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THE OFFICIAL GAZETTE OF THE COLONY AND PROTECTORATE OF KENYA

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THE "MONTHLY TRADE AND INFORMATION BULLETIN" of the Standing Board of Economic Development for October, 1938 (Vol III, No 10) is issued with this number

The definitions of "Free pass", "Railways" and "Train" in section 2 of the Principal Ordinance which it is proposed to amend —

2 In this Ordinance, unless the context otherwise requires —

"Free pass" means an authority in writing given to any person to travel as a passenger on the railways or on any ship without the payment of any fare

"Railways" means and includes all lines of railway of which the High Commissioner has the control, working and management, and all lands, stations, sidings, buildings, plant, machinery, rolling-stock, and all other movable and immovable property used in connexion therewith

"Train" means a locomotive engine or motor by itself, or any rolling-stock that is drawn or propelled along a railway or is in course of being drawn or propelled along a railway by a locomotive engine or motor

Colony and Protectorate of Kenya

GOVERNMENT NOTICE No 768

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

R W BAKER-BEALL,
Acting Clerk to the Legislative Council

A Bill to Amend the Kenya and Uganda Railway Ordinance, 1927

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 Kenya and Uganda Railway (Amendment) Ordinance, 1938, and shall be read as one with the Kenya and Uganda Railway Ordinance, 1927, hereinafter referred to as the Principal Ordinance

Short title

No 15 of 1927.

2 Section 2 of the Principal Ordinance is hereby amended in the following respects—

Amendment of
section 2 of the
Principal
Ordinance

(a) by the insertion in the definition of “Free pass” therein between the words “ship” and “without” in the last line thereof of the words “or on any aircraft under the control of the High Commissioner”,

(b) by the deletion of the full stop in the last line of the definition of “Railways” and by the addition of the words “or in connexion with the High Commissioner’s road motor or aircraft services”,

(c) by the deletion of the definition of “Train” therefrom and by the substitution therefor of the following definition—

“‘Train’ means any vehicle or engine on a railway and includes any vehicle used by the High Commissioner in connexion with his road motor services when on any public or private road”, and

(d) by the addition thereto of the following definition—

“‘Waterworks’ means all reservoirs, dams, weirs, tanks, cisterns, tunnels, adits, wells, boreholes, filters, settling tanks, purifying plants, conduits, aqueducts, mains, pipes, foundations, stand pipes, hydrants, taps, pumps, engines and all other structures and appliances used or constructed for obtaining, storing, purifying, conveying, distributing, measuring or regulating water”

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

Powers of
High
Commissioner

3 In addition to the powers conferred on him by the Order in Council, the High Commissioner shall have power as follows —

(a) In so far as is not inconsistent with the provisions of any law to acquire, take, use, hire, purchase, work, sell, lease, deliver, transfer, or otherwise lawfully dispose of property, whether movable or immovable, including water, ships, and other rights for railway or harbour purposes, and turn the same to account,

(b) To enter into agreements with any person whether in the Colony or elsewhere in connexion with matters affecting or incidental to the control, working and management of the Services, including contracts for the supply of water or electric energy to ships or to persons, and to grant powers of attorney and like authorities,

(c) To construct any lines of railway or any roads or any other works whatever, or to negotiate with any person for the construction of lines of railway, roads or works of any kind, and to complete agreements concerning the same. No railway for the conveyance of public traffic and no harbour or similar work shall be constructed without the sanction of the Legislative Council, and no such sanction shall be given without a prior report thereon or on any alternative railway line or harbour by the Railway Advisory Council, but the sanction of the Legislative Council shall not be necessary for the construction of sidings or short branch lines to mines, stores, warehouses, or other works or premises, or for other purposes,

(d) To erect, maintain and regulate lighthouses, beacons, port lights, and signal stations within his jurisdiction, and to provide the necessary staffs for the same,

(e) To establish and maintain lifeboats, life-saving apparatus and such other works, institutions or appliances as may be necessary for the requirements of any harbour or other place,

(f) To transport and convey upon the railways and ships or upon any road all such traffic as may be offered to him for transport and conveyance, but subject to the rules or by-laws of any local authority having control of

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

Repeal and
replacement of
section 3 of the
Principal
Ordinance
Powers of
High
Commissioner

“3 Subject to the powers conferred on him by the Order in Council, the High Commissioner shall have power as follows—

- (a) In so far as is not inconsistent with the provisions of any law to acquire, take, use, hire, purchase, work, sell, lease, deliver, transfer, or otherwise lawfully dispose of property, whether movable or immovable, including water, ships, and other rights for railway or harbour purposes, and turn the same to account and further to purchase or in any other manner acquire, sell or otherwise dispose of, build, construct, repair, hire, let or charter, from or to any person, and control, manage, maintain and work aircraft and any land and appliances required for the purpose of the landing or mooring of aircraft, and all things incidental thereto,
- (b) Subject to the provisions of any law for the time being in force in connexion therewith to construct waterworks and to supply water therefrom to the public or to ships,
- (c) To enter into agreements with any person whether in the Colony or elsewhere in connexion with—
 - (i) matters affecting or incidental to the control, working and management of the Services including contracts for the supply of electric energy to ships or to persons,
 - (ii) the provision, owning, working, user, management and maintenance of any aircraft, lands, aerodromes, depots, buildings, sheds and property provided or used in connexion with any air transport services,
 - (iii) the provision, owning, working, user, management and maintenance of any road vehicles, lands, houses, depots, buildings, sheds and property provided in connexion with any road transport services,
 - (iv) the supply of ships, aircraft, road vehicles and conveniences in connexion therewith

the roads over which such traffic is transported or conveyed,

(g) To delegate to the General Manager any of the powers conferred upon him by this Ordinance,

(h) Generally to execute and do all such acts, deeds and things as may be necessary for the control, working, management and construction of railways, harbours and ships

necessary for the purposes of such agreements and the employment of officers and servants,

- (v) the interchange accommodation conveyance transmission and delivery of traffic conveyed or to be conveyed by inland water transport, air transport or road transport services and the payment, collection and apportionment of the fares, rates and charges and other receipts arising from any such service,
- (d) In order to provide or facilitate the provision of funds for the establishment or maintenance of inland water transport, air transport or road transport services under an agreement made in pursuance of paragraph (c) of this section and to the extent requisite therefor to—
 - (i) contribute any moneys which may be necessary,
 - (ii) hold stock shares and securities of any of the contracting parties, and
 - (iii) guarantee the dividends or interest on stock shares and securities of any of such parties,
- (e) To grant powers of attorney and like authorities,
- (f) To construct any lines of railway, any harbours, roads or any other works whatever, or to negotiate with any person for the construction of lines of railway, harbours, roads or works of any kind, and to complete agreements concerning the same No railway for the conveyance of public traffic and no harbour or similar work shall be constructed without the sanction of the Legislative Council, and no such sanction shall be given without a prior report thereon or on any alternative railway line or harbour by the Railway Advisory Council, but the sanction of the Legislative Council shall not be necessary for the construction of sidings or short branch lines to mines, stores, warehouses, or other works or premises, or for other purposes,
- (g) To provide and maintain on any of his bridges, roadways for the use of pedestrians, animals, vehicles and other traffic,

Accommoda-
tion works

Section 9 of the Principal Ordinance which it is proposed to amend —

9 (1) The High Commissioner shall make and maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway, namely —

(a) Such and so many convenient crossings, bridges, arches, culverts and passages over, under or by the sides of, or leading to or from the railway, as may, in the opinion of the High Commissioner, be necessary for the

- (h) To erect, maintain and regulate lighthouses, beacons, port lights and signal stations within his jurisdiction and to provide the necessary staffs for the same,
- (i) To establish and maintain lifeboats, life-saving apparatus and such other works, institutions or appliances as may be necessary for the requirements of any harbour or other place,
- (j) To use locomotives or other vehicles propelled or drawn by steam or other motive power, establish and work any road motor service and to transport and convey upon the railways and ships or upon any road all such traffic as may be offered to him for transport and conveyance, but subject to the rules or by-laws of any local authority having control of the roads over which such traffic is transported or conveyed,
- (k) To levy tolls, rates or charges on the traffic using such motor services, aircraft, roadways, roads, harbours or means of transport as he may provide under this section according to tariffs to be fixed from time to time,
- (l) To provide and maintain catering arrangements on the railways and on any ships or in connexion with air transport and road services and to establish and maintain hotels, and to charge tariffs for the same,
- (m) To delegate to the General Manager any of the powers conferred upon him by this Ordinance,
- (n) Generally to execute and do all such acts, deeds and things as may be necessary for the control, working, management and construction of railways, harbours and ships "

4 Sub-section (3) of section 9 of the Principal Ordinance is hereby amended by inserting before the words "have agreed" in the sixth line of paragraph (a) of the sub-section, the words "or their predecessors in title"

Amendment of
section 9 (3) of
the Principal
Ordinance

purpose of making good any interruptions caused by the railway to the use of the lands through which the railway is made, and

(b) All necessary arches, tunnels, culverts, drains, water courses or other passages, over or under or by the sides of the railway of such dimensions as will, in the opinion of the High Commissioner, be sufficient at all times to convey water as freely from or to the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be

(2) Subject to the other provisions of this Ordinance the works specified in paragraphs (a) and (b) of sub-section (1) shall be made during or immediately after the laying out or formation of the railway over the lands traversed thereby and in such manner as to cause as little damage or inconvenience as possible to persons interested in the lands or affected by the works

(3) The foregoing provisions of this section are subject to the following provisos, namely —

(a) There shall be no obligation on the High Commissioner to make any accommodation works in such a manner as would prevent or obstruct the working or using of the railway, or to make any accommodation works with respect to which the owners and occupiers of the lands have agreed to receive and have been paid compensation in consideration of their not requiring the works to be made,

(b) Save as hereinafter in this chapter provided, there shall be no obligation on the High Commissioner to defray the cost of executing any further or additional accommodation works for the use of the owners or occupiers of the lands after the expiration of ten years from the date on which the railway passing through the lands was first opened for public traffic,

(c) Where the High Commissioner has provided suitable accommodation for the crossing of a road or stream and the road or stream is afterwards diverted by the act or neglect of the person having the control thereof, there shall be no obligation on the High Commissioner to provide other accommodation for the crossing of the road or stream

Removal of
trees danger-
ous to or
obstructing
the working of
a railway

Section 12 of the Principal Ordinance which it is proposed to replace —

12 In either of the following cases, namely —

(a) Where there is danger that a tree standing near a railway may fall on the railway so as to obstruct traffic,

(b) When a tree obstructs the view of any fixed signal,

the High Commissioner may cause the tree to be cut down or deal with it in such other manner as will, in his opinion, avert the danger or remove the obstruction, as the case may be

General policy
as to working
of Services

Appropriation
of earnings

Section 13 of the Principal Ordinance which it is proposed to replace —

13 The Services shall be administered on business principles, due regard being had to agricultural and industrial development in Kenya and Uganda by means of cheap transport. So far as may be, subject to such provisions as may be considered necessary to meet contingencies, the total earnings of the Services shall not be more than sufficient to meet —

(a) The necessary outlays for working and maintenance,

(b) Contributions to reserve funds for renewals, betterments, stores and other purposes proper to the Services,

(c) Interest and sinking fund charges due on capital not being capital contributed out of railway or harbour revenue,

5 Section 12 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and replacement of section 12 of the Principal Ordinance

“12 (1) In either of the following cases, namely—

Removal of trees dangerous to or obstructing the working of a railway

(a) where there is danger that a tree standing near a railway may fall on the railway so as to obstruct traffic,

(b) where a tree obstructs the view of any fixed signal, the High Commissioner, without previous permission, may enter upon the land where the tree stands and may cause it to be cut down or dealt with in such other manner as will, in his opinion, avert the danger or remove the obstruction, as the case may be

(2) Where a tree felled or otherwise dealt with under sub-section (1) of this section was in existence before the railway was constructed or the signal fixed, as the case may be, any magistrate empowered to hold a subordinate court of the first class in the area in which the tree is situated may, upon the application of the persons interested in the tree and after hearing the High Commissioner, award to such persons such compensation as the magistrate thinks reasonable

(3) A suit shall not lie to recover compensation for any tree felled or otherwise dealt with under this section ”

6 Section 13 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and replacement of section 13 of the Principal Ordinance

“13 (1) The Services shall be administered on business principles and so far as is not inconsistent therewith or with the principles of prudent finance, cheap transport shall be provided to assist agricultural and industrial development in Kenya and Uganda

General policy as to working of Services

(2) The estimates shall be framed on the basis that the total earnings of the Services shall be not more than sufficient to meet—

Appropriation of earnings

(a) the necessary outlays for working and maintenance, and any costs, compensation or damages which may be awarded against the High Commissioner, together with necessary provision for the renewal of wasting assets,

(d) Such costs, compensation or damages as may be awarded against the High Commissioner

Section 14 of the Principal Ordinance which it is proposed to replace —

Time-tables
and fares to be
posted up

14 A copy of the time-table and of the fares and conditions for the time being in force relating to the conveyance of passengers shall be posted up in a conspicuous place at each railway station so as to be visible and accessible

Section 17 of the Principal Ordinance which it is proposed to replace —

Travelling
without a free
pass or ticket
prohibited

17 No person shall enter any coach on a railway or upon any ship for the purpose of travelling therein as a passenger unless he has with him an available free pass or ticket

Section 18 of the Principal Ordinance which it is proposed to amend —

Travelling
without free
pass or ticket
or with
insufficient
pass or ticket
or beyond
authorised
distance

18 (1) If a passenger travels in a train or ship without having an available free pass or ticket with him, or being in or having alighted from a train or ship fails or refuses to present for examination or to deliver up his free pass or ticket immediately on requisition being made therefor, he shall be liable to pay, on the demand of any authorized servant, the

(b) interest and sinking fund charges due on capital not being capital contributed out of the revenue of the Services,

(c) contributions to approved reserve funds

7 Section 14 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and replacement of section 14 of the Principal Ordinance

“14 (1) The High Commissioner may from time to time impose conditions not inconsistent with this Ordinance or with any Regulations made thereunder with respect to the carriage of passengers and their luggage and may fix fares and luggage rates

Fixing fares and rates

(2) A copy of the time table and of the fares and conditions for the time being in force relating to the conveyance of passengers shall be posted up in a conspicuous place at each railway station other than a road motor service station so as to be visible and accessible ”

Time tables and fares to be posted up

8 Section 17 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and replacement of section 17 of the Principal Ordinance

“17 (1) No person shall enter any train, aircraft or ship for the purpose of travelling therein as a passenger unless he has with him an available ticket or free pass

Travelling without a ticket or free pass

(2) Any person found in any train, ship or aircraft without an available ticket or free pass may be required by any servant to leave the train, ship or aircraft and if such person refuses so to leave he may be removed therefrom with such force as may reasonably be necessary in the circumstances ”

9 Section 18 of the Principal Ordinance is hereby amended by the addition thereto of the following as subsection (6) —

Amendment section 18 of the Principal Ordinance

‘ (6) The provisions of this section shall not apply to the High Commissioner’s road motor services ”

excess charge hereinafter in this section mentioned in addition to the ordinary fare for the distance which he has travelled or is travelling, or, if there be any doubt as to the station or harbour from which he originally started, the fare from the station or harbour from which the train or ship originally started, or if the tickets of passengers have been examined since the original starting of the train or ship, the ordinary fare from the place where the tickets were examined, or, if they have been examined more than once, the place where they were last examined

(2) If a passenger travels or attempts to travel in a compartment of a train or portion of a ship of a higher class than that for which he has obtained a free pass or ticket, or travels in a train or ship beyond the place authorized by his free pass or ticket, he shall be liable to pay, on the demand of any authorized servant, the excess charge mentioned in sub-section (3), in addition to any difference between any fare paid by him and the fare in respect of such journey as he has made

(3) The excess charge referred to in sub-sections (1) and (2) shall be —

(a) Where the passenger has, immediately after incurring the charge and before being requested to produce his free pass or ticket as aforesaid, notified to a servant on duty with the train or ship the fact of the charge having been incurred, two shillings, one shilling, or twenty cents, according as the passenger is travelling or has travelled or has attempted to travel in a compartment of a train or a portion of a ship of the first class, or in a compartment of a train or a portion of a ship of the second class, or in a compartment or carriage of a train or a portion of a ship of any other kind or class, and

(b) In any other case twelve shillings, six shillings, or two shillings, according as the passenger is travelling or has travelled or has attempted to travel in a compartment of a train or a portion of a ship of the first class, or in a compartment of a train or a portion of a ship of the second class, or in a compartment or carriage of a train or a portion of a ship of any other class or kind

Provided that the excess charge shall in no case exceed —

(i) If the liability to pay it arises under sub-section (1), the amount of the ordinary single fare

which the passenger incurring the charge is liable to pay under that sub-section, or

(11) If the liability to pay arises under sub-section (2), the amount of the difference between the fare paid by the passenger incurring the charge and the fare payable in respect of such journey as he has made

(4) If any person wilfully refuses to pay the amounts due by him under this section to any servant demanding the same, it shall be lawful for any station-master or other authorized servant or police officer to arrest that person without warrant and detain him in custody and bring him as speedily as possible before a court having jurisdiction to be dealt with according to law on a charge of such wilful refusal, and he shall be liable to a fine not exceeding five pounds or to imprisonment for a period not exceeding one month or to both such fine and imprisonment. Provided that no person shall be arrested or detained without warrant unless there shall exist reasonable ground for believing that except by the arrest of the person offending he could not be found or made answerable to justice without delay, trouble or expense

(5) Any fare or excess charge payable by a passenger under this section shall, on application made to any magistrate by any servant appointed by the High Commissioner in this behalf, be recoverable by the magistrate from the passenger as if it were a further fine imposed on the passenger by the magistrate

Section 20 of the Principal Ordinance which it is proposed to replace —

Transferring
season ticket
or any half of
return ticket

“20 If a person sells, or attempts to sell, or parts or attempts to part with the possession of a season ticket, free pass or any half of a return ticket in order to enable any other person to travel therewith, or purchases or receives a season ticket, free pass or half of a return ticket so sold or parted with, he shall be liable to a fine not exceeding ten pounds, or in default of payment, to imprisonment for a period not exceeding one month and if the purchaser or receiver of the season ticket, free pass or half of a return ticket travels or attempts to travel therewith, he shall be liable to a further fine not exceeding the amount of the single fare for the journey authorized by the ticket

10 Section 20 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and
replacement of
section 20 of the
Principal
Ordinance

“20 (1) Any person who sells or parts with or attempts to sell or part with any ticket or free pass or any portion of a ticket or free pass in order to enable any other person to travel therewith, and any person who purchases or obtains a ticket or free pass or any portion thereof so sold or parted with shall be liable to a fine not exceeding ten pounds or in default of payment to imprisonment for a period not exceeding one month

Transferring
ticket or free
pass

(2) If any person travels with a ticket or free pass or any portion thereof so sold or parted with such person shall be liable, in addition to the penalties provided by this section, to be ordered to pay to the High Commissioner compensation not exceeding the amount of the

Fraudulent
travelling or
attempting to
travel

Section 21 of the Principal Ordinance which it is proposed to replace —

21 If a person, with intent to defraud the High Commissioner —

(a) Enters any coach or other rolling-stock on a railway or any ship, or

(b) Uses or attempts to use a single free pass or single ticket which has already been used on a previous journey, or, in the case of a return ticket or pass, a half thereof which has already been so used,

he shall be liable to a fine not exceeding ten pounds or to imprisonment for a period not exceeding one month, in addition to the amount of the single fare for any distance he may have travelled, together with the excess charge or booking fee described in sub-section (3) of section 18

Power for the
High Commissioner to
impose rates
and conditions
for working
traffic

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

27 (1) The High Commissioner may, from time to time, fix rates, classify animals and goods, and impose conditions, not inconsistent with this Ordinance or with any regulation with respect to the receiving, forwarding or delivering of any goods

(2) A copy of the conditions and rates for the time being in force under this section shall be kept at every station, traffic depot or harbour, and the servant appointed by the High Commissioner to quote the rate shall, at the request of any person, show to him at all reasonable times, and without payment of any fee, the rate-books or other documents in which the conditions and rates are authorized by the High Commissioner

full ordinary fare for the journey authorized by such ticket, pass or portion thereof ”

11 Section 21 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and replacement of section 21 of the Principal Ordinance

“21 (1) If a person—

(a) travels or attempts to travel on a train, aircraft or ship without having previously paid his fare and with intent to avoid payment thereof, or

Fraudulent travelling or attempting to travel

(b) having paid his fare for a certain distance knowingly and wilfully proceeds by train, aircraft or ship beyond that distance without previously paying the additional fare for the additional distance and with intent to avoid payment thereof, or

(c) with intent to defraud the High Commissioner enters any train, aircraft or ship,

such person shall be liable to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month, and in addition shall be liable to a further fine equal to the cost of a single fare for any journey performed by the class in which he may have travelled together with the excess charge described in sub-section (3) of section 18 of this Ordinance

(2) The liability of an offender to punishment under this section shall not prejudice the recovery of any fare payable by him ”

12 Section 27 of the Principal Ordinance is hereby amended by the deletion of sub-section (2) thereof and the substitution therefor of the following sub-section —

Amendment of section 27 of the Principal Ordinance

“(2) The High Commissioner shall keep at each of his stations, traffic depots and harbours at which there is resident staff a book or books showing the conditions and every rate for the time being charged for the carriage of traffic, other than passengers and their luggage, from such station, traffic depot or harbour to any place to which he conveys traffic, including any rates charged under any special contract and stating the distance from such station, traffic depot, harbour, siding or place on which any such rate is based

(3) The High Commissioner shall not be bound to carry any animal suffering from any infectious or contagious disorder

Sub-section (3) of section 36 of the Principal Ordinance which it is proposed to repeal —

(3) Nothing in the common or statute law of England, regarding the responsibility of common carriers with respect to the carriage of goods, shall affect the responsibility of the High Commissioner as defined in the last preceding section

Section 43 of the Principal Ordinance which it is proposed to replace —

Suits for
compensation
for injury to
through
booked traffic

43 Notwithstanding anything in any agreement purporting to limit the liability of the High Commissioner with respect to traffic while on a railway not included in the Services, a suit for compensation for loss of life of, or personal injury to, a passenger, or for loss, destruction or deterioration of goods, may be brought against the High Commissioner where the passenger was or the goods were booked through by the High Commissioner over a railway not included in the Services

Section 44 of the Principal Ordinance which it is proposed to amend —

Limitation of
liability of the
High Commis-
sioner in
respect of
accidents on
ship

44 (1) When the High Commissioner contracts to carry passengers or goods solely by ship or partly by train and partly by ship, a condition exempting the High Commissioner from responsibility for any loss of life, personal injury or loss of or damage to goods which may happen during the carriage by ship from the act of God, the King's enemies, fire, accidents from machinery, boilers, and steam and all and every other dangers and accidents of the seas, lakes, rivers, and navigation of whatsoever nature and kind, without being expressed, shall be deemed to be part of the contract, and, subject to that condition and to any conditions expressed in the contract of carriage the High Commissioner shall, irrespective of the nationality or ownership of the ship, be responsible for any loss of life, personal injury or loss of or damage to goods which may happen during the carriage by ship, to the extent to which he would be responsible under the Merchant Shipping Act, 1894, if the ship were registered under that Act and the High Commissioner were owner of the ship and not to any greater extent.

Every such book shall be open to the inspection of any person during all reasonable hours without the payment of any fee ”

13 Sub-section (3) of section 36 of the Principal Ordinance is hereby repealed.

Repeal of section 36 (3) of the Principal Ordinance

14 Section 43 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and replacement of section 43 of the Principal Ordinance

“43 In respect of through traffic, the High Commissioner shall not be liable for any loss of life of, or personal injury to passengers or for the loss, destruction or deterioration of goods, if the High Commissioner shall prove that the same occurred at a time when the passengers or the goods were not on his railways or were not being transported under his control ”

Suits for compensation for injury to through booked traffic

15 Sub-section (1) of section 44 of the Principal Ordinance is hereby amended by the insertion therein of the words “and from whatsoever cause arising” before the word “shall” in the tenth line of the sub-section

Amendment of section 44 of the Principal Ordinance

(2) The burden of proving that any such loss, injury or damage as is mentioned in sub-section (1) happened during the carriage by ship shall lie on the High Commissioner

Section 45 of the Principal Ordinance which it is proposed to replace —

Report of
railway
accidents

45 When any of the following accidents occurs in the course of working a railway or in a harbour or ship, namely —

(a) Any accident attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code or with serious injury to property,

(b) Any collision between trains or ships of which one is a train or ship carrying passengers,

(c) The derailment of any train carrying passengers or of any part of such a train,

(d) Any accident of a description usually attended with loss of human life or with such grievous hurt as aforesaid or with serious injury to property,

(e) Any accident of any other description which the Governor may notify in this behalf in the Gazette,

the General Manager shall, without unnecessary delay, send notice of the accident to the Governor, and the station-master or pier-master nearest to the place at which the accident occurred, or, where there is no station-master or pier-master the railway servant in charge of the section of the railway, or, in the case of a ship, the master of such ship on which the accident occurred shall, without unnecessary delay, give notice of the accident to the magistrate of the district in which the accident occurred, and to the officer in charge of the police station within the local limits of which it occurred, or to such other magistrate and police officer as the Governor appoints in this behalf

Section 46 of the Principal Ordinance which it is proposed to amend —

Power to make
rules
regarding
notices of and
inquiries into
accidents

46 The Governor may make rules consistent with this Ordinance and any other enactment for the time being in force for all or any of the following purposes, namely —

(a) For prescribing the forms of the notices mentioned in the last preceding section, and the particulars of the accident which those notices are to contain,

16 Section 45 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and replacement of section 45 of the Principal Ordinance

“45 When any of the following accidents occurs in the course of working a railway (excluding the High Commissioner’s road motor services), or in a harbour or ship, namely—

Report of railway accidents

(a) any accident attended with loss of human life or with grievous harm as defined in the Penal Code, or with serious injury to property,

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(b) any collision between trains or ships of which one is a train or ship carrying passengers,

(c) the derailment of any train carrying passengers or of any part of such a train,

(d) any accident of a description usually attended with loss of human life or with grievous harm as defined in the Penal Code, or with serious injury to property,

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(e) any accident of any other description which the Governor may notify in this behalf in the Gazette,

the General Manager shall, without unnecessary delay, send notice of the accident to the Governor and in the case of the occurrence of any of the accidents set out in paragraphs (a), (d) and (e) hereof, also to the police station within the local limits of which the accident occurred ”

17 Paragraph (c) of section 46 of the Principal Ordinance is hereby repealed and the following is substituted therefor —

Amendment of section 46 of the Principal Ordinance

“(c) for prescribing the duties of servants and police officers on the occurrence of an accident ”

(b) For prescribing the class of accidents of which notice is to be sent by telegraph immediately after the accident has occurred,

(c) For prescribing the duties of servants, police officers, inspectors and magistrates on the occurrence of an accident

Section 47 of the Principal Ordinance which it is proposed to amend —

Submission of
return of
accidents

47 The General Manager shall send to the Governor a return of accidents occurring upon the railways or ships or at the harbours, whether attended with personal injury or not, in such form and manner and at such intervals of time as the Governor directs

Section 49 of the Principal Ordinance which it is proposed to replace —

Penalties for
certain classes
of offences

49 Any person who does or causes or procures to be done any of the following acts, namely, who—

(a) Trespasses upon a railway or upon any harbour or ship or being a trespasser refuses to leave after being warned to do so by any servant,

(b) Wilfully gives a false name or address to a servant or police officer for the purpose of avoiding prosecution,

(c) Is in a state of intoxication or behaves in a violent or offensive manner to the annoyance of others on the railways or upon any harbour or ship,

(d) Does or attempts to do anything which may cause injury to persons employed or travelling on the railways or upon any ship,

(e) Commits any nuisance or act of indecency or uses profane, obscene, indecent or abusive language on the railways or upon any harbour or ship,

(f) Writes, draws, or affixes any profane, obscene, indecent or abusive word, matter, representation, or character upon the railways or upon any harbour or ship,

(g) Wilfully and without lawful excuse interferes with the comfort of any passenger, or extinguishes any lamp or light upon the railways or upon any harbour or ship,

(h) Defaces the writing on any board or any notice authorized to be maintained upon the railways or upon any harbour or ship,

18 Section 47 of the Principal Ordinance is hereby amended by inserting between the word "railways" and the word "or" in the second line thereof the words and brackets "(excluding the High Commissioner's road services)"

Amendment of
section 47 of
the Principal
Ordinance

19 Section 49 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and
replacement of
section 49 of
the Principal
Ordinance

"49 Any person who does or causes to be done any of the following acts, namely, who—

Penalties for
certain classes
of offences

- (a) trespasses upon a railway or upon any harbour or ship or being a trespasser refuses to leave after being warned to do so by any servant or police officer,
- (b) upon any railway, harbour or ship, when called upon by a servant or police officer, refuses to give his name and address or gives a false name or address for the purpose of avoiding prosecution,
- (c) is in a state of intoxication or behaves in a violent or offensive manner to the annoyance of others on the railways or upon any harbour or ship,
- (d) does or attempts to do anything which may cause injury to persons employed or travelling on the railways or upon any ship,
- (e) commits any nuisance or act of indecency or uses profane, obscene, indecent or abusive language on the railways or upon any harbour or ship,
- (f) writes, draws, or affixes any profane, obscene, indecent or abusive word, matter, representation, or character upon the railways or upon any harbour or ship,

(i) Damages or attempts to damage any railway rolling-stock or any material used upon or belonging to any railway,

(j) Being a passenger, enters a coach or a compartment of a train or a cabin of a ship which is reserved by the High Commissioner for the use of another passenger or which already contains the maximum number of passengers authorized to be carried therein, and refuses to leave it when required to do so by a servant,

(k) Being a passenger, resists the lawful entry of another passenger into a coach or a compartment not reserved by the High Commissioner for the use of the passenger resisting, or not already containing the maximum number of passengers to be carried therein or thereon,

(l) Being a passenger, refuses or neglects to obey the lawful request of a servant, acting under sub-section (4) of section 15, within a reasonable time,

(m) After having been refused admission to a ship by a servant on account of the ship being full, and having had the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the ship,

(n) Having gone on board a ship at any place, and having been requested on account of the ship being full by a servant to leave the ship before it has quitted that place and had the amount of his fare (if he has paid it) returned or tendered to him, does not comply with that request,

(o) Smokes in any part of any ship or any compartment or other part of a coach on a train when smoking is prohibited in that compartment or part,

(p) Enters or attempts to enter or leaves or attempts to leave any coach on a train while it is in motion, or elsewhere than at the side of the coach adjoining the platform or other place appointed by the High Commissioner for passengers to enter or leave the coach, or opens any outer door of any coach on a train while it is in motion,

(q) Travels or attempts to travel on or in any part of a train not intended for the use of passengers,

- (g) wilfully and without lawful excuse interferes with the comfort of any passenger, or extinguishes any lamp or light upon the railways or upon any harbour or ship,
- (h) defaces the writing on any board or any notice authorized to be maintained upon the railways or upon any harbour or ship,
- (i) damages or attempts to damage any railway rolling-stock or any material used upon or belonging to any railway,
- (j) being a passenger enters a train or any portion thereof, or a cabin of a ship which is reserved by the High Commissioner for the use of another passenger or which already contains the maximum number of passengers authorized to be carried therein, and refuses to leave it when required to do so by a servant,
- (k) being a passenger resists the lawful entry of another passenger into a train or any portion thereof not reserved by the High Commissioner for the use of the passenger resisting, or not already containing the maximum number of passengers to be carried therein or thereon,
- (l) being a passenger, refuses or neglects to obey the lawful request of a servant, acting under subsection (4) of section 15, within a reasonable time,
- (m) after having been refused admission to a ship by a servant on account of the ship being full, and having had the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the ship,
- (n) having gone on board a ship at any place, and having been requested by a servant on account of the ship being full to leave the ship before it has quitted that place and had the amount of his fare (if he has paid it) returned or tendered to him, does not comply with that request,
- (o) smokes on any train, ship or in any portion thereof bearing a notice that smoking is not permitted on such train or in any such portion thereof,

(r) In the absence of a gatekeeper, omits to shut and fasten any gate on the railway so soon as such person and the animal, vehicle or other things (if any) under his charge have passed through the gate. Provided that the gate is furnished with an efficient latch or fastening easily applied,

(s) Being a driver or conductor of a tramcar, omnibus, carriage or other vehicle, disobeys, while upon the premises of the railways, the reasonable directions of a servant or police officer,

shall be liable to a fine not exceeding ten pounds, or to imprisonment for a period not exceeding one month, or to both such fine and imprisonment

Section 50 of the Principal Ordinance which it is proposed to amend —

Penalties for
certain other
classes of
offences

50 Any person who does or causes or procures to be done any of the following acts, namely, who—

(a) Being a passenger, without reasonable and sufficient cause, makes use of or interferes with any means provided by the High Commissioner for communication between passengers and a servant in charge of or concerned in the running of a train,

(b) Knowing or being in a position to know that a coach, compartment, or other place is reserved for the

- (p) enters or attempts to enter or leaves or attempts to leave any coach on a train while it is in motion, or elsewhere than at the side of the coach adjoining the platform or other place appointed by the High Commissioner for passengers to enter or leave the coach, or opens any outer door of any coach on a train while it is in motion,
- (q) travels or attempts to travel on or in any part of a train not intended for the use of passengers,
- (r) in the absence of a gatekeeper, omits to shut and fasten any gate on the railway so soon as such person and the animal, vehicle or other things (if any) under his charge have passed through the gate Provided that the gate is furnished with an efficient latch or fastening easily applied,
- (s) being a driver or conductor of a tramcar, omnibus, carriage or other vehicle, disobeys while upon the premises of the railways, the reasonable direction of a servant or police officer,
- (t) except by permission of the High Commissioner, while in or upon any harbour or railway hawk, sells or exposes or offers therein for sale any article or goods whatever or touts, plies for, or solicits custom or employment of any description,

shall be liable to a fine not exceeding ten pounds, or to imprisonment for a period not exceeding one month, or to both such fine and imprisonment ”

20 Section 50 of the Principal Ordinance is hereby amended in the following respects—

Amendment of
section 50 of
the Principal
Ordinance

- (a) by the deletion of the semi-colon in the last line of paragraph (e) thereof and by the addition to the paragraph of the following words “or under any regulation or tariff made thereunder,”,
- (b) by the deletion of the comma in the last line of paragraph (m) thereof and by the substitution therefor of a semi-colon, and

exclusive use of males or females, or persons of particular races, or different classes of persons, or natives, enters that coach, compartment or other place in contravention of a regulation and without lawful excuse, or having so entered it remains therein after having been desired by a servant to leave it,

(c) Knowing or having reason to believe that an engine or train is approaching along a railway, opens or attempts to open any gate, chain or bar set up on either side of the railway across a road, or passes or attempts to pass, or drives or takes or attempts to drive or take any animal, vehicle or other thing, across the railway,

(d) Pulls down or attempts to pull down or wilfully injures or attempts to injure any board or document set up or posted by order of the High Commissioner on a railway or ship or on any rolling-stock,

(e) Gives or offers to a servant any money or anything of value for the purpose of evading payment of any sum due under this Ordinance,

(f) Being a passenger who to his knowledge is suffering from an infectious or contagious disease, enters or travels upon a railway or ship in contravention of the regulations,

(g) Being a servant and knowing that a person is a lunatic or suffering from an infectious or contagious disease, wilfully causes that person to travel upon a railway or ship without arranging for his separation from other passengers,

(h) Fails to deliver at the earliest possible opportunity to a servant any property found on any railway, harbour or ship, or removes from a railway, harbour or ship any property so found,

(i) Wilfully obstructs or impedes a servant in the discharge of his duty,

(j) Discharges any firearm, or throws stones, metal, bricks, gravel, timber, glass, bottles, or other articles likely to obstruct or injure anyone engaged in working on or near the railway or harbour, or discharges any firearm from a ship, or attempts to do any of the foregoing acts,

(k) Removes or attempts to remove from a railway or ship or any railway premises any rolling-stock, tarpaulins, tools, appliances, or property of any kind, or

(c) by the addition to the section of the following as paragraph (n)—

“(n) Smokes in any goods shed, warehouse or other place on a railway or within a harbour or in proximity to any goods or inflammable material, where notices prohibiting smoking are exhibited,”

permits any such rolling-stock, tarpaulins, tools, appliances, or property to be unlawfully in his possession or on his premises,

(l) Permits or allows any animal to stray on a railway provided with fences, subject to such fences being in a proper state of repair,

(m) Drives or knowingly permits any animal to be on any railway otherwise than for the purpose of lawfully crossing the railway, whether he be the owner of the animal or only in charge thereof, provided that such railway be properly fenced,

shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment

Section 53 of the Principal Ordinance which it is proposed to repeal —

Special
provision with
respect of the
commission by
children of acts
endangering
safety of
persons
travelling by
railway or ship

53 (1) If a minor under the age of sixteen years, is with respect to a railway or ship, guilty of any of the acts mentioned or referred to in any of the four last preceding sections, he shall be deemed, notwithstanding anything in section 82 or section 83 of the Indian Penal Code, to have committed an offence, and the Court convicting him may, if it thinks fit, direct that the minor, if a male, shall be punished with whipping not exceeding sixteen strokes with a light cane, or may require the father or guardian of the minor to execute, within such time as the Court may fix, a bond binding himself, in such penalty as the Court directs, to prevent the minor from being again guilty of any of those acts

(2) The amount of the bond, if forfeited, shall be recoverable by the Court as a fine

(3) If a father or guardian fails to execute a bond under sub-section (1) within the time fixed by the Court, he shall be liable to a fine not exceeding five pounds

Section 55 of the Principal Ordinance which it is proposed to replace —

Giving false
account of
goods

55 If a person requested under section 31 to give an account with respect to any goods wilfully gives an account which is materially false, he shall be liable to a fine not exceeding seventy-five pounds, and the fine shall be in addition to any rate or other charge to which the goods may be liable

21 Section 53 of the Principal Ordinance is hereby repealed

Repeal of
section 53 of
the Principal
Ordinance

22 Section 55 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and
replacement of
section 55 of
the Principal
Ordinance

55 Any person who—

Giving false
account of
goods

(a) when requested under section 31 to deliver an account with respect to any goods, or

Section 58 of the Principal Ordinance which it is proposed to replace —

Drunkenness

58 If a servant is in a state of intoxication while on duty he shall be liable to a fine not exceeding five pounds, or, where the improper performance of the duty would be likely to endanger the safety of any person travelling or being upon a railway or ship, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three years, or to both such fine and imprisonment

Section 59 of the Principal Ordinance which it is proposed to amend —

Endangering
the safety of
persons

59 If a servant, when on duty, endangers the safety of any person—

(a) by disobeying any regulation made, sanctioned published and notified under this Ordinance, or

(b) by disobeying any rule or order which is not inconsistent with any such regulation, and which such servant was bound by the terms of his employment to obey, and of which he had notice, or

(c) by any rash or negligent act or omission,

he shall be liable to a fine not exceeding fifty pounds, or to imprisonment for a period not exceeding three years, or to both such fine and imprisonment

(b) when required under this Ordinance or any regulation made thereunder to render any certificate or make any declaration,

wilfully renders an account or certificate which is materially false or wilfully makes a declaration which is materially false he shall be liable to a fine not exceeding seventy-five pounds and in either case the fine shall be in addition to the amount of any rate or other charge to which the traffic the subject of the account, certificate or declaration may be liable ”

23 Section 58 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and
replacement of
section 58 of
the Principal
Ordinance
Drunkenness

“58 If a servant is in a state of intoxication while on duty he shall be liable to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month or to both such fine and imprisonment. Provided that in cases where the improper performance of his duty by a servant in a state of intoxication would be likely to endanger the safety of any person being in or upon a railway, ship or harbour, such servant shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment ”

24 Section 59 of the Principal Ordinance is hereby amended in the following respects—

Amendment of
section 59 of
the Principal
Ordinance

(a) by the deletion of the word “and” in the second line of paragraph (a) thereof and by the substitution therefor of the word “or”, and

(b) by the deletion of the last three lines of the section and the substitution therefor of the following—

“he shall be liable to a fine not exceeding two hundred and fifty pounds or to imprisonment for a period not exceeding three years, or to both such fine and imprisonment ”

Arrest for
offences
against certain
sections

Section 64 of the Principal Ordinance which it is proposed to amend —

64 (1) If a person commits any offence mentioned in sections 49, 50, 51, 52, 58, 59 and 61, he may be arrested without warrant or other written authority by any servant or police officer or by any other person whom such servant or police officer may call to his aid

(2) A person so arrested shall with the least possible delay, be taken before a magistrate having authority to try him or commit him for trial

Restriction of
liability for
compensation
for fires caused
by sparks from
locomotives

Section 70 of the Principal Ordinance which it is proposed to replace —

70 No compensation shall be payable by the High Commissioner to any owner or occupier of any land contiguous to railway land adjoining a railway in respect of fires caused by sparks from locomotives to the land of such owner or occupier or to any property thereon unless he shall within fourteen days of such fire give notice to the High Commissioner in writing of his intention to make a claim in respect thereof and unless he shall prove that —

(a) Prior to such fire he had on his land, contiguous to railway land adjoining a railway, a firebreak not less than ten feet wide,

(b) At the time such fire originated he had such firebreak in good condition,

(c) Not less than two months prior to such fire he had notified the High Commissioner to construct a similar firebreak on railway land and contiguous to his firebreak,

(d) In the case of a building and any property therein damaged or destroyed by fire, such building was not within a distance of two hundred feet from the railway

25 Section 64 of the Principal Ordinance is hereby amended by adding thereto the following sub-sections numbered (3) and (4) respectively —

Amendment of
section 64 of
the Principal
Ordinance

“(3) Any person who commits any of the offences set out in paragraphs (a), (c), (e), (g), (j), (k), (l), (m), (n), (o) or (q) of section 49 or in paragraphs (b) or (f) of section 50 of this Ordinance may be required by any railway servant or police officer to leave the train or any portion thereof, or the cabin, ship or harbour, as the case may be, in which such person is at the time of the commission of the offence and should such person fail to comply with such requirement he may be removed therefrom with such force as may be reasonably necessary in the circumstances

(4) Where any person who commits any of the offences set out in sections 49, 50, 51 and 52 of this Ordinance is arrested upon or removed from the railway or harbour, he shall not be entitled to the return of any fare which he may have paid ”

26 Section 70 of the Principal Ordinance is hereby repealed and the following section is substituted therefor —

Repeal and
replacement of
section 70 of
the Principal
Ordinance

“70 The High Commissioner shall not be liable for any loss or damage caused by fire arising from sparks or cinders emitted from any locomotive used on any railway unless there be proof of negligence or of want of reasonable care on the part of the High Commissioner, nor shall any damages or compensation be payable by the High Commissioner to any owner or occupier of any land contiguous to railway land adjoining a railway in respect of damage caused to such land or property thereon by fire arising from sparks or cinders emitted from locomotives unless—

Restriction of
liability for
compensation
for fires caused
by sparks from
locomotives

(a) notice in writing of the fire having occurred and of intention to claim in respect thereof shall have been sent to the General Manager within fourteen days of the occurrence of the damage, and

(b) particulars in writing of the damage showing the full amount of the claim in money shall have been sent to the General Manager within twenty-one days of the occurrence of the damage, and

Section 72 of the Principal Ordinance which it is proposed to amend —

Railway
servants to be
public
servants

72 (1) Every servant shall be deemed to be a public servant for the purposes of Chapter IX of the Indian Penal Code

(2) A servant shall not—

(a) purchase or bid for, either in person or by agent in his own name or in that of another, or jointly or in shares with others, any property put up to auction under section 28 or section 29, or

(b) in contravention of any direction of the High Commissioner in this behalf, engage in trade

Section 82 of the Principal Ordinance which it is proposed to amend —

Regulations

82 The High Commissioner may, in addition to the powers conferred upon him by the Order in Council, make, vary or revoke regulations, not inconsistent with this Ordinance with respect to any of the following matters, that is to say, with respect to —

(1) The mode in which and the speed at which trains are to be propelled or moved, and the times of arrival and departure of any trains or ships or other conveyances, as also the duties of servants in connexion with the working of trains and ships,

(c) such owner or occupier shall prove that—

- (i) prior to such fire he had on his land, contiguous to railway land adjoining a railway, a firebreak not less than ten feet wide, and
- (ii) at the time such fire originated he had such firebreak in good condition, and
- (iii) not less than two months prior to such fire he had served a notice on the High Commissioner requiring him to construct a similar firebreak on railway land and contiguous to such owner's or occupier's firebreak, and
- (iv) in the case of a building and any property therein damaged or destroyed by fire such building was not within a distance of three hundred feet from the centre of the railway track "

27 Section 72 of the Principal Ordinance is hereby amended by the deletion of sub-section (1) thereof and the substitution therefor of the following —

Amendment of
section 72 of
the Principal
Ordinance

"(1) Every servant shall be deemed to be a person employed in the public service within the meaning of the Penal Code "

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28 Section 82 of the Principal Ordinance is hereby amended in the following respects—

Amendment of
section 82 of
the Principal
Ordinance

- (a) by the deletion of the comma after the word "stations" in the seventh line of sub-section (4) thereof and the substitution therefor of a semi-colon, and by the deletion of the words "and the charges which may be fixed for the conveyance of luggage" in the seventh and eighth lines of the sub-section,
- (b) by the deletion of the words "railway coach" and of the word "coach" occurring respectively in the second and sixth lines of sub-section (6) thereof and

(2) The loading or unloading of rolling-stock and the weights or dimensions of goods to be transported on any rolling-stock,

(3) The collection, receipt, cartage, and delivery of goods transported or to be transported by rail, ships or road or at the harbours,

(4) The accommodation and convenience of passengers, the manner in which they shall travel, the exclusion of short-distance passengers from long-distance or express trains, the manner of conveying the luggage of passengers, the use of bedding, lavatory accommodation, urinals, and other like conveniences on the trains, ships, or at stations, and the charges which may be fixed for the conveyance of luggage,

(5) Fares, freight, or other charges, the amount thereof, and the time when and the place where they shall be paid,

(6) The reservation of railway premises (including conveniences), or of any railway coach or ship or of any portion thereof, for the exclusive use of males or females, or of persons of particular races, or of different classes of persons, and the restriction accordingly of the use of the premises, coach, ship, or portion thereof so reserved,

(7) The proper control and management of any anchorage, dock, basin or harbour within his jurisdiction, and the entrance thereto, the removal of any obstruction therein, and the preservation from injury of any works, buoys, dredgers, ships or other property connected therewith,

(8) The erection of buildings or other structures, or the planting of posts or poles that may interfere with the proper working of any harbour or the signals or beacons thereat,

(9) The licensing or other authorization of admission on to any trains, ships, or railway premises at any special times of any hotel representatives, or other persons soliciting patronage from passengers, at any railway station or railway premises,

(10) The prohibition of smoking in or on wharves, jetties, quays, buildings or rolling-stock,

(11) The prevention of obstructions and the preservation of good order on railway premises, wharves, jetties, landing places, breakwaters, and other works within his jurisdiction, or the approaches to the same

the substitution in each case of the word "train" for such words and word,

(c) by the deletion of the semi-colon in the last line of sub-section (16) thereof and the addition to the sub-section of the words "and exemption from payment or variation as to the payment of such charges,"

(d) by the deletion of the last four lines of the section and the substitution therefor of the following—

"A copy of all regulations for the time being in force shall be kept at each station on the railways (excluding road motor service stations or halts) and at the principal office at each harbour, and any person shall be allowed to inspect the same free of charge", and

(e) by the addition thereto of the following paragraph —

'All regulations made by the High Commissioner for the guidance and conduct of railway servants and for regulating the working and management of the railway by railway servants and which do not concern the general public or persons other than railway servants shall be brought to the notice of railway servants in such manner as the High Commissioner deems fit and notwithstanding the provisions of section 9 of the Interpretation and General Cap 1
Clauses Ordinance it shall not be necessary to publish any such regulations in the Gazette "

(12) The duties and conduct of carmen, draymen, carriers and persons, other than servants, who ply for hire to or from any station, building, or other place which is under the control of the High Commissioner,

(13) The admission of the public to, or their exclusion from, any of the railways, harbours, docks, wharves, jetties and landing places and the charges (if any) to be made for admission, and the closing to the public for such period as the High Commissioner may think fit of any stations, harbours, docks, wharves, jetties, sheds, roads, or landing places under his jurisdiction,

(14) The prevention of damage or injury to any railway station, harbour, dock, slip, wharf, jetty, landing place or other works and premises, ships, railways, rolling-stock, or any property whatever,

(15) The prevention of the commission of any nuisance in or upon the railways, harbours, docks, wharves, jetties or landing places, and generally the promotion and ensuring of good sanitation, cleanliness and decency,

(16) The charges to be made for warehousing goods and for their care or custody, and the terms and conditions upon which they shall be received, and provision for the disposal of unclaimed goods,

(17) The issue of free passes and concession tickets and the prevention of abuse thereof,

(18) The definition for the purposes of this Ordinance of dangerous or offensive goods and the conditions under which and the times when those classes of goods shall be transported, and the prohibition of the transport of those classes of goods, and provision for or sanctioning of the removal or destruction of the same,

(19) The use of railways or railway or harbour land for coal stands, depositing or forwarding sites, pipe lines, power lines and the like, and whether the same shall be overhead or underground,

(20) The crossing and the manner of approaching any street, road or thoroughfare by a train,

(21) The construction, use, and maintenance of private sidings and branch lines connected with the railways, and the construction, opening and inspection of new railways, sidings, or branch lines within his jurisdiction,

(22) Advertising, and bookstalls on the railway and at the harbours, and the fixing of the hours and days during which any such bookstall may remain open for the use of the public,

(23) The use of stamps as prepayment upon parcels or goods,

(24) The insurance of persons travelling on the railways,

(25) The sale of liquors and refreshments in refreshment rooms at railway stations and in refreshment cars and on ships,

and generally with respect to the travelling or traffic upon or the use or working of the railways, ships or harbours and for the good government thereof, and the maintenance of order thereon and therein

The regulations may provide penalties for any contravention thereof or failure to comply therewith, and may also impose different penalties in case of a second or subsequent contravention or non-compliance, but no such penalty shall exceed a fine of fifty pounds or imprisonment for a period of six months, or both such fine and imprisonment

As often as the contravention of or failure to comply with any such regulation causes damage to any property under the management or control of the High Commissioner, the person causing the damage shall, in addition to any penalty which may be imposed under the regulation, be liable to make good the same

A copy of all regulations for the time being in force shall be kept at each station on the railways and at the principal office at each harbour, and any person shall be allowed to inspect the same free of charge

Section 60 of the Principal Ordinance which it is proposed to repeal —

Omission to
give notice of
accidents

60 If a station master or a servant in charge of a section of a railway omits to give such notice of an accident as is required by this Ordinance he shall be liable to a fine not exceeding five pounds

- 29

Section 60 of the Principal Ordinance is hereby repealed

Repeal of section 60 of the Principal Ordinance
- 30

Sections 15 (1) and (2), 32, 34, 44 (1), 49 (j), (k), (l), (m), (n) and (q) of the Principal Ordinance shall *mutatis mutandis* apply to aircraft when used in connexion with the aircraft services operated, managed and controlled by the High Commissioner

Certain sections of the Principal Ordinance to apply to aircraft services
- 31

The Kenya and Uganda Railway (Amendment) Ordinance, 1933, is hereby repealed

Repeal of Ordinance No 30 of 1933

OBJECTS AND REASONS

This Bill is designed to extend the powers of the High Commissioner for Transport in regard to various matters which are not provided for in the Principal Ordinance, the Kenya and Uganda Railway Ordinance, 1927. More especially it is considered desirable to enable the High Commissioner, when necessary, to make provision for road motor services and for air services, the Bill gives the necessary powers for these purposes.

2 Opportunity has been taken to amend the Principal Ordinance in respect of a number of points of detail and railway procedure upon which the Bill follows as closely as possible the relevant provisions of the Tanganyika Railways Ordinance, 1931, and of the latest railway legislation in South Africa.

3 Attention is directed to the following clauses —

Clause 3 —It will be observed that power is granted to the High Commissioner to construct waterworks and to supply water therefrom to the public. The Railway Administration in agreement with the Government of Uganda, proposes to construct a waterworks at Tororo. No power exists in the Principal Ordinance to enable this to be done, so provision was made in the Bill to be introduced into the Legislative Council of Uganda to remedy this defect. It might be that later similar works may have to be undertaken in Kenya, so opportunity has been taken to include the necessary authority.

The financial provisions contained under paragraph (d) of this clause have been submitted to the Secretary of State who is in agreement therewith. They are necessary to enable the High Commissioner properly to exercise the power conferred upon him under paragraph (c).

Clause 5 —Section 12 of the Principal Ordinance, while conferring power upon the High Commissioner to enter upon private land and fell trees, in certain circumstances, does not provide for payment of compensation.

Clause 5, while re-enacting the provisions of section 12, states the method under which compensation may be awarded to an interested party.

Clause 6 —The proper construction of section 13 of the Principal Ordinance has been open to doubt. The section,

therefore, has been recast and sets out more clearly the principles upon which the Railway is to be administered. The appropriation of earnings of the Services is now dealt with on a proper accounting basis.

Clause 7—The Principal Ordinance is not altogether clear with regard to the High Commissioner's power to impose conditions and to charge fares and rates for passengers and their luggage. Power is given by section 27 of the Principal Ordinance to fix rates and impose conditions in respect of goods traffic and similar provisions should be made for passengers and their luggage.

Clause 7, therefore, achieves this object by rewording section 14 of the Principal Ordinance.

Clause 12—The proposed amendment to section 27 follows English practice. Under the section as drafted every rate quoted by the High Commissioner has to be kept at every station, traffic depot or harbour, irrespective of its application to the particular station, depot or harbour or not. This is, in many instances, entirely unnecessary and to avoid it subsection (2) of section 27 has been reworded.

Clause 14—A comparison of section 43 of the Principal Ordinance with section 50 of the Tanganyika Railways Ordinance, 1931, shows an entire divergence in principle. The clause as drafted follows Tanganyika law and both Railway Administrations will, if this clause is passed, be placed in the same position with respect to through booked traffic.

Clause 16—Section 45 of the Principal Ordinance was based on section 83 of the Indian Railways Act, 1890. Its provisions and what is entailed thereby are not now really necessary. The clause therefore, rewords the section and brings the practice to be followed more in keeping with present day conditions.

Clause 21—Section 53 of the Principal Ordinance is against the trend of modern legislation. In consequence, it is proposed to repeal it.

Clause 22—It will be observed that section 55 of the Principal Ordinance deals only with false accounts in relation to goods. A false account or certificate may be rendered or made in connexion with other traffic and as it is not always practicable to take action under any other law, opportunity has been taken to reword section 55 and enlarge its scope.

Clauses 23 and 24—The penalties for the serious offences mentioned in sections 58 and 59 of the Principal Ordinance are considered to be insufficient. These clauses follow sections 64 and 65 of the Tanganyika Railways Ordinance, 1931.

Clause 26—Doubts exist as to the exact position under section 70 of the Principal Ordinance. This clause rewords that section dispels such doubts and states definitely how the liability of the High Commissioner with regard to fire caused by sparks from locomotive engines may be established.

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

GOVERNMENT NOTICE No 769

ARRIVALS

Name	Rank	From Leave or on 1st Appointment	Date of Leaving England	Date of Embarkation	Date of Arrival at Mombasa
C H Rowe	Telegraph Inspector, Posts and Telegraphs Department	1st Appointment	21st Sept 1938	22nd Sept, 1938*	11th Oct, 1938†
Lt G E J Warland	Company Officer K A R	"	28th Sept, 1938 †	—	12th Oct, 1938
J E Jardin	Registrar of Titles, Local Government Lands and Settlement	On transfer from Tanganyika Leave	10th Oct 1938 ‡ 17th Sept, 1938	—	14th Oct, 1938
W M Allen	Assistant Accountant, P W D	"	"	—	"
E E Bristow	Assistant Superintendent of Police	"	"	—	"
G H G Jones	Soil Chemist Agric Dept	"	"	—	"
L Shoolman	Government Coast Agent	"	"	—	"
R A Hammond	Veterinary Officer	"	"	—	"
A H Prangley	Foreman Public Works Dept	"	"	—	"
Mrs M A E Prangley	Telephone Operator, P W D	"	"	—	"
G Wedderburn	Assistant Registrar of Nat ves	"	"	—	"
V A Willey	Examining Officer, Customs Department	"	"	—	"
A F Wake	Accounts Clerk Customs Dept	"	"	—	"
I S Ebbelwhite	2nd Grade Asst Inspector of Police	"	"	—	"
C W Hayes Sadler	District Officer	"	18th Sept, 1938	24th Sept, 1938*	"
R Daubney	Director of Veterinary Services	"	17th Aug 1938	"	"
S Bloomberg	Senior Collector of Customs	"	23rd Sept, 1938	"	"
H C Willan M C	Solicitor General	"	"	"	"
Miss N E Wood	Clerk Class III K U R & H	"	21st Sept, 1938	22nd Sept, 1938*	9th Oct, 1938
Miss D A Curtis	Clerk, Class III, K U R & H	"	"	"	"
Mrs K M Mallitte	Shorthand Typist, K U R & H	"	"	"	"
T Ainsworth	Chargehand, K U R & H	1st Appointment	"	"	"
L Nicholas	Chargehand, K U R & H	Leave	17th Sept, 1938	17th Sept, 1938	14th Oct 1938
A Leeming	Guard, K U R & H	"	"	"	"
Lt F R F Broomhead, R N R	Tug Master, K U R & H	"	"	"	"
J T Ferguson	Assistant Accountant, K U R & H	"	"	"	"
Miss M E Dalton	Private Secretary to General Manager and Secretary to the Railway Advisory Council	"	"	"	"
		"	—	25th Sept, 1938*	"

* Marseilles † Bombay ‡ Dar es Salaam

APPOINTMENTS

SYDNEY HUBERT LA FONTAINE DSO, OBE, MC, BA (CANTAB), to be Acting Chief Native Commissioner, with effect from the 15th October, 1938

JOHN O'BRIEN KELLY to be Acting Resident Magistrate, Mombasa, with effect from the 26th September, 1938, to the 12th October, 1938

ANTHONY CHARLES CHRISTOPHER SWANN to be District Officer (Cadet), Fort Hall District, Central Province, with effect from the 5th October, 1938

LIEUTENANT R G HILL to be Adjutant and Quartermaster, 3rd Battalion, King's African Rifles, with effect from the 14th October, 1938, *vice* Captain C D Trimmer

RONALD GORDON GREEN to be Acting Accountant, Registrar General's Department, with effect from the 15th October, 1938

PERCY WYN HARRIS to be District Officer, Nairobi District, Central Province, with effect from the 11th October, 1938

PROMOTION

GEORGE BERESFORD STOOKE to be Deputy Chief Secretary, with effect from the 19th October, 1938

REVERSIONS

THEODORE DAVID WALLACE Acting Solicitor General, reverted to his substantive appointment of Crown Counsel as from the 15th October, 1938

PERCY WYN HARRIS reverted to his substantive post of District Officer with effect from the 11th October, 1938

EDWARD JOSEPH MULLIGAN, MRCVS, reverted to his substantive post of Deputy Director (Field Services), Veterinary Department, with effect from the 17th October, 1938

LANGUAGE EXAMINATIONS HELD ON THE 5TH SEPTEMBER, 1938

LOWER STANDARD SWAHILI

Pass

Miss G A Clarke, Unofficial
T Sheridan, Unofficial
Dr G L Timms, Medical

H M Gibson, Police
G J Gollop, Agriculture
R Knowles, Customs
G M Young, Prisons
Lieut R E M Thackeray, King's African Rifles
Lieut-Commander F A W Ramsay, RN (Retd), Unofficial

Miss E B Shephard, Education
Miss M E Sunde, Education
T Hughes Rice, Unofficial
E C M Green, Agriculture
Rev Brother Maurice, Unofficial
R N Moore, Kenya and Uganda Railways and Harbours Administration

Pass (Written only)

W B Havelock, Prisons (previously passed oral part)
Mrs H Clark, Education (previously passed oral part)
R H Timmis, Prisons (previously passed oral part)
J L Carter, Police

Pass (Oral only)

Miss M C Sutherland, Medical
J A Smith, Kenya and Uganda Railways and Harbours Administration
H R Walker, Police
G Gamble, Agriculture
M P Byers, Labour (previously passed written part)

A DE V WADE,
Chief Secretary

KENYA AND UGANDA RAILWAYS AND HARBOURS

WILLIAM EDWARD LANE, Acting Assistant Accountant, reverted to his substantive rank of Chief Cashier, with effect from 18th October, 1938

JACK NORMAN, Senior Clerk, Special Grade, to be Administrative Assistant, with effect from 29th October, 1938

PROCLAMATION No 91

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

Voi Township, The District Commissioner, Voi
L R Nos 6447 and 6448, T Louw, Esq, Kaptagat,
Uasin Gishu District

L R No 1633, The Police Pound, P O Muhoroni,
Kisumu-Londiani District

L R Nos 1493 and 1472/1, E G Mayers, Esq,
Kipsewa Falls, P O Songhor, Kisumu-Londiani Dis-
trict

L R No 2882, The Manager, Kalalu Farm, P O
Nanyuki, North Nyeri District

And further I hereby declare the following Procla-
mation and portion of Proclamation to be revoked —

That portion of Proclamation No 38, dated the 26th
day of May, 1937, declaring—

L R No 1316, Mrs E Powys Cobb, Mau Narok,
Elmenteita, Nakuru District,

to be an infected area (East Coast fever)

That Proclamation No 54, dated the 20th day of
July, 1937, declaring—

L R Nos 487/3/6 and 487/3/7 and 8, The
Manager, Kambala Dairy, P O Molo, Nakuru Dis-
trict,

to be an infected area (East Coast fever)

Given under my hand at Kabete this 19th day of
October, 1938

R DAUBNEY,
Director of Veterinary Services

GOVERNMENT NOTICE No 770

THE KING'S AFRICAN RIFLES RESERVE OF
OFFICERS ORDINANCE, 1927

NOTICE

THE Secretary of State for the Colonies, on the
recommendation of His Excellency the Governor, has
been pleased to appoint the following person to be an
officer of the King's African Rifles Reserve of Officers
to serve for a further period of three years in the rank
of 2nd Lieutenant with effect from the 9th July,
1938 —

Mr T C Templeton

Nairobi,

This 18th day of October, 1938

A DE V WADE,
Chief Secretary

GOVERNMENT NOTICE No 771

THE KING'S AFRICAN RIFLES RESERVE OF
OFFICERS ORDINANCE, 1927

NOTICE

THE Secretary of State for the Colonies, on the
recommendation of His Excellency the Governor, has
been pleased to approve the promotion of the follow-
ing officers of the King's African Rifles Reserve of
Officers to the rank of Lieutenant with effect from the
1st September, 1938 —

2nd Lieutenant J R Nimmo
2nd Lieutenant C E Corbett
2nd Lieutenant A B Tannahill
2nd Lieutenant J I Nicolson
2nd Lieutenant T H Rice
2nd Lieutenant T C Templeton
2nd Lieutenant A F S Archer
2nd Lieutenant C E Onslow
2nd Lieutenant G T Miller

Nairobi,

This 18th day of October, 1938

A DE V WADE,
Chief Secretary

GOVERNMENT NOTICE No 772

THE JUSTICES OF THE PEACE ORDINANCE
(Chapter 21 of the Revised Edition)

NOTICE

Whereas by instruments dated the 1st day of
August, 1916, D A Johnston, Esq, was appointed to
be a Justice of the Peace for the Trans Nzoia District,
in accordance with the provisions of section 2 of the
Justices of the Peace Ordinance

And whereas it has been notified to me that D A
Johnston Esq, is no longer resident in the Trans Nzoia
District

Now, therefore, I, Henry Robert Moore Brooke-
Popham, Knight Grand Cross of the Royal Victorian
Order, Knight Commander of the Most Honourable
Order of the Bath, Companion of the Most Distin-
guished Order of Saint Michael and Saint George,
Companion of the Distinguished Service Order, upon
whom His Majesty has been pleased to confer the Air
Force Cross, Air Chief Marshal in the Royal Air
Force, Governor and Commander-in-Chief of the
Colony and Protectorate of Kenya, in pursuance of the
provisions of the said section, do state that it is my
pleasure that the said appointment shall from and
after the date hereof cease and determine

Given under my hand and the Official Seal at
Nairobi this 15th day of October, 1938

R BROOKE-POPHAM,
*Air Chief Marshal,
Governor*

GOVERNMENT NOTICE No 773

LEGISLATIVE COUNCIL

APPOINTMENT

IT is hereby notified for general information that His
Excellency the Governor has been pleased to make the
following provisional appointment —

To be temporarily a Nominated Official Member
of Legislative Council—

Henry Izard, Esquire

Nairobi,

15th October, 1938

A DE V WADE,
Chief Secretary

GOVERNMENT NOTICE No 774

EXECUTIVE COUNCIL
APPOINTMENT

HIS MAJESTY the King has been pleased to confirm the provisional temporary appointment of—
Ambalal Bhailalbhai Patel, Esquire,
to be an Unofficial Member of the Executive Council of the Colony and Protectorate of Kenya
Nairobi,
21st October, 1938
A DE V WADE,
Chief Secretary

GOVERNMENT NOTICE No 775
THE NATIVE AUTHORITY ORDINANCE, 1937
(Ordinance No 2 of 1937, section 13)
AND
THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE
(Chapter 1 of the Revised Edition, section 13)
GOVERNMENT NOTICE No 314 of 1937

APPOINTMENT
IN EXERCISE of the powers thereunto enabling me, I hereby appoint the person named in the Schedule annexed hereto to be Official Headman for the area named therein
Nyeri,
13th October, 1938
C TOMKINSON,
Acting Provincial Commissioner,
Central Province

SCHEDULE
KITUI DISTRICT, CENTRAL PROVINCE

Name	Area	With effect from	Remarks
Kiungu wa Mukui	Location G (Mui)	1st Sept 1938	Ice Mwaniki wa Muthe ngi resigned appointed by Govt Notice 224 of 1st March, 1925

GOVERNMENT NOTICE No 776
THE NATIVE AUTHORITY ORDINANCE, 1937
AND
THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE
(Chapter 1 of the Revised Edition)
GOVERNMENT NOTICE No 314 of 1937

APPOINTMENT
IN EXERCISE of the powers thereunto enabling me, I hereby appoint the person named in the Schedule annexed hereto to be Official Headman for the area named therein
Ngong,
13th October, 1938
R PEDRAZA,
Officer in Charge,
Masai District

SCHEDULE

Name	Area	With effect from	Remarks
Mariani ole Kirtella	VIII Weikeri	26th May 1938	On six months probation vice Kailebi ole Ngepeda vide Government Notice No 490 of 26th June 1935

GOVERNMENT NOTICE No 777

THE FARMERS ASSISTANCE ORDINANCE, 1936
(Section 11 (1) (a))
INTERIM STAY ORDER
IN THE MATTER OF THE APPLICATION OF A H DALY, ESQ, AITIBU (SOTIK) PLANTATIONS, LTD, SOTIK
PURSUANT to the provisions of the Farmers Assistance Ordinance, 1936, I hereby issue this Interim Stay Order in respect of the above-named applicant's estate as from the 18th day of October, 1938
Dated at Kericho this 18th day of October, 1938
H E LAMBERT,
Chairman of Local Committee

GOVERNMENT NOTICE No 778
THE FARMERS ASSISTANCE ORDINANCE, 1936
(Section 11 (2))
IN THE MATTER OF THE APPLICATION OF A H DALY, ESQ, AITIBU (SOTIK) PLANTATIONS, LTD, SOTIK
NOTICE is hereby given that I, Chairman of the Kericho Local Committee, have appointed Mr R C Royston of Kibori Estate, Sotik, to be Temporary Supervisor of the estate of the above named in pursuance of section 11 (1) (b) of the above-named Ordinance
H E LAMBERT,
Chairman, Kericho Local Committee

GOVERNMENT NOTICE No 779
THE LIGHTING CONTROL ORDINANCE, 1938
AND
THE LIGHTING CONTROL REGULATIONS, 1938
NOTICE

IN EXERCISE of the powers conferred upon him by Regulation 1 of the Lighting Control Regulations, 1938, His Excellency the Governor has been pleased to specify —
(1) That in the event of the night of the 7th November, 1938, being suitable—
(a) the Lighting Control Regulations, 1938, will be brought into force in the area under the jurisdiction of the Mombasa Municipal Board at 9 30 p m on that night and that the said Regulations will remain in force until 10 30 p m on that night, and
(b) the public will be warned of the bringing into force of the said Regulations by the dimming and raising of all electric lights throughout the said area in or about the hour of 9 15 p m on that night
(2) That in the event of the night of the 7th November, 1938, being unsuitable—
(a) the warning signal referred to in paragraph 1 (a) of this notice will not be given on that night and the said Regulations will not be brought into force on that night,
(b) the warning signal will be given in or about the hour of 9 15 p m on the night of the 8th November, 1938, and the said Regulations will be brought into force in the area under the jurisdiction of the Mombasa Municipal Board at 9 30 p m on that night and will remain in force until 10 30 p m on that night
By Command of His Excellency the Governor
Nairobi,
This 24th day of October, 1938
A DE V WADE,
Chief Secretary

GOVERNMENT NOTICE No 780

THE BANKRUPTCY ORDINANCE, 1930

THE APPOINTMENT OF DEPUTY OFFICIAL RECEIVER

IN EXERCISE of the powers conferred by section 71 of the Bankruptcy Ordinance, 1930, His Excellency the Governor is pleased to appoint Ronald Gordon Green to be Deputy Official Receiver under the said Ordinance for the Colony and Protectorate of Kenya

By Command of His Excellency the Governor

Nairobi,

Dated this 20th day of October, 1938

A DE V WADE,
Chief Secretary

GOVERNMENT NOTICE No 781

THE MARRIAGE ORDINANCE

(Chapter 167 of the Revised Edition, section 4)

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

(Chapter 1 of the Revised Edition, section 13)

APPOINTMENT

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the undermentioned officer to be a Deputy Registrar of Marriages for the District of Nairobi, Central Province, with effect from the 25th October, 1938

Ronald Gordon Green, Esquire,
Registrar General's Department, Nairobi

Government Notice No 828, of 27th December, 1934, is hereby cancelled

W B CUMMING,
Registrar General of Marriages

GENERAL NOTICE No 1465

NOTICE

IT is hereby notified for general information that restricted trunk telephone facilities have now been provided at Kakamega and Kisumu

2 Particulars of the services available and the relative charges can be obtained at all trunk call offices in the Colony

General Post Office,
Nairobi,
20th October, 1938

E A SADLER,
*for Acting Postmaster General,
Kenya, Uganda and Tanganyika*

GENERAL NOTICE No 1466

KENYA AND UGANDA RAILWAYS AND HARBOURS

STORES DEPARTMENT

SALE OF STEEL SCRAP

TENDERS are invited for the sale of approximately 600 tons of steel scrap lying at the Railway Administration's Reclamation Yard, Nairobi

2 This material can be viewed on application to the Stores Superintendent, Kenya and Uganda Railways and Harbours, P O Box 40, Nairobi, to whom all enquiries must be addressed

3 Tenderers should quote a price per ton of 2,240 lb delivered f o b Mombasa

4 Weighment of the scrap will be made over the Administration's weighbridge at Nairobi and payment made prior to shipment Shipment of scrap to be arranged within three months of acceptance of tender

5 The quantity of scrap is approximate only and no guarantee can be given in this connexion, nor can the Administration undertake to sort the material when loading

6 At the discretion of the General Manager, the successful tenderer may be required to deposit the sum of two thousand shillings, which sum will be refunded on satisfactory completion of the contract

7 Sealed tenders marked "Tenders for Steel Scrap" should be addressed to and reach the Chairman, Railway Tender Board, P O Box 570, Nairobi, on or before 12 o'clock noon of the 30th November, 1938

8 The highest or any tender will not necessarily be accepted

Nairobi,

19th October, 1938

A E HAMP,
*Acting General Manager,
Kenya and Uganda Railways and Harbours*

GENERAL NOTICE No 1467

NYANZA DISTRICT COUNCIL

TENDERS FOR POSHO

TENDERS are invited for the monthly supply of posho at the following points and in the following approximate quantities over a period of six or twelve months from December, 1938 —

Londiani 30 bags of 200 lb net per month,
Koru 40 bags of 200 lb net per month,
Songhor 70 bags of 200 lb net per month

It should be noted that the posho must be of first quality and packed in good sound bags Payment will be made monthly against supplies

Tenders must be enclosed in a sealed envelope marked "Tenders for Posho" and must reach the undersigned not later than Saturday the 12th November, 1938

No tender will necessarily be accepted

Koru,
25th October, 1938

EISDELL COOPER,
Clerk-Supervisor, Nyanza District Council

GENERAL NOTICE No 1468

THE WATER ORDINANCE, 1929

NOTICE OF APPLICATION FOR WATER RIGHT

IN terms of section 27 of the Water Ordinance, 1929, notice is hereby given that the Director of Veterinary Services of Kabete has filed an application, which was registered by the Water Board on 20th September, 1938, for a Water Sanction to divert from the Manza River at Machakos (at a point on L R No 1491/2), 5,500 gallons per day, and to store 50 acre feet of flood water per annum, for the purpose of domestic use at the Veterinary Quarantine Station, Machakos

The works will consist of a dam

A plan may be seen at the office of the Director of Public Works, Nairobi

The application will subsequently be considered for a Water Right

Any objections to the grant of the Water Right and/or Sanction applied for should be filed, in duplicate, with the Water Board, P O Box 662, Nairobi, within sixty days from the date of the first publication of this notice, and a copy of the objection must be served by the objector on the undersigned at the address given below

D F MACPHERSON,
*Veterinary Officer,
Applicant or Lawfully Authorized Agent,
Veterinary Department, Machakos*

GENERAL NOTICE No 1469

THE WATER ORDINANCE, 1929

NOTICE OF APPLICATION FOR WATER RIGHT

IN terms of section 27 of the Water Ordinance, 1929, notice is hereby given that S N Turner, Esq, of Mweiga, has filed an application, which was registered by the Water Board on 20th September, 1938, for a Water Sanction, to divert from the Amboni River at a point on L R No 3430/2/R, 0 004435, 6 2 and 0 05 cusecs (of which approximately 6 2 cusecs will be returned to the Amboni River) for the purposes of domestic use, power use, and to cover losses in a canal respectively on L R No 3430/2/R

The proposed works will consist of a canal 1,500 ft long, turbine, pump and pipe line

A plan may be seen at the office of the Director of Public Works, Nairobi, and at the Public Works Department Office, Nyeri

The application will subsequently be considered for a Water Right

Any objection to the grant of the Water Right and/or Sanction applied for should be filed, in duplicate, with the Water Board, P O Box 662, Nairobi, within sixty days from the date of the first publication of this notice, and a copy of the objection must be served by the objector on the undersigned at the address given below

S NORMAN TURNER,
*Applicant or Lawfully Authorized Agent,
Ol Donyo Larash Estate,
P O Mweiga*

GENERAL NOTICE No 1470

TRANS NZOIA DISTRICT COUNCIL

TENDERS FOR THE SUPPLY OF CARTS

TENDERS are invited for the supply of three ox-drawn carts as specified below —

- (a) A two-inch steel axle carrying two steel wheels on roller bearings Internal expanding brakes tyre equipment complete, 600 x 19
- (b) wooden body of thirty-seven cubic feet capacity and capable of tipping Rear door removable
- (c) normal disselboom and fittings

Tenders, in sealed envelopes, marked "Tenders for Carts", must reach the undersigned not later than 5 0 p m on the 15th November, 1938

The lowest or any tender will not necessarily be accepted

Council Offices,
P O Box 104, Kitale,
25th October, 1938

M L VERNON,
Clerk-Supervisor to the Council

GENERAL NOTICE No 1471

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 that the under-mentioned gentleman ceases to be an Honorary Permit Issuer for the purposes of the said Rules —

E J R Cook, Esq,
Moiben

Kabete,

This 17th day of October, 1938

R DAUBNEY,
Director of Veterinary Services

GENERAL NOTICE No 1472

ABERDARE DISTRICT COUNCIL

APPLICATIONS FOR ENGINEER-CLERK

APPLICATIONS are invited for the post of Engineer-Clerk to the Aberdare District Council, which will be formally constituted with effect from the 1st January, 1939, and will embrace the Laikipia and North Nyeri Districts

The appointment, which will, in the first place, be probationary for one year, will carry a salary of £480 per annum, plus travelling allowance

On the expiration of the probationary period the terms of service will be reviewed

The successful applicant will be in charge of all road maintenance work in the district and preference will be given to applicants with experience of such work

Applications, accompanied by copies of testimonials, must reach the Provincial Commissioner, Nyeri, not later than the 21st November, 1938

Nairobi,
18th October, 1938

C E MORTIMER,
*Acting Commissioner for Local Government,
Lands and Settlement*

GENERAL NOTICE No 1473

THE MINING ORDINANCE, 1933

NOTICE

IT is hereby notified for public information that the following claims have expired and are cancelled in the Mining Registers of the districts concerned

Nairobi,

This 18th day of October, 1938

H IZARD,

Commissioner of Mines

KAKAMEGA DISTRICT

<i>Class</i>	<i>Location Number</i>
Lode	2/1-3, 81/1-10, 97/1-6, 171/1-9, 274/1-6, 346/1-10, 511/1-3, 512/1-2, 515/1-2, 595/2-3, and 7, 598/3-4, 676/1-7, 678/8-9, 717/1-10, 718/1-10, 755/1-6, 758/1-3, 759/1-7, 785/1-5, 786/1-5, 787/1-10, 791/1-6, 792/1-8, 793/1-7, 804/1-5, 805/1-5, 806/1-10, 807/1-10, 808/1-8, 809/1-10, 810/1-5, 818/1-10, 819/1-9, 844/1-5, 845/1-5, 853/1-9, 854/1-10, 855/1-10, 856/1-4, 6-10, 857/3-5, 8-10, 858/1-3, 859/1-3, 860/1-3, 924/1-5, 925/1-6, 929/1-5, 930/1-9, 931/1-10, 969/1-10, 1053/1-6, 1088/1-6, 1089/1-6, 1090/1-8, 1091/1-10, 1158/1-10, 1161/1-10, 2070/1-6, 2086/1-3, 2169/1-2, 2176/2, 3, 5, 8, 9, 10, 2226/1-8, 2227/1-8, 2228/3-4, 2229/8-9, 2230/3, 4, 7, 8, 2250/9, 10, 2350/1-6, 2579/3-5, 2642/1-10, 2696/1-10, 2697/1-10, 2698/1-10, 2706/1-10, 2707/1-10, 2731/1-3, 2733/1-10, 2734/1-10, 2735/7-10, 2736/1-10, 2737/1-10, 2738/1-10, 2739/1-4, 2757/1-10, 2758/1-10, 2759/1-10, 2760/1-4, 2811/1-10, 2893/1-10, 2894/1-10

Alluvial	170/1-10, 188/1-10, 2740/1-10, 2741/1-10, 2742/1-10, 2743/1-10, 2744/1-10, 2745/1-9, 2746/1-9, 2747/1-10, 2748/1-10, 2749/1-10, 2750/1-10, 2751/1-10, 2752/1, 3, 5, 7, 9, 2753/1-5, 2754/1-5, 2755/1-7, 2756/1, 2769/1-10, 2770/1-10, 2771/3, 4, 8, 2773/1-3, 2775/2, 3, 9, 10, 2826/1-4, 2827/1-5, 2887/1-10, 2890/1-10, 2895/1-10, 2901/1-10, 2902/1-10
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AREA NO 2

<i>Class</i>	<i>Location Number</i>
Lode	162/1-10, 163/1-10, 164/1-10, 167/9-10, 168/1, 3, 5, 7, 9, 247/1-10, 251/1-10, 252/1-10, 272/1-10, 273/1-10, 295/4, 338/1-6, 343/1-9, 344/1-9, 345/1-9, 346/1-9, 347/1-10, 348/1-10, 349/1-10, 354/1-10, 355/1-10, 356/1-10, 357/1-5, 417/1-10, 418/1-10, 419/1-10, 420/1-10, 429/1-6, 460/1-10, 461/1-8, 462/1-10, 463/1-4, 465/7-10, 466/1-9, 467/1-10, 468/9-10, 470/1-3, 471/1-10, 630/1-7, 631/1-7, 632/4-10, 633/4-10, 634/4-10, 635/4-10, 648/1-10, 719/1-10, 728/8-10, 729/1-10, 730/1-10, 731/1-10, 732/5, 9, 10, 733/1-8, 734/1-10, 735/1-4, 736/1-10, 737/1-10, 738/1, 739/2-5, 7-10, 740/1-10, 756/1-9, 757/1-10, 758/1-8, 759/1-10, 760/1-4, 833/1-8, 844/1, 4, 8-10, 847/3, 8, 848/2, 3, 7-9, 849/2-4, 9, 850/4, 9-10, 851/1-2, 1254/1-4, 1255/1-10, 1256/1-10, 1258/1-2, 1259/1-2, 1260/1-10, 1261/1-8, 1262/1-10, 1263/1-2, 1264/1-10, 1280/1-3, 5, 1281/1-2, 1282/7-10, 1284/1-4, 1288/1-5, 1332/1, 1334/1-10, 1335/1-10, 1336/1-10, 1337/1-6, 1338/1-10, 1339/1-10, 1340/1-10, 1341/1-10, 1342/1-2, 1345/1-10, 1346/1-3, 1349/1-10, 1353/1-6, 1356/1-10, 1359/1-7

Alluvial 1347/1-2

KISII DISTRICT

Lode 320/2-3, 323/1, 328/1-2, 330/1, 338/1, 342/1-10, 343/1-10

NAROK DISTRICT

Lode 36/1-5, 73/1-6, 80/1, 82/1-8, 225/1, 272/1, 2, 4, 7, 281/1-4, 284/2, 4, 285/1, 2, 4, 5, 6, 7, 288/5-10

GENERAL NOTICE No 1474

APPLICATIONS TO BE CONSIDERED BY THE LIQUOR LICENSING COURT WHICH WILL SIT IN THE RAILWAY CLUB, NAIROBI, ON 14TH NOVEMBER, 1938, AT 10 A M

NEW APPLICATIONS

Malt Licence

Mrs Henriette Touche, Hove Court, Salisbury Road, Nairobi

Restaurant or Cafe Licence

Mrs H W Hull, Plot No 209/579, Royal Exchange Building, Nairobi

Wholesale Licence

Messrs Grayson & Co, Ltd, Clyde House, Hardinge Street, Nairobi

Wine Merchants and Grocers Licences

Messrs Sidi & Morarji, Plot No 655, Victoria Street, Nairobi

Messrs Regal Provision Stores, Plot No 2437, Regal Mansion, Victoria Street, Nairobi

Messrs K V Shah & M D Shah, Farm No 4746, Makuyu

Premchand V Shah (Makuyu Trading Co), Farm No 327, Sisal, Ltd, Punda Milia Road, Makuyu

Club Licence

The Manager, Sigona Club, L R No 4955/8, Kikuyu

General Retail Licence

Pratap Singh Madav Singh Chovda, Plot No 478, River Road, Nairobi

Abdul Wahid, Transfer of licence to Plot No 163/1/5, Ngara Road, Nairobi

P B Mistry, Plot No 163/1/5, Ngara Road, Nairobi

N R Patel, Starr Inn, Plot No 101, Thomson's Estate, Ngong Road, Nairobi

RATIFICATION OF TRANSFERS

General Retail

Anthony de Souza to Harbans Singh Corner Bar, Swamp Road, Plot 131, Nairobi

Brewer's Licence

W Taylor to Messrs Taylor & Co, Ltd, Plot No 29/6/1, Ruaraka

Restaurant Licence

Messrs Miradou & Castel to Rose Adal and Serge Aal, Chez Gaby Plot No 569, Government Road, Nairobi

Club Licence

Registered Masonic Trustees, From Masonic Temple to Freemasons' Hall, Kirk Road, Nairobi

A W SUTCLIFFE,

Chairman,

Nairobi Liquor Licensing Court

THE CROWN LANDS ORDINANCE
(Chapter 140, Revised Edition)
RETURN OF LAND GRANTS—1ST JULY TO 30TH SEPTEMBER, 1938

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

NAIROBI,
13TH OCTOBER, 1938

C E MORTIMER,
Acting Commissioner for Local Government,
Lands and Settlement

NAME	L R No	Locality	Area	Stand Premium	Annual Rent	Term	Remarks
I FARM GRANTS (a) By Auction or Tender (b) Direct Grants	NIL		Acres (Approx)	Sh	Sh	Years	
H A and H M Lunn East African Ventures Ltd	3153 and 4113 502/2	Upper Kipkarren Eldalat	253 1,734	2,024 —	50/60 208/08	15	Option under Grogan Forest Licence
H C Kirsopp	2039/R	Trans Nzoia	1,288	5,152	257/60	999	
Mrs C Davies Evans	2887	Timau	4,290	42,900	214/50	999	
W G Lillywhite	1164	Kilifi	2,480	—	496	999	Agricultural grant under Coast Development Scheme—Gen Notice 1319 of 1929
II FARM EXCHANGES	NIL						
III FARM REVERSIONS							
J W and L F Eames	470/1	Nakuru	472	—	—	—	Surrendered
R V Beckman	4424/XI	Marmanet	118	—	—	—	Withdrawal of grant noted in March Return
A Holloway		Mtwapa Creek	15	—	—	—	Grant not accepted
IV TOWNSHIP PLOTS (a) By Auction or Tender							
Ismail Lalji Nuran	29, Sect X	Eldoret	0 1148	478	64	25 extend able to 99	
Ismail Lalji Nuran	31, Sect X	Eldoret	0 1148	478	64	ditto	
L and C Patel & Co	1, Sect II	Turbo	0 1102	1,000	23/50	ditto	
M M Visiam	2, Sect II	Turbo	0 1148	950	22	ditto	
Shah S Keshavji and Shah P Kanji	3, Sect II	Turbo	0 1148	725	22	ditto	
J and R Gokaldas	4, Sect II	Turbo	0 1148	500	22	ditto	
N V Patel	5, Sect II	Turbo	0 1148	450	22	ditto	
Duala Musa	6, Sect II	Turbo	0 1148	200	22	ditto	
L and C Patel & Co	7, Sect II	Turbo	0 1148	450	22	ditto	
Hardit Singh	17 Sect II	Turbo	0 1999	321	43	ditto	
Kupnam & Sons	7, Sect V	Nanyuki	0 1722	716	96	99	
C R Aggarwall	9, Sect X	Nanyuki	0 1723	614	82	25 extend able to 99	
S G Vasani and G D Rawal	1, Sect II	Thika	0 6	589	78	99	
Henraj N Shah	2, Sect II	Thika	0 691	678	90	99	
Meghji Kanji	3, S II	Thika	0 714	701		99	

RETURN OF LAND GRANTS—(Contd.)

NAME	L R No	Locality	Area	Stand Premium	Annual Rent	Term	Remarks
IV TOWNSHIP PLOTS—(Contd.)			<i>Acres (Approx.)</i>	<i>Sh</i>	<i>Sh</i>	<i>Years</i>	
(a) By Auction or Tender—(Contd.)							
Kahdas Depal	10, Sect II	Thika	0 4936	485	64	99	
Samji Hirji	66, Sect IV	Thika	0 1159	551	73	99	
Meghji Kanji	67, Sect IV	Thika	0 1205	501	67	99	
Parekh Store	2, Sect I	Kibwezi	0 1148	750	120	25 extend able to 99	
Patel Trading Store	5, Sect II	Kibwezi	0 1226	825	132	ditto	
Sham Singh	4, Sect VI	Yala	0 1286	30	192	33 N L T O	
Sham Singh	3, Sect III	Yala	0 1286	30	192	33 N L T O	
Kaisandas Mulji & Bros and Dhanji Radhavji & Bros	4, Sect IV	Yala	0 1286	1,000	192	33 N L T O	
(b) Direct Grants	NIL						
(c) Exchanges to Facilitate Town Planning and Other Requirements							
S T Thakore	122/1 and 2	Ainsworth Hill, Nairobi	—	—	—	—	Exchanged for equal area of Crown Land
(d) Direct Grants for Religious, Educational and Charitable Purposes							
Kenya Settlers Christian Assoc		Kericho	2	—	72	99	Mission Church
Kenya Settlers Christian Assoc	1, Sect XII	Lumbwa	1	—	72	3 extendable to 99	Mission Church
(e) Direct Grants for Sports Purposes							
Nakuru Athletic Club	Sect XVIII	Nakuru	4	2,618	349	99	
Kisumu Yacht Club		Kisumu	0 4132	—	72	25	
(f) Direct Grants for Special Purposes							
Nairobi Municipal Council	1298, 1299 1300, 1301 and 1302 with lane	Queensway, Nairobi	1	—	Peppercorn	99	Car park
Nairobi Municipal Council	524/portion	Latema Road-Vic toria St, Nairobi	0 5	—	Peppercorn	99	Car park
Royal Agricultural and Horticul tural Society of Kenya	4949/1 and 2	Nairobi	7 3	—	72	25	Extension of Showground
Mombasa Almshouse Trustees	61, Sect X	Mombasa Island	3	—	72	99	Almshouse
V TOWNSHIP PLOTS, REVERSIONS							
Coryndon Memorial Museum Trustees	121/-	Ainsworth Hill, Nairobi	—	—	—	—	Small revision of boundaries to facilitate realignment of roads
G J Robbins	2498	Cirouard Rd, Nairobi	1 138	—	—	—	Withdrawal of grant noted in previous return
Anthony Chodzko	2, Sect L	Kisumu	1 55	—	—	—	Ditto
Anthony Chodzko	3, Sect L	Kisumu	1 55	—	—	—	Ditto
Anthony Chodzko	6, Sect L	Kisumu	1 688	—	—	—	Ditto
Anthony Chodzko	37, Sect I	Kisumu	1 55	—	—	—	Ditto
Sports Control Board		Kisumu	19 5	—	—	—	Surrendered
Church Missionary Trust Assoc	175/1	Mombasa	49	—	—	—	Surrendered
Dutch Reformed Church	Adjoining VI, Sect XXVIII	Eldoret	1	—	—	—	Withdrawal of grant noted in previous return

GENERAL NOTICE No 1476

TRANS NZOIA DISTRICT COUNCIL

ESTIMATE OF REVENUE AND EXPENDITURE FOR THE YEAR ENDING 31st DECEMBER, 1939

In accordance with Section 111 (2), Local Government (District Councils) Ordinance, 1928, the following Summary of Estimates for the year 1939 is published for general information

Such Estimates will be submitted for the approval of the Council at a meeting to be held on Wednesday, 9th November 1938, at 10 30 a m in the offices of the Council, Kitale

REVENUE					EXPENDITURE				
	1938		1939			1938		1939	
	£	£	£	£		£	£	£	£
A GOVERNMENT GRANTS					A ADMINISTRATION AND GENERAL				
Basic Grants—					1 Salaries and Allowances—				
(a) District Roads	—	5,924	—	5 924	(a) Clerk Supervisor	500		560	
(b) Roads maintained under contract	—	608	—	608	(b) Clerical Assistance	324		414	
Other Grants—					(c) Leave Reserve	112		99	
Vehicle Licences	—	70	—	70	2 Travelling Expenses—		936		1,073
					(a) Members	110		100	
					(b) Clerk Supervisor	180		150	250
B MISCELLANEOUS REVENUE					3 Office Expenses—				
(a) Bank Interest	4		10		(a) Rent	60		60	
(b) Court Fines	1		—		(b) Stationery and Printing	35		35	
(c) Rate Certificates	4		—		(c) Stamps and Telegrams	15		13	
(d) Sundries	2		—		(d) Audit Fees	31		33	
(e) U G D C for Lugari Station Road	48		65		(e) Insurance and Sundries	22		22	
		59		75	(f) Telephone	13		13	
		6,661		6 677	4 General Expenses—		176		176
C KITALE EUROPEAN HOSPITAL REVENUE					(a) Advertising	12		12	
(a) Government Grant	120		120		(b) Elections	4		8	
(b) District Rate	280		280		(c) Office Depreciation	22		22	42
(c) Patient Fees	632		780				38		
(d) Patients' Medicines	40		30				1,440		1,541
(e) Other Sources	50		80		Credit Hospital Administration	60		108	
(f) Benefit Premia	—		300		Credit P W D Overheads	81		81	
							141		189
Total Hospital Revenue		1 122		1,590	Total Administration and General	—	1 299	—	1,352
					B MAINTENANCE AND IMPROVEMENT OF ROADS				
					1 District Roads Maintenance	3,337		1 900	
					District Roads Improvement			1 581	
					2 Roads Maintained under Contract	608		608	
					3 Reserve for Emergencies	100		581	
					4 Reserve Bridge Construction	300		—	
					5 Reserve Bridge Repairs	50		150	
					6 Lugari Road for U G D C	48		65	
					Total Maintenance and Improve		4,473		4,885
					ment of Roads				
					C EXTRAORDINARY EXPENDITURE				
					Contributions to Capital	—	439	—	240
					D UNALLOCATED RESERVE	—	450	—	200
					E KITALE EUROPEAN HOSPITAL				
					1 Salaries and Allowances	675		895	
					2 Travelling Expenses	8		20	
					3 Office Expenses	39		66	
					4 Rent	33		—	
					5 General Expenses	271		374	
					6 Depreciation and Renewals	16		160	
					7 Reserve for Bad Debts	80		40	
					Total Hospital Expenditure		1 122		1 55
					Estimated Hospital Surplus		—		35
TOTAL ESTIMATED REVENUE FOR YEAR					TOTAL ESTIMATED EXPENDITURE FOR YEAR				
£	—	7,783	—	8 267			7,783		8 267

COUNCIL OFFICES,
KITALE
25th October, 1938

M L VERNON,
Clerk Supervisor to the Council

GENERAL NOTICE No 1477

NYANZA DISTRICT COUNCIL

ESTIMATES OF REVENUE AND EXPENDITURE FOR THE YEAR ENDING 31st DECEMBER, 1939

In accordance with Section 111 (2) of the Local Government (District Councils) Ordinance, 1928, the following Summary of the Estimates for 1939 is published for general information. These Estimates will be submitted for the approval of the Council at a meeting to be held at Koru on the 15th November, 1938. Detailed copies of these Estimates can be obtained on application to the undersigned and on payment of Sh 5.

EXPENDITURE			REVENUE		
ADMINISTRATION AND GENERAL —	£	£	GOVERNMENT GRANTS —	£	£
1 Clerk Supervisor, Staff and Leave provision	769		1 Basic Road Grant	4,142	
2 Travelling Expenses Members, Staff and Car Depreciation	355		2 Vehicle Licences	110	4,259
3 Office Expenses Rent, Stationery, Printing, Telephone, Postages, Maintenance, etc	121		MISCELLANEOUS REVENUE —		
4 General Charges Audit, Elections, Insurances, Advertising, etc	84		1 Contracts for Road Maintenance	1,701	
	1,329		2 Interest	100	
Less Proportion Allocated to Main Trunk Road	202		3 Bridge Reserve	195	1,996
		1,127	BALANCE, BEING EXCESS OF EXPENDITURE OVER REVENUE		511
MAINTENANCE AND IMPROVEMENT OF ROADS AND BRIDGES —					
1 District Roads—as per Schedule “A”	2,840				
2 Main Trunk Road	1,521				
3 Township Roads	180				
4 Bridge Works	195				
5 Sundry Charges	10	4,746			
EXTRAORDINARY EXPENDITURE —					
1 Emergency Reserve	270				
2 Bridge Reserve	600				
3 Reserve for renewal of office equipment	23	893			
	£ 6,766			£ 6,766	

SCHEDULE “A”—(DISTRICT ROADS)

AREA	MILES	AMOUNT £
Muhoroni	20	415
Songhor	66	750
Nandi	35	550
Koru	9	150
Fort Teinan	7	150
Lumbwa and Londiani	59	825
	196	£2,840

KORU,
 25th October, 1938

EISDELL COOPER,
Clerk Supervisor to the Council

GENERAL NOTICE No 1478

NYANZA LIQUOR LICENSING COURT
Under the Liquor Ordinance, 1934

The following applications are to be considered by the Nyanza Liquor Licensing Court which will sit in the office of the District Commissioner Kisumu Londiani, Kisumu, on Monday the 14th November, 1938, at 10 a m

Name	Address	Nature of Licence
RENEWALS		
Lumbwa Butchery and Stores	Lumbwa	Wine Merchants and Grocers
Haridas Chhaganlal	Kericho	" "
Kakamega Trading Company	Kakamega	" "
Kenya Stores	Kakamega	" "
Costa & Company	Kisumu	" "
Lalaji Nanabhai & Company	Kericho	" "
Gulamhussein and Allibhai	Kisui	" "
European Stores	Kisumu	" "
Ranchhod Velji	Koiu	" "
Hansingh Gujabhai	Kakamega	" "
Asembo Trading Company	Asembo Bay	" "
Chaturbhai Bhailalbhai & Company	Kericho	" "
Ebrahim Kassam & Bios	Kisui	" "
Karia & Company	Lumbwa	" "
Valabhdas Anandji	Kericho	" "
Kericho Stores	Kericho	" "
Sotik Sports Club	Sotik	Members' Club Liquor Licence
Nandi Bears' Club	Kapsabet	" " "
Kericho Club	Kericho	" " "
Asembo Trading Company, Limited	Asembo Bay	Malt Liquor Licence
S S Usoga	Kisumu	Steamship Liquor Licence
Pinto & Sons	Kisumu	General Retail Liquor
Londiani Hotel	Londiani	Hotel Liquor and General Retail
Kisui Hotel	Kisui	" " "
Kericho Arms	Kericho	" " "
NEW APPLICATIONS		
Raichand Virji & Company	Kisui	Wine Merchants and Grocers
Yala Provision Stores	Yala	" " "
C P de Silva	Kakamega	General Retail Liquor
J P Menezes	Kisumu	" " "

Kisumu,
14th October, 1938

R T LAMBERT,
Chairman, Nyanza Liquor Licensing Court

GENERAL NOTICE No 1479

THE KENYA FARMERS' ASSOCIATION LIMITED
REPORT OF THE AGENTS UNDER THE SALE OF WHEAT ORDINANCE, 1930
Period 1st March, 1938, to 31st August, 1938

Particulars	Bags lb	Sh cts	Remarks
Mills, Local Sales	86,551 9	1,611,932 73	Average price per bag Sh 18 624

Estimated number of bags of wheat Season 1937/38 on Farms and in Godowns at 31st August, 1938—24,685 bags

for and on behalf of
Kenya Farmers' Association (Co operative) Limited

G C GRIFFITHS,
General Manager,
Agents under the Sale of Wheat Ordinance, 1930

GENERAL NOTICE No 1299

THE CROWN LANDS ORDINANCE

(Chapter 140 of the Revised Edition)

KITALE TOWNSHIP

Auction of Residential Plots

Notice

NOTICE is hereby given that grants in respect of the plots at Kitale, specified in the Schedule hereto, will be sold by auction at the office of the District Commissioner, Kitale, on Wednesday, 26th October, 1938, commencing at 10 a.m.

Plans of the plots may be seen at the Public Map Office attached to the Survey Office, Nairobi, and at the office of the District Commissioner, Kitale, or may be had on application to the Director of Surveys, Box 89, Nairobi, on payment of Sh 2, post free.

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

In the following general and special conditions of sale, the term "Authority" means the District Commissioner, Kitale, or such other Municipal Authority as may be hereafter established by law.

CONDITIONS OF SALE

(a) Auction

- 1 Each plot will be auctioned separately.
 - 2 The amount of the advance of each bid will be regulated by the auctioneer and no bidding shall be retracted.
 - 3 The highest bidder will be the purchaser, but if any dispute arise as to any bid, the plot will be reoffered at the last undisputed bid.
 - 4 Each purchaser shall pay to the auctioneer immediately on the fall of the hammer, a deposit of 25 per cent of the purchase money. In default of such payment the plot may be immediately reoffered for sale, and any subsequent bid by the person who has made default may be ignored or refused.
 - 5 Each purchaser shall on paying the deposit inform the auctioneer of the name or names of the person or persons on whose behalf the plot is purchased, the grant will be issued in accordance with this information.
 - 6 The balance of the purchase money shall be paid to the Provincial Commissioner, Nakuru.
- The survey fees, the fees payable for the preparation and registration of the grant (Sh 120), and the stamp duty payable in respect of the grant (approximately 2 per cent on the purchase price and on the rent), and all other expenses, if any, shall be paid to the Director of Surveys, Nairobi.
- All these amounts shall be paid within seven days of a request for payment being made when the grant is ready for execution. If these amounts be not paid within the time stated, the Commissioner of Lands may order the deposit made by the grantee to be forfeited, and the grantee shall have no further claim to the grant of the plot.

SCHEDULE

Plot No	Section No	Area Ac	Rent per Annum Sh	Upset Price Sh	Survey Fees Sh	Proportionate rent from 1 11 38 to 31 12 38 Sh
29	VI	1 033	60	450	70	10
31	VI	1 033	60	450	70	10

Nairobi,
15th September, 1938

(b) General

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

2 No building shall be erected on either plot unless plans (including block plans showing the position of the buildings), drawings, elevations and specifications thereof shall have been previously approved by the authority, and by the Commissioner of Lands or such person as he may appoint. Such plans, etc., shall be submitted in triplicate to the District Commissioner, Kitale, for necessary action.

3 Grants will be made under the Crown Lands Ordinance (Cap 140) and titles will be issued under the Registration of Titles Ordinance (Chapter 142 of the Revised Edition). The term of the grant will be for 25 years from the 1st November, 1938, subject to extension to 99 years, as provided in No 2 of the special conditions.

4 The grantee may at any time during the currency of the grant redeem up to three-quarters of the rent of the plot on the basis of twenty years' purchase.

5 The grantee shall not at any time subdivide the plot or assign, sublet or otherwise dispose of any portion of the plot without the previous written consent of the Governor.

6 Any building erected shall conform to a building line decided upon by the authority.

(c) Special

1 Each purchaser of a plot in the Schedule hereto shall erect within two years of the commencement of his grant a building constructed of stone, burnt brick, concrete, or wood and iron on proper foundations.

2 If at any time during the term of the grant a main building of approved design constructed of stone, burnt brick or concrete on proper foundations be erected on any plot, the grantee shall be entitled to an extension of the term to 99 years from 1st November, 1938.

3 No building shall at any time during the term of the grant be used for any other purpose than a dwelling-house.

4 At no time during the term of the grant shall more than one dwelling-house with the necessary offices and outbuildings be erected on any plot without the consent of the Governor.

5 The grantee shall not at any time during the term of the grant erect any building or buildings so as to cover more than one-half of the area of the plot.

6 All outbuildings, offices, etc., shall be properly sited and screened from view to the satisfaction of the authority or such other person as may be appointed, and shall be kept so screened during the term of the grant.

C E MORTIMER,
*Acting Commissioner for Local Government,
Lands and Settlement*

GENERAL NOTICE No 1362

THE NATIVE LANDS TRUST ORDINANCE, 1930

KIAMBU TOWNSHIP PLOTS

NOTICE

NOTICE is hereby given that grants in respect of the plots at Kiambu specified in the Schedule hereto, will be sold by auction at the District Commissioner's Office, Kiambu, on Monday the 7th November, 1938, commencing at 10 a.m.

Plans of the plots may be seen at the Public Map Office attached to the Survey and Registration Division, Nairobi, and at the office of the District Commissioner, Kiambu, or may be had on application to the Director of Surveys, P.O. Box 89, Nairobi, on payment of Sh 3, post free.

The right to withdraw any plot from the auction is reserved to the Chief Native Commissioner.

In the following General and Special Conditions of Sale, the term "authority" means the District Commissioner, Kiambu, or such other municipal authority as may be hereafter established by law.

CONDITIONS OF SALE

(a) Auction

- 1 Each plot will be auctioned separately.
- 2 The amount of the advance of each bid will be regulated by the auctioneer, and no bidding shall be retracted.
- 3 The highest bidder will be the purchaser, but if any dispute arise as to any bid, the plot will be re-offered at the last undisputed bid.
- 4 Each purchaser shall pay to the auctioneer immediately on the fall of the hammer, a deposit of 25 per cent of the purchase money. In default of such payment, the plot may be immediately re-offered for sale, and any subsequent bid by the person who has made default may be ignored or refused.
- 5 Each purchaser shall on paying the deposit inform the auctioneer of the name or names of the person or persons on whose behalf the plot is purchased, the grant will be issued in accordance with this information.
- 6 The balance of the purchase money, together with the rent due to the 31st December, 1938, shall be paid to the District Commissioner, Kiambu.

The survey fees, the fees payable for the preparation and registration of the grant (Sh 120) and the stamp duty payable in respect of the grant, and all other expenses, if any, shall be paid to the Director of Surveys, Nairobi.

All these amounts shall be paid within seven days of a demand being made therefor.

Upon the payment of the purchase price and the other payments specified above being duly made, the purchaser shall, subject to the provisions of the Native Lands Trust Ordinance, 1930, and to the Conditions of Sale having been complied with, be entitled to a grant of the plot, which grant shall be presented to him duly executed as soon as conveniently may be.

Provided that the balance of the purchase money shall not be payable within the time stated or thereafter, unless and until the Chief Native Commissioner can present to the purchaser the grant duly executed.

7 If the amounts mentioned in condition No 6 are not paid as therein laid down within seven days of a demand being made therefor, the Chief Native Commissioner may order the deposit made by the purchaser to be forfeited, and the purchaser shall have no further claim to the grant of the plot.

(b) General

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

2 No building shall be erected on any plot unless plans (including block plans showing the position of the buildings), drawings, elevations and specifications thereof shall have been previously approved by the Authority, and by the Provincial Commissioner, Central Province, Nyeri, or such other person as he may appoint. Such plans, etc., shall be submitted in triplicate to the District Commissioner, Kiambu, for necessary action. One copy of the plans must be drawn or printed on linen or linen paper.

3 Grants will be subject to the provisions of the Native Lands Trust Ordinance, 1930, and will be issued under the Registration of Titles Ordinance (Cap 142 of the Revised Edition). The term of the grants will be 33 years from the first day of December, 1938.

4 The grantee shall not at any time subdivide the plot, or assign, sublet or otherwise dispose of the whole or any portion of the plot without the previous written consent of the Native Lands Trust Board.

5 Any building erected shall conform to a building line decided upon by the Authority.

6 Verandas may be erected within a road reserve with the previous consent of the Authority, and must conform to a building line decided upon by such Authority.

(c) Special

1 The plots may be used for business purposes only, or for the combined purposes of business and residence.

Provided that in the event of any plot being used for the said combined purposes, then not more than one half of the area thereof shall be built upon, otherwise not more than ninety per cent of the area thereof shall be built upon.

2 In no case shall the area of any plot used solely for business purposes required to remain unbuilt on be less than 300 square feet or 10 per cent whichever is the greater, and the said area shall be free from any erection thereon above the level of the ground except latrine accommodation constructed in accordance with all laws and by-laws in force relating thereto, and in accordance with a design approved by the Authority.

Such open space shall be at the rear of the building, and shall extend along the entire width of the building, or for a distance of not less than 30 feet whichever shall be the less, and the distance across such open space from every part of the building to the rear boundary of the plot shall be not less than 10 feet.

3 Each purchaser of a plot shall erect within two years of the commencement of his grant a building of approved design constructed of stone, burnt brick or concrete on proper foundations

4 At no time during the term of the grant shall any plot or any portion thereof, or any building erected on

the plot be used for the purpose of carrying on any trade or business which has been or may be declared to be dangerous or offensive by notice in the Official Gazette

Nairobi,
20th September, 1938

E B HOSKING,
Chief Native Commissioner

SCHEDULE

Section No	Plot No	Area Sq feet	Rent Per annum	Upset Price	Proportionate Rent from 1st Dec 1938 to 31st Dec 1938	Survey Fees
			Sh	Sh	Sh	Sh
VII	3	5,000	72	600	6	70
VII	4	5,000	72	600	6	70
VII	6	5,000	72	600	6	70
VIII	6	5,000	72	600	6	70
VIII	7	5,000	72	600	6	70
VIII	8	5,000	72	600	6	70

GENERAL NOTICE No 841

SESSIONS of His Majesty's Supreme Court of Kenya will be held on the dates and at the places hereunder set out during the year 1938 —

- SUPREME COURT SESSIONS AT EMBU, 26-10-38
Cr C No 106/38 Rex vs Njimbole s/o Kamwareri
- SUPREME COURT SESSIONS AT MERU, 28-10-38
Cr C No 114/38 Rex vs M'Mungania wa Muthoiru
- SUPREME COURT SESSIONS AT NYERI, 31-10-38
Cr C No 89/38 Rex vs Koirera wa Njugu
Cr C No 98/38 Rex vs Batita Macharia wa Mukono
Cr C No 100/38 Rex vs Ngunjiri s/o Mugi
- SUPREME COURT SESSIONS AT NAIROBI, 7-11-38
Cr C No 107/38 Rex vs Kangasua d/o Muthisya
Cr C No 119/38 Rex vs Okio s/o Senari
- SUPREME COURT SESSIONS AT MACHAKOS, 7-11-38
Cr C No 112/38 Rex vs Munyonya s/o Mukumbu
- SUPREME COURT SPECIAL SESSIONS AT NAKURU, 15-11-38
Cr C No 117/38 Rex vs Henry Gordon Dundas Cloete
- SUPREME COURT SESSIONS AT NAKURU, 28-11-38
- In Chambers* —
C C No 22/32 Harisingh & Company vs Rahemat Ali Khan and another
- For Mention* —
C C No 9/36 William Allan vs A H W Haywood
- For Hearing* —
C C No 16/36 Hans Raj vs (1) Mathura Dass Sharma (2) Dalip Chand

SUPREME COURT CRIMINAL SESSIONS AT KILIFI 28-11-38

SUPREME COURT CRIMINAL SESSIONS AT KWALE, 29-11-38

The last Sessions at Nakuru to be followed in each case by Sessions at Eldoret, Kisumu, and such other places as may be notified

Nairobi,
21st October, 1938

EDWARD J O'FARRELL,
Registrar,
Supreme Court of Kenya

GENERAL NOTICE No 1162

HIS MAJESTY'S COURT OF APPEAL FOR EASTERN AFRICA

THE next Sessions of His Majesty's Court of Appeal for Eastern Africa have been fixed to be holden at Dar es Salaam to commence on Tuesday the 18th day of October, 1938, at 10 a.m. or as soon thereafter as cases can be heard

To ensure appeals being set down for hearing at these Sessions, memoranda of appeal should be filed with

the Registrar, H M Supreme Court of Kenya, Nairobi, or with the District Registrar, H M Supreme Court of Kenya, Mombasa, not later than 17th day of September, 1938

Nairobi,
18th August, 1938

E J O'FARRELL,
Registrar,
H M Court of Appeal for E A

CAUSE LIST

FOR HEARING ON THE 18TH DAY OF OCTOBER, 1938, AT DAR ES SALAAM

Appeal No	Civil or Criminal	Appellant	Respondent	Original No of Case	Appeal from
121 of 1938	Criminal	Gathecha wa Kambutu	Rex	Cr Case No 75/38	H M Supreme Court of Kenya at Nairobi
122 of 1938	"	Ndimulwango bin Pwagwamo	Rex	Cr Case No 114/38	H M High Court of Tanganyika at Kigoma
123 of 1938	"	Samaje bin Magagwe	Rex	Cr Case No 121/38	ditto
124 of 1938	"	Vilazanzanye bin Luke sha	Rex	ditto	ditto
125 of 1938	"	Mashimba bin Shipemba	Rex	Cr Case No 81/38	H M High Court of Tanganyika at Tabora
126 of 1938	"	Nuridin Mita Kassum	Rex	Cr Case No 74/38	H M High Court of Tanganyika at Lindi
127 of 1938	"	Mahega bin Kishushu	Rex	Cr Appeal No 2/38	H M High Court of Tanganyika at Dar es Salaam
128 of 1938	"	Kombo bin Nasibu alias Songoro	Rex	Cr Case No 2/38	H B M High Court of Zanzibar at Chake Chake
129 of 1938	"	Waibi s/o Kalende	Rex	Cr Case No 109/38	H M High Court of Uganda at Jinja
130 of 1938	"	Daniel alias Tewesa	Rex	Cr Case No 24/38	H M High Court of Nyasaland at Blantyre
131 of 1938	"	Musa Zinga	Rex	Cr Case No 65/38	H M High Court of Uganda at Kampala
132 of 1938	"	Isirani Mupere	Rex	Cr Case No 112/38	ditto
133 of 1938	"	Bamulamga s/o Mukulwa	Rex	Cr Case No 131/38	H M High Court of Uganda at Jinja
134 of 1938	"	Wakadumua s/o Batunrute	Rex	Cr Case No 100/38	H M High Court of Uganda at Jinja
137 of 1938	"	Katambo bin Mtata	Rex	Cr Case No 159/38	H M High Court of Tanganyika at Dodoma
138 of 1938	"	Ndyanyama	Rex	Cr Case No 25/38	H M High Court of Nyasaland at Blantyre
139 of 1938	"	Ali Hassam Mawani	Rex	Cr Appeal No 52/38	H M High Court of Tanganyika at Dar es Salaam (Application)
140 of 1938	"	Mathenge s/o Muremoi	Rex	Cr Case No 79/38	H M Supreme Court of Kenya at Nakuru
141 of 1938	"	Mungu Atosha bin Sija	Rex	Cr Case No 9/38	H B M High Court of Zanzibar at Zanzibar
142 of 1938	"	Ibrahim bin Maganga	Rex	ditto	ditto
143 of 1938	"	Cyril Edwin Ansell	Rex	Cr Case No 93/38	H M Supreme Court of Kenya at Nairobi
144 of 1938	"	Semairi bin Yusufu	Rex	Cr Case No 143/38	H M High Court of Uganda at Kampala
145 of 1938	"	Bakunda s/o Yowana	Rex	Cr Case No 116/38	H M High Court of Uganda at Masaka
146 of 1938	"	Asani Muggo	Rex	Cr Case No 141/38	H M High Court of Uganda at Jinja
147 of 1938	"	Laki bin Mkalanka alias Salim bin Hoza	Rex	Cr Case No 193/38	H M High Court of Tanganyika at Tanga
148-191 of 1938	"	Komen arap Chelal and 43 others	Rex	Cr Case No 83/38	H M Supreme Court of Kenya at Eldoret
8 of 1938	Civil	Official Receiver, Tanganyika Territory, as Liquidator of Bagamoyo Planting & Trading Co Ltd, in Liquidation	Gerhard Sontag	Civil Case No 42/36	H M High Court of Tanganyika at Dar es Salaam
13 of 1938	"	Emmanuel Mavroudis and Another	Antony Altermath and Another	Civil Case No 11/37	H M High Court of Tanganyika of the Arusha District Registry at Moshi
14 of 1938	"	Nasserah Fazal Mohamed Sheriff, Executor of Fazal Mohamed Sheriff	Ghulamhusein Haji Thaver, trading as Haji Thaver & Co	Civil Case No 44/37	H B M High Court of Zanzibar at Zanzibar
17 of 1938	"	R A H Kitching	I Conforzi	Civil Case No 5/38	H M High Court of Nyasaland at Blantyre
18 of 1938	"	H D Hasmani	The National Bank of India Ltd	Civil Case No 2/38	H M High Court of Tanganyika at Dar es Salaam

GENERAL NOTICE No 1428

NOTICE

CYPRESS TIMBER, UPLANDS

TENDERS are invited for the right to fell and remove Cypress trees marked as thinnings in Compartment 53 D of the Uplands Forest District during the period 1st November, 1938, to 30th April, 1939

The basis of tender will be a lump sum payment for all the logs that can be cut from the trees marked for felling down to a minimum diameter of 4 inches. The lop and top and unmillable timber will remain the property of the Crown

Full payment may be made on issue of the licence, or in six equal monthly instalments spread over the period of the licence, provided that in the latter case if more than one sixth of the timber available appears to have been moved in any one month payment for such excess may be demanded at the end of that month

There are approximately 2,960 trees to be felled and their mid-diameters vary between 5 inches and 9 inches. The approximate quarter girth volume is estimated at 15,000 c ft

The plantation can be inspected by arrangement with the Forester, P O Uplands, and full information can be obtained from him and the undersigned

A successful tenderer may be required to deposit Sh 500 (five hundred shillings) with the Conservator of Forests at the time of entering into the contract. This sum will be held as security for the performance and observance of the terms of the contract and will be liable to forfeiture as liquidated damages in the event of any breach thereof

Sealed tenders marked "Cypress—Uplands" will be received by the undersigned up to 12 noon on 29th October

The highest or any tender will not necessarily be accepted

Nairobi

12th October, 1938

J C RAMMELL,
for Conservator of Forests

GENERAL NOTICE No 1480

THE NATIVE LIQUOR ORDINANCE, 1930

NOTICE

NOTICE is hereby given that under section 5 (1) and (2) of the Native Liquor Ordinance, 1930, the Licensing Board for Uasin Gishu District will sit on Monday, 5th December, 1938, at the District Commissioner's Office, Eldoret, at 10 a.m., to consider all applications for licences, of which due notice has been given, for the year 1939

Any application received after Wednesday, 30th November, 1938, will not be considered

The District Commissioner's Office,

Eldoret,

20th October, 1938

K G LINDSAY,
*District Commissioner,
Uasin Gishu*

GENERAL NOTICE No 1439

KENYA AND UGANDA RAILWAYS AND HARBOURS

TENDERS FOR RATIONS

TENDERS are invited for the supply of choroko, jogree, maize crushed, and beans K 2 standard (Canadian Wonder, White Boston Haricot and/or Rose Coco) for a period of six months from the 1st January, 1939

2 Official form of tender, which also contains conditions governing contracts and approximate quantities, may be obtained on application to the Stores Superintendent, P O Box 40, Nairobi, to whom also all inquiries must be addressed. Only tenders submitted on official forms will be considered by the Administration

3 Sealed tenders, endorsed outside with the name of the item tendered for, should be addressed to the Chairman, Railway Tender Board, Post Box No 570, Nairobi, and be received before noon on the 12th November, 1938. Tenders received after that date will not be considered

4 The lowest or any tender will not necessarily be accepted

Nairobi,

15th October, 1938

A E HAMP,
*Acting General Manager
Kenya and Uganda Railways and Harbours*

GENERAL NOTICE No 1481

THE WATER ORDINANCE, 1929

NOTICE OF APPLICATION FOR WATER RIGHT

IN terms of section 27 of the Water Ordinance, 1929, notice is hereby given that H G Squiers of Gilgil has filed an application, which has been registered by the Water Board for a Water Sanction, to divert from the Gilgil River at a point on L R No 3777/103, 2,000, 500 and 135,000 gallons per day (of which approximately 135,000 gallons per day will be returned to the Gilgil River) for the purposes of domestic use, minor irrigation, and power to operate a hydraulic ram respectively on L R No 3777/103

The proposed works will consist of a hydraulic ram and pipe line

A plan may be seen at the office of the Director of Public Works, Nairobi, and at the office of the Naivasha District Council, Naivasha

The application will subsequently be considered for a Water Right

Any objections to the grant of the Water Right and/or Sanction applied for should be filed, in duplicate, with the Water Board, P O Box 662, Nairobi, within sixty days from the date of the first publication of this notice, and a copy of the objection must be served by the objector on the undersigned at the address given below

STIRLING & SCOTT,
*Civil Engineers,
Applicant or Lawfully Authorized Agent,
P O Box 245, Nairobi*

GENERAL NOTICE No 1482

THE CROWN LANDS ORDINANCE
(Chapter 140 of the Revised Edition)

Lists of Crown Land available for alienation have recently been revised and may be consulted at any District Commissioner's Office

Applications for the direct alienation of the land noted in the Schedule hereunder have been received for consideration

This intimation is published for public information before a decision is given

Any remarks on the application or any counter claims for consideration must be submitted to the undersigned before noon on Saturday the 26th November, 1938

Plans of the areas may be seen in the Office of the Director of Surveys, Nairobi, or may be obtained from him on payment of Sh 3 each post free

NAIROBI,
21st October, 1938

C E MORTIMER,
Acting Commissioner for Local
Government, Lands and Settlement

SCHEDULE

L R No	Locality	Approx Area	Applicant	Rate per Acre	Rent	Survey Fees Approx
		<i>Acres</i>		<i>Sh cts</i>	<i>Sh cts</i>	<i>Sh</i>
2233	Morben	1,542	J Nell and W J Englebrecht	10 00	308 40	810
2234	Morben	1,644	W J Woodley	10 00	328 80	836
2235	Morben	1,961	(i) C J J and H N J Van Rensburg (ii) A N Van der Merwe	10 00	392 20	890
666	Tinderet	2,446	M J Painsloo	14 00	489 20	996
1473	Nandi Escarpment	1,626	S W Outram	(a)	325 20	836
Adjoining L R No 7090	Sotik	1,509	C J Caddick	8 00	301 80	784
2389	Laikipia	4,624	C A Forrester	1 75	231 20	1,316
2553/R	Laikipia	2,142	A C Randall	2 00	107 10	944
2554	Laikipia	4,421	A C Randall	2 00	221 05	1,290
2678	North of Lake Solai	1,777	Solai Sisal Limited	3 00	2,779 40	864
3630	Ditto	1,393				756
2682	Ditto	4,565				1,316
2687	Ditto	3,352				1,130
2688/R	Ditto	1,230				730
2689/R	Ditto	1,580				810
7307	Marmaret	77	J. Tient	16 00	15 40	250
1553	Naivasha	2,478	J Strong	5 00	495 60	996
2602	North Nyeri	585	G B Norman	(a)	29 25	544
2708	Thika	2,273	Mrs F G Clay	4 00	454 60	944
2710	Thika	2,333	Mrs F G Clay	4 00	466 60	970
2354	Thika	2,870	A L Block	4 00	574 00	1,050
2355	Thika	2,431	A L Block	4 00	486 20	996
1732/R plus Crown Land	Stony Athi	29,590	Kapiti Plains Estate Ltd	3 50	2,950 00	S
Adjoining L R No 355	Stony Athi	3,000	F R Shuthff	4 00	300 00	S

(a) To be assessed later S Special survey to be assessed later

GENERAL NOTICE No 1483

NYANZA DISTRICT COUNCIL

TENDERS FOR STAFF MOTOR CAR

TENDERS are invited for the supply of a sedan boxbody motor car, complete with all ordinary equipment and fitted with heavy duty tyres

All firms submitting tenders should give full particulars of the car for which they are quoting and it must be understood that the successful tenderer will have to take the Council's present car (Ford sedan boxbody, 1936 model) in part exchange

All tenders should be enclosed in sealed envelopes marked "Tender for Car" and must reach the undersigned not later than Saturday, 12th November, 1938

Neither the lowest nor any other tender will necessarily be accepted

Korou,
25th October, 1938

EISDELL COOPER,
Clerk-Supervisor, Nyanza District Council

GENERAL NOTICE No 1484

NOTICE

TENDERS are invited for the supply of meat to the Ethiopian Refugees Camp, Isiolo, for a period of six months commencing 1st January, 1939

2 The amount required will be approximately 40,000 lb weekly. Cattle may be slaughtered at the Refugees Camp, which is 3½ miles from Isiolo

3 Further particulars may be obtained from the District Commissioner, Isiolo

4 Tenders in sealed envelopes marked "Tender for Meat" should be posted to reach the District Commissioner, Isiolo, not later than 3 p.m. on Tuesday, 15th November, 1938

5 Tenders will be opened at 4 p.m. on Tuesday, 15th November, 1938, at the District Commissioner's Office, Isiolo

6 The lowest or any tender will not necessarily be accepted

The Treasury,
20th October, 1938

E J PETRIE,
Secretary,
Central Tender Board

GENERAL NOTICE No 1485

NOTICE

APPLICATION having been received for the grant of approximately 37 acres of open land on Mt Elgon adjoining L R 5712 it is proposed to excise this area from the Forest Reserve

H M GARDNER,
Conservator of Forests

GENERAL NOTICE No 1486

IN THE MATTER OF THE COMPANIES
ORDINANCE, 1933

AND

BRITH MINING, LIMITED

NOTICE is hereby given pursuant to section 234 (1) of the Companies Ordinance, 1933, that a meeting of the creditors of the above Company will be held at the offices of Hay & Prophet, Kitale, on Wednesday the 9th day of November, 1938, at 11 o'clock in the forenoon, for the purposes provided for in the said section

Turbo,
21st October, 1938

J R WYNTER,
Chairman

GENERAL NOTICE No 1487

THE BANKRUPTCY ORDINANCE

RECEIVING ORDER

Debtor's name—Kartar Singh s/o Natha Singh
Address—Kisumu
Description—Merchant
Date of filing petition—14th September, 1938
Court—H M Supreme Court, Nairobi
Number of matter—9 of 1938 (Kisumu)
Date of order—13th October, 1938
Whether debtor's or creditors' petition—Debtor's

Nairobi,
19th October, 1938

W B CUMMING,
Official Receiver

GENERAL NOTICE No 1488

THE BANKRUPTCY ORDINANCE

ADJUDICATION

Debtor's name—Damodardas Waghji Sachania
Address—Nairobi
Description—Contractor
Court—H M Supreme Court, Nairobi
Number of matter—18 of 1938
Date of order—12th October, 1938
Date of petition—27th July, 1938
Date of order for summary administration—23rd August, 1938

Nairobi,
15th October, 1938

W B CUMMING,
Official Receiver

GENERAL NOTICE No 1489

IN THE DISTRICT DELEGATE'S COURT OF
KENYA AT ELDORET

PROBATE AND ADMINISTRATION

CAUSE No 8 of 1936

IN THE ESTATE OF LATE WESSEL PRETORIUS
GERMESHUIZEN, DECEASED

To all whom it may concern

TAKE NOTICE that the account in the above estate has been filed in this Court by Mr F J Croxford, Advocate for the executrix, Cicilia Johanna Germeshuizen, of the estate of the above-named deceased, and that this Court has fixed Wednesday the 16th day of November, 1938, at 10 a.m. or as soon thereafter as possible on that day to pass the account

Dated this 13th day of October, 1938, at Eldoret

K G LINDSAY,
*Acting District Delegate,
Districts of the Uasin Gishu,
Trans Nzoia, Elgeyo and Marakwet*

GENERAL NOTICE No 1490

IN THE DISTRICT DELEGATE'S COURT AT
KISUMU

PROBATE AND ADMINISTRATION

CAUSE No 4 of 1938

NOTICE OF APPLICATION FOR LETTERS OF ADMINISTRATION OF THE ESTATE OF GIAN SINGH S/O INDER SINGH, LATE OF KIBOS, KISUMU-LONDANI DISTRICT, KENYA COLONY, DECEASED

TAKE NOTICE that application having been made in this Court by Kashmira Singh s/o Inder Singh of Kibos, Kenya Colony, for letters of administration of the estate of Gian Singh s/o Inder Singh, late of Kibos aforesaid, who died at Kibos on the 3rd day of September, 1938, intestate, this Court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered on or before the 5th day of November 1938

Kisumu,
13th October, 1938

C P CONNELL,
*District Delegate,
Nyanza Province Kisumu*

GENERAL NOTICE No 1491

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT MOMBASA DISTRICT REGISTRY

PROBATE AND ADMINISTRATION

CAUSE No 9 of 1938

IN THE ESTATE OF HANS-WILKE FREIHERR VON
BODENHAUSEIN-DEGENER, DECEASED

To all whom it may concern

TAKE NOTICE that Mr J Christie, advocate for the administrator of the above-named deceased has filed the final account and that this Court has fixed the 9th day of November, 1938, at 9.30 o'clock in the forenoon for passing account, after which date no objection will be heard thereto

Mombasa,
19th October, 1938

J O'B KELLY,
*District Registrar,
H M Supreme Court of Kenya*

GENERAL NOTICE No 1492

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT MOMBASA DISTRICT REGISTRY
PROBATE AND ADMINISTRATION

CAUSE No 51 OF 1938

NOTICE OF APPLICATION FOR LETTERS OF ADMINISTRATION
INTESTATE OF THE ESTATE OF SEIF BIN MOHAMED
BIN HEMED, LATE OF MOMBASA, KENYA PROTECTOR-
ATE, DECEASED

TAKE NOTICE that application having been made
in this Court by Ali bin Mohamed bin Hemed of Mom-
basa, Kenya Protectorate, for letters of administration,
intestate, of the estate of Seif bin Mohamed bin Hemed
late of Mombasa aforesaid who died at Mombasa on
the 27th day of August, 1938, this Court will proceed
to issue the same unless cause be shown to the contrary
and appearance in this respect entered on or before the
9th day of November, 1938

Mombasa,
17th October, 1938

J O'B KELLY,
District Registrar,
H M Supreme Court of Kenya

GENERAL NOTICE No 1493

PROBATE AND ADMINISTRATION

PUBLIC TRUSTEE'S CAUSE No 80 OF 1938

IN THE MATTER OF CHRISTIAN AUGUSTUS RUSTEAU,
DECEASED

To all whom it may concern

TAKE NOTICE that all persons having any claims
against the estate of the above-named Christian
Augustus Rusteau who died at Mombasa on the 5th
day of February, 1938, are required to prove such
claims before me the undersigned on or before the
25th day of December, 1938, after which date the
claims so proved will be paid, and the estate distributed
according to law

Nairobi,
20th October, 1938

RONALD G GREEN,
for Public Trustee

GENERAL NOTICE No 1494

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT NAIROBI

PROBATE AND ADMINISTRATION

CAUSE No 108 OF 1938

NOTICE OF APPLICATION FOR LETTERS OF ADMINISTRATION
INTESTATE OF THE ESTATE OF SOHAN SINGH
SON OF GANESHA SINGH, LATE OF NAIROBI,
KENYA COLONY, DECEASED

TAKE NOTICE that application having been made
in this Court by Jinder Singh son of Mool Singh of
Nairobi, Kenya Colony, for letters of administration
intestate of the estate of Sohan Singh son of Ganesha
Singh late of Nairobi aforesaid who died at Nairobi
on the 10th day of September, 1938, this Court will
proceed to issue the same unless cause be shown to
the contrary and appearance in this respect entered
on or before the 14th day of November, 1938

Dated at Nairobi this 18th day of October, 1938

EDWARD J O'FARRELL,
Registrar,
Supreme Court of Kenya

GENERAL NOTICE No 1495

THE TRADE MARKS ORDINANCE, 1930

APPLICATION No 2527

PRONTALBIN

TAKE NOTICE that an application for the registra-
tion of the trade mark shown above in Class 3 in res-
pect of chemical substances prepared for use in
medicine and pharmacy has been lodged by I G
Farbenindustrie Aktiengesellschaft of 20, Grunenburg-
platz, Frankfurt-on-Main, Germany, a joint stock
company organized under the laws of Germany, manu-
facturers whose address for service in the Colony is
c/o Messrs Atkinson, Bown, Morrison & Ainslie,
Advocates, P O Box 29, Mombasa

The said-trade mark will be registered after the ex-
piration of ninety days from the date of this Gazette,
provided no notice of opposition is received

Nairobi,
18th October, 1938

W B CUMMING,
Registrar of Trade Marks

GENERAL NOTICE No 1496

THE TRADE MARKS ORDINANCE, 1930

APPLICATION No 2528



TAKE NOTICE that an application for the registra-
tion of the trade mark shown above in Class 42 in res-
pect of substances used as food or as ingredients in
food has been lodged by N V Fabriek van Melkpro-
ducten der Vereenigde Zuivelbereiders of 18, Persoons-
dam, in the City of Rotterdam, Province of South
Holland, Kingdom of the Netherlands, manufacturers,
whose address for service in the Colony is c/o Messrs
Atkinson, Bown Morrison & Ainslie, Advocates, P O
Box 29, Mombasa

The said trade mark will be registered after the ex-
piration of ninety days from the date of this Gazette,
provided no notice of opposition is received

Nairobi,
18th October, 1938

W B CUMMING,
Registrar of Trade Marks