North Kavirondo Native Reserve, to be an infected area (Contagious Bovine Pleuro-pneumonia)

Given under my hand at Nairobi this 12th day of March, 1930

H H BRASSEY-EDWARDS
Chief Veterinary Officer

PROCLAMATION No 25

THE DISEASES OF ANIMALS ORDINANCE
(Chapter 157 of the Revised Edition, section 4)

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

GOVERNMENT NOTICE No 231 OF 1919
PROCLAMATION

IN EXERCISE of the powers thereunto enabling me, I hereby declare the areas defined in the Schedule hereto to be infected with East Coast Fever, and I hereby further declare that each of the said areas shall be known as an "Infected Area" for the purposes of Rules under the Diseases of Animals Ordinance

Proclamation No 40, dated the 23rd day of May, 1928, is hereby amended accordingly

Given under my hand at Nairobi this 12th day of March, 1930

H H BRASSEY-EDWARDS,
Chief Veterinary Officer

SCHEDULE

Farm L R No or other description	Owner.	District	Date of commencement of quarantine
Farms L R Nos 4473, 2603 and 3367	Messrs Shaw Bros, and Matthias, P O, Narro Moru	Laikipia	22-2-30

GOVERNMENT NOTICE NO 134.

ARRIVAL

Name	Rank	From leave or on 1st Appointment	Date of leaving England	Date of Embarkation	Date of arrival at Mombasa
C R Levie	Bornie Foreman Public Works Department	1st Appointment	24th Feb, 1930 *	2 th Feb 1930 †	6th Mar, 1930

* Date of leaving Pretoria

† Date of leaving Lourenco Marques

DEPARTURES

Name	Rank	On leave or termination of appointment	Date of Departure
F Rhodes J Wainburton	Drill Foreman, Public Works D pt European Police Constable	Leave do	10th Mar, 1930 16th Mar 1930

APPOINTMENTS

- S/E 20064/15
- ✓ CECIL JAMES JUXON TALBOT BARTON, Administrative Officer, attached for duty in the Secretariat, with effect from the 17th January 1930
- ✓ MAJOR BRIAN WILLOUGHBY BOND, M.C., to be Assistant District Commissioner, South Kavirondo District, Nyanza Province, with effect from 4th March, 1930
- ✓ DOUGLAS OLIVER BRUMAGE, to act as District Commissioner, South Lumbwa District, Nyanza Province, with effect from 19th February 1930
- ✓ AUBREY CHARLES MADGEWICK MULLINS to be Assistant District Commissioner, Meru District, Kikuyu Province, with effect from 4th February, 1930
- ✓ ROWLAND WILLIAM CUNNINGHAM BAKER BEALL to be Assistant District Commissioner, Fort Hall District, Kikuyu Province, with effect from 8th February, 1930
- ✓ HOLLESTER GRATION OLDFIELD, to be Assistant District Commissioner, Nairobi District, Kikuyu Province, with effect from 24th January, 1930
- ✓ DAVID LOFFUS MORGAN, to be Assistant District Commissioner, Embu District, Kikuyu Province with effect from 19th February, 1930

KINYA AND UGANDA RAILWAYS AND HARBOURS

ENGINEER LIEUTENANT COMMANDER JOHN GEORGE BARWICK SAMB, R.N., (retired) M.I.Mech.E., M.I.E.C.E., to be Locomotive Superintendent with effect from 29th November, 1929

PROMOTIONS

S/E 20064/8

HAROLD JOHN WEPSLEY, to be Chief Accountant, Public Works Department, with effect from 10th November, 1929

S/E 20064/3

HERBERT GEORGE MURSTEAD, to be Chief Storekeeper, Public Works Department, with effect from 10th November, 1929

S 20064/8

FREDERICK EDMUND MURRILL to be Hydraulic Engineer, Public Works Department, with effect from 6th March 1929

REVERSION

S 20064/5

ALBERT EDWARD MARRIOTT, T.M.S. reverted to duty as Hydrographic Surveyor on 16th February, 1930

J. L. S. MERRICK,
for Colonial Secretary

GOVERNMENT NOTICE No 135

THE INDIAN POST OFFICE ACT, 1898
AND
THE POST OFFICE (AMENDMENT) ORDINANCE
NOTIFICATION

IN EXERCISE of the powers conferred upon him by section 7 and 10 of the Indian Post Office Act, 1898, as applied to the Colony, and the Post Office (Amendment) Ordinance (Chapter 117 of the Revised Edition) and all other powers thereunto enabling him, His Excellency the Governor in Council has been pleased to notify and declare, with effect from the first day of April, 1930, that the rates on postal articles hereinafter referred to shall be as under —

INLAND

Letters

	<i>Sh Cts</i>
For a weight not exceeding 1 oz	0 15
For each additional 1 oz or fraction thereof	0 10

Postcards

Single postcard	0 10
-----------------	------

BRITISH POSSESSIONS

Letters

For a weight not exceeding 1 oz	0 15
For each additional 1 oz or fraction thereof	0 10

The rates shown in Chapter 117 of the Revised Subsidiary Legislation (pages 1112 and 1113) are hereby amended accordingly

By Command of His Excellency the Governor in Council
Nairobi,

This 12th day of March, 1930

J E S MERRICK,
Clerk to the Executive Council

GOVERNMENT NOTICE NO 136

THE TOWNSHIPS ORDINANCE

RULES

IN EXERCISE of the powers conferred upon him by section 3 of the Townships Ordinance (Chapter 82 of the Revised Edition), His Excellency the Governor in Council has been pleased to make the following Rules —

1 These Rules may be cited as “ the Kacheliba Township (Amendment) Rules, 1930 ”, and shall be read as one with the Kacheliba Township Rules appearing at page 523 of the Revised Subsidiary Legislation, hereinafter called “ the Principal Rules ”

2 Paragraph (d) of the Schedule to the Principal Rules is hereby revoked, and the following substituted therefor —

(d) Permit to keep cattle, etc

	Cents
Permit to keep cattle, maximum not to exceed ten head, per head, per mensem or part thereof	50
Permit to keep horses, mules, camels, donkeys, per head, per mensem or part thereof	50
Permit to keep sheep, goats and pigs, per head, per mensem or part thereof	20

By Command of His Excellency the Governor in Council
Nairobi,

This 5th day of March, 1930

J E S MERRICK,
Clerk to the Executive Council

GOVERNMENT NOTICE NO 137

THE DISEASES OF ANIMALS ORDINANCE

RULES

IN EXERCISE of the powers conferred upon him by section 13 of the Diseases of Animals Ordinance (Chapter 157 of the Revised Edition), His Excellency the Governor in Council has been pleased to make the following Rules —

1 These Rules may be cited as “ the Diseases of Animals (Amendment) Rules, 1930,” and shall be read as one with the Diseases of Animals Rules (Chapter 157 of the Revised Subsidiary Legislation), hereinafter called “ the Principal Rules ”

2 Schedule A to the Principal Rules is hereby amended by the deletion of the price of 20 cents per dose for Quarter Evil (Blackquarter) Vaccine and the substitution therefor of the price of 30 cents per dose

By Command of His Excellency the Governor in Council
Nairobi,

This 15th day of March, 1930

J E S MERRICK,
Clerk to the Executive Council

GOVERNMENT NOTICE No 138

THE CUSTOMS MANAGEMENT ORDINANCE,
1926

ORDER

WHEREAS by virtue of section 47 of the Customs Management Ordinance, 1926, it is provided (*inter alia*) that the Governor may, if he thinks fit, from time to time by order published in the Gazette prohibit the importation into the Colony and Protectorate of Kenya of any goods or class of goods

Now, therefore, it is hereby ordered by the Governor that the importation into the Colony and Protectorate of Kenya of the following goods is prohibited, that is to say —

(a) Trade spirits of every kind and beverages mixed with these spirits,

and

(b) distilled beverages containing essential oils or chemical products which are recognized as injurious to health, such as thujone, star anise, benzoic aldehyde, salicylic esters, hyssop and absinthe

By Command of His Excellency the Governor

Nairobi,

This 11th day of March, 1930

H M -M MOORE,
Colonial Secretary

GOVERNMENT NOTICE No 139

MINING ORDINANCE, 1925

NOTICE is hereby given under section 29 of the above Ordinance that a Sole Exploration Licence has been issued as follows —

- | | |
|---------------|--|
| (a) Licensees | Charles Edward Brown
Harry Barnett Dunman |
| (b) Area | Approximately 110 sq miles (defined by Government Notice No 609 in <i>Official Gazette</i> of 1st October, 1929) |
| (c) Term | One year from 7th March, 1930 |
| (d) Minerals | Excluding coal, oil and common minerals |

2 A plan of the area may be inspected at the office of the Warden of Mines, Survey and Registration Department, Government Road, Nairobi

Nairobi,

13th March, 1930

H J SNELGAR,
for Acting Commissioner of Mines

GOVERNMENT NOTICE No 140

CONFIRMATION OF ORDINANCE

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance (No XX of 1929) —

“An Ordinance to Amend the Stock and Produce Theft Ordinance ”

By Command of His Excellency the Governor

Nairobi,

Dated this 10th day of March, 1930

J L WILLCOCKS,

for Colonial Secretary

GOVERNMENT NOTICE No 141

THE LOCAL GOVERNMENT (DISTRICT COUNCILS) ORDINANCE, 1928

NOTICE

IN EXERCISE of the powers conferred upon him by Rule 2 of the District Councils (Filling of Vacancies) Rules, 1929, His Excellency the Governor has been pleased to nominate the following persons to fill vacancies in respect of North Gilgil, Lake and Naivasha Wards on the District Council of Naivasha constituted under section 6 of the Local Government (District Councils) Ordinance, 1928 —

North Gilgil Ward

Mr H C Allison
Capt G le Blanc Smith
Mr R Hall
Col S Paterson, C B E

Lake Ward

Mr H W Attenborough
Mr A R McCrae

Naivasha Ward

Mr W Pickford
Mr H J A Turner

By Command of His Excellency the Governor

Nairobi,

7th March, 1930

H M-M MOORE,
Colonial Secretary

GOVERNMENT NOTICE No 142

THE LOCAL GOVERNMENT (DISTRICT COUNCILS) ORDINANCE, 1928

UASIN GISHU DISTRICT COUNCIL ELECTION

IT is hereby notified in accordance with the provisions of section 29 (1) of the Local Government (District Councils) Ordinance, 1928, that the following candidates were declared duly elected at the first election of members of the Uasin Gishu District Council held on Monday, March 3rd, 1930

Soy Ward

Mr A C Hoey
Mr P R J Heald
Mr J H Englebrecht

Sergoit Ward

Capt C J Theunissen
Capt K Rawson-Shaw
Dr E S Marshall

Southern Plateau Ward

Mr J S Barnard
Mr W Klapprott
Mr G B Mousley

Nairobi,

11th March, 1930

W M LOGAN,
*Acting Commissioner for Local Government,
Lands and Settlement*

GOVERNMENT NOTICE No 143

THE LOCAL GOVERNMENT (DISTRICT COUNCILS) ORDINANCE, 1928
NOTICE

IN EXERCISE of the powers conferred upon him by Rule 2 of the District Councils (Filling of Vacancies) Rules, 1929 His Excellency the Governor has been pleased to appoint the following persons to fill vacancies in respect of the Kipkaren Ward on the Uasin Gishu District Council constituted under section 6 of the Local Government (District Councils) Ordinance, 1928 —

Lt -Col A D Stitt, D S O
Capt J W Newton
Mr L S Spencer

By Command of His Excellency the Governor
Nairobi,
11th March, 1930

H M-M MOORE,
Colonial Secretary

GOVERNMENT NOTICE No 144

THE DETENTION CAMPS ORDINANCE, 1925
NOTICE

IN EXERCISE of the powers conferred upon him by section 3 of the Detention Camps Ordinance, 1925, His Excellency the Governor is pleased to declare the Camp at Ngong to be a Detention Camp for the purposes of the aforesaid Ordinance and His Excellency is further pleased to appoint as officer in charge of such Detention Camp, the Senior Commissioner Masai Province

By Command of His Excellency the Governor
Nairobi,
This 11th day of March, 1930

J E S MEPRICK
for Colonial Secretary

GOVERNMENT NOTICE No 145

THE NATIVE AUTHORITY ORDINANCE
(Chapter 129 of the Revised Edition as amended by the Revised Edition of the Laws (Operation) Ordinance, 1926, section 20)

AND

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

GOVERNMENT NOTICE No 406 OF 1926

NANDI LOCAL NATIVE COUNCIL

IN EXERCISE of the powers thereunto enabling me I hereby appoint the persons named in the Schedule annexed hereto to be members of the Local Native Council named therein

Nairobi,
This 1st day of March, 1930

G V MAXWELL,
Chief Native Commissioner

SCHEDULE

NANDI LOCAL NATIVE COUNCIL

Nominated by Government

Sileta aiap Kibeles, Location 26, vice Kome aiap Samway, deceased
Kanyango aiap Chemaget, Location 22, additional member

GOVERNMENT NOTICE No 146

NATIVE AUTHORITY ORDINANCE
(Chapter 129 of the Revised Edition, section 3 (1))

AND

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

GOVERNMENT NOTICE No 406 OF 1926

APPOINTMENT

IN EXERCISE of the powers thereunto enabling me I have appointed the person named in the Schedule annexed hereto to be Official Headman for the area named therein

Nyeri
12th March, 1930

E B HORNE,
Senior Commissioner

SCHEDULE

EMBU DISTRICT, KIKUYU PROVINCE

Name	Area	With effect from	Remarks
Ng'entu wa Sambutu	Mitindua Location (B9)	15th Feb, 1930	On 6 months probation as from 15th Feb, 1930, vice Mbogoli wa Mwenda, resigned

GOVERNMENT NOTICE No 147

THE NATIVE AUTHORITY ORDINANCE
(Chapter 129 of the Revised Edition, Section 3 (1))

AND

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

GOVERNMENT NOTICE No 406 OF 1926

APPOINTMENT

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

South Nyeri,
7th March, 1930

E B HORNE,
Provincial Commissioner,
Kikuyu Province

SCHEDULE

SOUTH NYERI DISTRICT KIKUYU PROVINCE

Name	Area	With effect from	Remarks
Kuria wa Njogu	Iriani	1st Mar, 1930	Vice Kagagi wa Machiri deposed

GOVERNMENT NOTICE No 148

THE NATIVE AUTHORITY ORDINANCE
(Chapter 129 of the Revised Edition, Section 3 (1))
AND
THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE
(Chapter 1 of the Revised Edition, Section 13)
GOVERNMENT NOTICE No 406 of 1926
APPOINTMENTS

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the persons named in the Schedule annexed hereto to be Official Headmen for the areas named therein

Machakos, W F G CAMPBELL,
March, 1930 Senior Commissioner, Ukamba

SCHEDULE

UKAMBA PROVINCE, KITUI DISTRICT

Name	Area	With effect from	Remarks
Musiya wa Mutinda	Mutha	1st Mar, 1930	Vice Mutinda wa Nguluki resigned Appointed by Government Notice No 98 of 1925
Mulungi wa Mukwekwe	Ndatani	1st Mar, 1930	Vice Mukwekwe wa Nguli, resigned Appointed by Govt Notice No 176 of 1924 Both on 6 months' probation

GOVERNMENT NOTICE No 149

THE NATIVE AUTHORITY ORDINANCE
(Chapter 129 of the Revised Edition, section 3 (1))
AND
THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE
(Chapter 1 of the Revised Edition, section 13)
GOVERNMENT NOTICE No 406 of 1926
APPOINTMENT

IN EXERCISE of the powers thereunto enabling me, I have appointed the person named in the Schedule annexed hereto to be Official Headman for the area named therein

Kisumu, C M DOBBS,
11th March, 1930 Provincial Commissioner, Nyanza

SCHEDULE

SOUTH KAVIRONDO DISTRICT, NYANZA PROVINCE

Name	Area	With effect from	Remarks
Magabe s/o Mwita	Bukira	1st Feb, 1930	Vice Headman Matoke, discharged Appointed under Govt Notice 398 of 19th Oct, 1921 (6 months probation)

GOVERNMENT NOTICE No 150

THE COMPANIES ORDINANCE
(Chapter 93 of the Revised Edition)

PURSUANT to section 247, subsection 3 of the above Ordinance, it is hereby notified that at the expiration of three months from date hereof, the name of the undermentioned Company will, unless cause be shown to the contrary, be struck off the Register of Companies, and the Company will be dissolved —

S Jacobs (Nakuru), Limited

Nairobi,
This 11th day of March, 1930

W M KEATINGE,
Registrar of Companies

GOVERNMENT NOTICE No 151

THE COMPANIES ORDINANCE
(Chapter 93 of the Revised Edition)

PURSUANT to section 247, subsection 5 of the above Ordinance, it is hereby notified that the undermentioned Companies have this day been struck off the Register of Companies, and the Companies are dissolved —

- 1 Findlater's Agencies, Limited
- 2 The Laikipia Transport Company, Limited
- 3 The Civil Service (B E A) Co-operative Society, Limited

Nairobi,
This 11th day of March, 1930

W M KEATINGE,
Registrar of Companies

GOVERNMENT NOTICE No 152

THE COMPANIES ORDINANCE
(Chapter 93 of the Revised Edition)

PURSUANT to section 247, subsection 5 of the above Ordinance, it is hereby notified that the undermentioned Companies have this day been struck off the Register of Companies, and the Companies are dissolved —

- 1 The Naivasha Hotel, Limited
- 2 Timboia Estates, Limited

Nairobi
This 12th day of March, 1930

W M KEATINGE,
Registrar of Companies

GOVERNMENT NOTICE No 153

THE COMPANIES ORDINANCE
(Chapter 93 of the Revised Edition)

PURSUANT to section 247, subsection 5 of the above Ordinance, it is hereby notified that the under mentioned Company has this day been struck off the Register of Companies, and the Company is dissolved —

The Ocean Trust Company, Limited

Nairobi,

This 15th day of March, 1930

W M KEATINGE,
Registrar of Companies

GOVERNMENT NOTICE No 154

THE GAME ORDINANCE
(Chapter 161 of the Revised Edition, section 3)

AND

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

GOVERNMENT NOTICE No 507 of 1928

APPOINTMENT

IN EXERCISE of the powers thereunto enabling me, I hereby appoint Capt Percy Gethin, to be a Game Warden

Nairobi,

This 10th day of March, 1930

A T A RITCHIE,
Game Warden

GOVERNMENT NOTICE No 155

THE DISEASES OF PLANTS PREVENTION
ORDINANCE
(Chapter 155, Revised Edition)

AND

THE DISEASES OF PLANTS PREVENTION
RULES, 1927

AND

THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE
(Chapter 1, Revised Edition)

NOTICE

IN EXERCISE of the powers thereunto enabling me I appoint

W J Whinfield Baker, Chemelil,
D A Irvine, Songhor,
O C Haines, Songhor,
W A Down, Muhoroni,
Brig-Gen A C Lewin, C B, C M G,
D S O, Koru,
Eisdell Cooper, Koru
Sgt Chas Liston Foulis, Fort Ternan,

to be Honorary Inspectors for the purposes of the Diseases of Plants Prevention Rules 1927, in so far as these Rules apply to Stiga Weed

Nairobi,

14th March, 1930

D L BLUNT,
for Director of Agriculture

GOVERNMENT NOTICE No 156

THE DISEASES PLANTS PREVENTION
ORDINANCE
(Chapter 155 of the Revised Edition)THE DISEASES PLANTS PREVENTION
RULES, 1927

AND

THE DISEASES PLANTS PREVENTION
(COFFEE) RULES, 1928

AND

THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE
(Chapter 1 of the Revised Edition)

NOTICE

IN EXERCISE of the powers thereunto enabling me I hereby appoint

Alan Basil Scott Ransford, Dip Agric (Wye),
Alfred Colin Maher, B A, Dip Agric (Cantab),
I C T A,

Edward Walter Gaddum, B SC (Agric), Dip
Agric (Wye),

David Charles Edwards, B SC (Agric),

Norman Humphrey,

Edward Cottingham,

to be Inspectors for the purposes of the Diseases of Plants Prevention Rules, 1927, and the Diseases of Plants Prevention (Coffee) Rules, 1928

Nairobi,

12th March, 1930

ALEX HOLM
Director of Agriculture

GENERAL NOTICE No 367

NOTICE

THE CROWN LANDS ORDINANCE
(Chapter 140, Revised Edition)

In re PERCY MIDDLEDITCH

NOTICE is hereby given that a breach of the lessees covenant in a lease of land situate in the North Nyeri District, of the Kikuyu Province, of the Colony of Kenya, being portion number five of Meridional District, $\frac{\text{South A } 37}{\text{B } 1 \text{ c}}$ (Land Office No 1782), and registered in the Crown Lands Registry in Volume No H 18, Folio No 242, granted to Wilfred Clare Hunter and Arthur Claude Tannahill the benefits of which lease were assigned by an indenture of assignment, dated the 17th day of February, 1926, to Percy Middleditch, has been committed in that the lessees and then assignee have failed to have upon the demised premises improvements of the nature specified in the First and Second Schedules to the said lease

Now therefore, by virtue of the provisions of section 66 of the Crown Lands Ordinance, I, William Maiston Logan the Acting Commissioner of Lands for the Colony and Protectorate of Kenya, do hereby give notice to the said lessees and then assignee that I intend after one month from the service of this notice to commence action in the Supreme Court for the recovery of the said land, and for a declaration that the said lease be forfeited

Dated at Nairobi this 6th day of March 1930

W M LOGAN,
Acting Commissioner of Lands

GENERAL NOTICE NO 368

NOTICE
THE CROWN LANDS ORDINANCE
(Chapter 140, Revised Edition)

In re PERCY MIDDLEDITCH

NOTICE is hereby given that a breach of the lessees' covenant in a lease of land situate in the North Nyeri District of the Kikuyu Province, or the Colony of Kenya, being portion number eleven of Meridional District, ^{containing} 1¹/₂ 8 (Land Office No 1781), and registered in the Crown Lands Registry in Volume No II 18, Folio No 236, granted to Wilfred Clive Hunter, the benefits of which lease were assigned by an indenture of assignment, dated the 17th day of February, 1926, to Percy Middleditch has been committed in that the lessee and his assignee have failed to have upon the demised premises improvements of the nature specified in the First and Second Schedules to the said lease

Now, therefore, by virtue of the provisions of section 66 of the Crown Lands Ordinance, I, William Maiston Logan, the Acting Commissioner of Lands for the Colony and Protectorate of Kenya, do hereby give notice to the said lessee and his assignee that I intend after one month from the service of this notice to commence action in the Supreme Court for the recovery of the said land and for a declaration that the said lease be forfeited

Dated at Nairobi this 6th day of March 1930

W M LOGAN,
Acting Commissioner of Lands

GENERAL NOTICE NO 369

KENYA AND UGANDA RAILWAYS AND
HARBOURS

EXCURSION ROUND LAKE VICTORIA

BY the steamer sailing from Kisumu Pier on the 17th April, 1930, via Jinja and Entebbe, excursion tickets will be issued at a fare of Shs 86/9s 1st class, and Shs 61/74 2nd class, for the round trip lasting 10 days. First class messing on board is Shs 12 per day, in addition to the fare

First and second class tickets will in conjunction with the voyage, be issued from all Kenya Stations to Kisumu Pier by connecting trains at single fare for the return journey

Tickets for the round trip will also be issued from any Lake Victoria port and will be available for the time necessary to perform the journey without break en route

Break of journey is not allowed

All necessary accommodation should be booked in good time at the office of the Superintendent of the Line, Nairobi, owing to the limited number of berths available

Headquarter Offices,
Nairobi,
11th March, 1930

G D RHODES
General Manager,
Kenya and Uganda Railways and Harbours

GENERAL NOTICE NO 370

KENYA AND UGANDA RAILWAYS AND
HARBOURS

EASTER HOLIDAYS, 1930

Excursion Fares

IN connection with the Easter Holidays first and second class excursion tickets will be issued between all Kenya and Uganda Stations and Ports including Moshi also Tanganyika Ports on Lake Victoria, at single fare for the double journey, minimum fare Shs 5

First and second class excursion tickets will also be issued on through bookings between stations on the Tanganyika Railways and all Kenya and Uganda Stations and Ports at single fare for the double journey, minimum fare Shs 10

DATES OF ISSUE AND AVAILABILITY

Tickets will be issued from Saturday, the 12th April, 1930 to Monday, the 21st April, 1930, both dates inclusive the return journey to be completed by midnight on Monday the 22nd May, 1930

The availability of the excursion tickets will not be extended under any circumstances whatever

Intending passengers should give the station master at the starting station 48 hours' notice of their intention to travel, so that the necessary accommodation may be arranged

Passengers are advised to book their luggage well in advance of the starting time of the train by which they intend to travel

Accommodation on the Lake steamer is limited and bookings can only be arranged if berths are available

For particulars of the Round Lake Excursion leaving Kisumu on Thursday, the 17th April, 1930, see separate poster

Note —Excursionists travelling between all Kenya and Uganda Stations and Ports when taking a motor car, motor cycle or a motor cycle and side car with them are granted a discount of 50 per cent on Tourist Book Rates. A certificate must be produced by the passenger at the time of the original despatch, stating that the car or cycle is his private property that he is proceeding on holiday and that he will purchase by the next available train an excursion ticket as advertised herein. Double journey freight less 50 per cent must be paid at sending station. The receiving station will, on the return journey, subject to the availability of the excursion tickets book the car or cycle free

Headquarter Offices,
Nairobi,
11th March, 1930

G D RHODES
General Manager,
Kenya and Uganda Railways and Harbours

THE CROWN LANDS ORDINANCE
(Chapter 140, Revised Edition)

RETURN OF LAND GRANTS, ETC —1st OCTOBER, 1929, TO 31st DECEMBER, 1929

The date of registration of the documents effecting these transactions has not been taken into consideration

Nairobi,
28th February, 1930

W M LOGAN,
Acting Commissioner for Local Government, Lands and Settlement

SCHEDULES
I FARM GRANTS

Name	L R No	Locality	Area in Acres	Stand Premium	Annual Rent	Term Years	Remarks
				Sh cts	Sh cts		
H Treviranus	—	Neat Kilifi	7,500	Nil	1,500 00	999	Granted under conditions for alienation Coast Land General Notice No 1319
The Sagana River Sisal Co, Ltd	1987, 1988 and Part 1994	Fort Hall	6,829	102,435 00	136 58	999	Granted under the scheme for alienation sisal lands, Government Notice No 302 of 1928
G Wilson	—	Kipkarren	130	1 300 00	26 00	999	Extension of present holdings
M Morton	—	do	100	1,000 00	20 00	999	do
A I Freishich	—	do	100	1,000 00	20 00	999	do
T B Scott	—	do	40	1,600 00	10 00	999	do
R W Hoddinott	—	do	40	1,600 00	10 00	999	do
N W Fletcher	—	do	40	1,200 00	10 00	999	do
F W Huntingford	—	do	100	1 000 00	20 00	999	do
F N Fletcher	—	do	40	800 00	10 00	999	do
Major G Edwards	—	Laikipia	45	1,125 00	9 00	999	To give river frontage to present holding
Kilindini Harbour and Wharfs and Estate Co, Ltd	6732	Taveta	6302	38,442 0	1,260 40	999	Accepted tender, General Notice No 1501
Kenya Sugar, Limited	1578, 1579, 1580	Muhoroni	2,997	179 766 00	599 40	999	Accepted tender, General Notice No 885

II TOWNSHIP PLOTS SOLD BY AUCTION

Name	L R No	Locality	Area in Acres	Stand Premium	Annual Rent	Term Years	Remarks
				Sh cts	Sh cts		
Ram Singh and Minder Singh	1/V	Kericho	34435	725 00	96 00	99	Industrial or industrial and residence
Lakha Singh	2/V	Kericho	34435	625 00	96 00	99	do
Lal Singh	3/V	Kericho	34435	625 00	96 00	99	do
Sherkhan Punukhan	4/V	Kericho	34435	625 00	96 00	99	do
Amirkhan B Din and Lalaji Nana-bhai Patel	5/V	Kericho	34435	750 00	96 00	99	do

III TOWNSHIP PLOTS SOLD BY TENDER.

Name	L R No	Locality	Area in Acres	Stand Premium	Annual Rent	Term Years	Remarks
Bombay Trading Co	1/LVI	Nakuru	0 34435	Sh cts 3,000 00	Sh cts 600 00	99	Accepted tender for Theatre Plot General Notice No 1407
Noor Mohamed Kassam	—	Kibwezi	5		200 00	25*	Accepted tender under General Notice No 1238

* Extendable to 99 years on erection of stone, brick or concrete buildings

IV TOWNSHIP PLOTS—DIRECT GRANTS

Name	L R No	Locality	Area in Acres	Stand Premium	Annual Rent	Term Years	Remarks
W G Lillywhite	—	Kilifi	5	Sh cts 200 00	Sh cts 72 00	25	Municipal purposes Small areas of Crown land severed by new road alignments Sold to adjoining plot-holders
Nakuru Municipal Board	—	Nakuru	6			99	
Haji Kassam, Haji Abdulraham and Bros	Portion of Plot 444/V	Mombasa	0 00576	576 00			
D J Patel and Others	Adjoining Plots 1470 and 1471, Limoru Road	Nairobi	0 7	700 00	72 00	99	ditto
A Speke	Sanitary Lane between Plots 29, 28 and 27, Sec No VII	Nakuru		3,000 00		99	ditto
Gilgil Trading Co	5/X	Nanyuki	0 17231	650 00	72 00	99	
S B Suleman	2/XII	Nyeri	0 1148	450 00	72 00	99	
Khuda Bux	Plot in Sec VIII	Nyeri	0 11478	300 00	72 00	99	

V SPORTS GRANTS

Name	L R No	Locality	Area in Acres	Stand Premium	Annual Rent	Term Years	Remarks
Indian Association	—	Nakuru	6	Sh cts	Sh cts 72 00	25	

VI PLOTS FOR RELIGIOUS AND CHARITABLE PURPOSES

Name	L R No	Locality	Area in Acres	Stand Premium	Annual Rent	Term Years	Remarks
				Sh cts	Sh cts		
Church of Scotland Mission	—	Elburgon			72 00	99	Extension to existing plot
Africa Hindu Union	—	Mombasa	0 334		72 00	99	
Salvation Army	—	Nakuru	1 25		72 00	99	
Desai Memorial Committee	—	Nairobi	0 225		72 00	99	
Roman Catholic Mission	—	Voi	1		72 00	99	Church purposes
Roman Catholic Mission	—	Voi	1		72 00	99	Residence
Roman Catholic Mission, Nyeri	—	Nanyuki	1		72 00	99	Church

VII TOWNSHIP PLOT EXCHANGES FOR TOWN PLANNING REQUIREMENTS

Name	L R No	Locality	Area in Acres	Stand Premium	Annual Rent	Term Years	Remarks
				Sh cts	Sh cts		
Walji Hirji and Sons	681 and building for adjoining plot	Nairobi	1057				
Hem Singh and Hazara Singh	698/16 and buildings	Nairobi	1271				
	for Plot in White-house Road		10927				
V F Saldanha	697/1/12 for Plot in Latema Road	Nairobi	45883				
			16439	Sh 15,609 00 on account of excess value			
T McClure	785/4 and buildings for Plot in Victoria Street	Nairobi	08539				
			36999				
E Ruben	785/5 and buildings for Plot in White-house Road	Nairobi	10330				
			36999				
E A Lighterage and Stevedoring Co., Ltd	4 and 5, Sec XIV	Mombasa	66138				
Hassanali Musaji Gapi	Portion of 481/III for	Mombasa	29				
	Portion of 486/III		0001				
			0001				

VIII REVERSION OF FARM

Name	L R No	Locality	Area in Acres	Stand Premium	Annual Rent	Term Years	Remarks
				Sh cts	Sh cts		
Malindi Plantations, Limited	1073	Malindi	477 4				Lessees in reversion

IX ACQUISITIONS OF LAND BY GOVERNMENT

Purchased from	L R No	Locality	Area in Acres	Purchase Price	Remarks
B E A Corporation Byromji Rustomji	— Plots 388 and 389, Sec I	Kilifi Mombasa Main- land North	200 1,700	£600 £7,000	For Township purposes For an Arab school, etc
H W Sear	2462	Laikipia	4,294	£2,248	Extension of Forest Reserve

X APPLICATIONS OUTSTANDING

Name	L R No	Locality	Area in Acres	Stand Premium	Annual Rent	Term Years	Remarks
				Sh cts	Sh cts		
A J Dwen	—	Coast	7,500				Application under General Notice No 1319 in the Official Gazette of 8th October, 1929
N J Desai	—	Kibigori	160				Adjoining present holding
S Jorgensen	—	Kipkairien	100				Extension of present holding
Freeman and Rand Overy	—	Tana River, near Fort Hall	2,376				Application for all land under Government Notice No 302 in the Official Gazette of 12th June, 1923
S Clarke	—	Kasigau	10,000				do
Messrs Sharpe and Hearle	—	Kasigau	23,000				do
Ruiru Sugar Co., Ltd	123	Ruiru	3,000				do
A L Purves	—	Kasigau	50,000				
Major Layzell, Major J R S Hew- lett	—	Kasigau	35,000				
Major Layzell	—	Voi	5,000				
Hon D Finch Hatton	—	Serengetti	100,000				Water boring purposes
Col E E F Homer	—	Serengetti	2,500				do
Major C S Goldman (Teita Conces- sions, Ltd)	—	Mwatate	10,000				Extension of existing holding
Hon R Ward	—	Bura	700				
Messrs Sheldrick and Atkins	—	Laikipia	120				To give river frontage to present holding
Dwa Plantations, Ltd	—	North Nyeri	30				Adjoining present holding
Dwa Plantations, Ltd	—	Ndi	1,000				In exchange for existing fibre concession
C F Lance	—	Voi	5,000				do
	—	Western Mau	290				Portion of Forest Reserve adjoining present holding
A G S Davies-Evans	1251	Nyeri	400				Adjoining present holdings
Col E B Hawkins	2919	Thomson's Falls	961				do

GENERAL NOTICE NO 1893

THE CROWN LANDS ORDINANCE

(Chapter 140, Revised Edition of the Laws of Kenya)

AUCTION OF FARMS

THE grants of the farms specified in the Schedule hereto, will, subject to the provisions of the Crown Lands Ordinance (Chapter 140 of the Revised Laws of Kenya) be offered for sale at the Railway Club, Nairobi, commencing at 10 a.m. on Monday, the 21st March 1930. Plans of the farms may be seen at the Public Map Office Survey and Registration Department, Nairobi or may be had on application to the Surveyor General on payment of Shs 3 postage in respect of each plan required.

The right to withdraw any farm from the auction is reserved to the Commissioner for Local Government, Lands and Settlement.

CONDITIONS OF SALE

Each farm will be auctioned separately.

2. With the exception of subdivisions of L.R. Nos. 1596 and 1597, Kibos, these farms are in the Highlands. Except for the aforementioned subdivisions, the purchase will be confined to Europeans only (or their accredited agents), in conformity with the decision of His Majesty's Government.

3. The highest bidder will be the purchaser, and if any dispute arise as to any bidding, the farm will be put up again at the last undisputed bid.

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

5. Each purchaser shall pay to the auctioneer immediately on the fall of the hammer a deposit of 10 per cent. of his purchase money, and should the same be tendered by cheque such cheque must be accompanied by a Banker's guarantee. In default of such payment the farm may be immediately reoffered for sale, and any subsequent bid by the person who has made default may be ignored or refused.

6. The balance of the purchase money may be paid in full to the Surveyor General on or before the 1st May, 1930, or may be paid in nine equal annual

instalments payable on the 1st day of January in each year the first instalment being payable on the 1st January 1931, and the purchaser shall inform the Surveyor General on or before the 1st May, 1930, which method of payment he desires to adopt.

7. If the purchaser shall have elected to pay the balance of the purchase money by instalments no portion of the land granted or any part shall be sold until the whole of the purchase money shall have been paid.

8. A fee of Shs 100 due to the 31st day of December, 1929, in survey fees and the fees payable for the purchase of the grant (Shs 50), and registration (Shs 20) of the grant and the stamp duty payable (approximately 2 per cent. ad valorem) in respect of the grant and, if the purchaser shall have elected to pay the balance of the purchase money in full, the balance of the purchase money, shall be paid to the Surveyor General at the Survey and Registration Department, Nairobi, on or before the 1st May, 1930 and upon such payment being duly made, the purchaser shall, subject to the provisions of the Crown Lands Ordinance (Chapter 140 Revised Edition of the Laws of Kenya), and if the conditions on the plan have been complied with be entitled to a grant of the farm which grant will be presented to him duly executed as soon as conveniently may be.

9. If the payments mentioned in Condition No. 8 are not made on or before the 1st May, 1930, the Commissioner for Local Government, Lands and Settlement may order that the deposit paid by the purchaser be forfeited to the Government, and in such case the purchaser shall have no further claim to a grant of the farm.

10. The grants will be under the provisions of the Crown Lands Ordinance (Chapter 140 of the Revised Edition of the Laws of Kenya) and the Registration of Titles Ordinance (Chapter 142 of the Revised Edition of the Laws of Kenya), and will be for 999 years commencing from the 1st day of April 1930. Rent will be payable from that date.

Nairobi

The 23rd day of December, 1929

W. M. LOGAN,

Acting Commissioner for Local Government,
Lands and Settlement

SCHEDULE

LOCALITY	L.R. No.	Original L.R. No.	Approx. Area Acres Net	Approx. Rent per annum	Proportionate Rent from 1-4-1930 to 31-12-1930	Upset Price	Survey Fees Approx.
				Shs cts	Shs cts	Shs	Shs
*Kibos	1596 and 1597 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13		160 each	37 00	24 each	6400 each	316 each
Solar	2657		1, 45	325 00	24 45	52,000	836
Athi	2706		1,000	200 00	150 00	5000	676
"	2704		2,574	514 00	325 10	25,700	1,024
"	2705		4,577	925 40	701 55	23,335	1,316

SCHEDULE—*Contd*

LOCALITY	L R No	Original L R No	Approx Area Acres Net	Approx Rent per annum	Proportionate Rent from 1-4-1930 to 31-12-1930	Upset Price	Survey Fees Approx
				<i>Sh cts</i>	<i>Sh cts</i>	<i>Sh</i>	<i>Sh</i>
Kijabe	1543		2,673	535 60	401 70	20 085	1,024
Naivasha	1555		2,458	491 60	368 70	18,435	996
Eburu	6233	1856/1	4,792	858 40	643 80	23,960	1,344
Nandi	1473		1,626	325 20	243 90	32,520	836
North Nyeri	2791		4,021	804 80	603 60	20,120	1,236
"	2792		3,485	697 00	522 75	17,425	1,156
Nanyuki	2761		4,274	854 80	641 10	42,740	1,264
Nyeri	3397		1,000	200 00	150 00	25,000	676
"	2206		1,018	203 60	152 70	40,720	676
"	2264/R2		260	52 00	39 00	10,400	384
"	2264/R3		270	54 00	40 50	10,800	384
Laikipia	2451/R		3,890	778 00	583 50	11,670	1,210
"	2606		1,462	292 40	219 30	21,930	784
"	2401		1,869	373 80	280 35	11,214	864
"	2441		4,698	939 60	704 70	14,094	1,316
"	2561		4,308	861 60	646 20	12,924	1,264
"	2580		2,430	486 00	364 50	7,290	996
"	3281		2,075	415 00	311 25	8,300	916
"	3252		4,322	864 40	648 30	21,610	1,290
"	2543		2,024	404 80	303 60	8,096	916
"	2454		4,733	946 60	709 95	14,199	1,344
"	3207		2 396	479 20	359 40	7,188	970
"	3265		2,433	486 60	364 95	9,732	996
"	2400		3,585	717 00	537 75	21,510	1,184
"	2495		4,628	925 60	694 20	27,768	1,316
"	2542		2,137	427 40	320 55	8,548	916
"	6397	3302, 3298, 3297, 3296, 3295, 2509 3299 3300, 3301	2,441	488 20	366 15	12,205	996
*	6398	2506, 3283, 3284, 3285, 3286, and por tion of 2628	932	86 40	139 80	6,990	676
*	6399	2507, 3291, 3289, 3290, 3292, portion of 3293, port- ion of 3294,					
"	6400	portion of 2628 Portion of 3293, portion of 3294	1,815	363 00	272 25	13,612/50	864
"	6940	2469, portion of 2474R	1,627	325 40	244 05	8,135	836
"	6941	2473, portion of 2474R	4,405	881 00	660 75	66,075	1,236
"	2471		5,695	1,139 00	854 25	22,780	1,450
"	2472		2,913	582 60	436 95	34,956	1,076
"	2405		3,387	677 40	508 05	33,870	1,156
"	2466		3,997	799 40	599 55	19,985	1,236
"	2646		3,726	745 20	558 90	55,890	1,184
"	2644		1,480	296 00	222 00	29,600	784
"	2642		1 619	323 80	242 85	32,380	810
"	2641		1 342	268 40	201 30	26 840	756
"	6942	3266, 2503, 2493	1,260	252 00	189 00	25,200	730
"	6943	2443, 2414	9,452	1,890 40	1,417 80	47,260	1,850
*	2627/1		8,447	1,689 40	1,267 05	42,235	1,744
*	4423/3		1,340	268 00	201 00	6,700	756
*	4423/2		147	29 40	22 05	588	†280
"			624	124 80	93 60	2,496	†1,160

The farms marked thus * require survey. The area as finally determined may prove to be greater or less than that indicated in the Schedule. The purchase price and rental will be subject to alteration proportionately.

† Special surveys

N.B.—Farms Nos 2431/R, 2451, 2820, 2888 and 1749 have been withdrawn from the Schedule.

GENERAL NOTICE NO 302

CROWN LANDS ORDINANCE
(Chapter 140 of the Revised Edition)

TENDERS FOR GRANT OF HOTEL PLOT, NANYUKI

TENDERS are invited for the grant of a plot at Nanyuki specified in the Schedule hereto

2 A plan of the plot may be seen at the offices of the Survey and Registration Department, Nairobi, or at the office of the District Commissioner, North Nyeri, or may be had on application to the Surveyor General, Nairobi, on payment of Shs. 3, post free

3 The grantee of the plot will be required to erect on the plot within 2 years from the commencement of the grant a main hotel building of approved design constructed of stone, burnt brick or concrete on proper foundations to a value of not less than £2,500

4 The plot may be used for the purpose of an hotel only

5 No building shall be erected on the plot unless plans (including block plans showing the position of the buildings) drawings, elevations and specifications thereof shall have been previously approved by the Local Authority, and by the Commissioner for Local Government, Lands and Settlement, or such other person as he may appoint. Such plans, etc., shall be submitted in triplicate to the District Commissioner, North Nyeri, for necessary action

6 The grantee of the plot will be required, when called upon to do so, to construct an access road and a bridge of approved materials and design between the plot and the Nyeri road. Facilities will be provided for this road to cross Crown land on an approved alignment

7 The term of the grant will be 99 years from the 1st day of May, 1930, and the grant will be issued under the Registration of Titles Ordinance (Chapter 142 of the Revised Edition)

8 The grantee shall not at any time subdivide the plot or assign, sublet or otherwise dispose of any portion of the plot without the previous consent of the Governor

9 The grantee of the plot shall pay to the Commissioner for Local Government, Lands and Settlement within 7 days of the acceptance of his tender 25% of the purchase money, together with the rent due to the 31st December, 1930. In the default of such payment the sale of the plot may be cancelled

10 The balance of the purchase money shall be paid to the Commissioner for Local Government, Lands and Settlement while the survey fees, 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 Surveyor General, Nairobi. All these amounts shall be paid within seven days of a request for payment being made, when the grant is ready for execution. If these amounts be not paid within the time stated, the Commissioner for Local Government, Lands and Settlement may order the deposit made by the grantee to be forfeited, and the grantee shall have no further claim to the grant of the plot

11 No tender of less than the amount stated in the Schedule hereto will be considered

12 Tenders in writing must be submitted to the Commissioner for Local Government, Lands and Settlement, Nairobi, in sealed envelopes marked "Tender for Nanyuki Hotel Plot," on or before the 31st day of March, 1930

13 The highest or any tender will not necessarily be accepted

SCHEDULE

Area Acres Approx	Rent per annum Shs	Minimum Tender Shs	Survey Fees	Proportionate rent from 1st May to 31st Dec, 1930 Shs
10	672	2,800	To be assessed on completion of work	448

N B —The plot has not yet been surveyed, and the precise boundaries are liable to adjustment

Nairobi,
26th February, 1930

W. M. LOGAN,
Acting Commissioner for Local Government,
Lands and Settlement

GENERAL NOTICE NO 371

PUBLIC WORKS DEPARTMENT

NOTICE TO CONTRACTORS

TENDERS are invited for the building of three Class I Houses at Nairobi. Any person or firm desiring to tender, will on application to the Head Office, Public Works Department, Nairobi, be supplied with a notice indicating where drawings, etc., may be inspected, quantities obtained, deposit required and other particulars. Date for receiving tenders is the 29th day of March, 1930.

Head Office,
Public Works Department,
P O Box 662, Nairobi
12th March, 1930

G H ALLISON,
for Acting Director of Public Works

GENERAL NOTICE NO 372

NAKURU MUNICIPAL BOARD

THE LOCAL GOVERNMENT (RATING) ORDINANCE, 1928

Valuation of Improvements

1 The Nakuru Municipal Board invites tenders from Valuers for the work of making a Valuation of Improvements upon, and unimproved site values of, property lying within the boundaries of Nakuru Municipal area as defined by Proclamation No 18 of 10th January, 1929, published in the Official Gazette of January 15th, 1929.

2 Persons tendering should quote a lump sum for the work, and state the period required for carrying out the valuation.

3 The successful tenderer will be required to comply with the terms of clauses 4, 5 and 6 of the Local Government (Rating) Ordinance, 1928, as regards improvements on property.

4 He will be required also to attend the meetings of the Valuation Court to be appointed under clause 10 of the above Ordinance and, if necessary, to appear and give evidence in the Magistrate's Court at the hearing of any appeals against his valuations.

5 The lowest or any tender will not necessarily be accepted.

6 Sealed tenders marked "Tender for Valuation" should be addressed to the Town Clerk, P O Box 21, Nakuru.

7 Tenders should reach the Town Clerk on or before Tuesday, the 8th of April, 1930.

By Order of the Municipal Board,

Nakuru,
14th March, 1930

T W GRAY,
Town Clerk

GENERAL NOTICE NO 303

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

ISIOLO, 24TH MARCH, 1930

Criminal Case No 21/30 Rex vs Mwerimba s/o Mutikibore
" " " 23/30 Rex vs Diba Omuru Gablaralalbo

RUMURUTI, 28TH MARCH, 1930

Criminal Case No 29/30 Rex vs Ndiranja s/o Kuitu

ELDORET, 5TH MAY, 1930

KISUMU, 12TH MAY, 1930

Criminal Case No 33/30 Rex vs Marogo A Marubet
" " " 34/30 Rex vs Ochieng s/o Otieno

NAKURU, 19TH MAY, 1930

Nairobi,
1st March, 1930

MURRAY M JACK,
*Registrar,
Supreme Court of Kenya*

GENERAL NOTICE NO 373

THE BANKRUPTCY ORDINANCE, 1925

NOTICE OF INTENDED DIVIDEND

Debtor's name—Reginald Bailey*Address*—Nairobi*Description*—Contractor*Court*—H M Supreme Court, Nairobi*Number of matter*—8 of 1929*Last day for receiving proofs*—1st April, 1930*Name of trustee*—Official Receiver*Address*—Old Secretariat Buildings, P O Box No 231, NairobiNairobi,
14th March, 1930B STONE,
for Official Receiver

GENERAL NOTICE NO 374

THE BANKRUPTCY ORDINANCE, 1925

NOTICE OF INTENDED DIVIDEND

Debtor's name—M G Milsom and W Hogarth*Address*—Kabete and Thika*Description*—Formerly carrying on business in partnership at Limuru and Kikuyu*Court*—H M Supreme Court, Nairobi*Number of matter*—48 of 1929*Last day for receiving proofs*—1st April, 1930*Name of trustee*—Official Receiver*Address*—Old Secretariat Buildings, P O Box No 231, NairobiNairobi,
14th March, 1930B STONE,
for Official Receiver

GENERAL NOTICE NO 375

THE BANKRUPTCY ORDINANCE, 1925

APPOINTMENT OF TRUSTEE

Debtor's name—Dhanji Bhimji*Address*—Mombasa*Court*—H M Supreme Court of Kenya, Mombasa*Number of matter*—1 of 1930*Trustee's name*—Bhagwanji Kushalchand, Merchant, a member of the firm of Messrs Jevant Dosabhai & Co, P O Box 21 Mombasa*Date of certificate of appointment*—1st March, 1930Mombasa,
9th March, 1930BHAGWANJI KUSHALCHAND,
Trustee

GENERAL NOTICE NO 376

THE BANKRUPTCY ORDINANCE 1925

ADJUDICATION

Debtors' names—Kaisan Kalyan and Kalvan Manji*Address*—River Road, Nairobi*Description*—Contractors and Builders*Court*—H M Supreme Court, Nairobi*Number of matter*—5 of 1930*Date of order*—12th March, 1930*Date of petition*—9th January, 1930*Date of order for summary administration*—11th February, 1930Nairobi,
14th March, 1930B STONE,
for Official Receiver

GENERAL NOTICE NO 377

THE BANKRUPTCY ORDINANCE, 1925

RECEIVING ORDER, FIRST MEETING OF CREDITORS AND PUBLIC EXAMINATION

Summary Case

Debtor's name—James Jenkins*Address*—Naji Moja, Mombasa*Description*—Clerk*Date of filing petition*—6th March, 1930*Court*—H M Supreme Court Mombasa*Number of matter*—5 of 1930*Date of order*—6th March, 1930*Whether debtor's or creditors' petition*—Debtor's
Date of first meeting of creditors—26th March, 1930*Place*—Office of the Official Receiver, Mombasa*Time*—2-30 p m*Date of public examination*—28th March, 1930*Place*—Supreme Court Mombasa*Time*—10 a mMombasa,
13th March, 1930E J O'FARRELL,
for Official Receiver

GENERAL NOTICE NO 378

THE BANKRUPTCY ORDINANCE, 1925

ADJUDICATION

Debtor's name—Ranchhod Ramji*Address*—River Road, Nairobi*Description*—Blacksmith*Court*—H M Supreme Court, Nairobi*Number of matter*—9 of 1930*Date of order*—7th March, 1930*Date of petition*—18th January, 1930*Date of order for summary administration*—17th February, 1930Nairobi,
14th March, 1930B STONE,
for Official Receiver

GENERAL NOTICE NO 379

THE BANKRUPTCY ORDINANCE, 1925

RECEIVING ORDER

Debtor's name—Des Raj Khosla*Address*—Eldoret*Description*—Vegetable and Fruit Seller, lately trading as the Eldoret Fruit Mart*Date of filing petition*—27th February, 1930*Court*—H M Supreme Court, Nairobi*Number of matter*—20 of 1930*Date of order*—4th March, 1930*Whether debtor's or creditors' petition*—Debtor'sNairobi,
14th March, 1930B STONE,
for Official Receiver

GENERAL NOTICE NO 380

THE BANKRUPTCY ORDINANCE, 1925

RECEIVING ORDER

Debtor's name—J M Daniel*Address*—Rumu*Description*—Farm Manager*Date of filing petition*—5th March, 1930*Court*—H M Supreme Court, Nairobi*Number of matter*—22 of 1930*Date of order*—5th March, 1930*Whether debtor's or creditors' petition*—Debtor'sNairobi,
14th March, 1930B STONE,
for Official Receiver

GENERAL NOTICE NO 381

THE BANKRUPTCY ORDINANCE, 1925

RECEIVING ORDER

Debtor's name—Jiwa Walji, trading as Fruit and Milk Supply Co

Address—Nairobi

Description—Shopkeeper

Date of filing petition—6th March, 1930

Court—H M Supreme Court, Nairobi

Number of matter—23 of 1930

Date of order—7th March, 1930

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

Nairobi,
15th March, 1930

B STONE,
for Official Receiver

GENERAL NOTICE NO 382

THE BANKRUPTCY ORDINANCE, 1925

RECEIVING ORDER

Debtor's name—Khimji Manji

Address—Nairobi

Description—Contractor

Date of filing petition—10th March, 1930

Court—H M Supreme Court, Nairobi

Number of matter—24 of 1930

Date of order—12th March, 1930

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

Nairobi,
15th March, 1930

B STONE,
for Official Receiver

GENERAL NOTICE NO 383

THE BANKRUPTCY ORDINANCE, 1925

RECEIVING ORDER

Debtor's name—F J de Jager

Address—Nyeri

Description—Lately residing at Nyeri, and carrying on business at Nyeri

Date of filing petition—11th March, 1930

Court—H M Supreme Court, Nairobi

Number of matter—25 of 1930

Date of order—12th March, 1930

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

Nairobi,
15th March, 1930

B STONE,
for Official Receiver

GENERAL NOTICE NO 384

THE BANKRUPTCY ORDINANCE, 1925

RECEIVING ORDER

Debtor's name—Longney Hawkins

Address—Nanyuki

Description—Lately residing at Nanyuki, and carrying on business at Nanyuki

Date of filing petition—11th March, 1930

Court—H M Supreme Court, Nairobi

Number of matter—26 of 1930

Date of order—13th March, 1930

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

Nairobi,
15th March, 1930

B STONE,
for Official Receiver

GENERAL NOTICE NO 385

IN THE DISTRICT DELEGATE'S COURT
AT ELDORET

PROBATE AND ADMINISTRATION

CAUSE No 9 OF 1926

IN THE ESTATE OF MAJOR C PARKER TOLSON, DECEASED
To all whom it may concern

TAKE NOTICE that the first and final liquidation and distribution account in the above estate having been filed by the executor Mr A T Hernon, this Court will proceed to examine and pass the same on the 31st March, 1930

Eldoret,
12th March, 1930

C A G LANE,
District Delegate, Eldoret

GENERAL NOTICE NO 386

IN THE DISTRICT DELEGATE'S COURT
AT KISUMU

PROBATE AND ADMINISTRATION

CAUSE No 1 OF 1928

IN THE MATTER OF VISHRAM RAMJI, DECEASED

PURSUANT to an order of the District Delegate, Kisumu, dated 14th May, 1929, by which the undersigned was appointed administrator of the estate of the late Vishram Ramji, who died in the month of January, 1928

TAKE NOTICE that all persons having any claims against the estate of the said Vishram Ramji are required to lodge and prove such claims before me the undersigned on or before the 13th April, 1930, after which date only the claims so proved will be paid and the estate distributed according to law

Kisumu,
P O Box 39,
12th March, 1930

p p MANJI JANMOHAMAD
KASSAM J VIRJEE

GENERAL NOTICE NO 387

IN THE DISTRICT DELEGATE'S COURT
AT ELDORET

PROBATE AND ADMINISTRATION

CAUSE No 18 OF 1928

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE OF FRANCIS WINFIELD DOUGLASS, OF M'VITA, IN THE UASIN GISHU DISTRICT, DECEASED

TAKE NOTICE that application having been made by Russell Francis Bowker Douglass, of M'Vita, Uasin Gishu District, for probate of the Will of the late Francis Wingfield Douglass, of M'Vita aforesaid, who died at Mengo Hospital, Kampala, Uganda on 25th September, 1928, to be granted to him jointly Evelyn May Douglass, and in place of Oscar Fayle to whom probate was granted only until such time as the said Russell Francis Bowker Douglass should have attained the age of twenty-one, namely, February 18th, 1930, 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 20th day of March, 1930

Eldoret,
11th March, 1930

C A G LANE,
District Delegate, Eldoret

GENERAL NOTICE NO 388

PROBATE AND ADMINISTRATION

PUBLIC TRUSTEE'S CAUSE No 11 OF 1930

IN THE MATTER OF MOHAMED ALI ZULE, DECEASED
To all whom it may concern

TAKE NOTICE that on or after the 1st day of April, 1930, I intend to apply to the Supreme Court of Kenya at Nairobi, for an order to administer the estate of the above-named Mohamed Ali Zule, who died at Nakuru on the 1st day of February, 1930

Nairobi,
13th March, 1930

W M KEATINGE,
Public Trustee

GENERAL NOTICE No 389

PROBATE AND ADMINISTRATION
SUPREME COURT CAUSE No 18 OF 1930
PUBLIC TRUSTEE'S CAUSE No 2 OF 1930

IN THE MATTER OF GEORGE DAVIDSON STOBO, DECEASED
To all whom it may concern

PURSUANT to an order of the Supreme Court of Kenya, dated the 26th day of February, 1930, by which the undersigned was appointed administrator of the estate of the late George Davidson Stobo, who died on the 8th day of January, 1930

TAKE NOTICE that all persons having any claims against the estate of the said George Davidson Stobo are required to lodge and prove such claims before me the undersigned on or before the 18th day of May, 1930, after which date only the claims so proved will be paid and the estate distributed according to law

Nairobi, 14th March, 1930 W M KEATINGE,
Public Trustee

GENERAL NOTICE No 390

PROBATE AND ADMINISTRATION
SUPREME COURT CAUSE No 20 OF 1930
PUBLIC TRUSTEE'S CAUSE No 121 OF 1929
IN THE MATTER OF SORABJEE FAKIRJEE GANDEVIA,
DECEASED

To all whom it may concern

PURSUANT to an order of the Supreme Court of Kenya, dated the 6th day of March 1930, by which the undersigned was appointed administrator of the estate of the late Sorabjee Fakirjee Gandevia, who died on the 6th day of November 1929

TAKE NOTICE that all persons having any claims against the estate of the said Sorabjee Fakirjee Gandevia are required to lodge and prove such claims before me the undersigned on or before the 18th day of May, 1930, after which date only the claims so proved will be paid and the estate distributed according to law

Nairobi, 14th March, 1930 W M KEATINGE,
Public Trustee

GENERAL NOTICE No 391

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT NAIROBI

PROBATE AND ADMINISTRATION
CAUSE No 23 OF 1930

NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF
ARTHUR WILLIAM BONE, LATE OF NAIROBI,
DECEASED

TAKE NOTICE that application having been made in this Court by Leonard Munks Wood and Roland Morrison Shaw, of Nairobi, for probate of the Will of Arthur William Bone late of Nairobi, who died at Nairobi on the 18th day of January, 1930, 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 1st day of April, 1930

Nairobi, 13th March, 1930 MURRAY M JACK,
Registrar,
Supreme Court of Kenya

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

GENERAL NOTICE No 392

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT NAIROBI

PROBATE AND ADMINISTRATION
CAUSE No 26 OF 1930

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE OF
PRECIOSA CLAUDIA DE SOUZA, LATE OF MACHAKOS,
DECEASED

TAKE NOTICE that application having been made in this Court by Raymond Francis, alias Jeronimo de Souza, of Machakos for the administration of the estate of Preciosa Claudia de Souza late of Machakos, who died at Machakos on the 28th day of February, 1930 this Court will proceed to issue same unless cause be shown to the contrary and appearance in this respect entered on or before the 2nd day of April, 1930

Nairobi, 15th March, 1930 MURRAY M JACK,
Registrar,
Supreme Court of Kenya

GENERAL NOTICE No 393

THE PATENTS AND DESIGNS ORDINANCE

CERTIFICATE OF ENTRY IN THE REGISTER OF PATENTS
Certificate No 175

This is to certify that an entry has been made in the Register of Patents in the name of Paul Elberding, of 43, Waldstrasse, Sande, near Beigedorf, Germany, and Hansa Kalte-Industrie, G m b H, of 10, Kampschussee, Beigedorf, near Hamburg, Germany, as appears in the Schedule hereto

This certificate is issued in pursuance of section 8 of the above-mentioned Ordinance

Seal of the Patent Office,

Date, 12th March, 1930

W M KEATINGE,
Registrar

SCHEDULE

Number of application —175

Date of application —12th March, 1930

Name of applicants —Paul Elberding, and Hansa Kalte-Industrie, G m b H

Address of applicants —43, Waldstrasse Sande, near Beigedorf, and 10, Kampschussee, Beigedorf, near Hamburg, Germany

Number and date of patent (Certificate of Registration) in the United Kingdom —No 313,825 of 29th September, 1928

Nature of patent —Improvements in lubricants for refrigerating machines

Documents, etc, filed in Registry —

- 1 Application
- 2 Two certified copies of the specification of the United Kingdom Patent
- 3 Certificate of the Comptroller General of the United Kingdom Patent Office giving full particulars of the issue of the patent

W M KEATINGE,
Registrar of Patents

GENERAL NOTICE No 394

NOTICE

NOTICE is hereby given that the business carried on by me, Muljibhai Manorbhai Patel at Narok, under the name or style of Narok Stores, was on and from the 1st day of November, 1929, sold as a going concern to Mr Prabhudas Gordhimbhai Patel, who until then was my attorney appointed under power of attorney, dated 10th January, 1929, which is hereby cancelled. All outstanding prior to the 1st of November, 1929, should be paid either to me or to the said Prabhudas Gordhimbhai Patel who has authority to collect the same and give receipts therefor

Dated this 12th day of March, 1930

MULJIBHAI MANORBHAI PATEL

GENERAL NOTICE No 395

NOTICE

To all whom it may concern

NOTICE is hereby given to all persons concerned that the partnership business of coffee hitherto carried on at Nairobi by the undersigned partners in the name of Colonial Coffee Syndicate has been dissolved as and from the 8th day of March, 1930, and that Premchand Popat one of the undersigned partners has taken over the whole partnership business, including outstanding and liabilities, who would hereafter carry on the said business in the said name of Colonial Coffee Syndicate and receive all previous debts due to and by the partnership and Akbaralli Hassanalli the other partner has retired from the said firm

Nairobi, 11th March, 1930

PREMCHAND POPAT
AKBARALLI HASSANALLI

RATES OF SUBSCRIPTION TO OFFICIAL GAZETTE

	<i>Sh</i>	<i>cts</i>
For one year	25	00
„ six months	13	00
„ three months (excluding postage)	6	50
„ three months (including postage)	7	50
Single copy (excluding postage)	0	50
Single copy (including postage)	0	60

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All Notices and Advertisements must be prepaid. To save delay Notices and Advertisements sent direct by Post should be accompanied by remittance

Matter for publication should reach the GOVERNMENT PRINTER not later than 1 p m on the Saturday of the week before publication is desired

AUTHORISED SCALE OF CHARGES

	<i>Sh</i>	<i>cts</i>
For insertion in Official Gazette (column)	32	00
„ „ (half column)	16	00
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THE FOLLOWING PUBLICATIONS ARE NOW OBTAINABLE AT THE GOVERNMENT PRESS

Report of the Agricultural Commission (October 23rd, 1929) Price Sh 3/50, Posted, Price Sh 3/75
 Report of the Select Committee on Draft Estimates, 1930 Price Sh 3/50, Posted, Price Sh 3/75
 Colony Estimates of Revenue and Expenditure, 1930 Price Sh 10, Posted, Price Sh 10/35
 Agricultural Census Report, 1929 Price Sh 2, Posted, Price Sh 2/10
 Kenya Blue Book, 1927 Price Sh 10, Posted, Price Sh 12