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SUPPLEMENT

KENYA PROCLAMATIONS, RULES AND REGULATIONS

Section 69 of the Principal Ordinance which it is proposed to amend :—

Ordinary
place of
inquiry and
trial.

69. Subject to the provisions of section 67 and to the powers of transfer conferred by sections 77 and 79, every offence shall ordinarily be inquired into or tried by a court within the local limits of whose jurisdiction it was committed.

Section 145 of the Principal Ordinance which it is proposed to replace :—

Power to
examine person
present in
court and
to recall
witnesses.

145. Any court may at any stage of any inquiry, trial or other proceeding under this Code call any person as a witness, or recall and re-examine any person already examined; and the court shall examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

Colony and Protectorate of Kenya

GOVERNMENT NOTICE No. 341

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

J. F. G. TROUGHTON,
Acting Clerk of the Legislative Council.

A Bill to Amend the Criminal Procedure Code.

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 Criminal Procedure Code (Amendment) Ordinance, 1935, and shall be read as one with the Criminal Procedure Code, hereinafter referred to as the Principal Ordinance. Short title.
No. 11 of 1930.

2. Section 69 of the Principal Ordinance is hereby amended by the substitution at the end thereof of a comma for the full stop and by the addition after such comma of the words "or within the local limits of whose jurisdiction the accused was apprehended, or is in custody on a charge for the offence, or has appeared in answer to a summons lawfully issued charging the offence". Amendment of
section 69 of
the Principal
Ordinance.

3. Section 145 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :— Repeal and
replacement of
section 145 of
the Principal
Ordinance.

"145. Any court may, at any stage of any inquiry, trial or other proceeding under this Code summon or call any person as a witness, or examine any person in attendance though not summoned as a witness, or recall and re-examine any person already examined, and the court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case : Power to
summon
material wit-
nesses, or
examine
person present.

Provided that the prosecutor or the advocate for the prosecution or the defendant or his advocate, shall have the right to cross-examine any such person, and the court shall adjourn the case for such time (if any) as it thinks necessary to enable such cross-examination to be adequately prepared if, in its opinion, either party may be prejudiced by the calling of any such person as a witness."

Section 169 of the Principal Ordinance which it is proposed to replace :—

Costs and
compensation
to be specified
in order,
how
recoverable.

169. The sums allowed for costs or compensation shall in all cases be specified in the conviction or order, and the same shall be recoverable in like manner as any penalty may be recovered under this Code; and in default of payment of such costs or compensation or of distress as hereinafter provided the person in default shall be liable to imprisonment with or without hard labour for a term not exceeding three months unless such costs or compensation shall be sooner paid.

4. The Principal Ordinance is hereby amended by the insertion therein after section 148 thereof of the following sections to be numbered 148A and 148B :—

Insertion of sections 148A and 148B in the Principal Ordinance. Statements, etc., made to certain police officers admissible.

“148A. Notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872, as applied to the Colony, and except as is mentioned in the next succeeding section, statements and confessions made to a police officer of or above the rank of assistant superintendent, may be proved, and evidence thereof, other than documentary, may be given.

148B. A confession made by an accused person shall not be admissible in a criminal proceeding if the making of the confession appears to the court to have been caused by any inducement, threat or promise having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the court, to give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.”

Exceptions.

5. Section 169 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :—

Repeal and replacement of section 169 of the Principal Ordinance.

“169. Sums allowed for costs or compensation awarded under section 166 or section 168 of this Code shall in all cases be specified in the conviction or order. If the person who has been ordered to pay such costs or compensation fails so to pay, he shall, in default of distress levied in accordance with section 318 of this Code, be liable to imprisonment in accordance with the scale laid down in section 28 of the Penal Code, unless such costs or compensation shall be sooner paid :

Costs and compensation to be specified in order, how recoverable.

Provided that in no case shall the period of imprisonment imposed under this section exceed three months.”

No. 10 of 1930.

6. The Principal Ordinance is hereby amended by the insertion therein after section 170 thereof of the following section to be numbered 170A :—

Insertion in the Principal Ordinance of section 170A.

“170A. In all cases the court may promote reconciliation and encourage and facilitate the settlement in an amicable way of proceedings for common assault, or for

Promotion of reconciliation.

Section 196A of the Principal Ordinance which it is proposed to amend :—

Discharge of
accused person
when no case
to answer.

196A. If at the close of the evidence in support of the charge, it appears to the court that a case is not made out against the accused person sufficiently to require him to make a defence, the court shall dismiss the case and shall forthwith order him to be discharged as to that particular charge.

Sub-section (1) of section 219 of the Principal Ordinance which it is proposed to amend :—

Provisions as
to taking
statement of
accused person.

219. (1) After the examination of the witnesses called on behalf of the prosecution, and provided that the court does not consider that the case should be dealt with in accordance with the provisions of section 221, the magistrate shall read the charge to the accused person and explain the nature thereof in ordinary language, and inform him that he has the right to call witnesses and, if he so desires, to give evidence on his own behalf.

After doing so the magistrate shall then address to him the following words or words to the like effect :—

“ Do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence upon your trial.”

Section 248 of the Principal Ordinance which it is proposed to amend :—

Preparation of
list of jurors
and assessors.

248. The registrar of the Supreme Court shall, before the first day of March in each year, and subject to such rules as the Supreme Court may from time to time prescribe, prepare a list of all persons in the Colony other than natives of African extraction liable to serve as jurors or assessors,

any other offence of a personal private nature not amounting to felony, and not aggravated in degree, on terms of payment of compensation or other terms approved by the court, and may thereupon order the proceedings to be stayed."

7. Section 196A of the Principal Ordinance is hereby amended by the deletion of all the words after the word "case" in the fourth line thereof.

Amendment of
section 196A of
the Principal
Ordinance.

8. Sub-section (1) of section 219 of the Principal Ordinance is hereby amended by the deletion of the words which occur after the tenth line thereof and the substitution thereof of the following:—

Amendment of
section 219 (1)
of the
Principal
Ordinance.

"This is not your trial. You are not being tried now. You will be tried later on in another court and before another judge, where all the witnesses you have heard here will be produced and you will be allowed to examine them and ask them questions. You will then be able to make any statement you may wish. If, understanding this, you want to make a statement to me, I will take it down, and it may be used as evidence at your trial."

9. The Principal Ordinance is hereby amended—

Amendment of
section 248 of
the Principal
Ordinance.

- (a) by renumbering section 248 thereof as 248 (1);
- (b) by substituting a colon for the full stop which occurs at the end of section 248 thereof;
- (c) by adding to section 248 (1) thereof the following proviso:—

"Provided that, with effect from the first day of July, 1935, such list shall be prepared at intervals of three years the first being prepared by the thirtieth day of June, 1938; and until that date, the list in operation at the thirtieth day of June, 1935, shall, subject to any amendments that may be made

Publication
of list.

Sub-section (1) of section 251 of the Principal Ordinance which it is proposed to replace :—

251. (1) A copy of the list made by the registrar of persons liable to serve as jurors or assessors shall be published in the Gazette in the first issue thereof in March, and extracts therefrom containing the names of the persons liable to serve as jurors or assessors residing in each province or district shall be exposed to public inspection at the offices of the provincial or district commissioner of each province or district respectively.

Excuses.

Sub-section (6) of section 252 of the Principal Ordinance which it is proposed to repeal :—

(6) The list so prepared and revised shall be again revised once in every year.

Section 255 of the Principal Ordinance which it is proposed to amend :—

255. The Supreme Court may for reasonable cause excuse any juror or assessor from attendance at any particular sessions, and may, if it shall think fit, at the conclusion of any trial, direct that the jurors or assessors who have served at such trial shall not be summoned to serve again as jurors or assessors for a period of twelve months.

thereto in pursuance of the provisions of sub-section (2) of this section and of section 252 of this Code, remain in operation.”; and

- (d) by inserting therein between sections 248 (1) and 249 thereof, the following new sub-section as sub-section 248 (2) :—

“(2) The Registrar shall, before the thirtieth day of June in each year, prepare a list of the persons whose names he has expunged from, and of the persons whose names he has added to, the list of the persons liable to serve as jurors and assessors :

Provided that it shall not be necessary for the Registrar to prepare and publish any such annual list in any year in which a list is prepared in accordance with the proviso to sub-section (1) of this section.”

- 10.** Sub-section (1) of section 251 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor :—

Repeal and replacement of section 251 (1) of the Principal Ordinance.

“251. (1) When any list has been prepared under the provisions of section 248 of this Code, the Registrar shall cause a copy of such list to be published in a Gazette issued during the last week in June and shall at the same time cause extracts from such list, containing the names of the persons liable to serve as jurors and assessors residing in each province or district, to be exposed to public inspection at the offices of the provincial commissioner or district commissioner of each province or district respectively.”

- 11.** Sub-section (6) of section 252 of the Principal Ordinance is hereby repealed.

Repeal of section 252 (6) of the Principal Ordinance.

- 12.** Section 255 of the Principal Ordinance is hereby amended by the addition after the word “months” in the sixth line thereof of the words “or for such longer period as the Court may order”.

Amendment of section 255 of the Principal Ordinance.

Section 277 of the Principal Ordinance which it is proposed to amend :—

Illness of juror.

277. If in the course of a trial by jury, at any time before the delivery of the verdict, any juror dies or is discharged by the court as being through illness incapable of continuing to act or for any other reason, the jury shall nevertheless, so long as the number of its members is not reduced by more than one, be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a verdict may be given accordingly. Where one juror has died or has been discharged as aforesaid the verdict of eleven jurors in a trial for murder or treason, or of four jurors in a trial for any other offence shall be deemed to be a unanimous verdict of the jury.

Section 287 of the Principal Ordinance which it is proposed to amend :—

Depositions may be read as evidence in certain cases.

287. Where any person has been committed for trial for any offence, the deposition of any person taken before the committing subordinate court may, if the conditions hereinafter set out are satisfied, without further proof be read as evidence on the trial of that person, whether for that offence or for any other offence arising out of the same transaction, or set of circumstances, as that offence.

The conditions hereinbefore referred to are the following :—

- (a) The deposition must be the deposition either of a witness whose attendance at the trial is stated to be unnecessary in accordance with the provisions of section 227, or of a witness who is proved at the trial by oath of a credible witness to be absent from the Colony or dead or insane, or so ill as not to be able to travel, or to be kept out of the way by means of the procurement of the accused or on his behalf;
- (b) It must be proved at the trial, either by a certificate purporting to be signed by the magistrate of the subordinate court before whom the deposition purports to have been taken or by the clerk to such court, or by the oath of a credible witness, that the deposition was taken in the presence of the accused, and that the accused or his advocate had full opportunity of cross-examining the witness;

13. Section 277 of the Principal Ordinance is hereby amended by the deletion of the words "or treason" which occur in the eleventh line thereof and the substitution therefor of the words "treason or rape".

Amendment of
section 277 of
the Principal
Ordinance.

14. Section 287 of the Principal Ordinance is hereby amended by the insertion therein after the figures "227" which occur in the fourth line of paragraph (a) thereof of the words "or of a witness who cannot be found or is incapable of giving evidence, or of a witness whose presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the court considers unreasonable."

Amendment of
section 287 of
the Principal
Ordinance.

- (c) The deposition must purport to be signed by the magistrate of the subordinate court before whom it purports to have been taken :

Provided that the provisions of this section shall not have effect in any case in which it is proved—

- (i) that the deposition, or, where the proof required by paragraph (b) of this section is given by means of a certificate, that the certificate was not in fact signed by the magistrate by whom it purports to have been signed ; or
- (ii) where the deposition is that of a witness whose attendance at the trial is stated to be unnecessary as aforesaid, that the witness has been duly notified that he is required to attend the trial.

Section 288 of the Principal Ordinance which it is proposed to amend :—

Statement of
accused.

288. The statement or evidence (if any) of the accused person duly recorded by or before the committing magistrate, and whether signed by him or not, may be given in evidence without further proof thereof, unless it is proved that the magistrate purporting to sign the statement or evidence did not in fact sign it.

Section 289 of the Principal Ordinance which it is proposed to replace :—

Close of
case for
prosecution.

289. (1) When the evidence of the witnesses for the prosecution has been concluded, and the statement or evidence on oath (if any) of the accused person before the committing court has been given in evidence, the court shall inform the accused person of his right to address the court, either personally or by his advocate (if any), to give evidence on his own behalf or to make an unsworn statement and to call witnesses in his defence, and in all cases shall require him or his advocate (if any) to state whether it is intended to call any witnesses as to fact other than the accused person himself. Upon being informed thereof the judge shall record the same.

(2) If the accused person informs the court that he does not wish to exercise any of the rights mentioned in the last preceding sub-section the advocate for the prosecution may sum up the case against the accused person ; and if the court considers that there is no evidence that the accused person

15. Section 288 of the Principal Ordinance is hereby amended by the deletion of the word "him" in the third line thereof and the substitution therefor of the words "the accused person".

Amendment of section 288 of the Principal Ordinance.

16. Section 289 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and replacement of section 289 of the Principal Ordinance.

"289. (1) When the evidence of the witnesses for the prosecution has been concluded, and the statement or evidence on oath (if any) of the accused person before the committing court has been given in evidence, the court, if it considers that there is no evidence that the accused or any one of several accused committed the offence shall, after hearing, if necessary, any arguments which the advocate for the prosecution or the defence may desire to submit, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict of not guilty.

Close of case for prosecution.

(2) When the evidence of the witnesses for the prosecution has been concluded, and the statement or evidence on oath (if any) of the accused person before the committing court has been given in evidence, the court, if

committed the offence, it may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

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

(4) If the accused person, or any one of several accused persons, says that he means to give or adduce evidence, and the court considers that there is evidence that he committed the offence, the court shall call on the accused person to enter on his defence.

Section 315 of the Principal Ordinance which it is proposed to amend :—

Record and
Report to be
sent to
Governor.

315. (1) As soon as conveniently may be after sentence of death has been pronounced, if no appeal from the sentence is preferred, or if such appeal is preferred and the sentence is confirmed, then as soon as conveniently may be after such confirmation, the presiding judge shall forward to the Governor a copy of the notes of evidence taken on the trial, with a report in writing signed by him containing any recommendation or observations on the case he may think fit to make.

(2) The Governor after considering the said report in Executive Council shall communicate to the said judge, or his successor in office, the terms of any decision to which he may come thereon, and such judge shall cause the tenor and substance thereof to be entered in the records of the court.

(3) The Governor shall issue a death warrant, or an order for the sentence of death to be commuted, or a pardon, under his hand and the public seal of the Colony to give effect to the said decision. If the sentence of death is to be carried out, the warrant shall state the place where and the time when execution is to be had, and shall give directions as to the place of burial or cremation of the body of the person executed. If the sentence is commuted for any other punishment, the order shall specify that punishment. If the person sentenced is pardoned, the pardon shall state whether it is free, or to what conditions (if any) it is subject :

it considers that there is evidence that the accused person or any one or more of several accused persons, committed the offence, shall inform each such accused person of his right to address the court, either personally or by his advocate (if any), to give evidence on his own behalf, or to make an unsworn statement, and to call witnesses in his defence, and in all cases shall require him or his advocate (if any) to state whether it is intended to call any witnesses as to fact other than the accused person himself. Upon being informed thereof, the judge shall record the same. If such accused person says that he does not mean to give evidence or make an unsworn statement, or to adduce evidence, then the advocate for the prosecution may sum up the case against such accused person. If such accused person says that he means to give evidence or make an unsworn statement, or to adduce evidence, the court shall call upon such accused person to enter upon his defence."

17. Wherever the word "order" occurs in the proviso to sub-section (3) of section 315 of the Principal Ordinance, there shall be read therefor the word "warrant".

Amendment of
section 315 (3)
of the
Principal
Ordinance.

Provided that the Governor's order may direct that the execution shall take place at such time and at such place and that the body of the person executed shall be buried or cremated at such place, as shall be appointed by some officer specified in the order.

(4) The warrant, or order, or pardon of the Governor shall be sufficient authority in law to all persons to whom the same is directed to execute the sentence of death or other punishment awarded, and to carry out the directions therein given in accordance with the terms thereof.

Section 317 of the Principal Ordinance which it is proposed to amend :—

Warrant in
case of
sentence of
imprisonment.

317. A warrant under the hand of the judge or magistrate by whom any person shall be sentenced to imprisonment, ordering that the sentence shall be carried out in any prison within the Colony, shall be issued by the sentencing judge or magistrate, and shall be full authority to the officer in charge of such prison and to all other persons for carrying into effect the sentence described in such warrant, not being a sentence of death. Subject to the provisions of section 35 of the Penal Code every sentence shall be deemed to commence from, and to include the whole of the day of the date on which it was pronounced.

Sub-section (2) of section 340 of the Principal Ordinance which it is proposed to amend :—

(2) An appellant who is in custody shall be entitled to be present at the hearing of an appeal unless his appeal is being conducted by an advocate :

Provided that the court may, in any case in which it considers it to be in the interest of the appellant that he be present, direct his attendance.

Section 342 of the Principal Ordinance which it is proposed to replace :—

Suspension
of sentence
pending
appeal.

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

(2) When the appellant is ultimately sentenced to imprisonment, the time during which he is so released shall be excluded in computing the term for which he is sentenced.

18. Section 317 of the Principal Ordinance is hereby amended by the substitution of a comma for a full stop after the word "pronounced" in the twelfth line thereof, and the addition thereafter of the words "except in case of admission to bail or suspension of sentence as provided in section 342 hereof".

Amendment of
section 317 of
the Principal
Ordinance.

19. Sub-section (2) of section 340 of the Principal Ordinance is hereby amended by the deletion of the words "who is in custody" which occur in the first line thereof, and by the deletion of the words "unless his appeal is being conducted by an advocate" which occur in the second and third lines thereof.

Amendment of
section 340 (2)
of the
Principal
Ordinance.

20. Section 342 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :—

"342. (1) After the entering of an appeal by a person entitled to appeal, the Supreme Court, or the subordinate court which convicted or sentenced such person, may order that he be released on bail with or without sureties, or if such person is not released on bail shall order that the execution of the sentence or order appealed against shall be suspended pending the hearing of his appeal.

Repeal and
replacement
of section 342
of the
Principal
Ordinance.
Admission
to bail or
suspension of
sentence pend-
ing appeal.

Number of
judges on
an appeal.

Section 344 of the Principal Ordinance which it is proposed to replace :—

344. All appeals to the Supreme Court shall be heard by not less than two judges : Provided that any interlocutory matter may be heard and disposed of by one judge.

If on the hearing of an appeal the court is equally divided in opinion the appeal shall be reheard before three judges.

Appeals to
Court of
Appeal for
Eastern Africa.

Section 346 of the Principal Ordinance which it is proposed to amend :—

346. Any person aggrieved by a decision of the Supreme Court in its appellate jurisdiction under this Part may appeal to the Court of Appeal for Eastern Africa on a matter of law (not including severity of sentence) but not on a matter of fact.

Every such appeal shall be entered within thirty days of the date of the order appealed against and the provisions of sections 336 to 345 inclusive shall apply *mutatis mutandis* to appeals from the Supreme Court to the Court of Appeal for Eastern Africa.

Appeals from
Supreme
Court to His
Majesty's
Court of
Appeal for
Eastern
Africa.

Section 364 of the Principal Ordinance which it is proposed to amend :—

364. Any person convicted on a trial held by the Supreme Court may appeal to His Majesty's Court of Appeal for Eastern Africa—

- (a) against his conviction on any ground of appeal which involves a question of law alone; and
- (b) with the leave of such Court of Appeal or upon the certificate of the judge who tried him that it is a fit case for appeal on any ground of appeal which involves a question of fact alone or a question of

(2) If the appeal is ultimately dismissed and the original sentence confirmed, or some other sentence of imprisonment substituted therefor, the time during which the convict has been released on bail, or during which the sentence has been suspended shall be excluded in computing the term of imprisonment to which he is finally sentenced, and such term of imprisonment shall commence on the day on which the appeal is dismissed or some other sentence is substituted."

21. Section 344 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and replacement of section 344 of the Principal Ordinance.

"344. Appeals from subordinate courts shall be heard by two judges of the Supreme Court except when in any particular case the Chief Justice shall direct that the appeal be heard by one judge of the Supreme Court.

Number of judges on an appeal.

If on the hearing of an appeal the court is equally divided in opinion the appeal shall be reheard before three judges."

22. Section 346 of the Principal Ordinance is hereby amended by the insertion of the following sentence after the word "fact" which occurs at the end of the first paragraph—

Amendment of section 346 of the Principal Ordinance.

"A judge of the Supreme Court may in his discretion in any case in which an appeal to the Court of Appeal for Eastern Africa is filed grant bail pending the hearing of such appeal."

23. Section 364 of the Principal Ordinance is hereby amended—

Amendment of section 364 of the Principal Ordinance.

(a) by repealing sub-paragraph (b) and substituting therefor the following—

"(b) with the leave of such Court of Appeal on a question of fact alone or a question of mixed law and fact or any other ground which appears to the Court to be a sufficient ground of appeal;"

and

(b) by the insertion of the following sentence at the end of the section—

mixed law and fact or any other ground which appears to the court to be a sufficient ground of appeal; and

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

The entry relating to section 167 of the Penal Code in the First Schedule to the Principal Ordinance which it is proposed to amend :—

FIRST SCHEDULE

OFFENCES UNDER THE PENAL CODE

EXPLANATORY NOTE.—The entries in the second and fourth columns of this Schedule, headed respectively "Offence" and "Punishment under the Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Penal Code or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

CHAPTER V.—PARTIES TO OFFENCES.

1	2	3	4	5
Section	Offence	Whether the police may arrest without warrant or not	Punishment under the Penal Code. (N.B.—Under section 26 (3) of the Penal Code a person liable to imprisonment may be sentenced to pay a fine in addition to or instead of imprisonment. <i>Vide</i> also section 34 of the Penal Code.)	Court (in addition to the Supreme Court) by which offence is triable when the accused is a non-native.*
167	Being a rogue or vagabond.	May arrest without warrant.	Imprisonment for three months for first offence, and for each subsequent offence imprisonment for one year with or without corporal punishment.	Subordinate court of the first or second class.

“A judge of the Supreme Court may in his discretion in any case in which an appeal to the Court of Appeal for Eastern Africa is filed grant bail pending the hearing of such appeal.”

24. The First Schedule to the Principal Ordinance is hereby amended—

Amendment of
Schedule I to
the Principal
Ordinance.

(a) by deleting from the fourth column thereof, in the entry relating to section 167 of the Penal Code, the words “with or without corporal punishment”;

and

(b) by adding, in its respective numerical position, the following—

1	2	3	4	5
Section	Offence	Whether the police may arrest without warrant or not	Punishment under the Penal Code. (N.B.—Under section 26 (3) of the Penal Code a person liable to imprisonment may be sentenced to pay a fine in addition to or instead of imprisonment. <i>Vide</i> also section 34 of the Penal Code.)	Court (in addition to the Supreme Court) by which offence is triable when the accused is a non-native.
296 A (2)	Tracing possession	Shall not arrest without warrant	Fine of twenty pounds or imprisonment for six months	Any magistrate

OBJECTS AND REASONS.

Clause 2.—At present, offences are ordinarily inquired into or tried by a court within the local limits of whose jurisdiction they were committed. This clause extends the scope of jurisdiction, following the law in England. Legislation of this extending nature was recommended by the Bushe Administration of Justice Commission.

Clause 3.—Section 145 of the Principal Ordinance, as it now stands, after amendment in 1934, gives any court power to call additional witnesses whether in attendance at court (though not summoned as witnesses) or not. Section 423 of Chapter 7 of the Revised Edition (now repealed) makes similar provision but in better wording, and it is therefore proposed to replace the present section by section 423 of Chapter 7 of the Revised Edition, and to provide, if necessary, for an adjournment for the purposes of cross-examination of the witness.

The Bushe Commission was opposed to giving courts power to call additional witnesses whether in attendance at court (though not summoned as witnesses) or not, and considered that the Criminal Procedure Code should remain as originally framed, allowing for the examination of any person actually in attendance at court (though not summoned as a witness), but the Governors' Conference and the Secretary of State both considered that there should be power to call any witness, whether in attendance at court (though not summoned as a witness) or not, in order to ensure that justice shall be done, and this clause carries out the desire of the Governors' Conference and of the Secretary of State.

Clause 4.—It is felt that confessions made to police officers of or above a certain rank should be admissible, provided that no promise or threats proceeding from a person in authority have been made in connection with such confession. The Bushe Commission recommended that the principle be accepted, leaving the details to be worked out by each territory concerned. Kenya has decided to make confessions made to a police officer of or above the rank of assistant superintendent, admissible.

Clause 5.—Section 169 of the Principal Ordinance has been re-drafted to make it quite clear that when compensation is awarded under sections 166 or 168 of the Principal Ordinance, imprisonment may be awarded in default of distress under section 318 of the Principal Ordinance and that the imprisonment to be awarded in default of distress shall be in accordance with the scale laid down in section 28 of the Penal Code and that imprisonment under section 169 shall in no case exceed three months.

Clause 6.—Power is given to the Supreme Court in certain cases to promote reconciliation, and to encourage settlement. This power exists in at least one other Colony. This was a recommendation of the Bushe Commission.

Clause 7.—It has been suggested by the Supreme Court that if at the close of the evidence for the prosecution a charge is not made out, it would be fairer to the accused that the case should be dismissed, involving him in an acquittal, rather than that he should be discharged as to the particular charge in question.

Clause 8.—It is felt that this proposed explanation to an accused person at committal proceedings when he is asked if he desires to say anything is clearer than the present one. This was a recommendation of the Bushe Commission.

Clauses 9, 10 and 11.—These clauses provide for the list of jurors and assessors to be compiled every three years instead of every year. This is in the interests of economy. Provision is, however, made for an annual revision of the list on a less comprehensive scale.

Clause 12.—Section 255 provides that the Supreme Court may, if it thinks fit, at the conclusion of any trial, direct that the jurors or assessors who have served at such trial shall not be summoned to serve again as jurors or assessors for a period of twelve months. In view of certain long trials which have taken place in Kenya during the last few years, this maximum period is considered to be too short and it is proposed to give the Supreme Court power to extend such period if it thinks fit.

Clause 13.—Section 277 of the Principal Ordinance provides that if in a trial for murder or treason a juror dies or has been discharged eleven jurors may return a valid verdict. This should apply also to the offence of rape, and clause 13 makes the necessary amendment.

Clause 14.—Frequently witnesses who have given evidence at committal proceedings cannot be found, or are incapable of giving evidence or their presence cannot be obtained without an unreasonable amount of delay or expense. This clause remedies this defect by providing that such evidence of such witnesses may be read at the Supreme Court trial, if certain conditions are complied with. This was a recommendation of the Bushe Commission.

Clause 15.—The amendment to section 288 is a grammatical one, and is designed to make the section clear. It may be said to be open to doubt as to whether the word “him” in the third line of this section refers to the committing magistrate or to the accused person. It is clearly intended to apply to the accused person, and, to make this clear, it is proposed to delete the word “him” and substitute the words “the accused person”.

Clause 16.—As it stands at present section 289 of the Criminal Procedure Code is not as clear as it might be. Accordingly, it has been repealed and replaced with the object of setting out clearly what happens at the close of the case for the prosecution.

Clause 17.—In section 315 the word “order” is used where a sentence is commuted, and the word “warrant” where the sentence of death is to be carried out.

Clauses 18 and 20.—The latter portion of section 317 provides that every sentence shall be deemed to commence from and to include the whole of the day of the date on which it was pronounced. Section 342, however, as remodelled in clause 19 of this Bill, provides that, after the entering of an appeal by a convicted person, the Supreme Court or the subordinate court which convicted such person may order that he be released on bail or on his own bond, or may order that the sentence imposed upon him be suspended, and further provides that, in case the convicted person ultimately suffers imprisonment, the time during which he has been released on bail or during which his sentence has been suspended shall be excluded in computing the term for which he is sentenced. It becomes necessary to provide, therefore, that in case of admission to bail, or a suspension of sentence, the sentence shall not be deemed to commence from the whole of the day of the date on which it was pronounced. With regard to the other alterations in section 342, it is considered that the subordinate court which convicts a person should have power to grant bail or to suspend his sentence pending an appeal in the same way in the Supreme Court.

Clause 19.—At present the law provides that only an accused person who is in custody may be present at the hearing of an appeal. This clause provides that any accused, whether in custody or not, may be present. This was a recommendation of the Bushe Commission.

Clause 21.—This is in conformity with a recommendation of the Bushe Commission, and provides that an appeal from a subordinate court may be heard by one judge.

Clause 22.—A provision is added to section 346 of the Principal Ordinance allowing a judge of the Supreme Court to grant bail in cases in which an appeal lies to the Court of Appeal for Eastern Africa.

Clause 23.—As it stands, the provisions of section 364 (b) are not logical, inasmuch as the trial judge may certify that a case is a fit case for appeal which involves a question of mixed law and fact. It is considered that if a judge grants a certificate under this section that the case is a fit one for appeal upon fact or mixed law and fact the presumption is that he has a reasonable doubt in his mind as to the justice of the conviction. It is proposed, therefore, to provide that leave to appeal shall be given by the Court of Appeal for Eastern Africa in every case. Further, a proviso is added, allowing a judge of the Supreme Court to grant bail in cases where there is an appeal to the Court of Appeal for Eastern Africa.

Clause 24 (a) is consequential upon section 24 of the Penal Code (Amendment) Ordinance, 1934.

Clause 24 (b) is consequential upon section 35 of the Penal Code (Amendment) Ordinance, 1934.

No expenditure of public moneys will be involved if the provisions of this Bill become law.

Section 10 of the Principal Ordinance which it is proposed to replace :—

Prohibition of
use of blasting
materials with-
out permit.

10. No person shall use or cause to be used blasting materials, unless—

- (a) he be in possession of a permit issued under the authority of an inspector, or of a magistrate, justice of the peace, or of a person deputed to act as prescribed by section 3 ; or
- (b) he be under the immediate supervision of a person who has such a permit.

There shall be payable for every such permit a fee of ten shillings.

No such permit shall be issued unless the issuing authority be satisfied that the applicant may be safely entrusted with the use of blasting materials, and that there is necessity for his using the same.

GOVERNMENT NOTICE No. 342

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

J. F. G. TROUGHTON,
Acting Clerk of the Legislative Council.

**A Bill to Amend the Explosives Ordinance
1929.**

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 Explosives (Amendment) Ordinance, 1935, and shall be read as one with the Explosives Ordinance, 1929, hereinafter referred to as the Principal Ordinance. Short title.
No. 13 of 1929.

2. Section 10 of the Principal Ordinance is hereby revoked and the following section is substituted therefor :— Repeal and replacement of section 10 of the Principal Ordinance.

“10. (1) No person shall use or cause to be used blasting materials, unless—

(a) he be in possession of a permit issued by an inspector, or a district officer or a person deputed to act as prescribed by section 3, or

(b) he be under the immediate supervision of a person who has such a permit.

(2) There shall be payable for every such permit a fee of ten shillings.

(3) No such permit shall be issued unless the issuing authority be satisfied that the applicant may be safely entrusted with the use of blasting materials, and that there is necessity for his using the same.

(4) The Director may, in his discretion, at any time by order revoke a permit issued under this section or under the last preceding section if he is satisfied that good cause for such revocation exists.

(5) Any person dissatisfied by an order of revocation made by the Director under the provisions of this section may appeal against such order to the Governor whose decision shall be final.”

Prohibition of use of blasting materials without permit.

OBJECTS AND REASONS.

As the law stands, there is at present no power to revoke a permit issued under sections 9 or 10 of the Principal Ordinance. This Bill gives the requisite power and provides for an appeal to the Governor by a person dissatisfied at the revocation of his permit. It is also proposed to restrict the power of issuing permits under section 10 of the Ordinance to district officers and inspectors.

No expenditure of public moneys will be involved if the provisions of this Bill become law.

Classification
of approved
schools.

Section 27 of the Principal Ordinance which it is proposed to amend :—

27. For the purposes of this Ordinance approved schools shall be divided into three classes, as follows :—

- (a) Class I, in which a child or young person may under sections 19 and 20 of this Ordinance be detained until he attains the age of eighteen years ;
- (b) Class II in which a child committed to an approved school may be detained until he attains the age of sixteen years ;
- (c) Class III in which a young person committed to an approved school or a child removed under section 32 may be detained until he attains the age of eighteen years :

Provided that where a young person has at the date of his committal to an approved school attained the age of seventeen years he may in such circumstances be detained until he has attained the age of twenty-one years.

Section 31 of the Principal Ordinance which it is proposed to amend :—

Extension of
period of
detention in
approved
schools.

31. If the person in charge of an approved school is satisfied that a person whose period of detention therein is, under the foregoing provisions of this Ordinance about to expire, needs further care or training and cannot without it be

GOVERNMENT NOTICE No. 343

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

J. F. G. TROUGHTON,
Acting Clerk of the Legislative Council.

A Bill to Amend the Juveniles Ordinance, 1934.

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 Juveniles (Amendment) Ordinance, 1935, and shall be read as one with the Juveniles Ordinance, 1934, hereinafter referred to as the Principal Ordinance.

Short title.
No. 22 of 1934.

2. Section 27 of the Principal Ordinance is hereby amended—

Amendment of
section 27 of
the Principal
Ordinance.

(a) by substituting the word "twenty-one" for the word "eighteen" which occurs in the third line of paragraph (c) thereof; and

(b) by deleting the proviso thereto.

3. Section 31 of the Principal Ordinance is hereby amended by substituting the word "twenty-one" for the word "eighteen" which occurs in the last line thereof.

Amendment of
section 31 of
the Principal
Ordinance.

placed in suitable employment he may, if the Governor consents, detain him for a further period not exceeding six months; so, however, that he is not detained beyond the date on which he will attain the age of eighteen years.

Sub-section (2) of section 33 of the Principal Ordinance which it is proposed to amend :—

(2) The managers may, and if the Governor so directs, shall by notice in writing recall to the school any person under their supervision who is at the date of the recall under the age of eighteen years :

Provided that a person shall not be so recalled unless in the opinion of the managers, or, as the case may be, of the Governor, it is necessary in his interests to recall him.

Sub-section (6) of section 33 of the Principal Ordinance which it is proposed to amend :—

(6) For the purposes of this section the word “managers” includes the person in charge of a school declared by the Governor, under section 26, to be an approved school, or the person in charge of an approved school established by the Governor under section 26.

Sub-section (1) of section 34 of the Principal Ordinance which it is proposed to amend :—

Escapes from
approved
schools.

34. (1) Any person who has been ordered to be sent to an approved school and who—

- (a) escapes from the school in which he is detained or from any hospital, home or institution in which he is receiving medical attention; or
- (b) being absent from his school on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the school upon the expiration of his leave or upon the revocation of his licence; or
- (c) being absent from his school under supervision fails to return to the school upon being recalled,

may be apprehended without warrant, and may (any other Ordinance to the contrary notwithstanding) be brought before a court having jurisdiction where he is found, or where his school is situate; and that court may (notwithstanding any limitations contained in this Ordinance upon the period during which he may be detained in an approved school) order him to be brought back and to have the period of his detention in the school increased by such period not exceeding six months as the court may direct.

4. Sub-section (2) of section 33 of the Principal Ordinance is hereby amended by substituting the word "twenty-one" for the word "eighteen" which occurs in the fourth line thereof.

Amendment of
section 33 (2)
of the
Principal
Ordinance.

5. Sub-section (6) of section 33 of the Principal Ordinance is hereby amended by inserting the following between the word "section" and the word "the" in the first line thereof : "or of sub-section (1) of section 34 of this Ordinance".

Amendment of
section 33 (6)
of the
Principal
Ordinance.

6. Sub-section (1) of section 34 of the Principal Ordinance is hereby amended by substituting a comma for the full stop which occurs at the end thereof, and by adding to the sub-section the following words immediately after such comma, "and the court may, in addition to, or instead of, ordering the period of detention to be increased, order such person to be whipped by the managers of the school from which he escaped : Provided that such whipping shall not, in any case, exceed twelve strokes".

Amendment of
section 34 (1)
of the
Principal
Ordinance.

OBJECTS AND REASONS.

As the law stands at present a young person, unless he is seventeen years of age, may only be detained in a Class III Approved School until he attains the age of eighteen. Consequently a young person of fifteen can only be detained for three years, and a young person of sixteen for two years. The Principal Ordinance, however, contemplates a period of not less than three and not more than seven years in an approved school, and in order to give effect to this provision it is necessary to amend the Ordinance so that a young person may be detained in a Class III school until he attains the age of twenty-one years.

If a juvenile escapes from an approved school, the only punishment that may at present be inflicted on him is an increase of his period of detention for a period not exceeding six months. It is considered that a more effective deterrent would be whipping, and the Bill is designed to empower a court, before whom an escapee is brought, to order him to be so punished. The other amendments are consequential.

No additional expenditure of public moneys will be involved if the provisions of this Bill become law.

Section 3 of the Principal Ordinance which it is proposed to amend :—

Saving of
certain laws.

3. Nothing in this Code shall affect—

- (1) the liability, trial or punishment of a person for an offence against the Common Law or against any other law in force in the Colony other than this Code; or
- (2) the liability of a person to be tried or punished for an offence under the provisions of any law in force in the Colony relating to the jurisdiction of the Colonial courts in respect of acts done beyond the ordinary jurisdiction of such courts; or
- (3) the power of any court to punish a person for contempt of such court; or
- (4) the liability or trial of a person, or the punishment of a person under any sentence passed or to be passed, in respect of any act done or commenced before the commencement of this Code; or
- (5) any power of His Majesty, or of the Governor as the representative of His Majesty, to grant any pardon or to remit or commute in whole or in part or to respite the execution of any sentence passed or to be passed; or
- (6) any of the Statutes, Ordinances, Regulations or Articles for the time being in force for the govern-

GOVERNMENT NOTICE NO. 344

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

J. F. G. TROUGHTON,
Acting Clerk of the Legislative Council.

A Bill to Amend the Penal Code.

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 Penal Code Short title.
(Amendment) Ordinance, 1935, and shall be read as one with
the Penal Code, hereinafter referred to as the Principal No. 10 of 1930.
Ordinance.

2. Section 3 of the Principal Ordinance is hereby amended Amendment of
by the insertion before the word "Nothing" which occurs section 3 of
in the first line thereof of the following words "Except as the Principal
hereinafter expressly provided". Ordinance.

ment of His Majesty's military or naval or air forces, or the military or police forces of the Colony :

Provided that if a person does an act which is punishable under this Code and is also punishable under another Ordinance or Statute of any of the kinds mentioned in this section, he shall not be punished for that act both under that Ordinance or Statute and also under this Code.

Section 24. of the Principal Ordinance which it is proposed to amend :—

Different
kinds of
punishments.

24. The following punishments may be inflicted by a court :—

- (1) Death.
- (2) Imprisonment.
- (3) Corporal punishment.
- (4) Fine.
- (5) Forfeiture.
- (6) Payment of compensation.
- (7) Finding security to keep the peace and be of good behaviour ; or to come up for judgment.

Section 28 of the Principal Ordinance which it is proposed to amend :—

Fines.

28. Where a fine is imposed under any law, then in the absence of express provisions relating to such fine in such law the following provisions shall apply :—

- (i) Where no sum is expressed to which the fine may extend the amount of the fine which may be imposed is unlimited, but shall not be excessive.
- (ii) In the case of an offence punishable with a fine or a term of imprisonment the imposition of a fine or a term of imprisonment shall be a matter for the discretion of the court.
- (iii) In the case of an offence punishable with imprisonment as well as a fine in which the offender is sentenced to a fine with or without imprisonment and in every case of an offence punishable with fine only in which the offender is sentenced to a fine the court passing sentence may, in its discretion—
 - (a) direct by its sentence that in default of payment of the fine the offender shall suffer imprisonment for a certain term, which imprisonment

3. Section 24 of the Principal Ordinance is hereby amended by the insertion therein after paragraph (2) thereof of the following paragraph, to be numbered (2A) :—

Amendment of
section 24 of
the Principal
Ordinance.

“(2A) Detention under the Detention Camps Ordinance, 1925, or any Ordinance amending or replacing the same.” No. 25 of 1925.

and by the insertion therein after paragraph (7) thereof of the following paragraph, to be numbered (8) :—

“(8) Cancellation or suspension of a certificate of competency under the Traffic Ordinance, 1928.” No. 26 of 1928.

4. Section 28 of the Principal Ordinance is hereby amended by the insertion therein after the figures “28” of the following figure and bracket :—“(1)”, and by the repeal of sub-sections (iv) and (v) thereof and the substitution therefor of the following :—

Amendment of
section 28 of
the Principal
Ordinance.

“(2) In the absence of express provisions in any Ordinance relating thereto the term of imprisonment or detention under the provisions of the Detention Camps Ordinance, 1925, or any Ordinance amending or replacing the same ordered by a court in respect of the non-payment of any sum adjudged to be paid for costs or compensation under section 30 hereof or in respect of the non-payment of a fine or of any sum adjudged to be paid under the provisions of any Ordinance shall be such term as in the opinion of the court will satisfy the justice of the case, but shall not exceed in any such case the maximum fixed by the following scale :—

<i>Amount.</i>				<i>Maximum period.</i>
Not exceeding Sh. 10	...	...	...	14 days.
Exceeding Sh. 10 but not exceeding Sh. 20	...	...	...	1 month.
„ 20	„	„	100	3 months.
„ 100	„	„	400	4 months.
„ 400	„	„	1,000	6 months.
„ 1,000				9 months.

shall be in addition to any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of sentence; and also

- (b) issue a warrant for the levy of the amount on the immovable and movable property of the offender by distress and sale under warrant: Provided that if the sentence directs that in default of payment of the fine the offender shall be imprisoned, and if such offender has undergone the whole of such imprisonment in default, no court shall issue a distress warrant unless for special reasons to be recorded in writing it considers it necessary to do so.
- (iv) The term of imprisonment ordered by a court in respect of the non-payment of any sum of money adjudged to be paid by a conviction or in respect of the default of a sufficient distress to satisfy any such sum shall be such term as in the opinion of the court will satisfy the justice of the case, but shall not exceed in any case the maximum fixed by the following scale:—

<i>Amount.</i>				<i>Maximum period.</i>
Not exceeding Sh. 10	...	...	...	7 days.
Exceeding Sh. 10 but not exceeding Sh. 20	...	...	...	14 days.
„ 20	„	„	100	1 month.
„ 100	„	„	400	2 months.
„ 400	„	„	1,000	4 months.
„ 1,000	„	„	...	6 months.

- (v) The imprisonment which is imposed in default of payment of a fine shall terminate whenever the fine is either paid or levied by process of law.

(3) The imprisonment or detention which is imposed in default of payment of a fine shall terminate whenever the fine is either paid or levied by process of law."

5. The Principal Ordinance is hereby amended by the insertion of the following section to be numbered 35B after section 35A thereof :—

"35B. Where any person has been convicted under this Code of an offence connected with the driving of any vehicle in respect of which a certificate of competency is required, the court before which such person has been convicted may in addition to or in substitution for any other punishment cancel such certificate of competency or suspend such certificate of competency for such time as

Insertion of section 35B in the Principal Ordinance.

Certificate of competency may be cancelled or suspended in certain cases.

such court thinks fit and, in such event, all the provisions of section 45 of the Traffic Ordinance, 1928, shall apply *mutatis mutandis*.” No. 26 of 1928.

6. The Principal Ordinance is hereby amended by the insertion therein after section 192 thereof of the following sections :—

Insertion in the Principal Ordinance of sections 192A, 192B and 192C.

“192A. (1) Where a woman by any wilful act or omission causes the death of her newly-born child, but at the time of the act or omission she had not fully recovered from the effect of giving birth to such child, and by reason thereof the balance of her mind was then disturbed, she shall, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, be guilty of felony, to wit, of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.

Conviction for infanticide in certain cases.

(2) Where upon the trial of a woman for the murder of her newly-born child, the court or jury (as the case may be) are of opinion that she, by any wilful act or omission, caused its death, but that, at the time of the act or omission, she had not fully recovered from the effect of giving birth to such child, and that by reason thereof the balance of her mind was then disturbed, the court or jury may, notwithstanding that the circumstances were such that but for the provisions of this section it or they might have found or returned a verdict of murder, return in lieu thereof a verdict of infanticide.

(3) Nothing in this section shall affect the power of the court or jury (as the case may be) upon an information for the murder of a newly-born child to find or return a verdict of manslaughter, or a verdict of guilty but insane, or a verdict of concealment of birth, in pursuance of section 208 of this Code, and the said section 208 shall apply in the case of the acquittal of a woman for murder, manslaughter or infanticide.

192B. Where a woman convicted of an offence punishable with death is found in accordance with the provisions of the next succeeding section to be pregnant, the sentence to be passed on her shall be a sentence of imprisonment for life instead of sentence of death.

Sentence of death not to be passed on pregnant woman.

Criminal
trespass.

Section 284A of the Principal Ordinance which it is proposed to amend :—

284A. Any person who—

- (1) enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property ;
- (2) having lawfully entered into or upon such property unlawfully remains there with intent thereby to intimidate, insult or annoy any such person or with intent to commit any offence,

is guilty of the misdemeanour termed "criminal trespass" and is liable to imprisonment for three months.

If the property upon which the offence is committed is any building, tent or vessel used as a human dwelling or any building used as a place of worship or as a place for the custody of property, the offender is liable to imprisonment for one year.

192c. (1) Where a woman convicted of an offence punishable with death alleges that she is pregnant, or where the court before whom she is so convicted thinks fit so to order, the question whether or not the woman is pregnant, shall before sentence is passed on her, be determined by the trial judge, that is to say, the judge who tried her for the offence.

Procedure where woman convicted of capital offence alleges she is pregnant.

(2) The question whether the woman is pregnant or not shall be determined by the judge on such evidence as may be laid before him on the part of the woman or on the part of the Crown, and the judge shall find that the woman is not pregnant unless it is proved affirmatively to his satisfaction that she is pregnant.

(3) Where on proceedings under this section the judge finds that the woman in question is not pregnant the woman may appeal to the Court of Appeal for Eastern Africa, and that Court, if satisfied that for any reason the finding should be set aside, shall quash the sentence passed on her and instead thereof pass on her a sentence of imprisonment for life.

(4) If for any reason whatsoever the trial judge is unable to sit for the purpose of determining the question whether or not the woman is pregnant, then some other judge of the Supreme Court shall sit and determine such question."

7. Section 284A of the Principal Ordinance is hereby amended by the deletion of the words "Any person who—" which occur in the first line thereof, and the substitution therefor of the words "Any person who without lawful excuse—".

Amendment of section 284A of the Principal Ordinance.

Section 3 and the Schedule of the Detention Camps (Amendment) Ordinance, 1926, which it is proposed to repeal :

Period of
detention in
lieu of
imprisonment.

3. The period of detention imposed by a Court under this Ordinance in respect of any sum of money adjudged to be paid by a conviction or in respect of the default of a sufficient distress to satisfy any such sum, shall, notwithstanding any enactment to the contrary in any past Ordinance be such period as in the opinion of the Court will satisfy the justice of the case, but shall not exceed in any case the maximum fixed by the scale shown in the Schedule hereto.

SCHEDULE.

Where the amount of the sum or sums of money adjudged to be paid by a conviction as ascertained by the conviction	The said period shall not exceed.
Does not exceed Shs. 10 ...	Seven days.
Exceeds Shs. 10, but does not exceed Shs. 20 ...	Fourteen days.
Exceeds Shs. 20, but does not exceed Shs. 100 ...	One month.
Exceeds Shs. 100, but does not exceed Shs. 400 ...	Two months.
Exceeds Shs. 400 ...	Three months.

Section 316 of the Criminal Procedure Code which it is proposed to repeal :—

Sentence of
death on
pregnant
woman.

316. If a woman sentenced to death be alleged to be pregnant, the court shall inquire into the fact and, if there is a reasonable cause for believing it, shall order the sentence to be postponed until the result of the pregnancy be known and shall report such order to the Governor.

8. Section 3 of the Detention Camps (Amendment) Repeal. Ordinance, 1926, and the Schedule to that Ordinance and No. 6 of 1928. section 316 of the Criminal Procedure Code are hereby repealed. No. 11 of 1930.

OBJECTS AND REASONS.

This Bill makes certain amendments to the Penal Code, which experience has shown to be desirable.

Clause 2.—This alteration to section 3 of the Penal Code has been effected so as to avoid the appearance of any conflict with section 26.

Clause 3.—This clause adds two items to the list of punishments enumerated in section 24 of the Principal Ordinance.

Clause 4.—This clause substitutes the Tanganyika Territory scale of imprisonment for our present scale, as the former scale is considered to be the better one, and opportunity has been taken at the same time to reconcile the period of detention which may be awarded under the Detention Camps Ordinance, 1925, with the period of imprisonment which may be awarded under the new scale.

Clause 5.—Provides for the suspension or cancellation of a certificate of competency in certain cases.

Clause 6.—Embodies in the Penal Code the provisions of the Infanticide Act, 1922 (England), and also the provisions of the Sentence of Death (Expectant Mothers) Act, 1931 (England). These provisions have been modified to suit local conditions.

Clause 7.—Amends section 284A of the Penal Code to make it quite clear that it is no offence for a lawful owner to enter upon his own premises when occupied by a trespasser.

Clause 8.—Repeals certain provisions of certain Ordinances consequential on clauses 4 and 6.

No expenditure of public moneys will be involved if the provisions of this Bill become law.

GOVERNMENT NOTICE NO. 345

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

J. F. G. TROUGHTON,
Acting Clerk of the Legislative Council.

A Bill to Make Provision for the Expulsion from Certain Areas of the Colony of Persons whose Presence Therein is Deemed to be Undesirable.

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. 1. This Ordinance may be cited as the Expulsion from Proclaimed Areas Ordinance, 1935.
- Interpretation. 2. In this Ordinance—
“Board” means the Board established for any proclaimed area under section 4 of this Ordinance;
“proclaimed area” means an area to which this Ordinance has been applied by proclamation of the Governor;
“expulsion order” means an order made under section 5 of this Ordinance.
- Application. 3. This Ordinance shall apply to such areas of the Colony as the Governor by proclamation may from time to time declare.
- Appointment of Board for a proclaimed area. 4. (1) For every proclaimed area the Governor shall appoint a Board, which shall consist of the Provincial Commissioner of the Province in which such area is situated, who shall be the Chairman of the Board, and such persons unconnected with the public service as the Governor may appoint, who shall, whenever possible, be persons resident in or connected with such area.
- Provincial Commissioner to depute district commissioner to act as Chairman. (2) If the Provincial Commissioner is prevented from attending any meeting of the Board he may depute the district commissioner of the district in which the proclaimed area is situated to attend such meeting and in that case the district commissioner shall be Chairman of the Board during the absence of the Provincial Commissioner,

(3) The Chairman and three members of the Board shall constitute a quorum.

5. (1) If complaint is made to the district commissioner of a proclaimed area or if he has reason to believe that the presence within such proclaimed area of any person, other than a native of such proclaimed area, is undesirable, he may notify such person of the grounds on which it is considered that his presence is undesirable, and shall in such notification inform him of the place at which and the date on which his case will be investigated by the Board (which date shall not be less than seven days after the service upon him of such notification) and that he may appear personally before the Board or may in writing show cause why he should not be ordered to leave and to continue to absent himself from such proclaimed area, and that if he does not appear personally or submit grounds of excuse in writing the Board may proceed to a decision in his absence.

Procedure when district Commissioner deems a person to be undesirable.

(2) The Board shall have the powers of the Supreme Court to summon witnesses and to call for the production of books, plans and documents, and to examine witnesses and parties concerned on oath. All summonses for the attendance of witnesses or other persons, or the production of documents, may be in such form as the Board may determine and shall be signed by the Chairman, and oaths may be administered by any member of the Board.

(3) The Board after considering the case against such person and any representations made by him, may, if it is satisfied that the presence of such person within the proclaimed area is undesirable, by order declare that such person shall, within a time to be limited by such order, remove himself from such proclaimed area, and continue to absent himself from such area or any other proclaimed area within the same Province so long as such order shall remain in force.

(4) Any person against whom an expulsion order has been made by the Board may, within seven days of the making of such order, appeal against such order in writing to the Governor in Council, whose decision shall be final: Provided that, notwithstanding such appeal, such person shall remove himself from such proclaimed area within the time limited in the order referred to in the last preceding sub-section.

6. An expulsion order may be expressed to be in force for a time to be limited therein or for an unlimited time.

Duration of expulsion order.

Penalty.

7. If a person against whom an expulsion order from a proclaimed area has been made wilfully neglects or refuses to leave such area within the time limited by the said order, or while the expulsion order is still in force enters or attempts to enter such area or any other proclaimed area within the same Province without the written consent of the Board, which consent may be given subject to any terms as to security for good behaviour or otherwise as to the Board may seem good, such person shall be liable to imprisonment for a term not exceeding six months.

Sentence of imprisonment to be served before expulsion order is enforced.

8. If a person against whom an expulsion order has been made has been sentenced to a term of imprisonment such sentence of imprisonment shall be carried out before the expulsion order is carried into effect.

Expenses of expulsion.

9. The expenses of expulsion from a proclaimed area may be defrayed from the public revenues of the Colony.

Evidence.

10. In any prosecution for an offence against this Ordinance the production of an expulsion order purporting to be signed by the Chairman on behalf of the Board shall be conclusive evidence that the same is valid and lawfully made.

Indemnity.

11. No action shall be brought by any person against whom an expulsion order has been made with reference to anything bona fide done or omitted to be done in the execution or purported execution of that order or of the provisions of this Ordinance.

Restriction of jurisdiction of courts of law.

12. No court of law in the Colony shall have any jurisdiction to review, quash, reverse or otherwise interfere with any proceeding, act or order had, done or made under this Ordinance.

Rules.

13. The Governor may make Rules for the better carrying out of the provisions of this Ordinance.

OBJECTS AND REASONS.

The object of this Bill is to re-enact the provisions of the Expulsion from Proclaimed Areas Ordinance, 1933, which will expire on the 18th May, 1935. The section limiting the duration of Ordinance has been deleted.

No additional expenditure of public moneys will be involved if the provisions of this Bill become law.

GOVERNMENT NOTICE No. 346

ARRIVALS

Name	Rank	From leave or on 1st Appointment	Date of leaving England	Date of Embarkation	Date of arrival at Mombasa
R. A. Hawkins	Registrar of Titles	Leave	6th April, 1935	—	5th May, 1935
E. Cottingham	Plant Inspector, Agric. Dept.	do	do	—	do
Miss M. A. Marshall	Nursing Sister, Medical Dept.	do	23th Nov., 1934 *	29th April, 1935 †	7th May, 1935
R. J. Randall	Fireman, Class II, K. U. R. & H.	do	9th April, 1935 ‡	9th April, 1935 ‡	30th April, 1935
H. T. Lee	Junior Clerk, K. U. R. & H.	do	14th Mar., 1935	14th March, 1935	do

* Southampton. † L. Marques. ‡ S. Africa & East London.

DEPARTURES

Name	Rank	On leave or termination of appointment	Date of Departure
B. F. Clayden	Second Engineer, Lake Steamers, K. U. R. & H.	Leave	1st May, 1935
K. L. N. Bulley	Clerk, Class I, K. U. R. & H.	do	do
R. N. Moore	Clerk, Class II, K. U. R. & H.	do	do
J. G. Sullivan	ditto	do	do
R. Robertson	Driver, K. U. R. & H.	do	do
G. M. Jenkins	ditto	do	do
G. L. Paton	Senior Clerk, K. U. R. & H.	do	do
F. Browning	Superintendent of the Line, K. U. R. & H.	do	do

APPOINTMENTS.

CAPTAIN C. ASPLIN to be Acting 2nd-in-Command of a Battalion, The King's African Rifles, with effect from the 1st May, 1935.

LIEUTENANT J. P. CARNE to be Acting Officer Commanding a Company, The King's African Rifles, with effect from the 1st May, 1935.

CHARLES FARQUHAR ATKINS to be District Officer, Laikipia-Samburu District, Rift Valley Province, and Northern Frontier District, with effect from the 20th April, 1935.

HARRY BARRON SHARPE to be District Commissioner, Laikipia-Samburu District, Rift Valley Province and Northern Frontier District, with effect from the 3rd April, 1935.

WILLIAM HOLDEN HALE to be District Officer, South Nyeri District, Central Province, with effect from 6th May, 1935.

KENYA AND UGANDA RAILWAYS AND HARBOURS.

HUGH McMILLAN KIRKLAND, Assistant Engineer, to be Senior Assistant Engineer, with effect from 1st January, 1935.

WILLIAM URQUHART, Assistant Engineer, to be Senior Assistant Engineer, with effect from 1st January, 1935

REGINALD EDWIN ROBINS, O.B.E., Assistant Superintendent of the Line, to be Acting Superintendent of the Line, with effect from the 25th April, 1935, *vice* Fred Browning proceeded on leave.

ARTHUR GEORGE REGINALD HIGGINS, Assistant Superintendent, Class I, to be Acting Assistant Superintendent of the Line, with effect from 25th April, 1935.

JOHN WILLIAM TERRINGTON, District Traffic Superintendent, Class II, to be Acting Assistant Superintendent, Class I, with effect from 25th April, 1935.

PRELIMINARY ORAL SWAHILI EXAMINATION.
PASS.

T. D. Wallace, Crown Counsel.

K. G. Ball, Department of Agriculture.

JUXON BARTON,
for Acting Colonial Secretary.

PROCLAMATION No. 39

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 area defined in the Schedule hereto to be infected with East Coast Fever, and I hereby further declare the said area shall be known as an "Infected Area" for the purposes of Rules under the Diseases of Animals Ordinance.

Proclamation No. 92 dated the 8th day of November, 1933, is hereby amended accordingly.

Given under my hand at Nairobi this 1st day of May, 1935.

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

SCHEDULE

L.R. or other description	Owner	District	Date of commencement of Quarantine
L.R. Nos. 3366, 6306 and 3364	A. G. Seton, Esq., Ol Ol-dama, P. O. Naro Moru	North Nyeri	18th April, 1935

PROCLAMATION No. 40

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

AND

THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE

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

GOVERNMENT NOTICE No. 231 OF 1919.

PROCLAMATION.

IN EXERCISE of the powers thereunto enabling me, I hereby declare the following portions of proclamations to be revoked:—

That portion of Proclamation No. 71, dated the 30th day of August, 1933, declaring L.R. No. 5614, Capt. H. Eckstein, Maryland, P.O. Subukia, Nakuru District, to be an infected area (East Coast Fever).

That portion of Proclamation No. 102, dated the 13th day of December, 1933, declaring L.R. No. 1229, Capt. E. C. Long, P.O. Naro Moru, North Nyeri District, to be an infected area (East Coast Fever).

That portion of Proclamation No. 26, dated the 13th day of March, 1935, declaring Farm L.R. Nos. 4819 and 4925, Mrs. J. W. Salvadori, Equator Farm, Njoro, Nakuru District, to be an infected area (Rinderpest).

Given under my hand at Nairobi this 1st day of May, 1935.

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

PROCLAMATION No. 41

THE SUPPRESSION OF RABIES ORDINANCE,
1932

AND

THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE

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

GOVERNMENT NOTICE No. 155 OF 1934.

PROCLAMATION.

IN EXERCISE of the powers thereunto enabling me, I hereby declare the following portion of proclamation to be revoked:—

That portion of Proclamation No. 24, dated the 28th day of February, 1934, declaring:—

(2) That portion of the Kisumu-Londiani District which lies west of the following boundary (near Muhoroni);

Commencing at a point where the Tugenon River intersects the southern boundary of L.O. No. 643/1 (near Muhoroni Township);

thence following the Tugenon River downstream to its junction with the Kipturu River;

thence following the Kipturu River up-stream to the point of intersection with the southern boundary of L.O. No. 1628;

thence following the southern boundary of L.O. No. 1628 in an easterly direction to the south-west beacon of 1452/2;

thence following in the same direction the southern boundary of L.O. No. 1454/2 (Soba River Estate) to the point where it meets with the most westerly beacon of the Tinderet Forest, the point of termination of the boundary.

Given under my hand at Nairobi this 1st day of May, 1935.

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

PROCLAMATION No. 42

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

AND

THE INTERPRETATION AND GENERAL
CLAUSES ORDINANCE

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

GOVERNMENT NOTICE No. 231 OF 1919.

PROCLAMATION.

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

RINDERPEST.

Farm L.R. No. 2564, S. R. Clelland Scott, Esq.,
P.O. Nanyuki, North Nyeri District.

Farm L.R. No. 281, Estate Manager, Thika
Ranch, P.O. Box 44, Thika, Thika District.

Farm L.R. No. 275/2, G. Edmunds, Esq., Meller-
stane Estate, Thika, Thika District.

Given under my hand at Nairobi this 8th day of
May, 1935.

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

GOVERNMENT NOTICE No. 347

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. 409 OF 1934.

APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I hereby appoint—

Thomas Roope Pomeroy Salmon, Esq.,
to be a Game Warden.

Nairobi,

This 8th day of May, 1935.

A. T. A. RITCHIE,
Game Warden.

GOVERNMENT NOTICE No. 348

THE LOCAL GOVERNMENT (DISTRICT
COUNCILS) ORDINANCE, 1928.

APPOINTMENT.

IN EXERCISE of the powers conferred upon him by section 119 of the Local Government (District Councils) Ordinance, 1928, His Excellency the Acting Governor has been pleased to appoint Commander F. J. Couldrey to be a member of the Standing Committee for Local Government in rural areas, *vice* the Hon. E. H. Wright.

By Command of His Excellency the Acting
Governor.

Nairobi,

4th May, 1935.

JUXON BARTON,
for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 349

THE LOCAL GOVERNMENT (MUNICIPALI-
TIES) ORDINANCE, 1928.

IN EXERCISE of the powers conferred upon him by section 9 of the Local Government (Municipalities) Ordinance, 1928, His Excellency the Acting Governor has been pleased to nominate Mr. Hemed Mohamed bin Issa to be a member of the Municipal Board of Mombasa, with effect from the 1st May, 1935.

By Command of His Excellency the Acting
Governor.

Nairobi,

10th May, 1935.

JUXON BARTON,
for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 350

THE COURTS ORDINANCE, 1931.

APPOINTMENT.

IN EXERCISE of the powers conferred upon him by sections 6 and 8 of the Courts Ordinance, 1931, His Excellency the Acting Governor has been pleased to appoint, with effect from the 3rd day of April, 1935, Harry Barron Sharpe, to be a Magistrate of the First Class, with powers to hold Subordinate Courts of the First Class in the Northern Frontier District and North Nyeri District, Central Province, whilst holding his present appointment as District Commissioner, Laikipia-Samburu District.

By Command of His Excellency the Acting
Governor.

Nairobi,

This 3rd day of May, 1935.

JUXON BARTON,
for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 351

THE COURTS ORDINANCE, 1931.

APPOINTMENT.

IN EXERCISE of the powers conferred upon him by sections 6 and 8 of the Courts Ordinance, 1931, His Excellency the Acting Governor has been pleased to appoint, with effect from the 15th day of April, 1935, Joseph Edgar Hugo Lambert, to be a Magistrate of the First Class, with powers to hold a Subordinate Court of the First Class in the Central Province whilst holding his present appointment as District Commissioner, North Nyeri District, Central Province.

By Command of His Excellency the Acting
Governor.

Nairobi,

This 3rd day of May, 1935.

JUXON BARTON,
for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 352

THE COURTS ORDINANCE, 1931.

APPOINTMENT.

IN EXERCISE of the powers conferred upon him by sections 6 and 8 of the Courts Ordinance, 1931, His Excellency the Acting Governor has been pleased to appoint, with effect from the 24th day of April, 1935, George Raymond Bramley Brown, to be a Magistrate of the Second Class, with powers to hold a Subordinate Court of the Second Class, in the Kiambu District, Central Province, whilst holding his present appointment as District Officer, Kiambu District, Central Province.

By Command of His Excellency the Acting Governor.

Nairobi,

This 3rd day of May, 1935.

JUXON BARTON,
for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 353

THE COURTS ORDINANCE, 1931.

APPOINTMENT.

IN EXERCISE of the powers conferred upon him by sections 6 and 8 of the Courts Ordinance, 1931, His Excellency the Acting Governor has been pleased to appoint, with effect from the 20th day of April, 1935, Charles Farquhar Atkins, to be a Magistrate of the Second Class with powers to hold Subordinate Courts of the Second Class in the Northern Frontier District, North Nyeri District, Central Province, and the Laikipia District, Rift Valley Province, whilst holding his present appointment as District Officer, Laikipia-Samburu District, Northern Frontier District.

By Command of His Excellency the Acting Governor.

Nairobi,

This 3rd day of May, 1935.

JUXON BARTON,
for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 354

THE COURTS ORDINANCE, 1931.

APPOINTMENT.

IN EXERCISE of the powers conferred upon him by sections 6 and 8 of the Courts Ordinance, 1931, His Excellency the Governor has been pleased to appoint, with effect from the 6th day of May, 1935, William Holden Hale, to be a Magistrate of the Second Class, with powers to hold a Subordinate Court of the Second Class in the South Nyeri District, whilst holding his present appointment as District Officer, South Nyeri District, Central Province.

By Command of His Excellency the Acting Governor.

Nairobi,

This 10th day of May, 1935.

R. P. PLATT,
for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 355

THE NATIVE AUTHORITY ORDINANCE
(Chapter 129 of the Revised Edition, section 8 (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 persons named in the first Schedule annexed hereto to be official headmen for the areas named therein, and further direct that the headmen named in the first column of the second Schedule annexed hereto be subordinate to those named in the second column thereof:—

Nakuru,
26th April, 1935.

H. E. WELBY,
Provincial Commissioner.
Rift Valley Province.

SCHEDULE 1.

RIFT VALLEY PROVINCE.

BARINGO DISTRICT.

Name	Area	With effect from	Remarks
Kimwengoi arap Chebet.	Kapropita West in addition to Kapropita East.	1st January, 1935	Appointed head man of Kapropita East. Vide G. N. 313 of 28/8/17.
Kotok arap Chebiegon.	Lawan in addition to Kelyo.	1st January, 1935	Appointed head man of Kelyo. Vide G. N. 529 of 11/8/33.
Kiblabat arap Chepkeror.	Chepkeror in addition to Sacho.	1st January, 1935	Appointed head man of Sacho. Vide G. N. 422 of 3/11/21.
Chebei arap Cheptalam.	Kipkata in addition to Kaboskei.	1st January, 1935	Appointed head man of Kaboskei. Vide G. N. 356 of 20/4/31.
Lakwait arap Kibet.	Kamaruswa in addition to Lembus.	1st January, 1935	Appointed head man of Lembus. Vide G. N. 325 of 17/9/24.

SCHEDULE 2.

Headman	To be Subordinate to headman	Appointed headman of
Chebiegon arap Kimwechoi, of Kapropita West.	Kimwengoi arap Chebet, of Kapropita East and West.	Kapropita West. Vide G. N. 356 of 9/6/31.
Kiptala arap Chemweno.	Kotok arap Chebiegon.	Lawan. Vide G. N. 356 of 9/6/31.
Chepkwain arap Burmurwo.	Kiblabat arap Chepkeror.	Sacho. Vide G. N. 422 of 9/11/21.
Rotich arap Tarakwa.	Chebei arap Cheptalam.	Kaboskei in July 1930.
Bundotich arap Mundulel.	Lakwait arap Kibet.	West Lembus. Vide G. N. 56 of 7/2/24.

GOVERNMENT NOTICE No. 356

THE MINING ORDINANCE, 1933.

NOTICE is hereby given that Government Notice No. 132 of the 15th day of February, 1935, in respect of an application for an Exclusive Prospecting Licence by R. M. Pakenham Walsh on the Ya River in Area II of the Central Kavirondo District is cancelled with effect from the date hereof.

Nairobi,

This 1st day of May, 1935.

E. G. ST. C. TISDALL,
Acting Commissioner of Mines

GOVERNMENT NOTICE NO. 357

HONOURS AND AWARDS.

"THE KING'S MEDAL FOR NATIVE CHIEFS."

HIS Excellency the Acting Governor, with the approval of the Secretary of State for the Colonies, has been pleased to award the King's Medal for Native Chiefs (in silver) to the undernoted:—

Chief Koinange s/o Mbiu, of Kiambu.

Chief Mwendwa s/o Kitabi, of Kitui.

Nairobi,

This 6th day of May, 1935.

JUXON BARTON,
for Acting Colonial Secretary.

GOVERNMENT NOTICE NO. 358

LAW EXAMINATION.

THE next Law Examination for Administrative Officers will be held on the 15th July, 1935.

R. P. PLATT,
for Acting Colonial Secretary.

GOVERNMENT NOTICE NO. 336

SWAHILI EXAMINATIONS.

HIGHER Standard Examinations in Swahili will be held at Nairobi on Monday the 2nd September, 1935.

Lower Standard Examinations will be held on the same date at—

Nairobi,
Mombasa,
Kisumu,
Nakuru,
Eldoret,

and such other places as the Chairman of the Languages Board may decide.

The names of candidates for either of the above examinations must be forwarded through Heads of Departments to reach the Secretary of the Languages Board, P.O. Box 621, Nairobi, on or before the 2nd July, 1935.

Entries must state the full name of the candidate, the post held and the language examinations already passed.

Nairobi,

This 20th day of April, 1935.

L. A. WEAVING,
*Secretary,
Languages Board.*

GENERAL NOTICE NO. 624

LOCAL GOVERNMENT (MUNICIPALITIES)
ORDINANCE, 1928.THE EUROPEAN COUNCILLORS ELECTION
RULES, 1929.

MUNICIPAL COUNCIL OF NAIROBI.

ELECTION OF COUNCILLORS IN THE YEAR 1935.

NOTICE OF ELECTION.

NOTICE is hereby given that:—

1. The day of election of Councillors for the undermentioned Wards of the Municipality of Nairobi is Saturday, the 1st day of June, 1935.

2. The number of Councillors to be elected is as follows:—

For the Parklands Ward, one.

For the Ngong Road Ward, one.

For the Hill Ward, one.

3. Each candidate for election as councillor must be nominated in writing, and the nomination paper must be delivered to me by the candidate or by his proposer or seconder so that it shall be received at the Municipal Offices, Government Road, Nairobi, between the hours of 11 o'clock in the forenoon and 12 o'clock noon on Saturday, the 1st day of June, 1935.

4. The nomination paper must be in the form prescribed in the Second Schedule to the European Councillors Election Rules, 1929.

5. Forms of nomination paper may be obtained free of charge from me at the above-named office.

6. If the number of candidates validly nominated for any of the said Wards exceeds the number of councillors to be elected for such Ward, the election will be adjourned for the purpose of taking a poll, of which due notice will be given.

Dated this 15th day of May, 1935.

Municipal Offices,
Government Road,
Nairobi.

F. S. ECKERSLEY,
Returning Officer.

GENERAL NOTICE NO. 625

THE REGISTRATION OF TITLES ORDINANCE
(Chapter 142 of the Revised Edition of the Laws
of Kenya).

WHEREAS by virtue of a grant registered as No. I.R. 1892 Mrs. Peerojbai Mancherjee Daroga is the registered proprietor of Plot No. 1108/11/XXII situate in Nyeri Township, and whereas the said Peerojbai Mancherjee Daroga died at Nairobi on the 7th day of September, 1929, and letters of administration were granted out of the Supreme Court at Nairobi on the 14th day of January, 1931, unto Barorji Mancherji Daroga and Nadirshah Mancherji Daroga as representatives, and whereas the Commissioner of Lands has approved of the acceptance of a surrender of the said plot from the said representatives, and in pursuance thereof a Deed of Surrender has been executed by the representatives, and whereas the said grant has been lost and so far as is known has not been deposited by way of charge or security for any loan, notice is hereby given, in terms of section 65 (h) of the said Ordinance that after the expiration of ninety days from the date hereof, I intend to dispense with the production of the said grant and to proceed with the registration of the said letters of administration and deed of surrender.

Nairobi,

2nd May, 1935.

G. J. ROBBINS,
Registrar of Titles.

GENERAL NOTICE No. 626

THE LAND AND AGRICULTURAL BANK OF KENYA.

THE LAND AND AGRICULTURAL BANK AMENDMENT ORDINANCE, 1933.

NOTICE.

IN pursuance of the powers conferred upon the Board by section 4 of the above-named Ordinance, notice is hereby given that the undernoted freehold property will be offered for sale by public auction on Friday, 14th June, 1935, at 11.30 a.m. at the Nakuru Hotel, Nakuru, by T. H. Chettle, Auctioneer.

DESCRIPTION.

All that piece or parcel of land comprising four hundred and twenty-eight acres or thereabouts situate in the Nakuru District of the Rift Valley Province, Meridional District South A 37 1 (Land Office No. 5621, Original No. 453/4) more particularly delineated and described on Plan No. 23264 annexed to an indenture made the 25th day of January, 1926, by which Angus Fraser Macrae as administrator of the estate of Robert Stanley, deceased, conveyed the 428 acres referred to above to Augustin Cooke.

CONDITIONS OF SALE.

1. The highest bidder shall be the purchaser.
2. The purchaser shall immediately after the sale pay to the auctioneer a deposit of 25 per cent of the amount of the purchase money and sign an agreement to complete the purchase and pay the balance against registration of the transfer of the title into his or her name.
3. The title deed may be inspected at any time before the sale at the office of the Land and Agricultural Bank of Kenya, Nairobi, or at Nakuru on the day of the sale and the purchaser shall be deemed to have full notice of each and every provision therein contained.
4. The description of the property in the particulars and plans is believed and shall be deemed to be correct and no claim shall be valid in respect of any error of description, should such be found.
5. The Board through its authorized representative has the right to bid.
6. Subject and in addition to the foregoing, the conditions of sale usually prescribed by the auctioneer in this district shall apply.

Nairobi.

T. L. HATELY,
Acting Secretary.

GENERAL NOTICE No. 627

HONORARY PERMIT ISSUER.

IN EXERCISE of the powers conferred upon me by Rules Nos. 20 and 63 of the Diseases of Animals Ordinance Rules, 1931, I hereby declare the undermentioned gentleman to be an Honorary Permit Issuer for the purposes of the said Rules:—

J. W. Harris, Esq.,
Uplands Bacon Factory,
Uplands.

Nairobi,

This 7th day of May, 1935.

H. H. BRASSEY-EDWARDS,
Deputy Director (Animal Industry)
and Chief Veterinary Officer.

GENERAL NOTICE No. 628

HONORARY PERMIT ISSUER.

IN EXERCISE of the powers conferred upon me by Rule No. 26 (2) of the Diseases of Animals Ordinance Rules, 1931, I hereby declare that the undermentioned Honorary Issuer of Permits is authorized to issue permits for movement by rail for slaughter stock only.

LIMURU AREA.

J. W. Harris, Esq.,
Uplands Bacon Factory,
Uplands.

Nairobi,

This 7th day of May, 1935.

H. H. BRASSEY-EDWARDS,
Deputy Director (Animal Industry)
and Chief Veterinary Officer.

GENERAL NOTICE No. 629

RABIES PROGRESS REPORT.

Since the publication of the last Rabies Progress Report on the 8th March, 1935, one fresh case of rabies, in an infected area, has been reported and confirmed in a dog.

This case occurred in the Kakamega Township on April 10th last, when a native dog attacked two European-owned dogs. The three dogs involved were destroyed. The origin of the outbreak could not be traced.

Arrangements are in hand to bait intensively the township area and similar measures are also being adopted in areas adjacent to the goldfield areas; the public are warned that any dogs at large and not led on a leash, in accordance with the orders published under the Suppression of Rabies Ordinance, are liable to be destroyed.

North Kavirondo Native Reserve.

Baiting operations have been continued and carried out in the locations of West Kakamega, East Kakamega, Watsotso, Kabras, Wanga, Mukutu and the Kakamega Township and outskirts.

In all 6,710 baits were laid with the following known mortality:—

282 dogs, 108 jackal, 86 others.

There is nothing to report from the Central and South Kavirondo Native Reserves.

Uasin Gishu District.

No positive cases have been reported since the publication of the last report.

Poison baiting has been carried out by farmers in the Turbo and Soy areas.

Mortalities from poison bait were as follows:—

16 jackal, 2 dogs and 3 hyaena. In addition, 21 dogs, 8 jackal and 1 mongoose were shot.

Kisumu-Londiani District.

A large portion of this district has been relieved of the rabies quarantine and only a small portion of the district now remains under control.

H. H. BRASSEY-EDWARDS,
Deputy Director (Animal Industry)
and Chief Veterinary Officer.

GENERAL NOTICE No. 630

NAIROBI LIQUOR LICENSING COURT.

APPLICATION for a Club Liquor Licence has been made by the Hon. Secretary, Nairobi Railway Club, to be considered by the Nairobi Liquor Licensing Court sitting on the 10th June, at the Railway Institute, Nairobi.

Nairobi, F. MARSHALL,
11th May, 1935. for District Commissioner.

GENERAL NOTICE No. 631

TRANS NZOIA DISTRICT COUNCIL.

IMPOSITION OF HOSPITAL RATE FOR THE YEAR 1935.

IT is hereby notified that the following resolution was passed at a meeting of the full District Council held at the Council Offices, Kitale, on the 1st May, 1935.

"That this Council hereby imposes a rate of shillings ten (10/-) on every male person of wholly European origin and descent, of the age of twenty-one years or over, residing within the Trans Nzoia District or Kitale Township, for the year 1935, for the purpose of providing additional funds towards the maintenance and upkeep of the Trans Nzoia European Cottage Hospital.

This rate shall become due and payable at the offices of the District Council, Kitale, on the 10th day of June, 1935."

Kitale, H. J. BELL,
4th May, 1935. Engineer-Clerk to the Council.

GENERAL NOTICE No. 632

LOCUST REPORT, 9TH MAY, 1935.

THE RED LOCUST.

KENYA.

The emergence and destruction of a small band of hoppers in the Katse Location of the Kitui District has been reported. With this exception, the Colony is believed to be clear of both flying locusts and hoppers.

TANGANYIKA.

Reports received from Tanganyika state there is no material change in the locust position in the Moshi District, except that disease and mortality of hoppers is considerable in the Handani and Muhesa areas. Hoppers are present on the Masai-Mpwapwa border at a great distance from settlement. The first escapes from the Handani District have been observed. Damage to crops is stated to be negligible.

A. G. BAILEY,
for Director of Agriculture.

GENERAL NOTICE No. 633

POST OFFICE NOTICE.

ARRIVAL OF KENYA MAILS IN ENGLAND.

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

Date of despatch from Mombasa	Name of vessel by which despatched	Date of arrival in England
17th April, 1935	S.S. "Ussukuma"	4th May, 1935
20th April, 1935	S.S. "Gen. Metzinger"	7th May, 1935

General Post Office,
Nairobi,
8th May, 1935.

A. W. DRURY,
for Postmaster General,
Kenya, Uganda and Tanganyika.

GENERAL NOTICE No. 634

POST OFFICE NOTICE.

ARRIVAL OF AIR MAIL IN ENGLAND.

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

Date of despatch from Nairobi	Date of arrival in England
26th April, 1935 29th April, 1935 3rd May, 1935	2nd May, 1935 6th May, 1935 9th May, 1935

General Post Office,
Nairobi,
10th May, 1935.

A. W. DRURY,
for Postmaster General,
Kenya, Uganda and Tanganyika.

GENERAL NOTICE No. 635

NOTICE

LABOUR AGENT'S PERMIT ISSUED DURING THE MONTH OF APRIL, 1935

No. of Permit	Name	Date of Receipt	Date of Commencement	Date of Expiry
819	Nyanza Labour Agency	5-4-35	1-4-35	30-6-35

Kisumu,
3rd May, 1935.

C. TOMKINSON,
Ag. Provincial Commissioner, Nyanza.

THE CROWN LANDS ORDINANCE
(Chapter 140, Revised Edition)

RETURN OF LAND GRANTS—1ST JANUARY TO 31ST MARCH, 1935

The date of registration of the documents affecting these transactions has not been taken into consideration.

NAIROBI,
29TH APRIL, 1935.

W. M. LOGAN,
Commissioner for Local Government,
Lands and Settlement.

NAME	L.R. No.	Locality	Area	Stand Premium	Annual Rent	Term	Remarks
			<i>Acres</i>	<i>Sh.</i>	<i>Sh.</i>	<i>Years</i>	
I. FARM GRANTS							
(a) <i>By Auction or Tender</i>							
W. L. Van Blerk	2644.. ..	Ol Joro Orok ..	1,664	16,640	332/80	999	
C. H. Randall	4428/9/3	North Nyeri (Kalalu)	735	22,050	147	999	
(b) <i>Direct</i>							
Shibchand Gajumal	Plot 104/-/IV ..	Mombasa (Mainland North)	70	—	14	999	Extension to present holding. Under Coast Scheme (Notice No. 1319/1929). Extension to L.R. No. 6143 for residential site.
H. L. Bolton	Plot 197/-/III ..	Mtwapa Creek ..	160	—	32	999	
W. Munro	2130/1/-	Trans Nzoia ..	17	1,020	3/40	999	
II. FARM EXCHANGES							
N. E. Webb	2789.. ..	North Nyeri ..	4,342	6,000	868/40	999	Adjustment of exchange (L.R. No. 2796, 4,671 acres) previously granted.
III. FARM LAND-REVERSIONS							
East African Estates, Ltd. ..	3855/27	Digo District ..	49.7	—	—	—	For extension of Waa School.
B.H.T. Syndicate, Ltd. ...	123	Ruiru	3,312	—	—	—	Surrendered.
Ruai Sisal Plantations	3674.. ..	Nairobi	2,583	—	—	—	Surrendered.
IV. TOWN PLOTS							
(a) <i>By Auction or Tender.</i>							
Narsidas Gordhandass	Plot 3, Sect. I ..	Kibos	11478	352	72	99	Class "B" business-cum-residence.
Mangal Singh	Plot 7, Sect. I ..	Kibos	11478	401	72	99	Ditto.
(b) <i>Direct Grants.</i>							
Messrs. Roadways, Ltd. ...	Plot 6, Sect. LXVIII	Kisumu	1090	725	120	25	Godown.
Messrs. Commercial & Industrial Co., Ltd.	Plot 25, Sect. I ..	Kisumu	11583	1,815	205	99	"
Ditto	Plot 16, Sect. I ..	Kisumu	11584	1,815	205	99	"

RETURN OF LAND GRANTS—(Contd.)

NAME	L.R. No.	Locality	Area	Stand Premium	Annual Rent	Term	Remarks
(b) Direct Grants—(Contd.)			<i>Acres</i>	<i>Sh.</i>	<i>Sh.</i>	<i>Years</i>	
Messrs. Gulhanhussein Bros. & Co. W. G. Sewell	Plot 786, Sect. III.. Plot 15/-, Sect. XVI	Mombasa Eldoret	0.0126 0.0293	580 2,040	— Peppercorn	Freehold 99	Extension to existing plot.
(c) Exchanges to facilitate Town Planning and other requirements J. B. Albuguerque	Plot 45, Sect. XXXV	Kisumu	0.023	300	64	99	Revision of boundaries.
(d) Direct Grants for Religious Educational and Charitable Purposes. Siri Gurdwara Ramgarhia Sabba (Sikhs)	Plot—Sect. IV ..	Kericho	—	—	72	3 extendable to 99	For temple.
The Cutchi Gajerati Hindoo Union Kericho Patel Brotherhood ..	Plot—Sect. IV .. Plot—Sect. IV ..	Kericho Kericho	— —	— —	72 72	ditto ditto	For temple. Library.
(e) Direct Grants for Sports Purposes Nyeri Golf Club .. .. .	.. .. .	Nyeri	90	—	180	25	Extension to existing plot.
(f) Direct Grants for Special Purposes Eldoret European Hospital Com- mittee	Plot 16, Sect. XXV	Eldoret	—	—	—	99	Extension to existing plot.
V. TOWN PLOTS—REVERSIONS Ismail Rahimtulla Walji ..	Plot 13, Sect. VII..	Nakuru	—	—	—	—	Lease expired.
Abdulla Rahimtulla Walji Hirji	Plot 11, Sect. I ..	Nakuru	—	—	—	—	Lease expired.
Madatali Vallibhai	Plot I, Sect. III ..	Kaptumo	—	—	—	—	Surrendered.
Madatali Vallibhai	Plot 2, Sect. III ..	Kaptumo	—	—	—	—	Surrendered.
Esmail Allibhai	Plot 56, Sect. II ..	Kitale	—	—	—	—	Surrendered.
Bulaka Singh	Plot 32, Sect. II ..	Kitale	—	—	—	—	Surrendered.
Kameswar Juthalal	Plot 46, Sect. II ..	Kitale	—	—	—	—	Surrendered.
Shia Imami Ismailia Council ..	Plot 11, Sect. I ..	Sio	—	—	—	—	Surrendered.
Dharsi Madhavji	Plot 66, Sect. II ..	Kitale	—	—	—	—	Surrendered.
J. G. Kirkwood and G. J. F. Forbes-Mangan	Plots 18 and 19, Sect. V	Kitale	—	—	—	—	Surrendered.
S. Morson	Plot 7, Sect. I ..	Nanyuki	—	—	—	—	Surrendered.

GENERAL NOTICE NO. 415

THE CROWN LANDS ORDINANCE.

(Chapter 140, Revised Edition of the Laws of Kenya).

AUCTION OF FARMS.

THE grants of the farms specified in the Schedules 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 Institute, Nairobi, commencing at 10 a.m. on Friday the 28th June, 1935.

Plans of the farms may be seen at the Public Map Office, Survey and Registration Division, Nairobi, or may be had on application to the Surveyor General, Box 89, Nairobi, on payment of Sh. 3, post free, in respect of each plan required.

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

CONDITIONS OF SALE.

1. Each farm will be auctioned separately.
2. The farms in the First Schedule are in the Highlands, and purchase will be confined to Europeans only (or their accredited agents), in conformity with the decision of His Majesty's Government.
3. The farms in the Second Schedule will be open to unrestricted bidding.
4. 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.
5. The amount of the advance of each bid will be regulated by the auctioneer, and no bid shall be retracted.
6. 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 re-offered for sale, and any subsequent bid by the person who has made default may be ignored or refused.
7. The balance of the purchase money in respect of Farms L.R. Nos. 1929, 2654/1, 2654/2, 2654/3, 3476, and 1553 shall be paid in full to the Provincial Commissioner, Rift Valley Province, Box 81, Nakuru; in respect of Farms L.R. Nos. 7194,

7195, 6099, 6100 and 3095 to the District Commissioner, Kisumu-Londiani, Kisumu; and in respect of Farms L.R. Nos. 7197, 7198 and 1218 to the Land Assistant, Box 424, Nairobi, on or before the 1st July, 1935, or shall 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, 1936, and the purchaser shall inform the Provincial Commissioner, Nakuru, the District Commissioner, Kisumu-Londiani, or the Land Assistant, Nairobi, as the case may require, on or before the 1st July, 1935, 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 transfer of the land granted or any part thereof shall be valid until the whole of the purchase money shall have been paid.

8. The rent due to the 31st December, 1935, shall be paid to the Provincial Commissioner, Nakuru, the District Commissioner, Kisumu-Londiani, and the Land Assistant, Nairobi, respectively, on or before the 1st July, 1935.

The survey fees and the fees payable for the preparation (Sh. 100) and registration (Sh. 20) of the grant, and the stamp duty payable (approximately 2 per cent *ad valorem*) in respect of the grant shall be paid to the Surveyor General at the Survey and Registration Division, Nairobi, on or before the 1st July, 1935.

Upon such payments being duly made, the purchaser shall, subject to the provisions of the Crown Lands Ordinance (Chapter 140, Revised Edition), and if the conditions of sale 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 July, 1935, the Commissioner of Lands 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) and the Registration of Titles Ordinance (Chapter 142), and will be for 999 years, commencing from the 1st day of July, 1935. Rent will be payable from that date.

FIRST SCHEDULE

L. R. No.	Locality	Acres (approx)	Upset Price	Annual Rent	Proportionate Rent 1-7-35 to 31-12-35	Survey Fees
1929 7194 (5479/1 & 4429/4) 7195 (5479/2 & 4429/5)	Trans Nzoia	2887	Sh. 36,088	Sh. 577-40	Sh. 288-70	Sh. 1076
2654/1 2654/2 2654/3 7197 (2877/1)	Londiani	767	7,670	153-40	76-70	596
3476 1553 7198 (5810/2) * 1218	Londiani Ol' Bolosat Ol' Bolosat Ol' Bolosat North Nyeri Naivasha Naivasha Komo Station Athi Plains	1434 1215 1210 1193 1933 1480 2478 188-5 4000	10,755 9,112 9,075 8,947 14,498 7,400 18,585 3,770 16,000	286-30 243-00 242-00 238-60 386-60 296-00 495-60 37-80 800-00	143-40 121-50 121-00 119-30 193-30 148-00 247-80 18-90 400-00	734 730 730 730 890 784 996 344 1236

SECOND SCHEDULE

6099	Kibos	160	6,400	32-00	16-00	330
6100	Kibos	160	6,400	32-00	16-00	330
3095	Chemillil	160	4,800	32-00	16-00	316

* The Survey of L.R. No. 1218 has not yet been effected.

Nairobi,
16th March, 1935.

W. M. LOGAN,
Commissioner for Local Government,
Lands and Settlement

GENERAL NOTICE No 376

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

SUPREME COURT SESSIONS AT NAIROBI, 13-5-35.

Criminal Case No. 49/35 Rex *vs.* Mbuka s/o Kala.

Criminal Case No. 60/35 Rex *vs.* Ngorimu wa Kimotho.

CRIMINAL SESSIONS AT MOMBASA, 13-5-35.

Criminal Case No. 40/35 Rex *vs.* Ibrahim bin Musa and twelve others.

Criminal Case No. 40A/35 Rex *vs.* " " " " " "

Criminal Case No. 40B/35 Rex *vs.* " " " " " "

Criminal Case No. 50/35 Rex *vs.* Kenga wa Kwicha

Criminal Case No. 53/35 Rex *vs.* Esau s/o Dharamgushu (Mchagga)

SUPREME COURT SESSIONS AT NAKURU, 14-5-35.

Criminal Case No. 42/35 Rex *vs.* Kiptilit Ole Baragoini.

Criminal Case No. 43/35 Rex *vs.* Lolomara Lalaldagum.

Criminal Case No. 45/35 Rex *vs.* Nana Lolmodon & another.

Criminal Case No. 45A/35 Rex *vs.* Nana Lolmodon & another.

Criminal Case No. 47/35 Rex *vs.* Kimeri arap Kugu.

Civil Case No. 36/35. Marie Kathleen Hine & others *vs.* Jean Wainwright

District Registry Cases.

C.C. No. 22/34 Kagishu s/o Gichinga *vs.* Chuaga s/o Gitushu.

C.C. No. 6/35 Githua s/o Kimani *vs.* Mshenzi s/o Dihanyka.

C.C. No. 7/35 Wanjoike s/o Maingi *vs.* Gachibu wa Ngugutu.

C.C. No. 8/35 Olbilisi s/o Kamuaro *vs.* Nganga s/o Karemi.

C.C. No. 9/35 Njuguna s/o Maulu *vs.* Wanjiro d/o Kiragu.

SUPREME COURT SESSIONS AT KITALE, 21-5-35.

Criminal Case No. 48/35 Rex *vs.* Kabeti s/o Wabusa.

SUPREME COURT SESSIONS AT KAPENGURIA, 22-5-35.

Criminal Case No. 54/35 Rex *vs.* Agodomet s/o Daimoi.

SUPREME COURT SESSIONS AT ELDORET, 23-5-35.

District Registry Case.

Civil Case No. 12/34. Dalgety & Co., Ltd. *vs.* W. A. L. Spencer.

SUPREME COURT SESSIONS AT KISUMU, 27-5-35.

Criminal Case No. 32/35 Rex *vs.* Mikali arap Maina.

Criminal Case No. 37/35 Rex *vs.* Lisekhe s/o Rokosa, *alias* Angoho.

Criminal Case No. 39/35 Rex *vs.* Ihengala s/o Isaha.

Criminal Case No. 44/35 Rex *vs.* Kimugun arap Ruto and nine others

SUPREME COURT SESSIONS AT KISUMU, 28-5-35.

Criminal Case No. 46/35 Rex *vs.* Ondisho d/o Shiango.

SUPREME COURT SESSIONS AT FORT HALL, NYERI, MERU, AND EMBU

COMMENCING AT FORT HALL, 9-7-35

Criminal Case No. 36/35 Rex *vs.* Kamara wa Waitagwoka.

MURRAY M. JACK,

Registrar,

Supreme Court of Kenya.

GENERAL NOTICE No. 637

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

INSOLVENCY JURISDICTION.

CAUSE No. 14 of 1926.

Re MOHAMED KASSIM, ALIBHAI KASSIM, HUSSEIN KASSIM
AND REHEMTULLA KASSIM, TRADING AS ALIBHAI AND
REHEMTULLA, INSOLVENTS.

TAKE NOTICE that Mohamed Kassim, Alibhai Kassim, Hussein Kassim and Rehemtulla Kassim, trading as Alibhai and Rehemtulla, the above-named insolvents have applied to this Court for their discharge and that this Court has fixed Friday the 21st day of June, 1935, at 10 o'clock in the forenoon at the Supreme Court of Kenya at Mombasa for hearing of the said application.

Dated at Mombasa this 4th day of May, 1935.

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

GENERAL NOTICE No. 638

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

IN BANKRUPTCY.

CAUSE No. 14 of 1932.

Re DAHYABHAI DESAIBHAI PATEL, TRADING AS UNIVERSAL
COMMERCIAL CO., BANKRUPT.

To all whom it may concern.

TAKE NOTICE that Dahyabhai Desaiabhai Patel of Nairobi, the above-named bankrupt has applied to this Court for his discharge and the Court has fixed Friday the 14th day of June, 1935, at 10 o'clock in the forenoon for hearing of the application at Nairobi.

Dated at Nairobi this 9th day of May, 1935.

MURRAY M. JACK,
*Registrar,
Supreme Court of Kenya.*

GENERAL NOTICE No. 639

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

PROBATE AND ADMINISTRATION.

CAUSE No. 18 of 1935.

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE OF
MWANA MMANGA BINTI KHAMIS, LATE OF MOMBASA,
DECEASED.

TAKE NOTICE that application having been made in this Court by Khamis bin Shafy, of Mombasa, for the administration intestate of the estate of Mwana Mmanga binti Khamis, late of Mombasa, who died at Mombasa on the 8th day of August, 1934, 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 22nd day of May, 1935.

Mombasa,
4th May, 1935.

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

GENERAL NOTICE No. 640

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

PROBATE AND ADMINISTRATION.

CAUSE No. 35 of 1935.

NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF
PHILIP WHEATLEY, C.B., D.S.O. (A BRIGADIER-GENERAL
IN HIS MAJESTY'S ARMY, RETIRED), LATE OF
NANYUKI, DECEASED.

TAKE NOTICE that application having been made in this Court by William Nigel Mackenzie, of Nairobi, for probate of the will of Philip Wheatley, aforesaid, late of Nanyuki, who died at Nanyuki on the 10th day of April, 1935, 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 29th day of May, 1935.

Nairobi,
10th May, 1935.

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. 641

IN THE RESIDENT MAGISTRATE'S COURT AT
NAIROBI.

CIVIL CASE No. 3797 of 1934.

HARI RAM MOHINDRA . . . Plaintiff,

versus

DALIP CHAND s/o GENDA RAM . . . Defendant.

TAKE NOTICE that the above action has been commenced against you (Dalip Chand s/o Genda Ram) in the Resident Magistrate's Court at Nairobi, in which the plaintiff's claim is for Sh. 1,500, being Sh. 900 due under a demand promissory note and Sh. 600 being the amount of interest thereon drawn by you and one Banta Ram s/o Kirpa Ram in favour of Hari Ram Mohindra at Nairobi.

If you desire to defend the above action, you must within sixty days from the date of this notice, enter an appearance, either personally or by duly appointed advocate, at Nairobi. In default of such appearance, judgment may be entered against you, in your absence.

Dated at Nairobi this 3rd day of May, 1935.

C. DORAN,
*Resident Magistrate,
Nairobi.*

GENERAL NOTICE No. 642

NOTICE.

FAIRPLAY, LIMITED.

(In Liquidation).

NOTICE is hereby given that pursuant to section 241 of the Companies Ordinance, 1933, a General Meeting of the members of the above Company will be held at my office, Kirparam Building, Stewart Street, Nairobi, on Wednesday the 19th June, 1935, at 10 o'clock in the forenoon for the purpose of having an account laid before the Meeting showing the manner in which the winding up has been conducted, and the property of the Company disposed of and of hearing any explanations that may be given by the liquidator and also of determining by Extraordinary Resolution the manner in which the books, accounts and documents of the Company and of the liquidation thereof shall be disposed of.

Nairobi,

Dated this 9th day of May, 1935.

CHUNILAL KIRPARAM,
Liquidator.

GENERAL NOTICE NO. 643

TENDERS

TENDERS are invited by the Central Tender Board for the supply of foodstuffs, as specified hereunder, to various Government Departments during the six months ending the 31st December, 1935:—

ARTICLE	Approximate Quantity	Quotation Required	Place of Delivery
BEANS	124,518 lb.	per 60 lb.	Nairobi.
	15,600 "	"	Kabete.
	33,400 "	"	Mombasa.
	41,000 "	"	Kisumu.
	12,000 "	"	Nakuru.
	17,400 "	"	Eldoret.
	28,000 "	"	Kitale.
	12,240 "	"	Machakos.
BRAN	6,140 "	"	Nairobi.
	67,800 "	"	Kabete.
	720 "	"	Nakuru.
	360 "	"	Nyeri.
	1,200 "	"	Machakos
	1,000 "	"	Ngong.
	1,080 "	"	Lumbwa.
	540 "	"	Naivasha.
	800 "	"	Sangalo.
BREAD, WHITE	23,200 "	per lb.	Nairobi.
BROWN	920 "	"	Nairobi.
WHOLEMEAL	364 "	"	Nairobi.
WHITE	7,800 "	"	Kabete (School)
WHOLEMEAL	2,600 "	"	Kabete (School)
BUTTER	3,865 "	"	Nairobi.
EGGS, FRESH	1,100 dozen	per dozen	Nairobi.
EGGS, COOKING	250 "	"	Nairobi.
*GHEE	12,000 lb.	per 36 lb.	Nairobi (Supply and Transport Corps)
	11,346 "	"	Nairobi.
	1,200 "	"	Kabete.
	2,670 "	"	Mombasa.
	2,500 "	"	Kisumu.
	1,000 "	"	Nakuru.
	650 "	"	Eldoret.
*GROUND-NUTS	5,000 "	per 60 lb.	Nairobi (S. & T.C.).
	4,800 "	"	Nairobi.
	7,700 "	"	Kabete.
GROUND-NUT CAKES ..	2,000 "	per 100 lb.	Ngong.
HAY, LUCERNE	9 Tons	per ton	Nairobi.
	6 "	"	Kisumu.
*JAGGERY (ORIGINAL PACKING)	5,000 lb.	per 60 lb.	Nairobi (S. & T.C.).
	7,118 "	"	Nairobi.
LEMONS	71,200	per 100	Nairobi.
	14,600	"	Mombasa.
	29,500	"	Kisumu.
	6,000	"	Eldoret.
	45,000	"	Kitale, S. & T. Depot.
MAIZE, CRUSHED	11,600 lb.	per 60 lb.	Nairobi.
	26,880 "	"	Kabete.
	4,320 "	"	Nakuru.
	3,780 "	"	Naivasha.
	2,520 "	"	Lumbwa.
MAIZE GRAIN	378,380 "	"	Nairobi.
	16,000 "	"	Kabete.
	69,320 "	"	Mombasa.
	148,000 "	"	Kisumu.
	50,000 "	"	Nakuru.
	38,000 "	"	Eldoret.
	32,400 "	"	Machakos.
*MAIZE MEAL	80,000 "	"	Nairobi, (S. & T. C.)
	219,960 "	"	Nairobi.
	257,600 "	"	Kabete.
	106,200 "	"	Mombasa.
	33,000 "	"	Kisumu.
	15,000 "	"	Nakuru.
	25,000 "	"	Machakos.
	28,800 "	"	Ngong

Items marked "*" are for the Supply and Transport Corps, K.A.R. Nairobi, and are to be supplied as required subject to 14 days' notice.

TENDERS—(continued).

ARTICLE	Approximate Quantity	Quotation Required	Place of Delivery
*MAIZE MEAL—(contd)	45,000 lb.	per 60 lb.	Eldoret.
	18,000 "	"	Lumbwa.
	109,720 "	"	Kitale.
	125,000 "	"	Kitale, K. A. R. Depot, (in large bags to be supplied by contrac- tor)
	125,000 "	"	Kitale, K. A. R. Depot, (in 50 lb. bags to be supplied by S. & T. C.)
MBAAZI	12,240 "	"	Machakos.
MEAT-BEEF			
(a) Native	85,536 "	per lb.	Nairobi.
	13,600 "	"	Mombasa.
	15,000 "	"	Kisumu.
	4,200 "	"	Machakos.
(b) Roasting	3,150 "	"	Nairobi.
	3,300 "	"	Kabete (School).
(c) Fillet Steak	395 "	"	Nairobi.
	36 "	"	Kabete (School).
(d) Mince	2,010 "	"	Nairobi.
(e) Salt	450 "	"	Nairobi.
	720 "	"	Kabete (School).
(f) Stewing Steak	910 "	"	Nairobi.
(g) Dripping	216 "	"	Nairobi.
MEAT-MUTTON			
(a) Roasting	2,060 "	"	Nairobi.
	360 "	"	Kabete (School).
(b) Chops	377 "	"	Nairobi.
PORK-ROASTING.	108 "	"	Nairobi.
	216 "	"	Kabete (School).
Sausages	630 "	"	Nairobi.
	720 "	"	Kabete (School)
Bacon	145 "	"	Nairobi.
Suet	20 "	"	Nairobi.
Liver	190 "	"	Nairobi.
Ox Kidneys	75 "	"	Nairobi.
Ox Tongues	30 "	each	Nairobi.
Ox Tails	100 "	"	Nairobi.
Sheep Kidneys	140 "	"	Nairobi.
Sheep Tongues	400 "	"	Nairobi.
†MILK, FRESH OR PASTEURIZED.. .. .	13,882 gallons	per gallon	Nairobi.
	1,560 "	"	Kabete (School).
ONIONS	1,490 lb.	per 36 lb.	Nairobi.
*PEAS, DRIED	25,000 "	per 60 lb.	Nairobi (S. & T. C.)
POLLARD	2,240 "	"	Kabete.
	500 "	"	Machakos.
*POTATOES	25,000 "	"	Nairobi (S. & T. C.)
	122,050 "	"	Nairobi.
	33,470 "	"	Mombasa.
	30,200 "	"	Kisumu.
	9,800 "	"	Nakuru.
	20,000 "	"	Eldoret.
	25,000 "	"	Kitale.
	4,320 "	"	Ngong.
	30,890 "	"	Machakos.
†RICE, POLISHED.. .. .	13,630 "	"	Nairobi.
	19,060 "	"	Mombasa.
	2,000 "	"	Kisumu.
*†RICE, UNPOLISHED	100,000 "	"	Nairobi (S. & T. C.)
	12,000 "	"	Nairobi.
	1,600 "	"	Mombasa.
RICE, BASMATI	2,160 "	"	Nairobi.
RICE (Dog Rice)	1,500 "	"	Maseno, Luanda.
*SALT, COARSE	10,000 "	"	Nairobi (S. & T. C.)
	9,723 "	"	Nairobi.
	1,500 "	"	Kabete.
	2,830 "	"	Mombasa.
	1,950 "	"	Kisumu.
	300 "	"	Nakuru.
	1,110 "	"	Eldoret.
	1,420 "	"	Kitale.
	920 "	"	Machakos.
SALT DAIRY	720 "	"	Nairobi.

Items marked "" are for the supply and Transport Corps, K.A.R. Nairobi, and are to be supplied as required subject to 14 days' notice.

†Tenderer to state whether tender is in respect of fresh or pasteurized milk.

‡Tenderer to state whether tender is in respect of local or imported commodity.

TENDERS—(continued).

ARTICLE	Approximate Quantity	Quotation Required	Place of Delivery
SALT, ROCK	120 lb.	per 60 lb.	Nairobi.
	9,560 "	"	Kabete.
	1,080 "	"	Kisumu.
	400 "	"	Ngong.
	500 "	"	Machakos.
SIM SIM CAKES	78,400 "	per 100 lb.	Kabete.
	500 "	"	Machakos.
	1,000 "	"	Ngong.
	600 "	"	Luanda.
	1,200 "	"	Bungoma.
‡SUGAR	10,955 "	per 56 lb.	Nairobi.
	1,106 "	"	Mombasa.
	900 "	"	Kisumu.
	675 "	"	Kitale.
TEA	2,725 "	per case of 25 lb. net, lined with lead foil.	Nairobi.
WHEAT FLOUR	3,900 "	per 100 lb.	Nairobi.
	3,040 "	"	Mombasa.
Atta flour	4,800 "	"	Nairobi.
Special coarse	4,000 "	"	Nairobi.
Superfine	1,000 "	"	Nairobi.

‡Tenderer to state whether tender is in respect of local or imported commodity.

Tenders may be sent either through the post or placed in the Tender Box at the Treasury.

Tender forms and full particulars may be obtained on application to the undersigned.

No tender will be considered unless submitted on the prescribed form specifying quotations on the basis set out in column 3, and for delivery at the places enumerated in column 4. Samples of foodstuffs specified in the tender should not be less than one pound in weight and each packet should be *clearly marked and labelled* with the name of the person tendering.

Quotations for articles supplied in bags should *exclude* any charge in respect of the bags, which will be either returned or paid for by the departments concerned.

Tenders in sealed envelopes marked "Foodstuffs" will be received up to and including the 4th June, 1935.

The lowest or any tender will not necessarily be accepted.

THE TREASURY,

P. O. Box No. 591, NAIROBI,

11th May, 1935.

H. R. HIRST,

Secretary,

Central-Tender Board.

GENERAL NOTICE No. 644

COMPARATIVE STATEMENT OF CUSTOMS RECEIPTS FOR THE PERIOD JANUARY-APRIL, 1935

	Actual Collections 1933	Actual Collections 1934	Actual and Estimated Collections 1935
KENYA			
January-March	147,330	140,637	177,662
April	43,687	58,094	60,338
	191,017	198,731	238,000
One-third of yearly estimate	200,593	209,166	210,833
UGANDA			
January-March	96,291	120,496	120,777
April	24,130	29,714	34,223
	120,421	150,210	155,000
One-third of yearly estimate	110,400	105,000	116,667

Custom House,

Mombasa,

3rd May, 1935.

G. D. KIRSOPP,

Commissioner of Customs,
Kenya and Uganda.

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The following Departments of Government are now removed to the New Law Courts and Government Offices, City Square, Nairobi:—

Department of Education: Enquiry Office, room 89

Department of Registrar General, Public Trustee and
Official Receiver: Enquiry Office, room 47.

Passports and Immigration, Arms Registry, Criminal
Investigation: Enquiry Office, room 37.

Central Revenue Office: Ground Floor, room 21

Nairobi District Treasury: Ground Floor, room 19.

Commissioner of Prisons: Enquiry Office, room 50.

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