



# THE OFFICIAL GAZETTE

## OF THE COLONY AND PROTECTORATE OF KENYA

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#### GOVERNMENT NOTICE No. 190

##### APPOINTMENTS

LIEUTENANT-COLONEL GEOFFREY PEIRSON, D.S.O., M.B.E., M.C., to be Chief Commandant, Auxiliary Police Force, with effect from the 15th February, 1945.

HAROLD FRANCIS WRIGHT to be Assistant Chief Secretary to the Conference of East African Governors with effect from 14th February, 1945.

DAVID GEOFFREY CHRISTIE-MILLER to be District Officer, Kitui District, Central Province, with effect from the 23rd January, 1945.

WALTER FLEMING COUTTS to be District Commissioner, Kiambu District, Central Province, with effect from the 8th day of January, 1945.

DENIS WHITFIELD HALL to be District Officer, Nyeri District, Central Province, with effect from the 13th February, 1945.

##### REVERSION

JOSEPH ROBSON reverted to his substantive rank of Senior Postmaster, with effect from the 19th February, 1945.

G. M. RENNIE,  
Chief Secretary.

#### GOVERNMENT NOTICE No. 191

##### THE KENYA NAVAL VOLUNTEER ORDINANCE, 1940 TERMINATION OF APPOINTMENT

IN EXERCISE of the powers conferred upon him by section 8 of the Kenya Naval Volunteer Ordinance, 1940, His Excellency the Governor has been pleased to dispense with the services of—

##### LIEUTENANT (S) F. C. O'MOLONY

of the Kenya Naval Volunteer Force, who has been transferred to the South African Naval Forces (Volunteer), with effect from the 7th day of October, 1944.

By Command of His Excellency the Governor.

E. R. E. SURRIDGE,  
for Chief Secretary.  
Nairobi, 20th February, 1945.

#### GOVERNMENT NOTICE No. 192

(S/L. 20/1/28)

##### VACANCY—ACCOUNTANT GENERAL'S DEPARTMENT

APPLICATIONS are invited from officers in the Service for appointment to a vacancy in the establishment of Accountants in the Accountant General's Department. The scale of salary attached to the post of Accountant, which is a pensionable office, is £360, £360, £425 by £25 to £600 by £30 to £720 in cases where the 1/480th pension constant would apply, and £350, £350, £400 by £25 to £600 by £30 to £720 in cases where the 1/600th pension constant would apply.

The qualifications required of candidates are a thorough knowledge of all aspects of Treasury work and the Government accounting system. Candidates must possess initiative, tact, and a sense of responsibility, together with an aptitude for secretarial and financial work.

Officers wishing to be considered for the vacancy should submit their applications, which should be accompanied by the recommendations of the Heads of their Departments, to the Accountant General, Nairobi, so as to reach him not later than the 31st of March, 1945.

#### GOVERNMENT NOTICE No. 193

(J. & L. 26/3/9/2/IV)

##### THE COURTS ORDINANCE, 1931

IN EXERCISE of the powers conferred upon him by section 6 of the Courts Ordinance, 1931, His Excellency the Governor has been pleased to appoint, with effect from the 23rd January, 1945—

##### DAVID GEOFFREY CHRISTIE-MILLER

to be a Magistrate of the Third Class, with powers to hold a Subordinate Court of the Third Class in the Kitui District whilst holding his present appointment as District Officer Kitui District, Central Province.

By Command of His Excellency the Governor.

E. R. E. SURRIDGE,  
for Chief Secretary.  
Nairobi, 21st February, 1945.

## GOVERNMENT NOTICE No. 194

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

K. W. SIMMONDS,  
*Acting Clerk to the Legislative Council.*

## THE LAND ACQUISITION ORDINANCE, 1945

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### A Bill to Make Provision for the Acquisition of Land for Public Purposes

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

#### PART I—SHORT TITLE AND INTERPRETATION

1. This Ordinance may be cited as the Land Acquisition Ordinance, 1945. Short title.

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

“Board” means a Board of Assessment appointed in accordance with the provisions of section 17 of this Ordinance;

“Commissioner” means the Commissioner of Lands, and any officer appointed by the Governor at any time to exercise the powers of the Commissioner under this Ordinance;

“company” means any company incorporated in the Colony or incorporated outside the Colony which has complied with the provisions of section 322 of the Companies Ordinance, 1933; No. 28 of 1933

“compensation” includes price and rent;

“land” includes all land, whether covered with water or otherwise, and benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth and, where such meaning may be inferred, any estate, term, easement, right or interest in or arising out of land;

“person interested” includes every person who claims an interest in any compensation which is to be paid on account of the acquisition or occupation of land under this Ordinance, but does not include a tenant by the month.

#### PART II—PRELIMINARY INVESTIGATION OF LAND WITH VIEW TO ITS POSSIBLE ACQUISITION FOR PUBLIC PURPOSE

3. (1) Whenever the Governor considers it desirable that land in any locality should be examined with a view to its possible acquisition for a public purpose, it shall be lawful for any person either generally or specially authorized by the Governor in that behalf, and for such person's assistants and workmen, to enter upon any such land and to— Preliminary investigation.

(a) survey and take levels;

(b) dig or bore into the sub-soil;

(c) do all other acts and make all inquiries necessary to ascertain whether the land is adapted for the public purpose, and to value the land, and to assess the compensation payable to the person interested in the land;

(d) set out the boundaries of the land proposed to be taken and the intended line of the work, if any, proposed to be executed thereon;

(e) mark levels, boundaries and lines by placing marks and cutting trenches;

(f) cut down and clear away any part of any land, including any standing crop, bush, tree and any fence, in cases where the survey cannot otherwise be completed, or where the levels cannot otherwise be taken, or where the boundaries or line of the work cannot otherwise be marked; and

(g) do all such other acts as may be incidental to, or necessary for, any of the purposes aforesaid.

(2) Nothing in this section contained shall be deemed to authorize any person to enter into any building, or upon any enclosed court or garden attached to a dwelling house, except with the consent of the occupier of the building or dwelling house, unless and until such person has given to such occupier not less than seven days' notice in writing of his intention so to enter.

4. (1) So soon as conveniently may be after any entry has been made under the provisions of section 3 of this Ordinance, the officer authorized to act under such section shall pay for all damage done by him as a result of such entry. Payment for damage.

(2) In any case where there is a dispute as to the amount so to be paid for any such damage, the officer shall forthwith refer the dispute to the decision of the Commissioner, who shall assess the amount to be paid for the damage.

(3) Where any person is aggrieved by an assessment made by the Commissioner under this section, such matter may be determined—

(a) in cases where a Board is appointed under this Ordinance to assess the compensation to be paid for land acquired or to be acquired, by an appeal, in writing, by the person aggrieved, to such Board; 10

(b) in all cases, other than those provided for in the last preceding paragraph, in accordance with the provisions of the Arbitration Ordinance.

Cap. 18.

### PART III—COMPULSORY ACQUISITION OF LAND FOR PUBLIC PURPOSE

Power of Governor to acquire land.

5. The Governor may acquire any land for any public purpose 15 paying such consideration or compensation as may be agreed upon, by the Commissioner and the person interested in such land, or determined under the provisions of this Ordinance, and, notwithstanding anything contained in the Crown Lands Ordinance, such compensation may, when a valid written title to the land required is delivered, and 20 if the person entitled to sell or convey such land so agrees, be made by the grant of Crown land, not exceeding in value the value of the land acquired, for an estate not exceeding the estate acquired and upon the same terms and conditions as the land acquired was held, so far as the same may be applicable. 25

Governor's right to acquire land under any other enactment not prejudiced.

6. Nothing in this Ordinance contained shall be deemed to prejudice or abridge the right of the Governor to acquire land for public purposes under any terms or conditions contained or implied in the title under which such land is held or under any other Ordinance, or under any town planning scheme, housing scheme, improve- 30 ment scheme or other enactment having the force of law.

Compulsory acquisition of part of house or building.

7. (1) The powers under the provisions of section 5 of this Ordinance shall not be exercised for the purpose of acquiring a part only of any house, mill, factory or other building in any case where such part is reasonably required for the full and unimpaired use of 35 the house, mill, factory or other building, and where any person interested states that he desires that the whole of the house, mill, factory or building shall be acquired:

Provided that such person interested may, at any time before a Board has made an award under the provisions of section 25 of this Ordinance, by notice in writing to the Commissioner, withdraw or 40 modify his desire so stated that the whole of such house, mill, factory or building shall be acquired.

(2) Where any question arises as to whether or not any part of a house, mill, factory or building is reasonably required for the full 45 and unimpaired use of the house, mill, factory or building, and the parties cannot agree thereon, the matter shall be referred by the Commissioner for the determination of the Board.

(3) Where any question arises as to whether or not any land which it is proposed to acquire under this Ordinance is used in 50 connexion with any part of a house, mill, factory or building and is reasonably required for the full and unimpaired use of the house, mill, factory or building the Commissioner shall refer the matter to the Board, and shall not take possession of the particular part of the land as to which the reference is made, pending the determination of such 55 question by the Board.

Notice of intention to take land.

8. Whenever the Governor resolves that any land is required for a public purpose the Commissioner shall give notice, in the form prescribed, to the person interested or claiming to be interested in such land, or to the persons entitled by this Ordinance to sell or 60 convey the same, or to such of them as shall after reasonable inquiry be known to him.

Power to take possession of land.

9. (1) The Commissioner may, in any notice given under the provisions of section 8 of this Ordinance or by a subsequent notice, direct any person interested or claiming to be interested in such land 65 to yield up possession thereof after the expiration of the period specified in the notice, which period shall not be less than six weeks from the service of such notice, unless the land is, in the opinion of the Governor, urgently required for a public purpose.

(2) At the expiration of the period specified in a notice given 70 under the provisions of sub-section (1) of this section the Commissioner and any person authorized, in writing, by him, in that behalf, shall be entitled to enter into and take possession of such land.

10. (1) Every notice given under the provisions of sections 8 and 9 of this Ordinance shall either be served personally on the persons to be served or be left at their last usual place of abode or business, if any such place can after reasonable inquiry be found, and in case  
5 any such persons shall be absent from the Colony or if such persons or their last usual place of abode or business after reasonable inquiry cannot be found, such notice shall be left with the occupier of such land, or if there be no such occupier shall be affixed upon some conspicuous part of such land.

Service of  
notices.

10 (2) If any person, upon whom a notice is required to be served, be a corporation, company or firm, such notice shall be left at the principal office in the Colony of such corporation, company or firm, or if no such office can after reasonable inquiry be found, shall be  
15 served upon some officer, if any, or agent, if any, of such corporation, company or firm in the Colony.

11. All notices required to be given under the provisions of sections 8 and 9 of this Ordinance shall be published once at least in the Gazette.

Notices to be  
published at least  
once in Gazette

12. A notice published under the provisions of section 11 of  
20 this Ordinance shall be conclusive evidence that the land to which it relates is required for a public purpose.

Notice published  
in Gazette to be  
conclusive  
evidence.

13. It shall be lawful for the persons being seised, possessed of or entitled to any land or any estate or interest therein, to sell and convey the same to the Governor, and particularly it shall be lawful  
25 for all or any of the following persons to sell and convey, that is to say all guardians, managers of the estates of lunatics, trustees for charitable or other purposes, executors and administrators, and all persons for the time being entitled to the receipt of the rents and profits of any land; and the power so to sell and convey as aforesaid  
30 may lawfully be exercised by such persons not only on behalf of themselves and their respective heirs, executors, administrators and successors, but also for and on behalf of every person entitled in reversion or remainder after them or in defeasance of their estates, and as to such guardians on behalf of their wards, as to such  
35 managers of the estates of lunatics on behalf of such lunatics and as to such trustees, executors and administrators on behalf of their *cestuis que trusts* respectively to the same extent as such wards, lunatics and *cestuis que trusts* could have exercised the same powers under this Ordinance if they had respectively been under no disability.

Power of persons  
under disability  
to sell and  
convey.

#### 40 PART IV—DISPUTES AS TO TITLE TO BE SETTLED BY SUPREME COURT

14. (1) If for six weeks after a notice has been served in accordance with the provisions of section 10 of this Ordinance any person claiming to have an estate or interest in the land mentioned in such notice has not given satisfactory evidence in support of his claim, or  
45 if separate and conflicting claims are made in respect of the land mentioned in such notice, every such case shall be settled by a judge of the Supreme Court, who shall have jurisdiction to hear and determine all such cases upon a summons taken out by the Commissioner or any person holding or claiming any estate or interest in any  
50 land mentioned in such notice, or enabled or claiming to be enabled by this Ordinance to sell and convey such land.

Disputes as to  
title to be  
settled by a  
Judge of the  
Supreme Court.

(2) Any final decree on any summons taken out under the provisions of sub-section (1) of this section shall be subject to appeal to  
55 the same extent and in accordance with the same rules in all respects as in the case of other final decrees of the Supreme Court.

15. If any person upon whom a summons, taken out under the provisions of sub-section (1) of section 14 of this Ordinance, has been served shall fail to appear at the time appointed, a decision may  
60 be given *ex parte*; and such decision shall be as effectual as if given after hearing in the presence of such person.

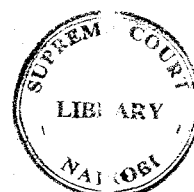
Decision in  
absence of  
parties.

#### PART V—INQUIRY AND AWARD BY BOARD OF ASSESSMENT

16. (1) Whenever the Governor decides to acquire any land under the provisions of section 5 of this Ordinance and the Commissioner and the person interested are unable to agree upon the  
65 compensation to be paid for such land all questions and claims relating to the compensation to be paid for such land, and to the apportionment of such compensation, shall be determined by a Board to be appointed in each case in accordance with the provisions of section 17 of this Ordinance.

Disputes as to  
compensation  
to be settled  
by Board.

70 (2) A Board shall have full power to assess, award and apportion compensation in such cases, in accordance with the provisions of this Ordinance, and the award of the Board shall be final and conclusive.



Board of  
Assessment.

17. A Board of Assessment for the purposes of this Ordinance shall, in every case, be constituted of—

- (a) a person who holds, or who has held, judicial office, who shall be appointed by the Chief Justice and who shall be Chairman of the Board; and
- (b) a member to be nominated by the Governor; and
- (c) a member to be nominated by the person interested, or his representative, in the land acquired or to be acquired:

Provided that where, in any case, the Chief Justice is satisfied that the person interested in the land or his representative has refused or, for any reason, failed to exercise his right to nominate a member, or has unreasonably delayed such nomination, the Chief Justice, by order in writing, may direct the Chairman of the Board to proceed with an inquiry notwithstanding that there has been no such nomination by the person interested or his representative; and in every such case the Board shall be deemed to be lawfully constituted by the Chairman and the member nominated by the Governor under this section, and the Chairman, in addition to his deliberative vote, shall have a casting vote.

Steps to be  
taken by  
Commissioner  
when agreement  
as to compensa-  
tion cannot  
be reached.

18. Whenever the Governor decides to acquire any land under the provisions of section 5 of this Ordinance and the Commissioner and the person interested are unable to agree upon the compensation to be paid for such land the Commissioner shall forthwith—

- (a) ensure that a Board is appointed in accordance with the provisions of section 17 of this Ordinance, and, after ascertaining from the Chairman of the Board the place, date and time when the Board will hold the inquiry for the purpose of assessing the compensation for the land, shall forthwith cause to be served on the person interested in the land to be acquired a notice, in the form prescribed, stating the place, date and time when the Board will hold the inquiry for the purpose of assessing the compensation for the land;
- (b) forward to the Chairman of the Board—
  - (i) a copy of the Governor's decision to acquire the land for a public purpose;
  - (ii) a copy of any notice served under the provisions of this Ordinance;
  - (iii) a copy of all statements delivered to the Commissioner pursuant to any notice served under the provisions of this Ordinance;
  - (iv) a copy of the report required under section 19 of this Ordinance.

Report of  
Commissioner  
to Chief  
Secretary.

19. (1) In every case, before a Board holds an inquiry for the purposes of this Part of this Ordinance, the Commissioner shall make a written report under his hand to the Chief Secretary, and such report shall set out, in relation to the land to be acquired, the opinion of the Commissioner and his reasons for such opinion, upon each of the following matters—

- (a) what is a fair and proper description of the land to be acquired including the particulars necessary to identify the land, and particulars of any buildings, trees or standing crops thereon;
- (b) the approximate acreage of the land; and
- (c) the price per acre of the land and the value of any improvements thereon, for the purposes of compensation under the provisions of this Ordinance.

(2) Notwithstanding anything in any other Ordinance contained, the Commissioner, in assessing the amount of any compensation for the purposes of a report under the provisions of this section, shall take into consideration the matters set out in sub-section (1) of section 23 of this Ordinance and no others, and shall not take into consideration any of the matters set out in sub-section (2) of section 23 of this Ordinance.

Inquiry by  
Board.

20. (1) Where a Board has been appointed in any case, as provided for in this Part of this Ordinance, the Board shall hold an inquiry at the place, date and time set out in the notice, served in accordance with the provisions of paragraph (a) of section 18 of this Ordinance upon the person interested, and every such inquiry shall be conducted publicly.

(2) Any such inquiry may from time to time be adjourned by the Chairman of the Board to a day to be fixed by him.

Procedure at  
inquiry by  
Board.

21. (1) A Board shall hear any persons, by themselves or their representatives, who claim to have any interest in the land to be acquired, and may by notice require the attendance of any person as a witness, and the production of any documents.

(2) Any person who without reasonable excuse refuses or neglects to attend before the Board as a witness or to produce any document when required so to do by the Board, shall be guilty of an offence, and shall be liable to a fine not exceeding two hundred shillings, or in default of payment of such fine, to a term of imprisonment not exceeding one month.

22. A Board, or any person authorized, in writing, in that behalf, by the Chairman of the Board, may at any time before, during or after an inquiry, enter upon and inspect any land, the subject of the inquiry, for any purpose connected with such inquiry.

Power of entry for purposes of inquiry.

23. (1) Notwithstanding anything contained in any other Ordinance, the Board, in determining the amount of compensation to be awarded for land acquired under this Ordinance, shall take into consideration the following matters, and no others, namely—

Matters to be and not to be considered in determining compensation

- 15 (a) the market value of the land at the date of the publication in the Gazette of the notice given under the provisions of section 8 of this Ordinance;
- (b) any increase in the value of any other land of any person interested likely to accrue from the use to which the land acquired will be put;
- 20 (c) the damage, if any, sustained by any person interested at the time of the taking possession of the land by the Commissioner, by reason of the severing of such land from any other land of such person;
- 25 (d) the damage, if any, sustained by any person interested at the time of the taking possession of the land by the Commissioner, by reason of the acquisition injuriously affecting any other property (whether movable or immovable), or the actual earnings of any such person; and
- 30 (e) the reasonable expenses, if any, incidental to any change of residence or place of business of any person interested which is necessary in consequence of the acquisition.

(2) Notwithstanding anything contained in any other Ordinance, the Board, in determining the amount of compensation to be awarded for land acquired under this Ordinance shall not take into consideration any of the following matters, namely—

- (a) the fact that the acquisition is compulsory;
- (b) the degree of urgency which has led to the acquisition;
- (c) any disinclination of any person interested to part with the land acquired;
- 40 (d) any damage sustained by any person interested which, if caused by a private person, would not be a good cause of action;
- (e) any damage which has been, or is likely to be, caused to the land, after the date of the publication in the Gazette of the notice given under the provisions of section 8 of this Ordinance or in consequence of the use to which it has been or will be put, save as is expressly provided for in this Ordinance;
- 45 (f) any increase in the value of the land acquired which is likely to accrue from the use to which it will be put;
- 50 (g) any outlay on additions or improvements to the land, which has been incurred after the date of the publication in the Gazette of the notice given under the provisions of section 8 of this Ordinance, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair;
- 55 (h) the special suitability or adaptability of the land for any purpose, if such purpose is a purpose to which the land could be applied only in pursuance of statutory powers, or for which there is no market apart from the special needs of a particular purchaser or the requirements of any Government Department, or any local or public authority.
- 60

(3) If the market value of the land to be compulsorily acquired under this Ordinance has been increased by means of any improvement made within one year immediately preceding the publication in the Gazette of the notice given under the provisions of section 8 of this Ordinance, such increase shall be disregarded unless it be proved that the improvement was made bona fide and not in contemplation of such land being compulsorily acquired under the provisions of this Ordinance.

70

Interest.

24. Where an inquiry has been held by a Board under the provisions of this Part of this Ordinance, the Commissioner shall add to any compensation awarded by the Board interest at the rate of five per centum per annum calculated from the date upon which the Commissioner or any person authorized, in writing, by him, in that behalf, enters into and takes possession of the land in respect of which the compensation has been awarded until the amount of such compensation is paid to the person interested or deposited in the Treasury under the provisions of section 28 of this Ordinance. 5

Award of Board.

25. (1) At the conclusion of an inquiry held by a Board the Board shall decide upon the claims for compensation and apportionment submitted to them in relation to the land to be acquired, and shall make an award under the hand of the Chairman of such Board as to each and all of the matters upon which the Commissioner has submitted his opinion in the report provided for by section 19 of this Ordinance, and such award, in every case, shall be final and conclusive. 10 15

(2) The award of the Board in every case shall relate only to the matters referred to in sub-section (1) of this section and to such other matters as a Board is expressly required to determine by any of the provisions of this Ordinance. 20

Procedure for giving effect to an award.

26. In every case where an award has been made by a Board under this Part of this Ordinance, the Commissioner shall—

- (a) file the award in his office, and transmit a copy to the Chief Secretary; 25
- (b) serve a copy of the award on the person interested in the land to which the award relates;
- (c) except in any case where there is a dispute regarding the title to the land to which the award relates, pay to the person interested in such land such proportion of the compensation as he is entitled to under the award; 30
- (d) in cases where possession of such land has not been taken under the provisions of sub-section (2) of section 9 of this Ordinance, forthwith enter upon and take possession of the land described in the award. 35

Vesting of land in the Governor in trust for His Majesty.

27. (1) In every case, so soon as the Commissioner or any person authorized, in writing, by him, in that behalf, enters into possession of any land in accordance with the provisions of this Ordinance relating to acquisition, such land shall vest in the Governor in trust for His Majesty from the date of such entry into possession, and a notice to that effect shall be published in the Gazette. 40

(2) The Commissioner shall furnish the Registrar of Titles with a copy of every notice published under this section, and the Registrar shall register the same against the title affected.

#### PART VI—PAYMENT OF PURCHASE-MONEY OR COMPENSATION INTO TREASURY 45

Payment of purchase-money or compensation into Treasury in certain circumstances.

28. If—

- (a) the person interested in land acquired under the provisions of this Ordinance, on tender of the purchase-money or compensation agreed or awarded, as the case may be, refuses to accept the same; or 50
- (b) there is any dispute as to the title to any land acquired under the provisions of this Ordinance; or
- (c) there is no person competent to alienate any land acquired under the provisions of this Ordinance or to receive the compensation awarded in respect of such land; or 55
- (d) any person interested in any land acquired under the provisions of this Ordinance, after diligent inquiry, cannot be found,

the Commissioner shall apply to a judge of the Supreme Court (*ex parte* by summons in chambers supported by affidavit) for an order authorizing the Commissioner to deposit in the Treasury, to the credit of the person interested in such land, the amount of the purchase-money or compensation, and any judge of the Supreme Court shall have power to make such an order. 60

Person in possession as owner to be deemed entitled to land.

29. If any question arises respecting the title to any land to be acquired under the provisions of this Ordinance, the person in possession of such land, as being the owner thereof, or in receipt of the rents of such land, as being entitled thereto at the time of such land being acquired, shall be deemed to have been lawfully entitled to such land unless the contrary be shown to the satisfaction of a judge of the Supreme Court; and such person and any person claiming under him or consistently with his possession shall be deemed entitled to the 65 70



purchase-money or compensation, but without prejudice to any subsequent proceedings against such person at the instance of any person claiming to have a better right thereto.

30. When any money shall have been deposited in the Treasury, under the provisions of section 28 of this Ordinance, a judge of the Supreme Court may, on the application of any person interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as he may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as he may consider will give the person interested therein the same benefit therefrom as he might have had from the land in respect of which such money shall have been deposited or as near thereto as may be.

Investment of money deposited in Treasury.

31. (1) Subject to the provisions of the last preceding section money deposited in the Treasury under the provisions of section 28 of this Ordinance shall only be paid out of the Treasury on an order of a judge of the Supreme Court.

Money deposited in Treasury not to be paid out without order of judge.

(2) Claims for money to be paid out of the Treasury under this section shall be made by summons served on the Commissioner, in the manner provided by the Rules of Court for the time being in force regulating the service of summonses, and supported by an affidavit stating the grounds on which the claim is based. The Commissioner shall have the right to appear to show cause why the order asked for in the summons should not be made.

#### 25 PART VII—TEMPORARY OCCUPATION OF LAND

32. (1) Whenever the Governor resolves that the temporary occupation and use of any land is necessary for a public purpose, the Governor may direct the Commissioner to procure the compulsory occupation and use of such land for such term (not exceeding three years from the commencement of the occupation) as the Governor thinks fit.

Temporary occupation of land.

(2) The Commissioner, upon receiving such direction, shall give to the person interested in the land, notice in writing of such direction and of the public purpose for which the land is required, and shall offer to pay to such person for the occupation and use of the land for such term as the Governor directs, and for the materials, if any, to be taken from the land, such compensation, either by way of a gross sum of money or by way of monthly or other periodical payments, as to him seems just and proper.

(3) So far as is reasonable, the Commissioner shall endeavour to agree with the person interested in the land, as to the amount and form of the compensation to be paid under this section, and every agreement so concluded shall be in writing.

(4) In any case where the Commissioner and the person interested are unable to agree as to the amount or form of the compensation or as to the apportionment thereof, the Commissioner shall tender to such person the amount which he deems just and proper, and if such person refuses such tender, the Commissioner, after making a written report to the Governor, shall arrange for the appointment of a Board in accordance with the provisions of section 17 of this Ordinance, and shall refer the matters in dispute to the Board for their determination.

(5) A reference to a Board under this section shall relate only to the amount, form or apportionment of compensation, and shall in no case include any appeal against the compulsory occupation and use of the land by the Commissioner, nor shall the Board have jurisdiction to entertain any such appeal.

(6) For the purposes of a reference under the provisions of this section, a Board shall hold such inquiry and shall receive such evidence as they may, in any case, think necessary, and shall make an award (which shall be final and conclusive) under the hand of the Chairman, upon the matters referred to them.

33. (1) Upon the execution of an agreement as provided for by sub-section (3) of section 32 of this Ordinance, or upon tendering an amount of compensation in accordance with the provisions of sub-section (4) of such section (and irrespective of whether or not such tender is accepted), the Commissioner may forthwith enter upon and occupy and use the land, and may further permit and direct the occupation and use thereof by such persons and in such manner as he may deem necessary for the public purpose for which the land is occupied.

Power to enter and take possession.

(2) Upon the expiration of the term for which any land has been occupied and used under this Part of this Ordinance, the Commissioner shall make or tender to the person interested in the land

compensation for any damage which may have been done to the land and which was not provided for by the agreement, and shall restore the land to such person.

(3) In any case where any land occupied and used for any term by the Commissioner under this Part of this Ordinance has by reason of such occupation and use become permanently unfitted for the purposes for which it was used immediately before the commencement of such term, the Governor, if the person interested in the land shall so require, shall take steps under the provisions of this Ordinance to acquire the land and to pay compensation for such acquisition. 10

Difference as to condition of land on expiration of term.

34. (1) Where on the expiration of the term of any occupation and use of any land under this Part of this Ordinance, the Commissioner and the person interested in the land do not agree as to the condition of the land or as to the amount of the compensation to be paid, or as to any matter arising from any agreement made between the Commissioner and himself in relation to the land, the Commissioner shall refer the matter in dispute to the decision of a Board, appointed in accordance with the provisions of section 17 of this Ordinance. 15

(2) For the purposes of a reference under the provisions of this section, a Board shall hold such inquiry and shall receive such evidence as they may, in any case, think necessary, and shall make an award (which shall be final and conclusive) under the hand of the Chairman, upon the matters referred to them. 20

#### PART VIII—GENERAL

25

Acquisition of whole or additional portion of land where compensation for severance is payable.

35. (1) Where any claim is made to the Board at an inquiry held under any of the provisions of this Ordinance, by any person interested, for compensation on account of the severing of any land to be acquired from any other land in which such person has an interest (or if, notwithstanding that no such claim has been made, the Commissioner certifies under his hand that compensation for such severance is payable upon the acquisition of the land), it shall be lawful for the Governor, at any time before the Board have made their award, to order the acquisition of the whole or a portion of such other land. 30 35

(2) No fresh notice or other proceedings under the provisions of this Ordinance shall be necessary in any case under the provisions of this section, but the Commissioner shall, forthwith, furnish a copy of the order of the Governor to the person interested, and the Board shall thereafter proceed to make their award in accordance with the provisions of this Ordinance. 40

Power of Governor to withdraw from acquisition.

36. (1) Notwithstanding anything in this Ordinance contained, the Governor may at any time withdraw from the acquisition of any land before possession thereof has been taken by the Commissioner or by a person authorized, in writing, by him, so to do. 45

(2) Whenever the Governor withdraws from any such acquisition the Commissioner shall pay to the person interested all such costs as have been reasonably incurred by him by reason, or in consequence, of any proceedings for the acquisition of the land.

Power of Governor to dispose of land acquired.

37. It shall be lawful for the Governor, at any time, to sell, exchange, or in any manner dispose of, or to let or grant any land (or any part thereof) acquired under the provisions of this Ordinance, together with its appurtenances, and in due form of law to convey, surrender, assign or make over, or to make a grant of any such land to any person or persons, and further to do all other acts, matters or things in relation to any such land that he may deem necessary or desirable in the public interest, or for a public purpose, or for the public service of His Majesty or of the Colony. 50 55

Board may take evidence on oath.

38. In any inquiry before a Board, under any of the provisions of this Ordinance, evidence may be taken on oath, and any person who knowingly gives false evidence in any such inquiry shall be deemed to have given false evidence in a judicial proceeding. 60

Costs of inquiry before Board.

39. (1) The costs of any inquiry by a Board, under any of the provisions of this Ordinance, shall be in the discretion of the Board who may, in proper cases, award such sum by way of costs as to the Board may seem just. 65

(2) Any sum awarded as costs, under the provisions of subsection (1) of this section, shall be recoverable as a civil debt, or may (with the consent of the parties concerned) be added to or deducted from the amount of any compensation payable as a result of the inquiry. 70

Bar of suits to set aside award.

40. No suit or proceedings shall be brought to set aside an award or any part of an award made by a Board under any of the provisions of this Ordinance.

41. Nothing in this Ordinance contained shall be construed as affecting the liability of any person, who may receive any purchase-money or compensation under the provisions of this Ordinance or any part of any such purchase-money or compensation, to pay the same to the person lawfully entitled thereto. Saving of rights

42. The Governor in Council may make regulations generally for giving effect to the provisions of this Ordinance, and, without prejudice to such general power, may make regulations— Regulations.

- 10 (a) prescribing the arrangements for convening a Board for the purposes of this Ordinance;
- (b) prescribing the procedure to be followed by a Board at an inquiry for any of the purposes of this Ordinance;
- (c) prescribing the fees to be paid to the Chairman and members of a Board;
- 15 (d) prescribing the forms to be used for any of the purposes of this Ordinance.

43. (1) It shall be lawful for the Governor to authorize— Expenses.

- 20 (a) the reimbursement of travelling expenses to the Chairman and members of a Board appointed under the provisions of this Ordinance; and
- (b) the payment of such fees as may be prescribed by regulations made under this Ordinance, to the Chairman and members of a Board.

(2) All expenses incurred under this section, or (with the approval of the Governor) under any of the provisions of this Ordinance, shall be paid out of the general revenues of the Colony.

44. Any person who— Penalty.

- 30 (a) opposes, obstructs or impedes any officer or other person in the doing of any act necessary for, or in connexion with, any of the purposes of this Ordinance; or
- (b) opposes or impedes the lawful taking of possession or occupation of any land under this Ordinance; or
- (c) wilfully damages, fills in, destroys or displaces any trench or mark made for the purposes of this Ordinance,

35 shall be guilty of an offence, and shall be liable to a fine not exceeding one thousand shillings, or in default of payment of such fine, to a term of imprisonment not exceeding three months.

45. The Indian Land Acquisition Act, 1894, as applied to the Colony, is hereby repealed. Repeal.

#### 40 MEMORANDUM OF OBJECTS AND REASONS

At the present time when it is considered desirable to acquire land compulsorily for a public purpose such acquisition has to be made under the provisions of the Indian Land Acquisition Act, 1894, which was applied to the Colony by an Order made by Her Majesty in Council in 1897. In the light of experience it has been found that a number of the provisions of the Indian Act are unsatisfactory in so far as Kenya is concerned, and it is considered that the time has now arrived when we should have more modern legislation suitable to the requirements of this Colony.

50 This Bill seeks to set up equitable and expeditious machinery by means of which land, required for a public purpose, can be acquired without imposing an unduly heavy burden on the public or working injustice on the owner of the land which is required for such purpose.

With this object in view—

55 *Clause 3* seeks to enable the Governor, when he considers it desirable that land in any locality should be examined with a view to its possible acquisition for a public purpose, to authorize entry to be made upon such land for the purpose of ascertaining if it is suitable for such public purpose. Sub-clause (2) of the clause, however, precludes such entry being made into any building, or upon any enclosed court or garden attached to a dwelling-house, except with the consent of the occupier of the building or dwelling-house, unless the person authorized by the Governor to enter has given to such occupier not less than seven days' notice in writing of his intention so to enter.

*Clause 4* makes provision for compensation to be paid in respect of any damage done as a result of an entry made under the provisions of clause 3.

70 *Clause 5* seeks to enable the Governor to acquire any land for any public purpose. The clause also enables the Governor to exchange other land for the land acquired if the person entitled to sell or convey such land agrees to the adoption of such a course,

- Clause 7* precludes the compulsory acquisition of a part only of any house, mill, factory or other building in any case where such part is reasonably required for the full and unimpaired use of the house, mill, factory or other building if the person interested states that he desires the whole of any such building to be acquired. The clause also makes provision for the settlement of any disputes, arising under its provisions, by a Board of Assessment appointed under the provisions of clause 17 of the measure.
- Clause 8* requires the Commissioner (who is defined in clause 2 as the Commissioner of Lands, and any other officer appointed by the Governor at any time to exercise the powers of the Commissioner under the measure) to give notice to the person interested or claiming to be interested in the land to be acquired of the Governor's decision to acquire such land and clause 10 makes the necessary provisions regarding the service of such notice.
- Clause 9* seeks to enable the Commissioner to take possession of any land in respect of which a notice has been served under the provisions of clauses 8 and 10.
- Clause 11* requires all notices given under the provisions of clauses 8 and 9 to be published once at least in the Gazette.
- Clause 12* provides that a notice published in the Gazette, under the provisions of clause 11, shall be conclusive evidence that the land to which it relates is required for a public purpose. This clause is considered necessary in order to prevent disputes arising as to whether the land required is required for a public purpose.
- Clause 13* enables persons under a disability to sell and convey any land required for a public purpose.
- Clause 14* makes provision for any disputes as to the title to any land to be acquired under the Bill to be decided by a judge of the Supreme Court upon a summons taken out by the Commissioner or any person holding or claiming any estate or interest in the land to be acquired.
- Clause 16* seeks to enable any dispute as to the amount of compensation to be paid for any land to be determined by a Board of Assessment. Sub-clause (2) of the clause provides that the Board shall have full power to assess, award and apportion compensation in all such cases.
- Clause 17* provides that a Board of Assessment shall in every case be constituted of—
- (a) a person who holds, or who has held, judicial office, who shall be appointed by the Chief Justice and who shall be Chairman of the Board; and
  - (b) a member to be nominated by the Governor; and
  - (c) a member to be nominated by the person interested, or his representative, in the land acquired or to be acquired,
- and the proviso to the clause enables the Chief Justice, if he is satisfied that the person interested in the land or his representative has refused or, for any reason, failed to exercise his right to nominate a member, or has unreasonably delayed such nomination, by order in writing, to direct the Chairman of the Board to proceed with the inquiry notwithstanding that there has been no nomination by the person interested or his representative.
- Clause 18* lays down the procedure to be adopted by the Commissioner when he and the person interested in the land to be acquired are unable to agree upon the compensation to be paid for such land.
- Clause 20* provides, *inter alia*, that when a Board has been appointed for the purpose of assessing the compensation to be paid for any land to be acquired, the Board shall hold an inquiry the place, date and time of which is required (under the provisions of paragraph (a) of clause 18) to be set out in a notice to be served on the person interested in such land.
- Clause 21* requires the Board, at an inquiry, to hear any persons, by themselves or their representatives, who claim to have any interest in the land to be acquired and enables the Board, by notice, to require the attendance of any person as a witness, and the production of any documents. Sub-clause (2) of the clause makes it an offence for any person, without reasonable excuse, to refuse or neglect to attend before the Board as a witness or to produce any document when required so to do.
- Clause 22* seeks to enable any person authorized, in writing, in that behalf, by the Chairman of the Board, at any time before, during or after an inquiry, to enter upon and inspect any land the subject of the inquiry, for any purpose connected with such inquiry.
- Clause 23* sets out the matters which are to be, and which are not to be, considered by a Board of Assessment in determining the compensation to be paid for any land acquired under the provisions of the measure. Attention is directed to paragraph (a) of sub-clause (1) of the clause which requires the market value of the

land at the date of the publication in the Gazette of the notice given, under the provisions of clause 8, to the person interested in such land, to be taken into consideration by the Board when assessing the compensation to be paid.

Clause 24 provides that where an inquiry has been held by a Board, the Commissioner shall add to any compensation awarded by the Board interest at the rate of five per centum per annum calculated from the date upon which the Commissioner enters into and takes possession of the land in respect of which the compensation has been awarded until the amount of such compensation is paid to the person interested or deposited in the Treasury under the provisions of clause 28.

Clause 26 lays down the procedure to be followed for giving effect to an award made by a Board of Assessment.

Clause 27 provides, *inter alia*, that so soon as the Commissioner enters into possession of any land, in accordance with the provisions of the measure relating to acquisition, such land shall vest in the Governor in trust for His Majesty from the date of such entry into possession.

Clause 28 seeks to make provision for the payment of the purchase-money or compensation, for land acquired under the measure, into the Treasury under the circumstances set out, in detail, in paragraphs (a) to (d) of the clause, and clauses 30 and 31 make provision for the investment and payment out of the Treasury, respectively, of any such money.

Clause 32 seeks to enable the Governor, when it appears to him that the temporary occupation and use of any land is necessary for a public purpose, to direct the Commissioner to procure the compulsory occupation and use of such land for such term (not exceeding three years) from the commencement of the occupation, as the Governor may think fit. Provision is also made in the clause for the payment of compensation in respect of such occupation, and in case of any dispute as to the quantum of such compensation, for the settlement of such dispute by a Board of Assessment constituted in accordance with the provisions of clause 17.

Clause 35 provides, *inter alia*, that where any claim is made, by any person interested, to a Board of Assessment at an inquiry held under any of the provisions of the measure, for compensation on account of the severing of any land to be acquired from any other land in which such person has an interest it shall be lawful for the Governor, at any time before the Board have made their award, to order the acquisition of the whole or a portion of such other land.

Clause 36 seeks to confer upon the Governor power to withdraw from the acquisition of any land at any time before possession thereof has been taken by the Commissioner or any person duly authorized by him in that behalf. Sub-clause (2) of the clause requires the Commissioner, whenever the Governor so withdraws from any acquisition, to pay to the person interested all such costs as have been reasonably incurred by him by reason, or in consequence, of any proceedings for the acquisition of the land.

Clause 37 empowers the Governor to dispose of any land acquired under the provisions of the measure.

Clause 38 enable Boards of Assessment to take evidence on oath and provides that any person who knowingly gives false evidence shall be deemed to have given false evidence in a judicial proceeding.

Clause 39 seeks to confer a discretion upon any Board of Assessment to award such sum by way of costs as to the Board may seem just.

Clause 40 provides that no suit or proceedings shall be brought to set aside an award or any part of an award made by a Board of Assessment under any of the provisions of the measure.

Clause 41 seeks to save the rights of any person lawfully entitled to receive compensation against any person who has received any sum by way of compensation to which he is not entitled.

Clause 42 enables the Governor in Council to make Regulations for giving effect to the provisions of the measure and clause 43 enables the Governor, *inter alia*, to authorize the payment of travelling expenses and such fees as may be prescribed, to Chairmen and members of Boards of Assessment.

Clause 44 makes it an offence, *inter alia*, for any person to oppose or impede the lawful taking of possession or occupation of any land under the measure.

Clause 45 seeks to repeal the Indian Land Acquisition Act, 1894, as applied to the Colony.

It is not possible to state what expenditure of public moneys will be involved if the provisions of this Bill become law.

S. W. P. FOSTER SUTTON,

Nairobi, 12th February, 1945.

Attorney General.

## GOVERNMENT NOTICE No. 195

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

K. W. SIMMONDS,  
*Acting Clerk to the Legislative Council.*

### A Bill to Amend the Companies Ordinance, 1933

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

Short title.

1. This Ordinance may be cited as the Companies (Amendment) Ordinance, 1945, and shall be read as one with the Companies Ordinance, 1933, hereinafter referred to as the principal Ordinance.

No. 28 of 1933.

Insertion of new Part VIII A in the principal Ordinance.

2. The principal Ordinance is hereby amended by inserting therein immediately after section 296 thereof the following new Part:—

#### "PART VIII A

##### PRODUCE COMPANIES

Definition of produce company.

296A. (1) For the purposes of this Part of this Ordinance the expression "produce company" means a company member-ship whereof is by its articles restricted to persons engaged in—

- (a) the occupation of agriculture; or
- (b) the occupation of processing, warehousing, manufacturing, storage, transport or marketing of any product of agriculture; or
- (c) either or both of the occupations mentioned in paragraphs (a) and (b) of this sub-section:

Provided that nothing in this sub-section contained shall prevent any person from becoming a member of any such produce company as the holder of preference shares which carry a limited dividend and in respect of which there are no voting rights unless payment of such dividend is in arrear.

(2) In this section the expression "agriculture" includes horticulture and forestry.

Articles of a produce company may empower directors to make by-laws binding on the company and the members thereof.

296B. The articles of a produce company may empower the directors thereof to make, and from time to time to amend, vary, rescind or revoke, any by-laws not inconsistent with the provisions of this Ordinance or with the memorandum and articles, for the time being, of such produce company, and any by-laws lawfully so made shall be binding on such produce company and the members thereof to the same extent in all respects as, under the provisions of sub-section (1) of section 21 of this Ordinance, the memorandum and articles of such produce company so bind such company and the members thereof.

Member may not plead that article or by-law constitutes a contract in restraint of trade.

296C. It shall not be competent for a member of a produce company to contest any suit, claim, action or proceeding between such member and such produce company or between such member and any other member of such produce company on the ground that any article of such produce company or that any by-law made under any such article constitutes a contract in restraint of trade.

Articles of a produce company may prescribe fines to be imposed on members.

296D. (1) The articles of a produce company may prescribe fines to be imposed on its members by the directors of such produce company for infringement of any article of such produce company or of any by-law lawfully made under any such articles:

Provided that no such fine shall be imposed upon any member of a produce company for infringement of any article of such produce company or of any by-law lawfully made under any such article until written notice of intention to impose the fine and the reason therefor has been transmitted to such member and he has had an opportunity of showing cause against the imposition of a fine, and, if he so desires, of being heard with or without witnesses.

(2) Any fine imposed in accordance with the provisions of sub-section (1) of this section may be recovered by suit in any competent court.

(3) The whole or any part of any fine imposed, in accordance with the provisions of sub-section (1) of this section, may be set off against any moneys due, on any account whatsoever, from the produce company to the member upon whom such fine has been imposed.

5 (4) A member of a produce company shall not be deemed to have infringed any article or by-law of such produce company requiring him to sell or deliver any product of agriculture to or through such produce company if his failure so to sell or deliver the same is due solely to the fact that before becoming a member of such produce company he had contracted to sell or deliver the same to some other person:

10 Provided that full and true particulars of any such contract were disclosed to the directors of such produce company by the person concerned before he became a member thereof.

15 296E. The articles of a produce company may regulate the resignation and provide for the expulsion of members thereof; and, in the case of any produce company having a share capital, may constitute the directors of such company compulsory agents for sale of all shares held in such company by any member who has died, resigned or who has been lawfully expelled therefrom." Articles of a produce company may regulate the resignation and expulsion of members.

20 3. Section 323 of the principal Ordinance is hereby amended by substituting a colon for the full stop which appears at the end thereof and by adding thereto, immediately after such colon, the following proviso:— Amendment of section 323 of the principal Ordinance.

"Provided that no company incorporated outside the Colony shall have power to acquire land situate in the Highlands (as described in the Seventh Schedule to the Crown Lands (Amendment) Ordinance, 1938) unless such company is registered in accordance with the provisions of this Ordinance." No. 27 of 1938.

#### MEMORANDUM OF OBJECTS AND REASONS

This Bill which seeks to amend the principal Ordinance (Ordinance No. 28 of 1933) is designed to meet the requirements of certain types of trading organizations in the Colony who, in the past, have found it necessary to register as companies under the principal Ordinance and as co-operative societies under the Co-operative Societies (Registration) Ordinance, 1931.

The Bill seeks to insert a new Part in the principal Ordinance under the provisions of which it will be possible for the type of organization referred to above, defined in clause 296A as a "produce company", to restrict its registration to a single registration under the Companies Ordinance.

The proposed amendments will enable the articles of a produce company, *inter alia*—

- (a) to confer upon the directors of such a company the power to make by-laws;
- (b) to compel members of such a company to market their produce through the company;
- (c) to confer upon the directors the power to fine any member of such a company for failing to market his produce through the company.

The Bill also seeks to add a proviso to section 323 of the principal Ordinance which seeks to prohibit any company incorporated outside the Colony from acquiring any land situate in the Highlands (as described in the Seventh Schedule to the Crown Lands (Amendment) Ordinance, 1938) unless such company is registered in accordance with the provisions of the principal Ordinance. This amendment is considered desirable in the light of the amendments made to the Crown Lands Ordinance by Ordinance No. 23 of 1944.

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

S. W. P. FOSTER SUTTON,

Nairobi, 21st February, 1945.

Attorney General.

## GOVERNMENT NOTICE No. 196

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

K. W. SIMMONDS,  
*Acting Clerk to the Legislative Council*

**A Bill for Compensating the Families of Persons  
Killed by Accidents**

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

- Short title. 1. This Ordinance may be cited as the Fatal Accidents Ordinance, 1945.
- Interpretation. 2. In this Ordinance, unless the context otherwise requires—  
“child” means a son, daughter, grandson, granddaughter, stepson and stepdaughter; 5  
“parent” means a father, mother, grandfather, grandmother, stepfather and stepmother.
- Action maintainable against person causing death through wrongful act. 3. Whenever the death of a person is caused by a wrongful act, neglect or default, and the act, neglect or default is such as would (if death had not ensued) have entitled the person injured to maintain 10 an action and recover damages in respect thereof, then and in every such case the person who would have been liable, if death had not ensued, shall be liable to an action for damages notwithstanding the death of the person injured and although the death shall have been caused under such circumstances as amount in law to felony. 15
- Action to be for benefit of family of deceased. 4. Every action brought by virtue of the provisions of this Ordinance shall be for the benefit of the wife, husband, parent and child of the person whose death shall have been so caused, and shall, subject to the provisions of section 5 of this Ordinance, be brought by and in the name of the executor or administrator of the person 20 deceased; and in every such action, the court may give such damages as it may think proportioned to the injury resulting from such death to the persons respectively for whom and for whose benefit such action is brought; and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the 25 beforementioned persons in such shares as the court, by its judgment, shall find and direct:
5. If at any time in any case intended and provided for by the provisions of this Ordinance, there shall be no executor or administrator of the person deceased, or if no action is brought by such executor or administrator within six months after the death of such 30 deceased person, then and in every such case an action may be brought by and in the name or names of all or any of the persons for whose benefit such action would have been brought, if it had been brought by and in the name of such executor or administrator; and every action so brought shall be for the benefit of the same person or 40 persons as if it were brought by and in the name of such executor or administrator.
6. In every action brought by virtue of the provisions of this Ordinance the plaintiff on the record shall be required, together with the statement of claim, to deliver to the defendant, or his advocate, 45 full particulars of the person or persons for whom, and on whose behalf, such action is brought, and of the nature of the claim in respect of which damages are sought to be recovered.

**MEMORANDUM OF OBJECTS AND REASONS**

At the present time no action at law is maintainable against a person who, by his wrongful act, neglect or default, causes the death of another person. In cases where the person whose death has been caused leaves a wife, husband, child or parent who are dependent upon him it is obviously right and expedient that the wrongdoer should be answerable in damages for the injury so caused by him.

This Bill seeks to rectify the position by making it possible for an action for damages to be brought in such cases.

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

S. W. P. FOSTER SUTTON,  
*Attorney General.*

Nairobi, 19th February, 1945.



## GOVERNMENT NOTICE NO. 197

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

K. W. SIMMONDS,  
*Acting Clerk to the Legislative Council*

**A Bill to Amend the Local Government (District Councils) Ordinance, 1928**

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 Local Government (District Councils) (Amendment) Ordinance, 1945, and shall be read as one with the Local Government (District Councils) Ordinance, 1928, hereinafter referred to as the principal Ordinance. Short title.  
No. 21 of 1928.
2. Section 6 of the principal Ordinance is hereby amended by deleting from the second proviso to paragraph (a) of sub-section (1) thereof the words "but in each case the Governor may, if he shall deem it desirable so to do, nominate a fit and proper person to be a member of the Council in the place of such elected member.", and by substituting therefor the words following:—  
"but in each such case the Governor may, if he shall deem it desirable so to do, nominate a fit and proper person to be a member of the Council to fill any such vacancy." Amendment of section 6 of the principal Ordinance.
3. Section 35 of the principal Ordinance is hereby amended by inserting between the word "salaries" and the word "and" in line three of sub-section (2) thereof a comma followed by the word "fees". Amendment of section 35 of the principal Ordinance.
4. Section 72 of the principal Ordinance is hereby amended by inserting immediately before the definition of "Occupier" the following definition:—  
"Elected members of the Council" means the persons who are members of the Council by virtue of the provisions of paragraph (a) of sub-section (1) of section 6 of this Ordinance;" Amendment of section 72 of the principal Ordinance.
5. The principal Ordinance is hereby amended by inserting immediately after section 73 thereof the following new section:—  
"73A. (1) The Council may, by resolution passed by a majority of not less than two-thirds of the elected members of the Council, in addition to the rate imposed under the immediately preceding section, impose a special rate (hereinafter referred to as 'an industrial rate') upon areas of land used for other than agricultural or residential purposes, in the manner provided by section 89E of this Ordinance.  
(2) Before the Council may vote upon any such resolution the procedure provided by paragraph (b) of sub-section (2) of the immediately preceding section shall be complied with." Insertion of new section 73A in the principal Ordinance.  
Industrial rate.
6. Section 81 of the principal Ordinance is hereby amended by deleting the words "the Magistrate having jurisdiction" in line five of sub-section (1) thereof and by substituting therefor the words "a magistrate holding a subordinate court of the first class". Amendment of section 81 of the principal Ordinance.
7. Section 84 of the principal Ordinance is hereby amended by deleting sub-section (2) thereof and by substituting the following therefor:—  
"(2) Where the method of rating adopted is that of a graduated rate upon the area of land, the Council shall classify every rateable property by one of the following methods:—  
(a) Every rateable property shall be classified according to the purposes for which it is used, or, in the case of unused land, according to the purposes for which it is suitable, and the particulars of such classification in respect of each rateable property shall be shown in the area roll. For the purposes of this method of valuation land shall, in the first place, be classified as either agricultural land or pastoral land; and agricultural land shall be classified further under headings which shall indicate its character and relative unimproved value;  
(b) in every ward within the district every rateable property shall be classified into divisions on a graduated scale according to its size, each division containing such number of acres as the Council may, by resolution passed by a majority of the elected members of the Council, resolve in respect of each ward, and such resolution may provide that the number of acres in each

division may vary in different areas of each ward; and the divisions into which each rateable property is classified shall be shown in the area roll."

Amendment of section 86 of the principal Ordinance.

8. Section 86 of the principal Ordinance is hereby amended by deleting the words "the Magistrate having jurisdiction" in line five of sub-section (3) thereof and by substituting therefor the words "a magistrate holding a subordinate court of the first class". 5

Amendment of section 88 of the principal Ordinance.

9. Section 88 of the principal Ordinance is hereby amended by deleting the proviso and by substituting the following therefor:—

"Provided that—

(a) no such rate shall exceed ten cents per acre in any one financial year without the sanction of the Governor in Council;

(b) the total sum payable in respect of any rateable property under the provisions of this section shall not be less than twenty shillings for each financial year." 10 15

Amendment of section 89 of the principal Ordinance.

10. Section 89 of the principal Ordinance is hereby amended—

(a) by inserting between the words "class" and "of" in lines five and six of sub-section (1) thereof the words "or division";

(b) by substituting a colon for the full stop at the end of sub-section (1) thereof and adding the following proviso:—

"Provided that the total sum payable in respect of any rateable property under the provisions of this sub-section shall not be less than twenty shillings for each financial year.";

(c) by inserting between the words "classes" and "of" in line two of sub-section (2) thereof the words "or divisions";

(d) by deleting the words "such different classes" in line three of sub-section (2) thereof and by substituting therefor the words "the different classes or divisions";

(e) by substituting a colon for the full stop at the end of sub-section (3) thereof and adding the following proviso:—

"Provided that for the purpose of calculating the aggregate under this sub-section no account shall be taken of the proviso to sub-section (1) of this section.".

Insertion of new sections in the principal Ordinance.

11. The principal Ordinance is hereby amended by inserting immediately after section 89 thereof the following heading and sections:—

"SPECIAL PROVISIONS WHEN AN INDUSTRIAL RATE IS IMPOSED

Industrial area roll to be prepared.

89A. (1) As soon as may be after the Council has resolved to impose an industrial rate the Council shall cause to be prepared a separate area roll (hereinafter referred to as 'the industrial area roll') of all rateable properties used for other than agricultural or residential purposes.

(2) The industrial area roll shall show in respect of each such rateable property—

(a) the name and address of the owner or occupier;

(b) the description and situation of the property;

(c) the area of the property in acres;

(d) the purposes for which the property is used;

(e) the area of land in acres which is used for each purpose.

Powers of Council for compilation of industrial area roll.

89B. For the purpose of compiling the industrial area roll, the Council or any person authorized by the Council shall have all the powers conferred upon valuers by section 77 of this Ordinance, and all the provisions of the said section shall *mutatis mutandis* apply.

Provisional industrial area roll; inspection and objection.

89C. (1) When the industrial area roll has been completed it shall lie at the office of the Council for public inspection, and any person may at all reasonable times inspect the same and take copies or extracts therefrom. The Council shall, by notice published in the Gazette and in one or more newspapers (if any) circulating in the district, call upon all persons interested to lodge in writing with the clerk, within a specified time not less than one month from the first publication of such notice, statements of any objections they may have in respect of the inclusion of any rateable property shown in the industrial area roll, or in respect of the omission therefrom of property alleged to be rateable property and to be used for other than agricultural or residential purposes and whether held by the person objecting or by others, or in respect of any other error, omission or misdescription.

(2) After the expiration of the period specified in such notice, the Council shall inquire into all objections received and shall make such alterations and amendments to the industrial area roll

as they may deem necessary, and the chairman shall then sign and certify the industrial area roll, and shall cause to be inserted once in the Gazette and in one or more newspapers (if any) circulating in the district not less than twice within a period of two weeks, an advertisement informing all persons interested of the completion of the industrial area roll, and that the same will become fixed and binding upon all parties concerned who shall not before a date fixed in such advertisement, not being less than one month from the date of the first publication thereof, appeal from the decision of the Council in manner provided in the next succeeding sub-section.

(3) It shall be lawful for any person who feels himself aggrieved by the inclusion in the industrial area roll of any property owned or occupied by him to appeal within the period of one month aforesaid against the decision of the Council to the court of a magistrate holding a subordinate court of the first class within the district, and the decision of such court shall be final and conclusive.

89D. Notwithstanding anything in this Ordinance contained, it shall be lawful for the Council from time to time and at any time—

- (a) to remit any industrial rate imposed on any rateable property in such cases as may be approved by the Governor in Council;
- (b) to cause any rateable property omitted from the industrial area roll or new rateable property to be added to the industrial area roll; and to cause the current industrial rate to be collected in respect thereof;
- (c) to amend the industrial area roll in respect of any rateable property which is sub-divided and to cause any industrial rate in respect thereof to be assessed and collected according to such sub-division;
- (d) to amend the industrial area roll from time to time in any case where some clerical error or some error as to the name of the owner or occupier has been made in such roll, and to cause any industrial rate due in respect thereof to be collected according to the corrected roll;
- (e) to remove from the industrial area roll any property which shall at any time cease to be rateable property.

Powers to remit industrial rate and amend industrial area roll.

89E. Where the Council resolves, under the provisions of section 73A of this Ordinance, to impose an industrial rate, such rate shall be imposed for each financial year in respect of each rateable property shown in the industrial area roll of such amount per acre of land as the Council shall in each case determine:

Imposition of industrial rate

Provided that the total amount payable under this section in respect of any such rateable property shall not be less than twenty shillings, nor, except with the consent of the Governor in Council, shall exceed one thousand shillings."

#### MEMORANDUM OF OBJECTS AND REASONS

1. Clause 2 is intended to make it clear that the Governor's power of nomination under section 6 of the principal Ordinance includes both the case of a vacancy due to no candidate standing for election and to the case of a vacancy due to the person who has been elected resigning or refusing to serve.

2. The object of Clause 3 is to give authority to pay fees to persons appointed by a District Council to act in an advisory capacity.

3. Clause 4 is designed to make it clear that the expression "elected members of the Council" in part VI of the Ordinance includes all the members who represent the various wards, whether elected or nominated.

4. Clause 5 permits the imposition of a new rate, to be called "an industrial rate", which will be additional to "the district rate", upon areas of land which are used for other than agricultural or residential purposes. Attention is drawn to the fact that an industrial rate is expressed to be leviable upon areas of land which are so used. Thus only a part of a property might be used for other than agricultural or residential purposes, and in that case an industrial rate would only be leviable on that part.

5. The object of Clauses 6 and 8 is to restrict the hearing of appeals from decisions of the Valuation Court, or appeals in respect of the area roll, to a first class magistrate. Similar provision is made in the proposed new section 89c (3) in the case of appeals in respect of the industrial area roll.

6. Clause 7 provides a new method of classifying rateable property where the method of rating adopted is that of a graduated rate. By this new method all rateable property in a ward will be classified in divisions of various sizes, and by Clause 10 a different rate may be imposed in respect of each division. For example, a property of 1,000 acres might be classified in four divisions. The first 10 acres might comprise the first division. The next 40 acres might form the second division. The next 450 acres might comprise the third division. And the remainder of the property would be included in the fourth division.

7. Clause 9 provides that in the case of a district rate which is imposed in the form of a flat rate the minimum annual sum payable in respect of each rateable property shall be Sh. 20; and by paragraph (b) of Clause 10 a similar provision is made where a district rate is imposed in the form of a graduated rate. The existing law whereby no rate may exceed in the aggregate the amount which would be produced by a uniform rate of 10 cents per acre over the whole district is preserved, and for the purpose of calculating this aggregate paragraph (e) of Clause 10 provides that no account is to be taken of the minimum annual sum of Sh. 20.

8. Clause 11 lays down the procedure to be followed where an industrial rate is imposed, and is similar to the procedure laid down by the existing law for a graduated rate. By the proposed new section 89E the industrial rate will be imposed in respect of each rateable property shown in the industrial areas roll of such amount per acre of land used for other than agricultural or residential purposes as the Council may in each case determine, subject to the minimum and maximum sums shown in the proviso to that section.

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

S. W. P. FOSTER SUTTON,

Nairobi, 19th February, 1945.

*Attorney General.*

#### GOVERNMENT NOTICE No. 198

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

K. W. SIMMONDS,

*Acting Clerk to the Legislative Council*

#### **A Bill to Amend the Traffic Ordinance, 1928**

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

Short title.  
No. 26 of 1928.

Amendment of  
section 2 of  
the principal  
Ordinance.

1. This Ordinance may be cited as the Traffic (Amendment) Ordinance, 1945, and shall be read as one with the Traffic Ordinance, 1928, hereinafter referred to as the principal Ordinance.

2. Section 2 of the principal Ordinance is hereby amended by substituting a comma for the full stop at the end of the definition of "Road", and by adding thereto the words following:—  
"and includes any footpath which is capable of being used for riding, driving or leading any animal or vehicle."

#### MEMORANDUM OF OBJECTS AND REASONS

Section 41 of the principal Ordinance makes it an offence to commit certain acts of nuisance on a road, and by paragraph (a) of that section it is an offence wilfully or negligently to ride, drive or lead any animal or vehicle on a footpath constructed for foot-passengers only. The principal Ordinance contains no definition of "footpath", and the object of this Bill is to include a footpath, as defined in clause 2, within the definition of "Road".

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

S. W. P. FOSTER SUTTON,

Nairobi, 18th February, 1945.

*Attorney General.*

## GOVERNMENT NOTICE No. 199

(S/Est. 19/5782)

MR. L. C. HILL, C.B.E.

IT IS notified for general information that the terms of reference of Mr. L. C. Hill, C.B.E., who is at present in Kenya, are as follows:—

(1) To examine the present terms and conditions of service attached to European and non-European appointments in the Public Service of Kenya and to advise on any modification of them that he may consider necessary and desirable, bearing in mind in particular the following proposals that have been made:—

(a) *By the European Civil Servants' Association of Kenya—*

"That the Kenya European Civil Service shall be abolished and one Service only for all European Civil Servants in Kenya shall be established."

(b) (1) *By the Kenya Asian Civil Service Association—*

"That the whole Asian staff should be brought under the conditions of service proposed by the Association in its memorandum dated 22nd December, 1944, and that it be designated 'Kenya Asian Civil Service'."

(2) *By one of the Asian Elected Members of Legislative Council—*

"That there should be a unified Civil Service of all races."

(c) *By the Kenya African Civil Service Association—*

"That there should be a unified non-European Service."

(2) To advise on the present Government machinery for dealing with staff matters and to make such recommendations as he may consider desirable for its improvement.

(3) To examine and advise on any staff questions which His Excellency the Governor may refer to him from time to time.

G. M. RENNIE,  
Chief Secretary.

## GOVERNMENT NOTICE No. 200

(Pris. 46/1/16)

## THE PRISONS ORDINANCE, 1930

IN EXERCISE of the powers conferred upon him by section 22 (1) of the Prisons Ordinance, 1930, His Excellency the Governor has been pleased to appoint—

LT.-COL. DENIS GEORGE SEVERN URMSON

as a Visiting Justice to Nakuru Prison, *vice* Capt. Frank White who has now left the district.

By Command of His Excellency the Governor.

G. M. RENNIE,  
Chief Secretary.

Nairobi, 17th February, 1945.

## GOVERNMENT NOTICE No. 201

(K.S.B. 43)

## THE DEFENCE REGULATIONS, 1939

IN EXERCISE of the powers conferred upon him by Regulation 45 of the Defence Regulations, 1939, His Excellency the Governor has been pleased to appoint—

THE HON. A. PRITAM, M.L.C.

to be a member of the Supply Board, *vice* Mr. S. G. Amin.

Government Notice No. 157 of 21st February, 1944, is hereby cancelled.

L. TESTER,  
for Chief Secretary.

Nairobi, 27th February, 1945.

## GOVERNMENT NOTICE No. 202

(Pris. 20/1/5)

## THE JUVENILES ORDINANCE, 1934

## APPOINTMENTS

IN EXERCISE of the powers conferred upon him by section 28 of the Juveniles Ordinance, 1934, His Excellency the Governor has been pleased to appoint—

E. A. Vasey, Esq.,

P. E. W. Williams, Esq.,

to be members of the Approved School Board.

By Command of His Excellency the Governor.

G. M. RENNIE,  
Chief Secretary.

Nairobi, 20th February, 1945.

## GOVERNMENT NOTICE No. 203

## THE MINING ORDINANCE, 1940

NOTICE is hereby given in accordance with Mining Regulation No. 32 that the following claims have been abandoned:—

*Mining Location Nos.*—Kakamega 3432/1-6, 3433/1-8, 3434/1-10.

*Class.*—Alluvial.

*Cause of abandonment.*—Voluntary.

*Date from which location or part thereof shall be deemed to be abandoned.*—16th February, 1945.

*Name of registered holder.*—H.S.F. Syndicate.

R. PEDRAZA,  
Commissioner of Mines.

Nairobi, 22nd February, 1945.

## GOVERNMENT NOTICE No. 204

(Pr. C. 7)

## THE DEFENCE (CONTROL OF PRICES) REGULATIONS, 1945

## PRICE CONTROL—APPOINTMENTS

IN EXERCISE of the powers conferred upon him by Regulation 3 of the Defence (Control of Prices) Regulations 1945, His Excellency the Governor has been pleased to amend Government Notice No. 893 of the 23rd October, 1943, by the deletion from the Schedule thereto of the following names, with effect in each case from the dates shown in the third column of the Schedule hereto:—

First Column	Second Column	Third Column
Mr. C. F. Dann, M.C.	Price Inspector	Nairobi Municipality and District. 6-2-45
Mr. Roshanlal Kapoor	Assistant Price Inspector ..	Nairobi Municipality and District. 31-1-45
Mr. Sohan Singh ..	Assistant Price Inspector ..	Nairobi Municipality and District. 12-1-45

and further to amend Government Notice No. 893 by the addition to the Schedule thereto of the following names, with effect in each case from the dates shown in the third column of the Schedule hereto:—

First Column	Second Column	Third Column
Mr. C. F. Dann, M.C.	Price Inspector	Nakuru Municipality and District and the Laikipia Area of the Laikipia/Samburu District. 6-2-45
Mr. W. W. Kay ..	Price Inspector	Nairobi Municipality and District. 1-2-45
Mr. G. W. Davidson	Price Inspector	Nairobi Municipality and District. 1-2-45

By Command of His Excellency the Governor.

Nairobi, 20th February, 1945.

L. TESTER,  
for Chief Secretary.

## GOVERNMENT NOTICE No. 205

## THE TROUT PROTECTION ORDINANCE, 1928

*In Relation to Trout Fishing on the Sagana River in the Nyeri District*

IN EXERCISE of the powers thereunto enabling me, I hereby declare that:—

(1) Government Notice No. 596 of the 30th day of June, 1943, is cancelled.

(2) On that portion of the Sagana River downstream from its junction with the Thego River to the Fishing Camp no trout less than 12 inches in length shall be killed.

(3) On that portion of the Sagana River downstream from the Fishing Camp no trout less than 14 inches in length shall be killed.

(4) No person shall kill more than eight trout in any one day.

Nairobi, 21st February, 1945.

A. T. A. RITCHIE,  
Game Warden.

## GOVERNMENT NOTICE No. 206

## THE TROUT PROTECTION ORDINANCE, 1928

*In Relation to Trout Fishing on the Gura River in the Nyeri District*

IN EXERCISE of the powers thereunto enabling me, I hereby declare that:—

(1) Paragraph 4 of Government Notice No. 609 of the 28th day of July, 1944, is cancelled.

(2) On the Gura River no person shall kill more than 20 trout in any one day.

Nairobi, 21st February, 1945.

A. T. A. RITCHIE,  
Game Warden.

## GOVERNMENT NOTICE No. 207

## THE TROUT PROTECTION ORDINANCE, 1928

## APPOINTMENT

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

WILLIAM ROSE-SMITH, ESQUIRE

to be a Trout Warden.

Nairobi, 24th February, 1945.

C. G. MACARTHUR,  
for Game Warden.

## GOVERNMENT NOTICE No. 208

(I. Agr. 10/23/4/10)

## THE DEFENCE (CONTROL OF MAIZE) REGULATIONS, 1944

## APPOINTMENT

IN EXERCISE of the powers conferred upon him by Regulation 3 of the Defence (Control of Maize) Regulations, 1944, His Excellency the Governor has been pleased to appoint with effect from the 1st of March, 1945—

LT.-COL. R. C. SWAIN

to be Controller for the purpose of the aforesaid Regulations.

Government Notice No. 674 dated the 15th day of August, 1944, is hereby revoked.

L. TESTER,  
for Chief Secretary.

Nairobi, 27th February, 1945.

## GOVERNMENT NOTICE No. 209

(I. Agr. 10/23/4/10)

## THE DEFENCE (CONTROLLED PRODUCE) REGULATIONS, 1943

## APPOINTMENT

IN EXERCISE of the powers conferred upon him by Regulation 4 of the Defence (Controlled Produce) Regulations, 1943, His Excellency the Governor has been pleased to appoint with effect from 1st of March, 1945—

CAPTAIN L. W. TOLMIE

to be Controller for the purpose of the aforesaid Regulations.

Government Notice No. 655 dated the 12th day of August, 1944, is hereby revoked.

By Command of His Excellency the Governor.

L. TESTER,  
for Chief Secretary.

Nairobi, 27th February, 1945.

## PROCLAMATION No. 7

## THE DISEASES OF ANIMALS ORDINANCE

## PROCLAMATION

IN EXERCISE of the powers thereunto enabling me, I hereby declare the areas defined in the Schedule hereto to be "infected areas" in respect of the disease indicated at the head of the Schedule.

## SCHEDULE—EAST COAST FEVER

(Vide Proclamation No. 65 of 10-7-35)

L.O. Nos. 3383 and 3582, G. C. Wiley, Esq., P.O. Nyeri, North Nyeri District.

And I further declare that the portions of Proclamations in so far as they relate to the following—

Proclamation No. 28 dated the 16th day of June, 1943:

L.R. No. 3777/23, Miss M. Collyer, P.O. Ol Kalou, Naivasha District, to be an infected area (east coast fever);

Proclamation No. 24 dated the 15th day of April, 1942:

L.R. Nos. 3777/175 and 3777/130, Messrs. Joubert and T. P. de Bruin, Ol Joro Orok, Laikipia District, to be infected areas (east coast fever);

Proclamation No. 19 dated the 25th day of May, 1944:

L.O. No. 6234, C. A. Ryan, Esq., P.O. Molo, Nakuru District, to be an infected area (east coast fever);

Proclamation No. 21 dated the 14th day of June, 1944:

L.O. No. 4127/B and that portion of the main Naivasha-North Kinangop Road passing through it, Mrs. M. H. Lee, "Sterndale", P.O. Naivasha, Naivasha District, to be an infected area (east coast fever);

Proclamation No. 25 dated the 26th day of July, 1944:

L.O. No. 538/R, Major J. Alexander, Bilbo Estate, P.O. Molo, Nakuru District, to be an infected area (east coast fever);

Proclamation No. 39 dated the 30th day of September, 1943:

L.O. Nos. 6535 and 4131/4, B. O. Lea, Esq., P.O. Naivasha, Naivasha District, to be an infected area (east coast fever);

be revoked.

Given under my hand this 21st day of February, 1945.

W. G. EMERSON,  
Acting Director of Veterinary Services.

## GENERAL NOTICE No. 303

## POST OFFICE NOTICE

IT IS notified for public information that savings bank business may now be transacted at Moyale (District Commissioner's Office).

General Post Office,  
19th February, 1945.

G. P. WILLOUGHBY,  
Acting Postmaster General.

## GENERAL NOTICE No. 246

## 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 Kampala to commence on Thursday the 12th April, 1945, at 10 a.m. or as soon thereafter as appeals 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 Monday the 12th March, 1945.

Nairobi,  
12th February, 1945.

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

## GENERAL NOTICE No. 254

## TRANS NZOIA DISTRICT COUNCIL

## KITALE EUROPEAN HOSPITAL RATE, 1945

IT IS hereby notified that intention to move the following resolution, at a meeting of the Council to be held in May, 1945, was given at the full council meeting held on 7th February, 1945:—

"That this Council hereby imposes a rate of twenty shillings Sh. 20) on every male person of wholly European origin or descent, of the age of twenty-one years or over, residing within the Trans Nzoia District or Kitale Township, for the year 1945, for the purpose of providing additional funds towards the maintenance and upkeep of the Kitale European hospital. This rate shall become due and payable at the offices of the District Council, Kitale, on the 15th day of June, 1945."

Council Offices, Kitale,  
20th February, 1945.

J. B. THOMSON,  
Clerk to the Council.

## GENERAL NOTICE No. 7

## HIS MAJESTY'S SUPREME COURT OF KENYA

NOTICE is hereby given that the following Sessions of His Majesty's Supreme Court of Kenya will be held at the places set out hereunder:—

## SUPREME COURT SESSIONS AT NAIROBI, 5-3-45

Cr. C. No. 180/44 Rex vs. Keloi ole Kerembei.  
Cr. C. No. 15/45 Rex vs. Ndungu s/o Njeroge.  
Cr. C. No. 27/45 Rex vs. Ajaib Singh s/o Daya Singh.  
Cr. C. No. 18/45 Rex vs. Doko Taffi and 26 others.  
Cr. C. No. 18A/45 Rex vs. Doko Taffi and 26 others.

## SUPREME COURT CRIMINAL SESSIONS AT MOMBASA, 13-3-45

Cr. C. No. 5/45 Rex vs. Rachilo s/o Omeda.  
Cr. C. No. 13/45 Rex vs. Mathai s/o Ndana and another.  
Cr. C. No. 21/45 Rex vs. Okemwa s/o Oyaró.  
Cr. C. No. 26/45 Rex vs. Okongo s/o Othiambo and another.  
Cr. C. No. 29/45 Rex vs. Dhao s/o Mawera.

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

## GENERAL NOTICE No. 229

## NAIVASHA DISTRICT COUNCIL

## DISTRICT RATING

IN ACCORDANCE with the provisions of section 73 of the Local Government (District Councils) Ordinance, 1928, notice is hereby given that at a meeting of the Council to be held at Naivasha in May, 1945, the following resolution will be proposed:—

"That a graduated rate on all land be introduced."

Naivasha, 3rd February, 1945.

O. G. FRERE,  
Clerk-Supervisor.

## GENERAL NOTICE No. 243

## THE LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928

NOTICE is hereby given that in exercise of the powers conferred upon me by Government Notice No. 599 of the 24th November, 1928, I intend to inquire into the advisability of declaring the township of Kitale to be a municipality under the jurisdiction of a Municipal Board, the constitution of such Board and the powers and duties to be exercised by it.

Representations upon these matters will be accepted in writing at the Local Government Office, Nairobi, up to and including the 28th February, 1945, and personal evidence will be received by me at the District Commissioner's Office, Kitale, at 9 a.m. on the 8th March, 1945.

Nairobi,  
14th February, 1945.

C. E. MORTIMER,  
Commissioner for  
Local Government.

## GENERAL NOTICE No. 304

## MONEY-LENDERS COURT

A SPECIAL sitting of the Money-lenders Court will take place on Wednesday the 14th March, 1945, at 10 a.m. at the District Commissioner's Office, Mombasa, to consider the following application for a Money-lender's Licence, 1945:—

*Name of applicant.*—Mohamedally Mawji.

*Address at which it is desired to carry on business.*—House No. T 832, Salim Road, Mombasa.

Mombasa,  
16th February, 1945.

C. B. NORMAN,  
*District Commissioner, Mombasa.*

## GENERAL NOTICE No. 305

## THE EAST AFRICAN CURRENCY BOARD

PAYMENT of the value of the following mutilated currency note has been claimed by the person named. Any other person wishing to submit a claim in respect of this note should communicate at once with the Currency Officer, Entebbe:—

*No. of note.*—B/12 69816.

*Value.*—Sh. 5.

*Name of claimant.*—D. T. 1468 Mwisho c/o O.C. Details, Tororo.

## GENERAL NOTICE No. 306

## THE BANKRUPTCY ORDINANCE

## ORDER MADE ON APPLICATION FOR DISCHARGE

*Debtor's name.*—Juma Kanji.

*Address.*—Mombasa.

*Description.*—Merchant.

*Court.*—H.M. Supreme Court of Kenya, Mombasa.

*Number.*—5 of 1939.

*Date of order.*—16th February, 1945.

*Nature of order made.*—Discharge suspended until the 17th March, 1945.

Mombasa,  
19th February, 1945.

J. O'B. KELLY, *Deputy Registrar,*  
*H.M. Supreme Court of Kenya,*  
*Mombasa.*

## GENERAL NOTICE No. 307

## HONORARY PERMIT ISSUERS

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

Harold Smart, Mitubiri.

Charles Vincent Merritt, Ruiru.

John Charles Cornforth, Makuyu.

Phillip Vernon Anson, Donyo Sabuk.

Kabete,  
21st February, 1945.

W. G. EMERSON,  
*Acting Director of*  
*Veterinary Services.*

## GENERAL NOTICE No. 308

## ELDORET MUNICIPAL BOARD

## NOTICE OF ELECTION

NOTICE is hereby given in terms of Rule 21 (1) of the European Councillors Election Rules, 1929, that there is a vacancy on the Eldoret Municipal Board by reason of the resignation of a member.

Nominations of candidates to fill the vacancy will be received by me at the Municipal Office on Friday the 9th March, 1945, between the hours of 11 a.m. and 12 noon. The candidate elected will be entitled to remain in office until the 30th June, 1946.

Every candidate shall be proposed and seconded and shall be supported by not less than seven persons other than the proposer and seconder. The proposer, seconder and supporters shall be persons whose names appear on the Voters Roll for the Municipality.

Every nomination paper shall be in the form prescribed in the Second Schedule to the European Councillors Election Rules, 1929, and the signatures of the proposer and seconder and supporters shall be witnessed by a magistrate, justice of the peace, or notary.

Municipal Office, Eldoret,  
19th February, 1945.

GEORGE M. JACK,  
*Returning Officer.*

## GENERAL NOTICE No. 309

## UASIN GISHU DISTRICT COUNCIL

## VOTERS ROLL

IN ACCORDANCE with the provisions of sections 14 and 15 of the Local Government (District Councils) Ordinance, 1928, notice is hereby given that a revised Voters Roll is now completed and deposited for inspection by the public at the Council Office, Eldoret.

All objections and claims to be enrolled will be heard at the Resident Magistrate's Court at 10 a.m. on Monday the 12th March, 1945, when the Resident Magistrate will hear and determine all claims and objections.

Eldoret, 20th February, 1945.

J. H. PHILLIPS,  
*Clerk-Supervisor.*

## GENERAL NOTICE No. 310

## NAIROBI DISTRICT COUNCIL

NOTICE is hereby given that the Nairobi District Council, under section 60 (2) of the Local Government (District Councils) Ordinance, will close the undermentioned roads to all lorry and ox-drawn traffic and travelling stock from the 15th of March, 1945, to the 30th of June, 1945, both dates inclusive between the hours of 7 p.m. and 8 a.m. daily and during the hours of daylight when necessitated by weather conditions.

Permits to use these roads when closed may be issued upon application being made to the Road Delegates in respect of the transport of perishable produce, etc.

1. "D" Route, renamed Red Hill Road.
2. "B" Route, renamed Riara Ridge Road.
3. "C" Route, renamed Upper Limuru Road.
4. "E" Route, renamed Black Ridge Road.
5. Tigoni Road.
6. Chapore Road.
7. Sclaters Road.
8. Boma Road.
9. Kamiti Forest Road.
10. White Sisters Road.
11. Kakuzi Road (Bridges Junction-Clayton's Farm) Section.
12. Bridges Road.
13. Uplands Road.
14. School Road (Limuru).
15. Donyo Sabuk (North).

Nairobi, 20th February, 1945.

JOHN DICKENSON,  
*Acting Clerk to Council.*

## GENERAL NOTICE No. 311

## THE TRANSPORT LICENSING ORDINANCE, 1937

AND

## THE VEHICLES LICENSING REGULATIONS, 1938

IT IS notified for general information that a meeting of the Transport Licensing Board, for the purpose of hearing applications for licences and objections thereto, will be held at the District Commissioner's Office, Mombasa, on Monday the 5th day of March, 1945, at 10 a.m.

A list of applications for hearing may be seen at the District Commissioner's Office, Mombasa, on or after the 20th day of February, 1945.

Any objections to applications must be lodged at the District Commissioner's Office, Mombasa, not later than Thursday, 1st of March, 1945.

T. A. DENNISON, *Secretary,*  
*Transport Licensing Board.*

## GENERAL NOTICE No. 312

## PUBLIC WORKS DEPARTMENT

## NOTICE TO CONTRACTORS

TENDERS are invited for the erection and completion of the African Blind School, Thika Township.

The works comprise the erection of staff and students quarters, dining hall, class-rooms, workshops, office and ancillary buildings in stone with tiled roofs.

Drawings and conditions of tendering may be inspected by prospective tenderers at the Head Office, Public Works Department, Nairobi.

Any person or firm desiring to tender is required to make formal application to do so and to deposit the sum of Sh. 100 by Thursday, 8th March, 1945, after which date copies of the bills of quantities and form of tender will be forwarded to each approved applicant when ready for issue.

The Director of Public Works reserves the right to reject any application. The deposit of any such rejected applicant will be refunded.

Head Office, Nairobi,  
February, 1945.

J. C. STRONACH,  
*Director of Public Works.*

## GENERAL NOTICE No. 313

## THE WATER ORDINANCE, 1929

*Ellegirini Riveer, Uasin Gishu District*

APPLICATION by Mrs. C. E. H. Visser of Plateau for a Water Right from the Ellegirini River on L.R. No. 720/1 for 2,800, 27,000 and 27,000 gallons per day for the purposes of domestic use, minor irrigation and to cover canal losses respectively.

Plans may be seen at the Public Works Department Office, Nairobi, and at the office of the Uasin Gishu District Council, Eldoret.

Objections stating specific grounds therefor should be filed in duplicate with the Water Board, P.O. Box 662, Nairobi, within thirty days from the date of publication of this notice, and a copy served on the undersigned.

G. R. PEMBRIDGE,  
Lawfully Authorized Agent,  
P.O. Box 111, Eldoret.

## GENERAL NOTICE No. 314

## THE WATER ORDINANCE, 1929

*Rongai River, Nakuru District*

APPLICATION by R. J. Chandler of Kampi-ya-Moto for a Water Right from the Rongai River on L.R. No. 487/11 for 1,660 gallons per day for the purpose of domestic use and 750 gallons per month for filling a cattle dip.

Plans may be seen at the Public Works Department Office, Nairobi, and at the office of the Nakuru District Council, Nakuru.

Objections stating specific grounds therefor should be filed in duplicate with the Water Board, P.O. Box 662, Nairobi, within thirty days from the date of publication of this notice, and a copy served on the undersigned.

R. J. CHANDLER, *Applicant,*  
*Kampi-ya-Moto.*

## GENERAL NOTICE No. 315

## PROFESSIONAL RECRUITERS' AND LABOUR AGENTS' PERMITS ISSUED DURING THE MONTH OF JANUARY, 1945

Licence Number	Name	Date of Commencement	Date of Expiry
4091	Ahmed Khan, P.O. Kakamega. (Professional Recruiter for Nyanza Province) .. ..	2-1-45	1-1-46
4002	Madanlal Chopra, P.O. Kakamega. (Professional Recruiter for Nyanza Province) .. ..	2-1-45	1-1-46
4003	Nur Mohamed Fateh Din, P.O. Kakamega. (Professional Recruiter for Nyanza Province) .. ..	5-1-45	4-1-46
4004	Radha Kishen, P.O. Kisumu. (Professional Recruiter for Nyanza Province) .. ..	6-1-45	5-1-46
4005	Mohamedali Wazir, P.O. Box 178, Kisumu. (Professional Recruiter for Nyanza Province) .. ..	9-1-45	8-1-46
4006	Ismail Imamdin, P.O. Box 8, Kisumu. (Professional Recruiter for Nyanza Province) .. ..	9-1-45	8-1-46
4007	Ali Kassam, P.O. Myanga, (Professional Recruiter for Nyanza Province) .. ..	9-1-45	8-1-46
4008	Ruplal Sukhdial, P.O. Kakamega. (Professional Recruiter for Nyanza Province) .. ..	9-1-45	8-1-46
4009	Bridgemans Employment Bureau, P.O. Box 1058, Nairobi. (Professional Recruiter for Central Province) .. ..	18-1-45	17-1-46
4251	Bridgemans Employment Bureau, P.O. Box 1058, Nairobi. (Labour Agents for Central Province) .. ..	18-1-45	17-1-46

## GENERAL NOTICE No. 316

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

CAUSE No. 38 OF 1943

*In the estate of Abdalla bin Hemed bin Salim Eljaafry, deceased*

TAKE NOTICE that Nasor bin Said Elbusaidi and Majid bin Said Elbusaidi, joint executors of the above-named deceased, have filed the final account and that this Court has fixed the 14th day of March, 1945, at 9.30 o'clock in the forenoon for passing account, after which date no objection will be heard thereto.

Mombasa, J.O'B. KELLY, *District Registrar,*  
19th February, 1945. *H.M. Supreme Court of Kenya.*

## GENERAL NOTICE No. 317

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

CAUSE No. 9 OF 1945

*Notice of application for probate of the will of Abdulwahid bin Khamis Baluchi, late of Mombasa, Kenya Protectorate, deceased.*

TAKE NOTICE that application having been made in this Court by Enrahim Jalal Khan of Mombasa, Kenya Protectorate, for probate of the will of Abdulwahid bin Khamis Baluchi, late of Mombasa aforesaid, who died at Mombasa on the 31st day of January, 1945, 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 13th day of March, 1945.

Mombasa, J.O'B. KELLY, *District Registrar,*  
19th February, 1945. *H.M. Supreme Court of Kenya.*

*Note.*—The will above named is now deposited and open to inspection at the Court during office hours.

## GENERAL NOTICE No. 318

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

CAUSE No. 13 OF 1945

*Notice of application for letters of administration intestate of the estate of Aisha binti Mohamed bin Seif Jahadhmy, late of Mombasa, Kenya Protectorate, deceased.*

TAKE NOTICE that application having been made in this Court by Mohamed Hamed Himami of Mombasa, Kenya Protectorate, for letters of administration intestate of the estate of Aisha binti Mohamed bin Seif Jahadhmy, late of Mombasa aforesaid, who died at Mombasa on the 3rd day of October, 1943, 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 13th day of March, 1945.

Mombasa, J.O'B. KELLY, *District Registrar,*  
20th February, 1945. *H.M. Supreme Court of Kenya.*

## GENERAL NOTICE No. 319

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

CAUSE No. 14 OF 1945

*Notice of application for letters of administration intestate of the estate of Chandulal Bhogilal Shah, late of Nairobi, Kenya Colony, deceased.*

TAKE NOTICE that application having been made in this Court by Lalita Shankerlal, widow of Chandulal Bhogilal Shah, the above-named deceased, for letters of administration intestate of the estate of Chandulal Bhogilal Shah, late of Nairobi aforesaid, who died at Nairobi on the 3rd day of January, 1945, 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 13th day of March, 1945.

Mombasa, J.O'B. KELLY, *District Registrar,*  
20th February, 1945. *H.M. Supreme Court of Kenya.*

## GENERAL NOTICE No. 320

## IN HIS MAJESTY'S SUPREME COURT OF KENYA AT NAIROBI PROBATE AND ADMINISTRATION

CAUSE No. 33 OF 1945

*Re Lucia Brown, deceased*  
*and*

*In the matter of an application for resealing in the Colony and Protectorate of Kenya of probate of the will of Lucia Brown otherwise Lucia Levi, granted by the Principal Probate Registry at Llandudno of His Majesty's High Court of Justice in England.*

TAKE NOTICE that an application has been made to this Court by Messrs. Kaplan & Stratton, Advocates, Nairobi, for and on behalf of Philip Hallowell Richardson of 48 Sunbridge Road in the City of Bradford in England the sole executor named in the will of the above-named deceased, for reseat of the probate granted by the Principal Probate Registry at Llandudno of His Majesty's High Court of Justice in England on the 29th day of September, 1944, of the will of Lucia Brown otherwise Lucia Levi of Thika, and formerly of 41 Spring Gardens in the City of Bradford who died on the 6th day of January, 1944, at Nairobi, and that this Court will proceed to order accordingly unless cause be shown to the contrary and appearance in this respect entered on or before the 14th day of March, 1945.

Nairobi, 16th February, 1945. E. J. O'FARRELL, *Registrar,*  
*Supreme Court of Kenya.*



## GENERAL NOTICE No. 321

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT NAIROBI

## PROBATE AND ADMINISTRATION

CAUSE No. 34 OF 1945

*Notice of application for probate of the will of Mrs. Lilian Gertrude Scott, late of Mombasa, deceased*

TAKE NOTICE that application having been made in this Court by Kenneth Laidlaw Scott of Mombasa for probate of the will of Mrs. Lilian Gertrude Scott, late of Mombasa, who died at Mombasa on the 28th day of October, 1944, 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 March, 1945.

E. J. O'FARRELL,

Nairobi, 17th February, 1945.

Registrar.

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

## GENERAL NOTICE No. 322

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT NAIROBI

## PROBATE AND ADMINISTRATION

CAUSE No. 36 OF 1945

*Notice of application for probate of the will of Isabella Dodds Lockhart-Mure, late of Nakuru, deceased*

TAKE NOTICE that application having been made in this Court by Tom Lockhart-Mure of Nairobi for probate of the will of Isabella Dodds Lockhart-Mure, late of Nakuru, who died at Nakuru on the 28th day of October, 1943, 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 March, 1945.

E. J. O'FARRELL,

Nairobi, 21st February, 1945.

Registrar.

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

## GENERAL NOTICE No. 323

IN THE SUPREME COURT AT NAIROBI  
PROBATE AND ADMINISTRATION

CAUSE No. 35 OF 1945

*Notice of application for administration of estate of Alibhai Jamal Pirani, Retail Merchant, late of Nairobi, deceased*

TAKE NOTICE that application having been made in this Court by Hussein Alibhai Pirani of Nairobi for letters of administration intestate of the estate of Alibhai Jamal Pirani, late of Nairobi, who died at Nairobi on the 23rd day of December, 1944, 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 March, 1945.

E. J. O'FARRELL, Registrar,

Nairobi, 19th February, 1945.

Supreme Court of Kenya.

## GENERAL NOTICE No. 324

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT NAIROBI

## PROBATE AND ADMINISTRATION

CAUSE No. 37 OF 1945

*Notice of application for probate of the will of the Venerable Archdeacon George Burns, late of Limuru, deceased*

TAKE NOTICE that application having been made in this Court by Mrs. Sibella Burns of Limuru and Leonard James Beecher of Nairobi for probate of the will of the Venerable Archdeacon George Burns, late of Limuru, who died at Limuru on the 1st day of August, 1944, 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 March, 1945.

E. J. O'FARRELL,

Nairobi, 21st February, 1945.

Registrar.

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

## GENERAL NOTICE No. 325

## PROBATE AND ADMINISTRATION

PUBLIC TRUSTEE'S CAUSE No. 10 OF 1945

*In the matter of Mrs. Johanna Lesser, deceased*

TAKE NOTICE that all persons having any claims against the estate of the above-named Mrs. Johanna Lesser, who died at Ol Kalou in the Colony of Kenya on the 20th day of December, 1943, are required to prove such claims before me the undersigned on or before the 27th day of April, 1945, after which date the claims so proved will be paid and the estate distributed according to law.

W. B. CUMMING,

Nairobi, 21st February, 1945.

Public Trustee.

## GENERAL NOTICE No. 326

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

## PROBATE AND ADMINISTRATION

CAUSE No. 59 OF 1944

*In the matter of Mulla Nurbhay Dosajee, deceased*

TAKE NOTICE that all persons having any claims against or owing sums to the estate of the above-named Mulla Nurbhay Dosajee, deceased, who died at Malindi, Kenya Colony, in the year 1919, are required to prove such claims before me the undersigned, or to pay to me the amounts due, on or before the 10th day of March, 1945, after which date the claims so proved will be paid and the estate distributed according to law.

K. I. JOSHI,

Advocate for the Administrator,

Court Chambers, Kilindini Road,

P.O. Box 274 Mombasa.

16th February, 1945.

## GENERAL NOTICE No. 327

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

## PROBATE AND ADMINISTRATION

CAUSE No. 64 OF 1944

*In the matter of Sulemanji Amiji Porbandarwalla, deceased*

TAKE NOTICE that all persons having any claims against or owing sums to the estate of the above-named Sulemanji Amiji Porbandarwalla, deceased, who died at Zanzibar on the 28th day of October, 1922, are required to prove such claims before me the undersigned, or to pay to me the amounts due, on or before the 10th day of March, 1945, after which date the claims so proved will be paid and the estate distributed according to law.

K. I. JOSHI,

Advocate for the Administrator,

Court Chambers, Kilindini Road,

P.O. Box 274 Mombasa.

16th February, 1945.

## GENERAL NOTICE No. 328

## THE BANKRUPTCY ORDINANCE, 1910

## ORDER MADE ON APPLICATION FOR DISCHARGE

*Debtor's name.*—Jamal Velji.*Address.*—Cycle Repairer, Kisumu.*Description.*—Cycle Repairer.*Court.*—H.M. Supreme Court of Kenya.*Number of matter.*—52 of 1929.*Date of order.*—10th November, 1944.*Nature of order made.*—Discharge suspended for three months.

Debtor will be discharged from 10th February, 1945.

E. J. O'FARRELL, Registrar,

Supreme Court of Kenya.

## GENERAL NOTICE No. 329

## THE BANKRUPTCY ORDINANCE, 1910

## ORDER MADE ON APPLICATION FOR DISCHARGE

*Debtor's name.*—Gosar Laxman.*Address.*—P.O. Kerugoya.*Description.*—Supervising transport business.*Court.*—H.M. Supreme Court of Kenya at Nairobi.*Number.*—30 of 1930.*Date of order.*—13th October, 1944.*Nature of order made.*—Discharge suspended for three months.

The debtor will be discharged as from 13th day of January, 1945.

E. J. O'FARRELL, Registrar,

Supreme Court of Kenya.

## GENERAL NOTICE No. 330

## THE BANKRUPTCY ORDINANCE, 1910

## ORDER MADE ON APPLICATION FOR DISCHARGE

*Debtor's name.*—Lakhamshi Popat.*Address.*—c/o G. R. Mandavia, Esq., Advocate, Nairobi.*Description.*—Shop Assistant in the shop of Hirji Popat.*Court.*—H.M. Supreme Court of Kenya at Nairobi.*Number.*—24 of 1937.*Date of order.*—2nd February, 1945.*Nature of order made.*—Discharge granted as from 23rd day of February, 1945.

E. J. O'FARRELL, Registrar,

Supreme Court of Kenya.

## GENERAL NOTICE No. 331

## THE BANKRUPTCY ORDINANCE

## NOTICE OF INTENDED DIVIDEND

*Debtor's name.*—John Baptista Fernandes.  
*Address.*—Kisumu and Kitale.  
*Description.*—Fish Merchant and Transport Agent.  
*Court.*—H.M. Supreme Court, Nairobi.  
*Number of matter.*—96 of 1930.  
*Last day for receiving proofs.*—14th March, 1945.  
*Name of trustee.*—The Official Receiver.  
*Address.*—P.O. Box No. 231, Law Courts, Nairobi.

R. G. GREEN,  
 Nairobi, 23rd February, 1945. Deputy Official Receiver.

## GENERAL NOTICE No. 332

## THE BANKRUPTCY ORDINANCE

## NOTICE OF INTENDED DIVIDEND

*Debtor's name.*—William Andrew Robinson.  
*Address.*—Rongai.  
*Description.*—Farmer.  
*Court.*—H.M. Supreme Court, Nairobi.  
*Number of matter.*—39 of 1931.  
*Last day for receiving proofs.*—15th March, 1945.  
*Name of trustee.*—The Official Receiver.  
*Address.*—P.O. Box No. 231, Law Courts, Nairobi.

R. G. GREEN,  
 Nairobi, 23rd February, 1945. Deputy Official Receiver.

## GENERAL NOTICE No. 333

## THE BANKRUPTCY ORDINANCE

## NOTICE OF INTENDED DIVIDEND

*Debtor's name.*—Narshi Karamshi.  
*Address.*—River Road, Nairobi.  
*Description.*—Merchant.  
*Court.*—H.M. Supreme Court, Nairobi.  
*Number of matter.*—13 of 1936.  
*Last day for receiving proofs.*—16th March, 1945.  
*Name of trustee.*—The Official Receiver.  
*Address.*—P.O. Box No. 231, Law Courts, Nairobi.

R. G. GREEN,  
 Nairobi, 23rd February, 1945. Deputy Official Receiver.

## GENERAL NOTICE No. 334

## THE BANKRUPTCY ORDINANCE

## NOTICE OF INTENDED DIVIDEND

*Debtor's name.*—Francis Alan Gregory Benson.  
*Address.*—Mua Hills.  
*Description.*—Carrying on business at Mua Hills.  
*Court.*—H.M. Supreme Court, Nairobi.  
*Number of matter.*—1 of 1939.  
*Last day for receiving proofs.*—14th March, 1945.  
*Name of trustee.*—The Official Receiver.  
*Address.*—P.O. Box No. 231, Law Courts, Nairobi.

R. G. GREEN,  
 Nairobi, 23rd February, 1945. Deputy Official Receiver.

## GENERAL NOTICE No. 335

## THE BANKRUPTCY ORDINANCE

## NOTICE OF INTENDED DIVIDEND

*Debtor's name.*—B. G. Moulton, formerly carrying on business as "Parklands Stores".  
*Address.*—Nairobi.  
*Description.*—Merchant.  
*Court.*—H.M. Supreme Court, Nairobi.  
*Number of matter.*—48 of 1931.  
*Last day for receiving proofs.*—13th March, 1945.  
*Name of trustee.*—The Official Receiver.  
*Address.*—P.O. Box No. 231, Law Courts, Nairobi.

R. G. GREEN,  
 Nairobi, 23rd February, 1945. Deputy Official Receiver.

## GENERAL NOTICE No. 336

## THE BANKRUPTCY ORDINANCE

## NOTICE OF INTENDED DIVIDEND

*Debtor's name.*—Karam Singh s/o Gurdas Singh.  
*Address.*—Nairobi.  
*Description.*—Carpenter.  
*Court.*—H.M. Supreme Court, Nairobi.  
*Number of matter.*—4 of 1942.  
*Last day for receiving proofs.*—22nd March, 1945.  
*Name of trustee.*—The Official Receiver.  
*Address.*—P.O. Box No. 231, Law Courts, Nairobi.

R. G. GREEN,  
 Nairobi, 24th February, 1945. Deputy Official Receiver.

## GENERAL NOTICE No. 337

## THE BANKRUPTCY ORDINANCE

## NOTICE OF DIVIDEND

## Summary Case

*Debtor's name.*—Longney Hawkins.  
*Address.*—Nanyuki.  
*Description.*—Contractor.  
*Court.*—H.M. Supreme Court, Nairobi.  
*Number of matter.*—26 of 1930.  
*Amount per £.*—Sh. 2/08.  
*First or final or otherwise.*—Fifth and final.  
*When payable.*—22nd February, 1945.  
*Where payable.*—Official Receiver's Office, Law Courts, P.O. Box 231, Nairobi.

H. V. ANDERSON,  
 Nairobi, 19th February, 1945. Deputy Official Receiver.

## GENERAL NOTICE No. 338

## THE BANKRUPTCY ORDINANCE

## NOTICE OF DIVIDEND

## Summary Case

*Debtor's name.*—Devraj Ramji.  
*Address.*—Canal Road, Nairobi.  
*Description.*—Building Contractor.  
*Court.*—H.M. Supreme Court, Nairobi.  
*Number of matter.*—11 of 1933.  
*Amount per £.*—Sh. 3/21.  
*First or final or otherwise.*—First and final.  
*When payable.*—22nd February, 1945.  
*Where payable.*—Official Receiver's Office, Law Courts, P.O. Box 231, Nairobi.

H. V. ANDERSON,  
 Nairobi, 19th February, 1945. Deputy Official Receiver.

## GENERAL NOTICE No. 339

## THE BANKRUPTCY ORDINANCE

## NOTICE OF DIVIDEND

## Summary Case

*Debtor's name.*—Pranjiwan Amarshi.  
*Address.*—River Road, Nairobi.  
*Description.*—Shop-keeper.  
*Court.*—H.M. Supreme Court, Nairobi.  
*Number of matter.*—107 of 1930.  
*Amount per £.*—Sh. 4/90.  
*First or final or otherwise.*—Second and final.  
*When payable.*—28th February, 1945.  
*Where payable.*—Official Receiver's Office, Law Courts, P.O. Box 231, Nairobi.

H. V. ANDERSON,  
 Nairobi, 19th February, 1945. Deputy Official Receiver.

## GENERAL NOTICE No. 340

## THE BANKRUPTCY ORDINANCE

## NOTICE OF DIVIDEND

*Debtor's name.*—Robert Richardson.  
*Address.*—Soy-Eldoret, formerly residing at Kitale.  
*Description.*—Engineer.  
*Court.*—H.M. Supreme Court, Nairobi.  
*Number of matter.*—6 of 1936.  
*Amount per £.*—Sh. 1/83.  
*First or final or otherwise.*—Fifth.  
*When payable.*—23rd February, 1945.  
*Where payable.*—At Official Receiver's Office, Law Courts, Nairobi.

H. V. ANDERSON,  
 Nairobi, 20th February, 1945. Deputy Official Receiver.

## GENERAL NOTICE No. 341

## THE BANKRUPTCY ORDINANCE

## FIRST MEETING OF CREDITORS AND PUBLIC EXAMINATION

*Debtor's name.*—Allahbux s/o Jhandabux.  
*Address.*—Nairobi.  
*Description.*—Motor Mechanic.  
*Court.*—H.M. Supreme Court, Nairobi.  
*Number of matter.*—1 of 1945.  
*Date of first meeting of creditors.*—15th March, 1945.  
*Hour.*—2.30 p.m.  
*Place.*—Official Receivers Office, Law Courts, Nairobi.  
*Date of public examination.*—16th March, 1945.  
*Hour.*—10.30 a.m.  
*Place.*—Law Courts, Nairobi.  
*Date of order for summary administration.*—15th February, 1945.

H. V. ANDERSON,  
 Nairobi, 17th February, 1945. Deputy Official Receiver.

### Statement of Assets and Liabilities as at the 30th September, 1944

## LIABILITIES

ASSETS

APPROPRIATED FUNDS:	£	s.	cts.	£	s.	cts.	£	s.	cts.
INVESTMENTS :—									
B. E. A. Meteorological Services ..	1,500	0	00						
Custodian of Enemy Property ..	122,665	0	00						
Departmental Fines Fund ..	500	0	00						
Flax Loan Repayment Fund ..	455	0	00						
Lunatic Estates ..	11,147	10	02						
Nairobi Municipality, Water Supply Sinking Fund ..	35,835	4	75						
Native Trust Fund ..	4,500	0	00						
Pensions Fund—Asiatic Widows' and Orphans' ..	140,863	17	42						
Pensions Fund—Asian Officers' Family ..	2,955	7	84						
Provident Fund—Asian Civil Service ..	79,001	8	90						
Provident Fund—European Civil Service ..	155,950	8	95						
Registrar General, Public Trustee, etc. Funds ..	98,320	19	05						
Renewals Fund—Kisumu Water Works ..	18,850	9	67						
Renewals Fund—Kitale Water Works ..	15,069	9	91						
Renewals Fund—Minor Water Works ..	15,824	3	34						
Renewals Fund—Mombasa Water Works ..	106,250	9	83						
Samuel Cohen Fund ..	23,052	6	94						
Savings Bank ..	2,482,903	8	80						
Stamp Duty Reserve Fund ..	55,339	10	28						
Sundry ..	575,928	5	68						
Supplementary Sinking Fund ..	71,718	16	15						
Miscellaneous ..	3,124	2	00						
				4,021,755	19	53			
CASH ON DEPOSIT:—									
Judicial Department ..	3,980	19	00						
Registrar General, Public Trustee, etc., Funds ..	33,762	14	00						
Custodian of Enemy Property ..	28,167	18	15						
Flax Loan Repayment Fund ..	1,500	0	00						
Farmers' Conciliation Board ..	90,000	0	00						
Various Funds ..	6,842	19	74						
				164,254	10	89			
CASH ON CURRENT ACCOUNT:—									
Judicial Department ..	11,463	5	08						
Registrar General, Public Trustee, etc., Funds ..	8,776	3	85						
Custodian of Enemy Property ..	34,066	14	82						
				54,306	3	75			
							4,240,316	14	17
							4,240,316	14	17

## Part I—(Contd.)

TOTAL	..£	10,726,201	14	81
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Accountant General

*Part II—Loan Accounts*  
(a) £5,000,000 1921 Loan

LIABILITIES			ASSETS					
	£	s.	cts.		£	s.	cts.	
Bondholders (Ordinance No. 39 of 1921)...	5,000,000	0	00	Kilindini Harbour Works .. .. .	1,094,594	0	00	
Sinking Fund .. .. .	1,920,600	3	78	Uasin Gishu Railway .. .. .	1,400,000	0	00	
„ „ Supplementary .. .. .	22,991	15	28	Repayment to His Majesty's Treasury of Loans already made for Development purposes .. .. .	1,103,912	0	26	
				Repayment to Revenue of Advances made from Revenue for Military Expenditure in connexion with the War and Purchase of Reserve Stores for Railway and Steamer Services .. .. .	600,000	0	00	
				Payment of Interest .. .. .	377,955	0	00	
				Expenses of Issue and Deduction for Discount .. .. .	423,538	19	74	
				Sinking Fund :—				5,000,000 0 00
				Investments .. .. .	1,920,420	13	78	
				Cash on Deposit .. .. .	179	10	00	
				Supplementary Sinking Fund :—				1,920,600 3 78
				Investments .. .. .	22,991	15	28	
								22,991 15 28
TOTAL	£ 6,943,591	19	06					TOTAL £ 6,943,591 19 06

(b) £5,000,000 1927 Loan

Bondholders (Ordinance No. 22 of 1927)...	5,000,000	0	00	Completion of Uasin Gishu Railway .. .. .	600,000	0	00	
Sinking Fund .. .. .	894,500	9	49	General Improvements on Main Line and Additional Equipment .. .. .	125,000	0	00	
				Purchase and Re-conditioning of Voi-Kahe Branch Railway .. .. .	100,000	0	00	
				Additional Locomotives and Rolling Stock .. .. .	200,000	0	00	
				General Port Development at Mombasa .. .. .	550,000	0	42	
				Repayment of Loan of £3,500,000 raised under the Authority of the Imperial Loan Ordinance No. 29 of 1924—				
				Extension of the Kenya and Uganda Railway and Construction of Branches in Kavirondo and Uganda .. .. .	1,981,514	6	57	
				Additional Rolling Stock .. .. .	770,466	18	00	
				Capital Improvements, etc. .. .. .	508,066	15	43	
					3,260,048	0	00	
				Expenses of Issue and Deduction for Discount .. .. .	164,951	19	58	
				Sinking Fund :—				5,000,000 0 00
				Investments .. .. .	894,500	9	49	
								894,500 9 49
TOTAL	£ 5,894,500	9	49					TOTAL £ 5,894,500 9 49

(c) £3,500,000 1928 Loan

Bondholders (Ordinance No. 22 of 1927)...	3,500,000	0	00	RAILWAY AND HARBOUR DEVELOPMENT—				
Sinking Fund .. .. .	599,655	13	50	Construction of Nyeri, Kitale and Solai Branch Railways .. .. .	801,622	11	23	
				General Improvements on Main Line and Additional Equipment .. .. .	333,914	13	67	
				Purchase of Site for New Railway Station, Mombasa .. .. .	54,999	0	00	
				Additional Locomotives and Rolling Stock .. .. .	718,606	19	25	
				General Port Development at Mombasa .. .. .	650,000	0	00	
				Interest out of Capital during Construction Period of Works .. .. .	51,856	19	61	
				BALANCE of Repayment of Loan of £3,500,000 raised under the Authority of the Imperial Loan Ordinance No. 29 of 1924—				
				Extension of the Kenya and Uganda Railways and Construction of Branches in Kavirondo and Uganda .. .. .	1,191	13	43	
				Capital Improvements, etc. .. .. .	19,227	4	57	
					20,418	18	00	
				COLONIAL DEVELOPMENT—				
				Public Buildings .. .. .	523,149	0	00	
				Roads and Bridges .. .. .	88,000	0	00	
					611,149	0	00	
				Expenses of Issue and Deduction for Discount .. .. .	257,431	18	24	
				SINKING FUND—				3,500,000 0 00
				Investments .. .. .	599,655	13	50	
								599,655 13 50
TOTAL	£ 4,099,655	13	50					TOTAL £ 4,099,655 13 50

THE OFFICIAL GAZETTE

## February 27, 1945

5

H. J. WEBSTER, *Accountant General.*

## GENERAL NOTICE No. 343

THE FRAUDULENT TRANSFER OF BUSINESSES  
ORDINANCE, 1930

NOTICE is hereby given that the business of tailor, outfitter and retail merchant carried on by Lalji Meghji Jina at Nairobi will be transferred to Ravji Kanji Parmar after the expiry of two months from the date of publication hereof.

The address of the transferor is Plot No. 136/17, Race-course Road, Nairobi, and the address where the transferor carries on business is also Plot No. 136/17, Race-course Road, Nairobi.

The address and the place where the transferee will carry on business is Plot No. 525/1, Latema Road, Nairobi.

The transferee does not assume and does not intend to assume any liability incurred in the business by the transferor.

LALJI MEGHJI JINA, *Transferor*.  
RAVJI KANJI PARMAR, *Transferee*.

22nd February, 1945.

## GENERAL NOTICE No. 344

THE FRAUDULENT TRANSFER OF BUSINESSES  
ORDINANCE, 1930

NOTICE is hereby given that the business of sawmilling carried on by Messrs. Lalji Makanji and Dharamshi Virpar Gudka at Tinderet Forest Reserve under the style or firm of Bridle Track Saw Mills has been sold and transferred with effect from the 18th day of January, 1945, to Purshotam Haribhai Patel, Kantibhai Maganbhai Patel, Raojibhai Maganbhai Patel, Purshotam Hathibhai Patel and Manibhai Chhotabhai Patel.

The address of the transferors is P.O. Box 1522, Nairobi.

The names and address of the transferees are Purshotam Haribhai Patel, Kantibhai Maganbhai Patel, Raojibhai Maganbhai Patel, Purshotam Hathibhai Patel, Manibhai Chhotabhai Patel, P.O. Box 237, Nairobi.

The transferees are not assuming any liabilities incurred by the transferors in connexion with the said business up to and including the 18th day of January, 1945.

The transferees will continue to carry on the said business under the style or firm of Bridle Track Saw Mills at Tinderet Forest Reserve aforesaid.

LALJI MAKANJI,  
DHARAMSHI VIRPAR GUDKA,  
*Transferors*.

PURSHOTAM HARIBHAI PATEL,  
KANTIBHAI MAGANBHAI PATEL,  
RAOJIBHAI MAGANBHAI PATEL,  
PURSHOTAM HATHIBHAI PATEL,  
MANIBHAI CHHOTABHAI PATEL,  
*Transferees*.

15th February, 1945.

## GENERAL NOTICE No. 345

THE FRAUDULENT TRANSFER OF BUSINESSES  
ORDINANCE, 1930

NOTICE is hereby given that the business of a wood-cutter and fuel contractor to the Kenya and Uganda Railway Administration carried on by Lesirko, Limited, of Ol Joro Orok in the Colony of Kenya under the name or style of Lesirko, Limited, has been transferred to Shantilal Mohanlal Shah and Gordhanbhai Hatibhai Patel both of Thomson's Falls in the said Colony, store-keepers and contractors, as from the 28th day of February, 1945.

The address of the transferor is Ol Joro Orok, Kenya.

The address where the transferor carried on business is Forest Department, Forest Reserve in the Ol Bolossat Forest Reserve in the said Colony.

The address where the transferees will carry on business is in the same Ol Bolossat Forest Reserve.

The transferees do not assume and do not intend to assume any liabilities incurred in the business by the transferor up to and including the 28th day of February, 1945.

For Lesirko, Ltd., *Transferor*,  
HAROLD WHITE, *Managing Director*,  
Ol Joro Orok.  
S. M. SHAH, G. H. PATEL, *Transferees*,  
Thomson's Falls.

## GENERAL NOTICE No. 346

NOTICE is hereby given that for and on behalf of my client, Mr. Mohamedally Mawji, who desires to be authorized to carry on business as money-lender in his own name at T 832, Salim Road, Mombasa, an application for the issue of a certificate authorizing the grant of a money-lender's licence for the year 1945 has been lodged by me with the District Commissioner, Mombasa, and that the hearing of the said application has been fixed for Wednesday the 14th March, 1945, at 10 o'clock in the forenoon or as soon thereafter as the same can be heard by the Money-lenders Court at the District Commissioner's Office, Mombasa.

Mombasa,  
23rd February, 1945.  
A. C. SATCHU,  
*Advocate for the Applicant*.

## GENERAL NOTICE No. 347

THE FRAUDULENT TRANSFER OF BUSINESSES  
ORDINANCE, 1930

NOTICE is hereby given that the business of cloth merchant and tailor heretofore carried on by Premchand Naran of P.O. Box No. 708, Nairobi, under the style or name of Premchand Naran in the shop situated on Plot No. 477/36, River Road, Nairobi, has been transferred as from the 4th day of February, 1945, to Karman Narshi Nagla and Dayalji Ramji Pisavadia, both of River Road, Nairobi, merchants, who intend to carry on the same business in the same premises at Plot No. 477/36, Nairobi, under the same style or name.

The transferees are not assuming nor are they intended to assume any of the liabilities incurred by the transferor in connexion with the said business to date of transfer.

PREMCHAND NARAN,  
*Transferor*.  
KARMAN NARSHI NAGLA,  
DAYALJI RAMJI PISAVADIA,  
*Transferees*.

Nairobi, 15th February, 1945.

## GENERAL NOTICE No. 348

## NOTICE OF CHANGE OF NAME

TAKE NOTICE that by a deed poll dated the 2nd day of February, 1945, duly executed and attested and registered with the Registrar of Titles, Nairobi, in the Colony of Kenya on the 6th day of February, 1945, I formally and absolutely renounced and abandoned the name of Punja Sura and declared that I had assumed and adopted and intended thenceforth upon all occasions whatsoever to use and subscribe the name of Premchand Sura instead of Punja Sura and so as to be at all times thereafter called, known and described by the name of Premchand Sura exclusively.

PREMCHAND SURA,  
Nairobi, 20th February, 1945. *late Punja Sura*.

## GENERAL NOTICE No. 349

THE FRAUDULENT TRANSFER OF BUSINESSES  
ORDINANCE, 1930

PURSUANT to the above Ordinance, notice is hereby given that the business of retail shop-keepers heretofore carried on by Assaram Sundermal of Nanyuki under the name or style of Shah Store on Plots Nos. 2 and 3, Main Road, Nanyuki, has been sold and transferred to Shantilal Gangadas of Nanyuki with effect from the 9th day of February, 1945.

Shantilal Gangadas will carry on the said business under the name and style of Shah Store.

*Name and address of the transferor*.—Assaram Sundermal,  
P.O. Nanyuki.

*Name and address of the transferee*.—Shantilal Gangadas,  
P.O. Nanyuki.

*Nature of business*.—Retail shop-keeper's business.

The transferee is not assuming nor is intended to assume any of the liabilities incurred by the transferor in the said business up to and including the 9th February, 1945.

ASSARAM SUNDERMAL *Transferor*.  
Nanyuki,  
9th February, 1945.  
SHANTILAL GANGADAS *Transferee*.

## GENERAL NOTICE No. 350

## NOTICE OF CHANGE OF NAME

I, Margaret Rosemary Bessell of Nairobi in the Colony of Kenya, hereby give notice that by a deed poll dated the 19th day of February, 1945, I formally renounced the name of Margaret Rosemary Bessell and have assumed the name of Mary Hall in lieu thereof for all purposes, and I hereby authorize and request all persons to designate and address me by such assumed name of Mary Hall only.

Nairobi,  
19th February, 1945. *MARY HALL,*  
*formerly Margaret Rosemary Bessell.*

## GENERAL NOTICE No. 351

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT ELDORETPROBATE AND ADMINISTRATION  
CAUSE No. 8 of 1944

*In the estate of Donald Stewart McDonald, deceased*

PURSUANT to an Order of the above-named Court made the 19th day of January, 1945, whereby grant of probate of the will of the above-named deceased, late of Kitale, farmer, was granted to George Alexander McDonald.

Take notice that all persons having any claims against the estate of the above-named deceased who died at Kitale on the 4th day of July, 1944, are required to lodge and prove such claims with the undersigned on or before the 22nd day of March, 1945, after which date the claims so proved will be paid and the estate distributed according to law.

22nd February, 1945. *D. GREEN,*  
*Advocate for the Executor, Eldoret.*

## GENERAL NOTICE NO. 227

## THE CROWN LANDS ORDINANCE

(Chapter 140 of the Revised Edition)

## RESIDENTIAL PLOTS—KISUMU

NOTICE is hereby given that options to purchase the plots at Kisumu as described in the Schedule hereto will be sold by public auction at the office of the District Commissioner, Kisumu-Londiani, on Thursday the 15th March, 1945, commencing at 10 a.m.

A plan of the plots contained in the Schedule may be seen at the office of the Commissioner of Lands and Settlement, Nairobi, or at the office of the District Commissioner, Kisumu-Londiani, or may be obtained on application to the Commissioner of Lands, P.O. Box 89, Nairobi, on payment of Sh. 3 each, post free.

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

In the following conditions of sale the term Authority means the Municipal Board of Kisumu, or such other Municipal Authority as may be hereafter established by law.

## Conditions of Sale of Option

(1) The option in respect of each plot will be auctioned separately.

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

(3) The highest bidder will be declared the purchaser of the option, but if any dispute arises 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, 25 per cent of the amount of his bid. In default of such payment the option 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 option is purchased, and any subsequent grant that may be made will be issued in accordance with this information.

(6) The amount bid in respect of the option shall, in the event of the issue of a grant, be considered as the stand premium payable thereon.

(7) The balance of the amount bid, together with the roads and drains contribution in respect of the plot, the survey fees and the rent due to the 31st December, 1945, shall be paid to the Commissioner of Lands within seven days of the date of auction. In default of such payments within the specified time, the Commissioner of Lands may order the deposit paid by the purchaser to be forfeited and the purchaser shall have no further claim to an option to purchase the plot or to a grant of the plot.

(8) The option shall be for a period of one year from the 1st day of April, 1945.

(9) The option shall not be transferable.

## Conditions of Grant

(1) The purchaser during the period of option shall erect on the plot a building of approved design, constructed of stone, burnt brick or concrete on proper foundations.

Fittings and floor and roof may be of an approved temporary material and construction provided that these be replaced by approved permanent materials within six months of notice being given by the Commissioner of Lands.

(2) On completion of the approved building within the period of the option the option shall be exercisable by notice in writing to the Commissioner of Lands.

(3) Upon taking up the option on completion of the building the purchaser shall pay to the Commissioner of Lands within seven days of a demand being made therefor the fees payable in respect of 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 amount bid and on the rent). In default of such payment within the specified time, the option shall be deemed to have expired and the purchaser of the option shall have no further claim to the grant of the plot and all sums already paid by him shall be forfeited.

(4) If the purchaser of the option shall not have erected an approved building on the plot by the 1st day of April, 1946, the option shall be deemed to have expired and the purchaser shall have no further claim to the grant of the plot and all sums already paid by him shall be forfeited.

(5) 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 Commissioner of Lands, or such other person as he may appoint. Such plans, etc., shall be submitted in triplicate to the Town Clerk, Kisumu, within three months of the date of the sale.

(6) Grants will be made under the Crown Lands Ordinance (Chapter 140 of the Revised Edition of the Laws of Kenya) and titles will be issued under the Registration of Titles Ordinance. The term of the grants will be 99 years from the 1st day of April, 1945, at the annual rents specified in the Schedule.

(7) The grantee shall not, at any time, sub-divide the plot or assign, sublet or otherwise dispose of any portions of the plot without the previous written consent of the Governor.

(8) Any building erected shall conform to a building line decided upon by the Authority.

(9) The grantee shall not transfer the plot nor enter into any mortgage, charge or agreement of sale in respect thereof within three years of the date of commencement of the grant.

(10) The plot shall be used for residential purposes only.

(11) At no time during the term of the grant shall more than one dwelling-house with necessary offices and outbuildings be erected on the plot nor shall more than two families be resident thereon without the consent of the Governor.

(12) The grantee shall not at any time during the term of the grant erect any building or buildings to cover more than one-quarter of the area of the plot.

(13) 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.

(14) 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.

(15) Grantees will be required to pay municipal rates upon the whole of the rateable interest and Government's contribution in lieu of rates assessed on the plots. A condition will, therefore, be embodied in each grant providing for the necessary adjustment between the grantee and Government.

(16) Under Government Notice No. 20 of 1945 the permission of the Supply Board is required for the erection of a building exceeding £50 in value.

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

Plot No.	Sec. No.	Area Approx.	Upset Price of Option	SCHEDULE				Proportionate Rent from 1-4-45 to 31-12-45	
				Roads and Drains Contribution	Annual Rent	Survey Fees	Contribution	Sh.	cts.
45	IX	3547	449	Sh. 984	88	70	66	00	
46	"	3558	439	984	89	70	66	75	
47	"	"	439	984	89	70	66	75	
48	"	"	439	984	89	70	66	75	
49	"	"	439	984	89	70	66	75	
50	"	"	439	984	89	70	66	75	
51	"	"	439	984	89	70	66	75	
52	"	3547	449	984	88	70	66	00	
53	"	"	449	984	88	70	66	00	
54	"	3558	439	984	89	70	66	75	
55	"	"	439	984	89	70	66	75	
56	"	"	439	984	89	70	66	75	
57	"	"	439	984	89	70	66	75	
58	"	"	439	984	89	70	66	75	
59	"	"	439	984	89	70	66	75	
60	"	3547	449	984	88	70	66	00	

## GENERAL NOTICE NO. 352

TAKE NOTICE that the actions set out in the Schedule hereto stand credited in the books of the Mombasa Law Courts with the respective sums set out against each action.

Any person claiming to be entitled to any sum so credited should apply within three months from the date of publication of this notice to the respective Courts for payment out of the same.

Any sum not claimed within the above period will be paid into the general revenue of the Colony.

Mombasa, J. O'B. KELLY, District Registrar,  
22nd February, 1945. Supreme Court of Kenya, Mombasa.

SCHEDULE  
Balances Remaining Unpaid Out in the List of Unclaimed Legal Deposits Ending 31st December, 1944

Date	Case Number	Parties	Amount Sh. cts.
21-11-38	R.M. C.C. 1025/38	The Attorney General v. H. A. Jivraj	02
8-6-39	S.C. C.C. 22/39	Abdulla A. M. Khalfan, &c., v. The East African Estates, Ltd.	40 00
18-10-39	R.M. C.C. 641/39	Ali Ghanim v. Ali Mohamed	9 90
30-5-40	K.C. C.C. 10/40	Ali Mohamed v. Ahmed Omar	4 25
31-3-39	R.M. C.C. 443/39	Bernhard Busehmann v. E. M. Noorbhai	100 00
22-10-38	" " 443/39	D. C. Mombasa v. H. M. Abdullahi	384 00
3-10-38	" " 878/38	Fatehali Dhalla v. F. B. Challys	29 70
15-12-39	" " 1198/39	G. Bhanji Jaffer v. Lajpatrai	1 50
28-6-39	" " 661/39	K. M. Abdullali v. G. Alibhai	3 80
7-2-40	" " 640/39	Nairobi Stores v. E. H. Scrivener	1 81
18-12-39	" " 774/39	Sulemanji Issaji v. Fundi Ubdi	12 20