



# THE OFFICIAL GAZETTE OF THE COLONY AND PROTECTORATE OF KENYA

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### GOVERNMENT NOTICE NO. 747

#### APPOINTMENTS

DONALD WILLIAM ALFRED STONES to be District Officer, Nyeri District, Central Province, with effect from 27th June, 1949.

FRANK ANTHONY PEET to be District Officer, Garissa District, Northern Province, with effect from 2nd July, 1949.

JOHN ROBERT MCREADY to be Resident Magistrate, Nairobi, for the purpose of hearing and concluding Nairobi Resident Magistrate's Criminal Cases Nos. 1183 and 3013 of 1949.

CHARLES PERCY CONNELL to be Resident Magistrate, Nyeri, from 13th to 18th June, 1949, both days inclusive, for the purpose of trying Nyeri and Nanyuki Resident Magistrate's criminal cases.

RICHARD LYLE LE GALLAIS to be Resident Magistrate, stationed at Nairobi, with effect from 18th July, 1949.

PHILIP FORSTER FOSTER to be Deputy Provincial Commissioner, Coast Province, with effect from 1st July, 1949.

JOHN BOLTON HODGSON, Assistant Imports Controller, to act as Deputy Controller of Imports with effect from 31st May, 1949.

LANCELOT DONALD ABEL BARON to be District Commissioner, Mandera District, Northern Province, with effect from 22nd June, 1949.

EDWARD NEIL FITZGERALD to be Acting Assistant Secretary, Secretariat, with effect from 28th May, 1949.

MISS MARGARET STUART RIDDELL to be Assistant Mistress, Education Department, with effect from 30th April, 1949.

CYRIL SYKES THOMPSON to be Education Officer, Education Department, on transfer from the Gold Coast, with effect from 27th April, 1949.

ARCHIE FREDERICK BULL to act as Senior Education Officer, Central Province, with effect from 5th July, 1949.

MISS MIRIAM JANISCH, Assistant Director of Education, to act as Deputy Director of Education with effect from 16th June, 1949.

#### PROMOTION

PETER EDWARD DAY WILSON, Labour Officer, to be Senior Labour Officer, Rift Valley Province, Labour Department, Kenya, with effect from 24th March, 1949.

C. H. HARTWELL,  
Acting Deputy Chief Secretary.

### GOVERNMENT NOTICE NO. 748

#### CORRIGENDUM

#### THE LEGISLATIVE COUNCIL ORDINANCE

#### NOTICE OF POLL—NYANZA ELECTORAL AREA

For the Portion of Electoral Area allotted to Polling Station No. 4 under Government Notice No. 727 of 1949, substitute the following:—

#### Portion of Electoral Area—

Nandi Administrative District as described in Proclamation No. 54 of 25th February, 1924, and amended by Government Notice No. 858 of 1st September, 1948, together with the Nandi Ward of the Nyanza District Council as described by Proclamation No. 25 of 1947.

GOVERNMENT NOTICE No. 749

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

ALEX. M. WILKIE,  
*Acting Clerk to the Legislative Council.*

## ARRANGEMENT OF SECTIONS

## SECTION

- 1—Short title.
- 2—Interpretation.
- 3—Departmental offences.
- 4—Evidence may be on oath.
- 5—Payment of fine by deduction from salary.

## SECTION

- 6—Monthly returns and review by Governor.
- 7—Ordinance not to affect powers otherwise conferred.
- 8—Power to make rules.
- 9—Saving.
- 10—Repeal.

**A BILL TO REPEAL THE DEPARTMENTAL OFFENCES ORDINANCE, 1928, AND TO MAKE BETTER PROVISION FOR THE PUNISHMENT OF DEPARTMENTAL OFFENCES**

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 Departmental Offences Ordinance, 1949.

Interpretation.

2. (1) In this Ordinance, unless the context otherwise requires—

“officer” means any person in the service of the Government of the Colony whose salary does not exceed—

- (a) in the case of a European officer, £840 per annum;
- (b) in the case of an Asian officer, £550 per annum;
- (c) in the case of an African officer, £348 per annum.

(2) The powers conferred upon the head of a department by this Ordinance may be exercised by such other senior officer of the department as the Governor may, by notice published in the Gazette, appoint.

Departmental offences.

3. If any officer—

- (a) wilfully or negligently contravenes or fails to comply with any regulation or instruction in force in the department in which he is serving; or
- (b) disobeys or neglects to obey any lawful order of any officer in authority over him; or
- (c) is impertinent or disrespectful to any officer in authority over him or to any member of the public; or
- (d) is intoxicated or is under the influence of drink or drugs while on duty; or
- (e) in any other way conducts himself or acts in a manner calculated to prejudice the work or efficiency of the department in which he is serving, or so as unnecessarily to interfere with the work of another department,

the head of the department in which any such officer is serving may, after such investigation as may be prescribed, fine such officer an amount not exceeding one-quarter of the officer's monthly salary:

Provided, however, that where an officer commits more than one departmental offence, the fines imposed shall not in the aggregate exceed one-quarter of such officer's monthly salary.

4. The evidence adduced at an investigation held pursuant to section 3 of this Ordinance may, in the discretion of the head of the department, be taken upon oath or affirmation, as the case may be.

Evidence may be on oath.

5. Any fine imposed under section 3 of this Ordinance may be paid by monthly instalments by deduction from the officer's salary. Where the head of the department authorizes payment of any fine by monthly instalments, he shall specify the number of instalments in which such fine shall be paid.

Payment of fine by deduction from salary.

6. (1) The head of every department shall, at the end of each month, submit to the Governor, through the Chief Secretary, a return, in such form as may be prescribed, giving particulars of all investigations held and fines imposed on officers during the month.

Monthly returns and review by Governor.

(2) The Governor shall review such investigations and fines and if necessary for this purpose may require any additional information from the head of the department and may set aside the finding of the head of the department and cancel or reduce any fine imposed.

(3) The decision of the Governor under sub-section (2) of this section shall be final and conclusive and shall operate as an appeal from the finding of the head of a department and no other appeal shall lie from such finding.

(4) Where the Governor has, pursuant to sub-section (2) of this section, cancelled or reduced any fine imposed on an officer, a refund of such fine or part thereof, as the case may be, shall be made to the officer.

7. Nothing in this Ordinance shall be deemed—

- (a) to derogate from the powers otherwise conferred upon any Government officer to impose a fine upon any person in the service of the Government; or
- (b) to apply to any fine so imposed.

Ordinance not to affect powers otherwise conferred.

8. The Governor may make rules generally to carry out the provisions of this Ordinance, and, in particular, but without prejudice to the generality of the powers hereby conferred, for—

Power to make rules.

(a) regulating the exercise of the powers conferred on a head of department;

(b) prescribing the type of investigation to be made by a head of department and regulating the procedure thereat;

(c) prescribing the purpose for which and the manner in which fines imposed under this Ordinance shall be applied.

9. (1) Nothing in this Ordinance shall relieve any person from any of the consequences of any act or default punishable both under this Ordinance and under any other Ordinance or law, so, however, that a person shall not be twice punished in respect of the same offence.

Saving.

(2) Notwithstanding the provisions of sub-section (1) of this section, in any case in which the Governor shall declare by writing under his hand that he had set aside a finding and cancelled the fine imposed on a person in respect of an offence against this Ordinance in order that criminal proceedings may be taken against such person in a court of law, such person shall not be deemed to have been punished for, or to have expiated, such offence, and the defence of *autrefois* convict shall not be open to such person.

10. The Departmental Offences Ordinance, 1928 is repealed.

Repeal. No. 35 of 1928.

## MEMORANDUM OF OBJECTS AND REASONS

The recent regrading of salaries has had the effect of excluding from the provisions of the Departmental Offences Ordinance, 1928, many posts to which hitherto the Ordinance applied, with the result that the holders of these posts are no longer subject to the disciplinary procedure provided for in the Ordinance. It is considered that the Ordinance should be amended so as to include European officers whose salary does not exceed £840, Asian officers whose salary does not exceed £550 and African officers whose salary does not exceed £348. These salary limits are designed to include all officers of the middle and subordinate grades of the service and in fixing these salary limits the revised scales which appear on page 30 of the Report of the Salary Commission have been taken into account. In the case of European officers the figure £840 has been adopted in order to include certain officers of the Public Works Department over whom it is desirable that the head of department should be able to exercise the disciplinary powers given by the Ordinance.

The Bill gives effect to the amendments indicated above and since the present Ordinance was not, from a drafting point of view, considered very satisfactory the opportunity was taken to repeal and re-enact it with such amendments as to form as were considered desirable.

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

Nairobi,  
15th July, 1949.

K. K. O'CONNOR,  
*Attorney General.*

## GOVERNMENT NOTICE NO. 750

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

ALEX. M. WILKIE,  
*Acting Clerk to the Legislative Council.*

## ARRANGEMENT OF SECTIONS

## SECTION

- 1—Short title.
- 2—Interpretation.
- 3—Power to make deportation orders.
- 4—Power to make restriction orders.
- 5—Power to make security orders.
- 6—Procedure for making orders.
- 7—Service notice and arrest.
- 8—Powers of Judges and magistrates.
- 9—Detention in custody pending decision.
- 10—Contents of orders.
- 11—Execution of orders.
- 12—Expenses.

## SECTION

- 13—Persons undergoing sentence.
- 14—Revocation and variation of orders.
- 15—Penalties for breach of order.
- 16—Penalty for harbouring.
- 17—Institution of proceedings.
- 18—Evidence.
- 19—Report to Secretary of State.
- 20—Member may make orders in relation to persons subject to restriction orders.
- 21—Rules.
- 22—Repeal, Cap. 61.

**A BILL TO REGULATE THE DEPORTATION OF  
UNDESIRABLE IMMIGRANT BRITISH SUBJECTS  
AND FOR SIMILAR PURPOSES**

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 Deportation (Immigrant British Subjects) Ordinance, 1949. Short title.

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

5 “British subject” means any person who is a British subject under the British Nationality Act, 1948, and, for purposes of this Ordinance, references to a British subject refer also to a British protected person as defined in that Act, and to a citizen of the Republic of Ireland;

10 “convicted person” means a person in respect of whom any court certifies to the Governor that he has been convicted, either by that court or by any inferior court from which his case has been brought by way of appeal, of any offence punishable with imprisonment otherwise than only in default of  
15 payment of a fine;

“deportation order” means an order requiring the person in respect of whom it is made to leave and remain out of Kenya;

“Judge” means a Judge of the Supreme Court;

20 “Kenya” means the Colony and Protectorate of Kenya;

“magistrate” means a person possessing the qualifications required by the Kenya Colony Order in Council, 1921, as amended by the Kenya Colony Order in Council, 1939, to be possessed by a Judge of the Supreme Court of Kenya, and  
25 appointed by the Governor by notification in the Gazette or by writing under his hand, to be a magistrate for the purposes of this Ordinance;

“Member” means the Member of Executive Council for the time being responsible for Law and Order;

30 “person charged” means a person in respect of whom it is alleged that there are grounds for making a deportation order or restriction order or security order under this Ordinance and includes a person in respect of whom such an order has been made;

35 “restriction order” means an order prohibiting the person in respect of whom it is made from entering or from leaving an area within Kenya without the consent of the officer specified in the order;

“security order” means an order requiring the person in respect of whom it is made to give security in two or more

sureties in such amount and for such time as may be therein specified to keep the peace and to be of good behaviour, or for indemnifying public funds for all costs, charges and expenses incurred in his regard, or for both such purposes, as may be appropriate in the case; 5

“undesirable person” means a person who is or has been conducting himself so as to be dangerous to peace, good order, good government, or public morals, or is or has been attempting, or conducting himself in a manner calculated, to raise discontent or disaffection amongst His Majesty’s subjects or 10 inhabitants of the Colony, or to promote feelings of ill-will and hostility between different classes of the population of the Colony;

“war refugee” means any person who entered the Colony, Tanganyika, Northern Rhodesia, the Nyasaland Protectorate, 15 the Uganda Protectorate, the Belgian Congo or the Mandated Territory of Ruanda Urundi after the third day of September, 1939, in pursuance of an arrangement made by the Government of any such country for the reception of persons from any war area, and has been permitted to enter the Colony without 20 observing the laws relating to immigration, but does not include any person married to a permanent resident of the Colony.

(2) For the purposes of this Ordinance a person shall be deemed to belong to Kenya if he or she is a British subject and— 25

- (a) was born in Kenya or of parents who at the time of his or her birth were ordinarily resident in Kenya; or
- (b) has been ordinarily resident in Kenya continuously for a period of seven years or more and, since the completion of such period of residence, has not been 30 ordinarily resident in any other part of His Majesty’s dominions or any territory under His Majesty’s protection or in which His Majesty has jurisdiction continuously for a period of seven years or more; or
- (c) has obtained the status of a British subject by reason 35 of the grant by the Governor of a certificate of naturalization under the British Nationality and Status of Aliens Act, 1914, or the British Nationality Act, 1948; or
- (d) is the wife of a person to whom any of the foregoing 40 paragraphs applies not living apart from such person under a decree of a competent court or a deed of separation; or
- (e) is a legitimate child, stepchild or adopted child having been adopted in a manner recognized by law, under 45 the age of eighteen years, of a person to whom any of the foregoing paragraphs applies.

(3) For the purposes of this Ordinance a person shall be deemed to be an immigrant British subject if, at the date of the service upon him of a notice under section 7 of this 50 Ordinance, or, in the case of a convicted person, the date upon which he is charged with the offence, he is a British subject and has been resident continuously in Kenya for less than a period of five years:

Provided that— 55

- (i) in determining whether any person is an immigrant British subject, any period during which a deportation order, a restriction order or a security order made under this Ordinance has been in force as respects that person, or any period during which that person 60 was in prison or in a detention camp, or at large after a warrant for his arrest had issued, or interned, or a war refugee, shall not be taken into account; and

(ii) any British subject in respect of whom the approval of the Secretary of State shall have been given to the making of a deportation order at any time before it is made shall be deemed to be an immigrant British subject notwithstanding that he may have been resident in Kenya for more than the period mentioned in this sub-section.

(iii) residence in Kenya shall not be deemed to have ceased to be continuous merely by reason of the fact that it has been interrupted by a period or periods of absence from Kenya on leave or business, if such period does not exceed, or such periods do not in the aggregate exceed, nine months.

3. Subject to the provisions of this Ordinance, the Governor in Council may, if he thinks fit, make a deportation order in respect of an immigrant British subject who does not belong to Kenya and who is—

Power to make deportation orders.

(a) a convicted person in respect of whom the court certifying to the Governor that he has been convicted recommends that a deportation order should be made in his case, either in addition to or in lieu of sentence; or

(b) an undesirable person.

4. Subject to the provisions of this Ordinance, the Governor in Council may, if he thinks fit, make a restriction order in respect of any British subject who is—

Power to make restriction orders.

(a) a convicted person in respect of whom the court certifying to the Governor that he has been convicted recommends that a deportation order or a restriction order should be made in his case, either in addition to or in lieu of sentence; or

(b) an undesirable person.

5. (1) Subject to the provisions of this Ordinance, the Governor in Council may, if he thinks fit, either in addition to making a restriction order under section 4 of this Ordinance or separately, make a security order in respect of any British subject who is—

Power to make security orders.

(a) a convicted person in respect of whom the court certifying to the Governor that he has been convicted recommends that a deportation order or a restriction order or a security order either separately or in conjunction with either of those orders should be made in his case, either in addition to or in lieu of sentence; or

(b) an undesirable person.

(2) Where a security order is made as aforesaid, a deportation order or a restriction order, as in the case may be lawful and desirable, shall be made in conjunction therewith to come into force upon default of compliance with the security order within a time therein fixed.

(3) Where a security order has been complied with, the order shall, for the purposes of this Ordinance, be deemed to remain in force so long as the security given thereunder subsists, and where a security order is revoked the said security shall cease to have effect.

6. Except where a court has, in accordance with the provisions of this Ordinance, given a certificate recommending that an order should be made, no deportation order, restriction order or security order shall be made under this Ordinance except where a Judge or magistrate has, in accordance with the provisions of the next following two sections, made a report on the case and the Governor in Council is satisfied, having regard to the findings of fact and any conclusions of law as stated in the report, that such order may lawfully be made.

Procedure for making orders.

Service notice  
and arrest.

7. (1) A notice in the prescribed form shall be served upon the person charged specifying, with sufficient particulars to give him reasonable information as to the nature of the facts alleged against him, the grounds upon which it is proposed that an order may be made against him under this Ordinance, 5 and requiring him to show cause, before a Judge or magistrate at a place and time to be stated in the notice, why such order should not be made in respect of him.

(2) In the case where it is proposed that a deportation order should be made but such order cannot be made without 10 the approval of the Secretary of State, the notice shall contain information to that effect.

(3) In any case where it is intended to take proceedings against any person under this Ordinance on the ground that he is an undesirable person, and it is represented on oath or 15 affidavit to a Judge or magistrate that that person is an undesirable person, the Judge or magistrate may issue a warrant for his arrest, and if the notice mentioned in sub-section (1) of this section shall not have already been served upon him, it shall be so served not later than twenty-four hours after his 20 apprehension.

(4) In any case where it is intended to take proceedings against any person under this Ordinance on the ground that he is an undesirable person, and it is represented on oath or affidavit to a Judge or magistrate that, in fact or according 25 to reasonable suspicion, anything which is necessary to the conduct of the proceedings or tending to throw light on the question of whether or not the person is an undesirable person, is in any building, ship, aircraft, vehicle, box, receptacle or place, the Judge or magistrate may by warrant (called a 30 search warrant) authorize a police officer or other person therein named, to search the building, ship, aircraft, vehicle, box, receptacle or place (which shall be named or described in the warrant) for any such thing, and if anything searched for be found, to seize it and carry it before the Judge or 35 magistrate issuing the warrant.

(5) The provisions of sections 102 (1) and (3), 104, 106, 119 and 120 of the Criminal Procedure Code shall apply to search warrants issued under sub-section (4) of this section and any magistrate issuing a search warrant under that sub- 40 section shall be deemed to have jurisdiction throughout Kenya. When any thing is seized and brought before a Judge or magistrate, it may be detained until the conclusion of the investigation, reasonable care being taken for its preservation and, after the order of the Governor in Council is known, 45 it shall be returned to the person in whose possession it was found, or otherwise dealt with as the Governor in Council may direct or, in default of such direction, as the Judge or magistrate shall direct.

(6) Notwithstanding the provisions of section 77 of the 50 Criminal Procedure Code, the Member may, if he thinks it desirable in the public interest, direct that any proceeding under this Ordinance in respect of a person charged with being an undesirable person shall be held *in camera* and thereupon the public generally or any particular person or class of 55 persons specified by the Member shall not have access to, or be or remain in, any room or building during any inquiry or proceeding held under this Ordinance, except in so far as may be permitted in writing by the Member.

Powers of Judges  
or magistrates.

8. (1) At the time appointed in the notice served under 60 the foregoing section or at any adjournment of the hearing the Judge or magistrate shall take or consider such evidence upon oath or subject to the provisions of sub-section (3) of this section upon affidavit as is tendered in support of the charges, and where the evidence is on affidavit, the accused shall be 65 informed of the general nature of such evidence, and where

the evidence of witnesses is taken orally at the hearing, the witnesses may be cross-examined by the accused or his counsel, and the accused may on his own behalf call such witnesses and tender such other evidence as may be relevant upon the question at issue.

(2) The Judge or magistrate after considering the evidence adduced before him and making any further investigations which he may consider to be desirable, shall make a report to the Governor setting out his findings of fact and his conclusions on any questions of law involved, and, if he thinks fit, making a recommendation as to the issue in the case of any order or orders under this Ordinance.

(3) Notwithstanding the provisions of sub-section (1) of this section a judge or magistrate may, before permitting evidence to be given on affidavit, require production, by the party tendering such evidence, of a certificate signed by the Member that it is, in his opinion, necessary that the evidence be given on affidavit, and upon production of any such certificate the evidence on affidavit shall be received.

9. Where a Judge, magistrate or a court recommends the making of a deportation order or restriction order or security order on the grounds that the person charged is an undesirable person or a convicted person, the person charged may, if the Judge, magistrate or court, as the case may be, shall so order, be detained in such manner as the Judge, magistrate or court may direct pending the decision of the Member for a period not exceeding twenty-eight days and, where reference to the Secretary of State is necessary before a deportation order is made, such further period as may be necessary for that purpose, and shall be deemed to be in legal custody whilst so detained.

Detention in custody pending decision.

10. (1) Every security order and every deportation order shall be in the prescribed form.

Contents of orders.

(2) Every restriction order shall be in the prescribed form and shall state the area or areas which the person to whom it relates is prohibited from entering or leaving.

(3) A deportation order or restriction order may be expressed to be in force for a time limited therein or for an unlimited time, and, when the person charged is not taken into custody pending the execution thereof, shall prescribe a time within which the person charged may of his own volition comply therewith.

(4) A restriction order may require the person charged to report himself to the nearest administrative officer or officer of police at intervals of not less than seven days or such longer intervals as may be stated in the order.

11. (1) As soon as practicable after a deportation order or restriction order or security order is made, a copy thereof shall be served upon the person charged.

Execution of orders.

(2) A person with respect to whom a security order has been made may be detained in such manner as may be directed by the Member until such order shall have been complied with:

Provided that, without prejudice to the provisions of sub-sections (3) and (4) of this section, where the security order is not complied with, no person shall be detained under this sub-section for a period exceeding twenty-eight days.

(3) Subject to the provisions of sub-section (5) of this section, a person with respect to whom a deportation order is in force may be detained in such manner as may be directed by the Member, and may be placed on a ship, aircraft, train or other vehicle about to leave Kenya and shall be deemed to be in legal custody while so detained and until the ship, aircraft, train or other vehicle finally leaves Kenya.

(4) Subject to the provisions of sub-section (5) of this section a person with respect to whom a restriction order is in force may be detained in such manner as may be directed by the Member so far as necessary for the purpose of removing him from any place which he is prohibited from entering 5 or to any place which he is prohibited from leaving, and shall be deemed to be in legal custody while so detained.

(5) No person shall be detained under sub-section (3) or sub-section (4) of this section for a period exceeding sixty days and, if at the expiration of such period he has not been 10 removed or deported as aforesaid, the restriction order or deportation order as the case may be shall cease to have effect.

(6) The master of a ship, or aircraft, or the guard of a train, or person in charge of a vehicle about to call at any 15 port or place outside Kenya shall, if so required by the Member or by a police officer or an immigration officer, receive a person against whom a deportation order has been made and his dependants (if any) on board the ship, aircraft, train or vehicle and afford him and them a passage to that port 20 or place and proper accommodation and maintenance during the passage.

Penalty.

(7) Any person who fails to comply with the provisions of sub-section (6) of this section, shall be guilty of an offence against this Ordinance and liable to a fine not exceeding 25 four thousand shillings.

Expenses.

12. (1) Where a deportation order is made, the Member may, if he thinks fit, apply any money, and may sell any property of the person charged and apply the proceeds, in payment of the whole or any part of the expenses of or 30 incidental to the voyage from Kenya and the maintenance until departure of that person and his dependants (if any).

(2) Where a restriction order is made, the Member may, if he thinks fit, apply any money, and may sell any property of the person charged and apply the proceeds, in payment of 35 the whole or any part of the expenses of or incidental to the removal of that person to any place in pursuance of that order and, if necessary, the maintenance of that person while the order is in force.

(3) Any sale or disposal of any property by a person in 40 respect of whom a deportation order or restriction order has been made shall be void and ineffectual to pass any title to such property, unless the expenses mentioned in sub-section (1) or (2) of this section have been paid and the Member has consented in writing to such sale. 45

(4) Except so far as they are defrayed under sub-section (1) or (2) of this section, any such expenses shall be payable out of public funds.

Persons undergoing sentence.

13. If a person in respect of whom a security order or restriction order or deportation order is made under this 50 Ordinance has been sentenced to any term of imprisonment, such sentence shall be served before the order is carried into effect unless the Governor otherwise directs.

Revocation and variation of orders.

14. (1) The Governor in Council by order may—

(a) at any time revoke any deportation order or restric- 55 tion order or security order;

(b) vary any restriction order so as to permit the person therein mentioned to enter or leave any area which he is prohibited from entering or leaving, or to permit him to leave the Colony, and may attach to the 60 permission a condition suspending the operation of the order during the absence of such person from any such area or from the Colony, or conditions as

to security for good behaviour or otherwise, and may also vary, cancel or add a condition requiring such person to report himself;

- 5 (c) vary a deportation order so as to permit the person mentioned therein to enter Kenya and may attach to such permission conditions as to security or otherwise.

(2) Subject to the provisions of sub-section (1) of this section, any deportation order, restriction order or security  
10 order made by the Governor in Council under this Ordinance shall be final and shall not be called in question, reviewed, quashed or varied by any court in the Colony.

(3) Any order made under paragraph (b) or paragraph (c) of sub-section (1) of this section may be expressed to have  
15 effect for the duration of the order thereby varied or for any lesser period.

(4) As soon as practicable after an order has been made under this section a copy thereof shall be served upon or sent to the person in respect of whom it is made.

20 **15.** (1) If a person in respect of whom a restriction order is in force leaves or attempts to leave or enter or attempts to enter any area in contravention of the provisions of the order, or wilfully neglects or refuses to report himself as ordered, or having, in pursuance of permission given as  
25 hereinbefore provided, left or entered any place, wilfully fails to observe any condition attached to such permission, he shall be liable on conviction to imprisonment not exceeding twelve months or a fine not exceeding five thousand shillings or both such imprisonment and fine, and to be again removed under  
30 the original order, or if he is an immigrant British subject, the Governor in Council may forthwith and without any further report by a Judge or magistrate make a deportation order in respect of him, and the provisions of section 11, 12 and 13 of this Ordinance shall apply accordingly.

Penalties for breach of order.

35 (2) If a person in respect of whom a deportation order is in force returns or attempts to return to Kenya in contravention of the provisions of the order, or having entered Kenya in pursuance of permission given as hereinbefore provided, wilfully fails to observe any condition attached to such  
40 permission, he shall be liable on conviction to imprisonment for a period not exceeding ten years or a fine not exceeding ten thousand shillings or both such imprisonment and fine, and to be again deported under the original order, and the provisions of sections 11, 12 and 13 of this Ordinance shall  
45 apply accordingly.

(3) Nothing in this section shall prevent the making of a restriction order or a deportation order in accordance with the provisions of this Ordinance in consequence of a conviction for an offence under this Ordinance.

50 **16.** Any person who, without lawful excuse, knowingly harbours or conceals any person who—

Penalty for harbouring.

- (a) is within Kenya or an area thereof in contravention of the terms of a deportation order or restriction order; or  
55 (b) having entered Kenya or any area thereof in pursuance of permission given as hereinbefore provided, has wilfully failed to observe any condition attached to such permission,

shall on conviction be liable to a fine not exceeding five  
60 thousand shillings.

**17.** No proceedings shall be instituted under this Ordinance except by the Attorney General or with his previous sanction in writing.

Institution of proceedings.

Evidence.

**18.** In any proceedings under this Ordinance—

- (i) the burden of proof that the person charged belongs to Kenya shall be upon that person;
- (ii) a document purporting to be an order made under this Ordinance shall, until the contrary is proved, 5 be presumed to be such an order; and
- (iii) any order made under this Ordinance shall be presumed, until the contrary is proved, to have been validly made and to have been made on the date 10 upon which it purports to have been made.
- (iv) any certificate under sub-section (3) of section 8 of this Ordinance purporting to be signed by the Member shall, until the contrary is proved, be deemed to have been so signed.

Report to  
Secretary of  
State.

**19.** The Governor shall forthwith report to the 15 Secretary of State every order made by him under this Ordinance on the grounds thereof and the proceedings thereunder.

Member may  
make orders in  
relation to  
persons subject  
to restriction  
orders.

**20.** (1) The Member may by order impose, in relation to persons in respect of whom restriction orders are in force, and either generally or in any specific case, such restrictions 20 as to residence within the area specified in the order, reporting to the police, registration, occupation, employment, visitors, censorship and receipt or despatch of communications, use or possession of any vehicle, boat, aircraft, machine, radio or other apparatus, camera, arms and explosives, or 25 other article, or such other like restrictions as he may deem necessary in the public interest, and any person in relation to whom any such order is made shall comply with the terms of the order.

(2) If any person in respect of whom a restriction order 30 is in force shall fail to comply with the terms of any order made under the provisions of sub-section (1) of this section, he shall be guilty of an offence and liable on conviction before a magistrate of the first or second class, to imprisonment for a term which may extend to six months or to a fine not 35 exceeding five hundred shillings or to both such imprisonment and fine, and, if he is an immigrant British subject, the Governor in Council may, forthwith, and without any further report by a Judge or magistrate, make a deportation order in respect of him, and the provisions of sections 11, 12 and 13 of 40 this Ordinance shall apply accordingly.

Rules.

**21.** (1) The Governor in Council may make rules for the better carrying out of the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing sub-section, the Governor in Council may 45 make rules—

- (a) prescribing the form of certificate to be used by a court certifying a conviction and recommending the making of a deportation order, restriction order or security order under section 3, 4 or 5 of this 50 Ordinance;
- (b) prescribing the form of notice to be served under section 7 of this Ordinance;
- (c) regulating the procedure at inquiries by a Judge or magistrate under section 8 of this Ordinance; and 55
- (d) prescribing forms of deportation orders, restriction orders and security orders.

Appointment  
of magistrates.

**22.** The Governor may appoint any magistrate possessing the qualifications required to be possessed by a Judge of the Supreme Court, to be a magistrate for the purposes of 60 this Ordinance.

Repeal.  
Cap. 61.

**23.** The Deportation Ordinance shall cease to apply to British subjects,

## MEMORANDUM OF OBJECTS AND REASONS

The existing law allows the deportation from Kenya of any person, whether a British subject or an alien, and whether he belongs to Kenya or not. In this respect it is considered that the existing law is too wide.

This Bill will not permit of the deportation of any British subject unless he is an "immigrant British subject" and does not "belong to Kenya", as those expressions are defined in the Bill.

On the other hand, the existing law contains defects which it is hoped that this Bill will remove.

No person can be deported under this Bill unless he is either a convicted person whom a court recommends for deportation or an undesirable person reported on to the Governor by a court.

An "undesirable person" is defined as "a person who is or has been conducting himself so as to be dangerous to peace, good order, good government, or public morals, or is or has been attempting, or conducting himself in a manner calculated, to raise discontent or disaffection amongst His Majesty's subjects or inhabitants of the Colony, or to promote feelings of ill-will and hostility between different classes of the population of the Colony".

This Bill deals with the deportation of immigrant British subjects who do not belong to Kenya, and with restriction orders and security orders made in respect of such British subjects. The question of deportation of aliens, other than prohibited immigrants and destitute persons, is dealt with in a separate Bill. The deportation of prohibited immigrants and destitute persons is already covered by the Immigration (Control) Ordinance, 1948.

No. 7 of 1948.

Clause 2 of this Bill defines, among other things, the various types of orders which may be made under the Bill.

A "deportation order" is defined to mean an order requiring the person in respect of whom it is made, to leave and remain out of Kenya.

A "restriction order" means an order prohibiting the person in respect of whom it is made, from entering or leaving an area within Kenya without the consent of the officer specified in the order.

A "security order" means an order requiring the person in respect of whom it is made to give security in two or more sureties for such amount and for such time as may be therein specified to keep the peace and to be of good behaviour, or for indemnifying public funds for all costs, charges and expenses incurred in his regard, or for both such purposes, as may be appropriate in the case.

A "convicted person" is a person in respect of whom any court certifies that he has been convicted of an offence punishable with imprisonment otherwise than only in default of payment of a fine.

The expression "war refugee" has the same meaning as in the Immigration (Control) Ordinance, 1948 and refers to persons who entered the Colony, or certain other territories, in pursuance of an arrangement for the reception of persons from any war area, without observing the laws relating to immigration.

"Magistrate" means a magistrate having the qualifications required for appointment to the Supreme Court Bench, and appointed by the Governor to be a magistrate for the purposes of the Ordinance.

Clause 2 also contains a provision stating what persons are to be deemed to "belong to Kenya". Such persons are British subjects who—

- (a) were born in Kenya or of parents who at the time of their birth were ordinarily resident in Kenya; or
- (b) have been ordinarily resident in Kenya continuously for a period of seven years or more, and, since the completion of such period of residence, have not been ordinarily resident in any part of His Majesty's Dominions or any Protected or Mandated territory continuously for a period of seven years or more; or
- (c) are British subjects naturalized in Kenya; or
- (d) are the wives or children under the age of eighteen of persons to whom the foregoing paragraphs apply.

*Clause 2* also provides that a person is to be deemed to be an "immigrant British subject" if, at the date of the service upon him of a notice under section 7 of the Ordinance, or, in the case of a convicted person at the date upon which he is charged with the offence, he is a British subject and has been continuously resident in Kenya for less than a period of five years:

Provided that in determining whether any person is an immigrant British subject, any period during which a deportation order, a restriction order or a security order, made under the Ordinance, or any period during which the person was in prison, in a detention camp, at large after a warrant for his arrest was issued, interned, or a war refugee, is not to be taken into account, and provided also that the periods mentioned may be extended by permission of the Secretary of State.

*Clause 3* deals with the power to make deportation orders and provides that the Governor in Council may, if he thinks fit, make a deportation order in respect of an immigrant British subject who does not belong to Kenya and who is—

- (a) a convicted person in respect of whom the court certifying to the Governor that he has been convicted, recommends that a deportation order should be made in his case, either in addition to or in lieu of sentence; or
- (b) an undesirable person.

It should be noted that deportation orders can only be made in respect of immigrant British subjects who do not belong to Kenya and who fall within one or other of paragraphs (a) or (b) above, and can only be made subject to the provisions of clause 6.

*Clause 4* deals with the power to make restriction orders and provides that the Governor in Council may make a restriction order in respect of—

- (a) a convicted person in respect of whom the court recommends that a deportation order or a restriction order should be made in his case, either in addition to or in lieu of sentence; or
- (b) an undesirable person.

*Clause 5* deals with the power to make security orders and provides that the Governor in Council may, if he thinks fit, either in addition to making a restriction order or separately, make a security order in respect of any British subject who is—

- (a) a convicted person recommended for deportation by the court as above; or
- (b) an undesirable person.

Under *clauses 6 and 7*, except in a case where a court has given a certificate recommending deportation, no deportation order, restriction order or security order is to be made under the Ordinance except where a Judge, or a magistrate who has the necessary qualifications for appointment as a Judge, has made a report on the case, and the Governor in Council is satisfied, having regard to the findings of fact and conclusions of law as stated in the report, that such an order may lawfully be made. A notice must first be served upon the person charged, specifying, with sufficient particulars, together with reasonable information as to the nature of the facts alleged against him, the grounds upon which it is alleged that an order may be made against him under the Ordinance and requiring him to show cause before a Judge or magistrate at a time and place to be stated in the notice, why an order should not be made in respect of him. In cases of proceedings against undesirable persons, where it is represented on oath or affidavit to a Judge or magistrate that the person is an undesirable person, the Judge may issue a warrant for his arrest, and, in certain cases, a search warrant, and the notice already mentioned may be served on him within twenty-four hours after his apprehension. A search warrant may also be issued. Under this clause the Member has power to direct that proceedings shall be held *in camera*. At the hearing, the Judge or magistrate is to take or consider such evidence upon oath or affidavit as is tendered in support of the charges, and the accused is to be informed of the general nature of any affidavit evidence tendered against him, and, where the evidence of witnesses is taken by the Judge or magistrate orally at the hearing, the accused or his Counsel may cross-examine the witnesses, and the accused may at his own discretion call witnesses and tender their evidence. The Judge or magistrate may require to be satisfied by certificate of the Member that affidavit evidence is necessary, and after considering the evidence produced before him and making any further investigations which he may consider to be desirable, is to make a report to the Governor setting out his findings of fact and conclusions of law, and if he thinks fit, making a recommendation as to the issue in the case of any order or orders under this Ordinance.

Under *clause 9*, where a Judge or magistrate or a Court recommends the making of a deportation order, a restriction order, or a security order on the grounds that the person charged is an undesirable person or a convicted person, the person charged may, if the Judge, magistrate, or Court, as the case may be, so orders, be detained in custody for a period not exceeding twenty-eight days (or longer where reference to the Secretary of State is necessary before a deportation order is made) pending the making of an order in his case.

*Clause 10* prescribes the contents of orders.

*Clause 11* deals with the execution of orders and provides for the service of a copy of each order upon the person charged, and provides for the detention of persons in custody until they can be deported, or removed from a place which they are prohibited from entering, or to a place which they are prohibited from leaving, as the case may be.

*Clause 12* deals with expenses of deportation orders and restriction orders, and provides for expenses in certain cases to be chargeable to the person against whom the order is made.

*Clause 13* provides that, where a person has been sentenced to any term of imprisonment, that sentence is to be served before a security order or restriction order, or deportation order, made under the Ordinance, is carried out.

*Clause 14* provides for revocation and variation of orders at any time, by the Governor in Council, and provides that such orders are not to be called in question by courts.

*Clause 15* provides a penalty of imprisonment up to twelve months and a fine of five thousand shillings, or both, for persons who fail to carry out the provisions of restriction orders, and also provides that a person who wilfully neglects or refuses to carry out the provisions of a restriction order may, if he is an immigrant British subject, have a deportation order made in respect of him by the Governor in Council.

Sub-clause (2) of *clause 15* provides a penalty of up to ten years' imprisonment and a fine of ten thousand shillings, or both, for persons who return, or attempt to return to Kenya, in contravention of the provisions of a deportation order.

*Clause 16* provides a penalty not exceeding five thousand shillings for knowingly harbouring or concealing any person against whom a restriction order or a deportation order has been made.

*Clause 17* provides that no proceedings under the Ordinance are to be instituted except by, or with the sanction in writing of, the Attorney General.

*Clause 18* deals with evidence and the burden of proof.

*Clause 19* requires a report to be made to the Secretary of State regarding every order made by the Governor under the Ordinance in respect of an undesirable person, and the grounds thereof and the proceedings thereunder.

*Clause 20* permits the Member to make orders relating to persons against whom restriction orders have been made imposing upon them restrictions which he deems to be in the public interest in reference to residence, reporting to the police, possession of cameras, radio apparatus, arms and explosives, motor vehicles, communications and so on and providing a penalty for breach of such orders.

*Clause 21* is a rule-making clause.

*Clause 22* deals with the appointment of magistrates under the Ordinance.

*Clause 23* provides that the Deportation Ordinance (Cap. 61) shall cease to apply to British subjects.

It is impossible to say what expenditure of public moneys will be involved if the provisions of this Bill become law.

Nairobi,  
5th April, 1949.

K. K. O'CONNOR,  
Attorney General.

## GOVERNMENT NOTICE No. 751

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

ALEX. M. WILKIE,  
*Acting Clerk to the Legislative Council.*

## ARRANGEMENT OF SECTIONS

## SECTION

1—Short title.

2—Interpretation.

## DEPORTATION ORDERS

3—Power to make deportation orders and contents thereof.

4—Master of ship, etc., to receive alien for deportation.

5—Power to make order.

6—Recommendation varied on appeal.

## RESTRICTION ORDERS: SECURITY ORDERS

7—Restriction Orders, Security Orders.

## DETENTION PENDING DECISION: CONTENTS AND EXECUTION OF ORDERS

8—Detention in custody pending decision.

9—Contents of orders.

## SECTION

10—Execution of orders.

11—Expenses.

12—Persons undergoing sentence.

13—Revocation and variation of orders.

## MISCELLANEOUS

14—Penalties for breach of order.

15—Penalty for harbouring.

16—Evidence.

17—Member may make orders in relation to persons subject to restriction orders.

18—Rules.

19—Repeal.

# A BILL TO REGULATE THE DEPORTATION OF ALIENS

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 Deportation (Aliens) Ordinance, 1949.

Interpretation.

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

“alien” has the same meaning as in the British Nationality Act, 1948; 5

“deportation order” means an order requiring the person in respect of whom it is made to leave and remain out of Kenya;

“Kenya” means the Colony and Protectorate of Kenya; 10

“Member” means the Member of Executive Council for the time being responsible for Law and Order;

“restriction order” means an order prohibiting the person in respect of whom it is made from entering or leaving an area within Kenya without the consent of the officer specified in the order; 15

“security order” means an order requiring the person in respect of whom it is made to give security in two or more sureties in such amount and for such time as may be therein specified to keep the peace and to be of good behaviour, and for indemnifying public funds for all costs, charges and expenses incurred in his regard, or for both such purposes, as may be appropriate in the case; 20

“undesirable person” means a person who is or has been conducting himself so as to be dangerous to peace, good order, good government, or public morals, or is or has been attempting, or conducting himself in a manner calculated, to raise discontent or disaffection amongst His Majesty’s subjects or inhabitants of the Colony, or to promote feelings of ill-will and hostility between different classes of the population of the Colony. 25 30

## DEPORTATION ORDERS

Power to make deportation orders and contents thereof.

3. (1) The Member may, if he thinks fit, in any of the cases mentioned in this Ordinance, make a deportation order in respect of any alien.

(2) A deportation order shall be in the prescribed form and may be made subject to any condition which the Member may think fit to impose.

(3) A deportation order may be expressed to be in force for a time limited therein or for an unlimited time, and, when the person charged is not taken into custody pending the execution thereof, shall prescribe a time within which the person charged may of his own volition comply therewith.

4. (1) The master of a ship, aircraft, train or other vehicle, about to call at any port or place outside Kenya shall, if so required by the Member or by an immigration officer, receive an alien against whom a deportation order has been made and his dependants, if any, on board the ship, aircraft, train or other vehicle, and afford him and them a passage to that port or place and proper accommodation and maintenance during the passage.

Master of ship, etc., to receive alien for deportation.

(2) Any person who fails to comply with the provisions of sub-section (1) of this section shall be guilty of an offence against this Ordinance and liable to a fine not exceeding four thousand shillings.

5. A deportation order may be made in any of the following cases:—

Power to make order.

- (a) if any court certifies to the Member that the alien has been convicted either by that court, or by any inferior court from which the case of the alien has been referred for sentence or brought by way of appeal, of any of the offences specified in the Schedule to this Ordinance and that the court recommends that a deportation order should be made in his case either in addition to or in lieu of sentence; or
- (b) if any court certifies to the Member that the alien is an undesirable person and recommends that a deportation order should be made in his case; or
- (c) if any court certifies to the Member after proceedings taken for the purpose within four years after the alien has last entered Kenya that the alien has been sentenced in a foreign country for an extradition crime within the meaning of the Extradition Act, 1870; or
- (d) if the member deems it to be conducive to the public good to make a deportation order against the alien.

6. Where any case in which a court has made a recommendation for deportation is brought by way of appeal against conviction or sentence before any higher court, and that court certifies to the Member that it does not concur in the recommendation, such recommendation shall be of no effect, but without prejudice to the power of the Member to make an order of deportation under the last foregoing provision.

Recommendation varied on appeal.

#### RESTRICTION ORDERS: SECURITY ORDERS

7. The Member may, if he thinks fit, in lieu of making a deportation order, make a restriction order, or a security order, or both, in relation to any alien in respect of whom he could make a deportation order under this Ordinance.

Restriction Orders, Security Orders.

#### DETENTION PENDING DECISION: CONTENTS AND EXECUTION OF ORDERS

8. Where a Judge or magistrate or a court recommends the making of a deportation order or restriction or security order on the grounds that the person charged is an undesirable person or a person convicted of any of the offences specified in the schedule to this Ordinance, the person charged may, if

Detention in custody pending decision.

the Judge, magistrate or court, as the case may be, shall so order, be detained in such manner as the Judge, magistrate or court may direct pending the decision of the Member, for a period not exceeding twenty-eight days, and shall be deemed to be in legal custody whilst so detained. 5

Contents  
of restriction  
and security  
orders.

9. (1) Every restriction order and every security order shall be in the prescribed form.

(2) Every restriction order shall be in the prescribed form and shall state the area or areas which the person to whom it relates is prohibited from entering or leaving. 10

(3) A restriction order or security order may be expressed to be in force for a time limited therein or for an unlimited time, and, when the person charged is not taken into custody pending the execution thereof, shall prescribe a time within which the person charged may of his own volition comply therewith. 15

(4) A restriction order may require the person charged to report himself to the nearest administrative officer or officer of police at intervals of not less than seven days or such longer intervals as may be stated in the order. 20

Execution  
of orders.

10. (1) As soon as practicable after a deportation order or restriction order or security order is made, a copy thereof shall be served upon the person charged.

(2) A person with respect to whom a security order has been made may be detained in such manner as may be directed by the Member until such order shall have been complied with: 25

Provided that, without prejudice to the provisions of sub-sections (3) and (4) of this section, where the security order is not complied with, no person shall be detained under this sub-section for a period exceeding twenty-eight days. 30

(3) Subject to the provisions of sub-section (5) of this section, a person with respect to whom a deportation order is in force may be detained in such manner as may be directed by the Member, and may be placed on a ship, aircraft, train or other vehicle about to leave Kenya and shall be deemed to be in legal custody while so detained and until the ship, aircraft, train or other vehicle finally leaves Kenya. 35

(4) Subject to the provisions of sub-section (5) of this section, a person with respect to whom a restriction order is in force may be detained in such manner as may be directed by the Member so far as necessary for the purpose of removing him from any place which he is prohibited from entering or to any place which he is prohibited from leaving, and shall be deemed to be in legal custody while so detained. 45

(5) No person shall be detained under sub-section (3) or (4) of this section for a period exceeding sixty days, and, if at the expiration of such period he has not been removed or deported as aforesaid, the restriction order or deportation order as the case may be shall cease to have effect. 50

(6) The master of a ship or aircraft, guard of a train, or person in charge of a vehicle about to call at any port or place outside Kenya shall, if so required by the Member or by an immigration officer or police officer, receive a person against whom a deportation order has been made and his dependants (if any) on board the ship, aircraft, train or other vehicle, and afford him and them a passage to that port or place and proper accommodation and maintenance during the passage. 55

(7) Any person who fails to comply with the provisions of sub-section (6) of this section shall be guilty of an offence against this Ordinance, and liable to a fine not exceeding four thousand shillings. 60

**11.** (1) Where a deportation order is made, the Member may, if he thinks fit, apply any money and may sell any property of the person charged and apply the proceeds in payment of the whole or any part of the expenses of or incidental to the voyage from Kenya and the maintenance until departure of that person and his dependants (if any). Expenses.

(2) Where a restriction order is made, the Member may, if he thinks fit, apply any money and may sell any property of the person charged and apply the proceeds in payment of the whole or any part of the expenses of or incidental to the removal of that person to any place in pursuance of that order and, if necessary, the maintenance of that person while the order is in force.

(3) Any sale or disposal of property by a person in respect of whom a deportation order or restriction order has been made shall be void and ineffectual to pass any title to such property, unless the expenses mentioned in sub-section (1) or (2) of this section have been paid or the Member has consented in writing to such sale.

(4) Except so far as they are defrayed under the preceding sub-sections, any such expenses shall be payable out of public funds.

**12.** If a person in respect of whom a security order or restriction order or deportation order is made under this Ordinance has been sentenced to any term of imprisonment, such sentence shall be served before the order is carried into effect unless the Governor otherwise directs. Persons undergoing sentence.

**13.** (1) The Member by order may—

(a) at any time revoke any deportation order or restriction order or security order; Revocation and variation of orders.

(b) vary any restriction order so as to permit the person therein mentioned to enter or leave any area which he is prohibited from entering or leaving, or to permit him to leave the Colony, and may attach to the permission a condition suspending the operation of the order during the absence of such person from any such area or from the Colony, or conditions as to security for good behaviour or otherwise, and may also vary, cancel or add a condition requiring such person to report himself;

(c) vary a deportation order so as to permit the person mentioned therein to enter Kenya and may attach to such permission conditions as to security or otherwise.

(2) Subject to the provisions of sub-section (1) of this section, any deportation order, restriction order or security order made by the Member under this Ordinance shall be final and shall not be called in question, reviewed, quashed or varied by any court in the Colony.

(3) Any order made under paragraph (b) or paragraph (c) of sub-section (1) of this section may be expressed to have effect for the duration of the order thereby varied or for any lesser period.

(4) As soon as practicable after an order has been made under this section, a copy thereof shall be served upon or sent to the person in respect of whom it is made.

## MISCELLANEOUS

Penalties for  
breach of order.

**14.** If a person in respect of whom a restriction order is in force leaves or attempts to leave or enters or attempts to enter any area in contravention of the provisions of the order, or wilfully neglects or refuses to report himself as ordered, 5 or having, in pursuance of permission given as hereinbefore provided, left or entered any place, wilfully fails to observe any condition attached to such permission, he shall be liable on conviction to imprisonment not exceeding twelve months or a fine not exceeding five thousand shillings or both such 10 imprisonment and fine, and to be again removed under the original order, or the Member may forthwith make a deportation order in respect of him, and the provisions of sections 10, 11 and 12 of this Ordinance shall apply accordingly.

(2) If a person in respect of whom a deportation order is 15 in force returns or attempts to return to Kenya in contravention of the provisions of the order, or having entered Kenya in pursuance of permission given as hereinbefore provided, wilfully fails to observe any condition attached to such permission, he shall be liable on conviction to imprisonment for 20 a period not exceeding ten years or a fine not exceeding ten thousand shillings or both such imprisonment and fine, and to be again deported under the original order, and the provisions of sections 10, 11 and 12 of this Ordinance shall apply 25 accordingly.

(3) Nothing in this section shall prevent the making of a restriction order or a deportation order in accordance with the provisions of this Ordinance in consequence of a conviction for an offence under this Ordinance.

Penalty for  
harbouring.

**15.** Any person who, without lawful excuse, knowingly 30 harbours or conceals any person who—

(a) is within Kenya or an area thereof in contravention of the terms of a deportation order or restriction order; or

(b) having entered Kenya or any area thereof in pursuance of permission given as hereinbefore provided, 35 has wilfully failed to observe any condition attached to such permission,

shall on conviction be liable to a fine not exceeding four 40 thousand shillings.

Evidence.

**16.** In any proceedings under this Ordinance—

(i) a document purporting to be an order made under this Ordinance shall, until the contrary is proved, be presumed to be such an order; and

(ii) any order made under this Ordinance shall be pre- 45 sumed, until the contrary is proved, to have been validly made and to have been made on the date upon which it purports to have been made.

Member may  
make orders in  
relation to  
persons subject  
to Restriction  
Orders.

**17.** (1) The Member may by order impose, in relation to persons in respect of whom restriction orders are in force, 50 and either generally or in any specific case, such restrictions as to residence within the area specified in the order, reporting to the police, registration, occupation, employment, visitors, censorship and receipt or dispatch of communications, use or possession of any vehicle, boat, aircraft, machine, radio, or 55 other apparatus, camera, arms and explosives, or other article, or such other like restrictions, as he may deem necessary in the public interest, and any person in relation to whom any such order is made shall comply with the terms of the order.

(2) If any person in respect of whom a restriction order 60 is in force shall fail to comply with the terms of any order made under the provisions of sub-section (1) of this section,

he shall be guilty of an offence and liable on conviction before a magistrate of the first or second class to imprisonment for a term which may extend to six months or to a fine not exceeding five hundred shillings or to both such imprisonment and fine, and the Member may forthwith make a deportation order in respect of him, and the provisions of sections 10, 11 and 12 of this Ordinance shall apply accordingly.

18. (1) The Member may make rules for the better Rules.  
10 carrying out of the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing sub-section, the Governor in Council may make rules—

15 (a) prescribing the form of certificate to be used by a court certifying a conviction and recommending the making of a deportation order, restriction order or security order under paragraph (a), (b) or (c) of section 5 of this Ordinance;

20 (b) prescribing forms of deportation orders, restriction orders and security orders.

19. The Deportation Ordinance is hereby repealed.

Repeal.  
Cap. 61.

#### SCHEDULE

##### OFFENCES IN RESPECT OF WHICH A COURT MAY RECOMMEND A DEPORTATION ORDER

Any offence for which the court has power to impose imprisonment without the option of a fine.

#### MEMORANDUM OF OBJECTS AND REASONS

This Bill deals with deportation of aliens. Deportation of immigrant British subjects is dealt with by a separate Bill, and deportation of prohibited immigrants and of destitute persons is covered by the Immigration (Control) Ordinance, 1948.

Clauses 3 to 6 inclusive of this Bill are based on the provisions of sections 12 and 13 of the Aliens Order, 1920, in force in the United Kingdom. The remaining clauses are taken from the Deportation (Immigrant British Subjects) Bill.

"Alien" has the same meaning as in the British Nationality Act, 1948, that is to say a person who is not a British subject or a British protected person or a citizen of Eire (now the Republic of Ireland).

A "deportation order" is defined as an order requiring the person in respect of whom it is made to leave and remain out of Kenya.

A "restriction order" is defined as an order prohibiting the person in respect of whom it is made from entering or from leaving an area within Kenya without the consent of the officer specified in the order.

An "undesirable" person is a person who is or has been conducting himself so as to be dangerous to peace, good order, good government, or public morals, or is or has been attempting, or conducting himself in a manner calculated, to raise discontent or disaffection amongst His Majesty's subjects or inhabitants of the Colony, or to promote feelings of ill-will and hostility between different classes of the population of the Colony. (Clause 2.)

Deportation orders may be made against aliens by the Member of the Executive Council in charge of Law and Order in the following cases:—

(a) if any court certifies to the Member that the alien has been convicted either by that court, or by any inferior court from which the case of the alien has been referred for sentence or brought by way of appeal, of any of the offences specified in the Schedule to the Ordinance and that the court recommends that a deportation order should be made in his case either in addition to or in lieu of sentence; or

- (b) if any court certifies to the Member that the alien is an undesirable person and recommends that a deportation order should be made in his case; or
- (c) if any court certifies to the Member, after proceedings taken for the purpose within four years after the alien has last entered Kenya, that the alien has been sentenced in a foreign country for an extradition crime within the meaning of the Extradition Act, 1870; or
- (d) if the Member deems it to be conducive to the public good to make a deportation order against the alien.

The offences mentioned in the Schedule are offences for which the court has power to impose imprisonment without the option of a fine.

A restriction order or a security order or both may be made, in lieu of a deportation order, in relation to any alien in respect of whom the Member could make a deportation order under the Ordinance. (*Clause 7.*)

*Clauses 8 to 11* deal respectively with detention in custody of aliens pending the making of orders, contents of orders, execution of orders, and expenses of carrying out orders.

*Clause 12* provides that persons undergoing sentence in respect of whom an order is made are, unless the Governor otherwise directs, to serve their sentences before the order is carried into effect.

*Clause 13* provides for revocation or variation of orders and *clause 14* provides penalties for their breach.

*Clause 15* deals with harbouring and *clause 16* with evidence.

Under *clause 17*, the Member for Law and Order may, by order, impose restrictions on persons against whom restriction orders have been made with regard to residence, reporting to the police, possession of cameras, radio apparatus, arms and ammunition, vehicles and so on.

*Clause 18* is a rule-making clause.

*Clause 19* repeals the existing Deportation Ordinance.

It is impossible to say what expenditure of public moneys will be involved if the provisions of this Bill become law.

Nairobi,  
5th April, 1949.

K. K. O'CONNOR,  
*Attorney General.*

Cap. 61.

GOVERNMENT NOTICE No. 752

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

ALEX. M. WILKIE,  
*Acting Clerk to the Legislative Council.*

## ARRANGEMENT OF SECTIONS

## SECTION

1—Short title.

## SECTION

2—Repeal and replacement of section 7 of the principal Ordinance.

# A BILL TO AMEND THE LAND CONTROL ORDINANCE, 1944

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 Land Control (Amendment) Ordinance, 1949, and shall be read and construed as one with the Land Control Ordinance, 1944 (hereinafter referred to as the principal Ordinance).

Short title.

No. 22 of 1944.

2. The following section shall be substituted for section 7 of the principal Ordinance:—

Repeal and replacement of section 7 of the principal Ordinance.

7. (1) No person shall, except with the consent in writing of the Board in the exercise of its powers under sub-section (1) of section 8 of this Ordinance—

No person to alienate land without consent of Board.

(a) sell, lease, sub-lease, assign, mortgage or otherwise by any means whatsoever, whether of a like nature to the foregoing or not, alienate, encumber, charge or part with the possession of any land, or any right, title or interest, whether vested or contingent, in or over any land to any other person;

(b) acquire any right, title or interest in or over any land for or on behalf of any person or of any company registered under the Companies Ordinance, 1933;

No. 28 of 1933.

(c) sell, assign, transfer or otherwise dispose of, in any manner whatsoever, any share, share warrant, debenture or stock in any company which owns any interest in any land situated in the Highlands, or in any Company which may hereafter acquire any interest in any such land:

Provided that nothing in this sub-section shall apply to—

(i) any gift of land by way of testamentary disposition;

(ii) any such transaction made by or in favour of the Crown;

(iii) any such transaction to which the Commissioner has given his consent since the date on which this Ordinance is deemed to have come into operation.

(2) The secretary and every director of any company mentioned in paragraph (c) of sub-section (1) of this section shall refuse to register the transfer of any share, share warrant, debenture or stock in, or mortgage or charge over, the assets of such company unless the Board has given its consent to such transaction.

(3) Every agreement for sale, lease, mortgage or for any other transaction referred to in sub-section (1) of this section

shall be reduced into writing and every such agreement shall be void for all purposes—

(a) if the Board refuses its consent thereto, as from the date of such refusal; or

(b) if the Board has not signified its consent thereto within a period of four months from the date of the agreement, as from the expiration of that period,

and, if any money has been paid under any agreement which becomes void as aforesaid, such money shall be recoverable as a civil debt from the party to whom it has been paid.

### MEMORANDUM OF OBJECTS AND REASONS

Section 7 of the principal Ordinance provides that no person may sell, lease, mortgage or enter into other transactions relating to land in the Highlands without the consent of the Highlands Board, and sub-section (2) of section 7 provides that any agreement purporting to effect a transaction referred to in sub-section (1) shall be reduced into writing and shall be void to all intents and purposes unless the terms and conditions of the transaction have received the consent of the Board.

It has been represented that the effect of this section is to enable a party to an otherwise valid agreement for sale or mortgage to repudiate the agreement at any time before the consent of the Board has been obtained.

This Bill will amend sub-section (2) of section 7 of the principal Ordinance so as to provide that such an agreement will only become void on the refusal of the Board to consent to it or if the consent of the Board has not been obtained within four months from the date of the making of the agreement.

It is not expected that there will be any additional expenditure of public moneys if the provisions of this Bill become law.

Nairobi,  
20th July, 1949.

K. K. O'CONNOR,  
*Attorney General.*

### GOVERNMENT NOTICE NO. 753

#### ARRIVALS

Name	Designation	From leave or on 1st Appointment	Date of leaving England	Date of arrival in the Colony
P. S. Osborne .. .. .	District Officer	Leave	23rd Dec., 1948	17th January, 1949
J. W. Loxton .. .. .	Staff Surveyor, Lands, Mines and Surveys	Transfer from Palestine	"	"
Dr. J. W. Carman .. .. .	Medical Officer	Leave	"	"
Dr. F. J. Wright .. .. .	Medical Officer	"	"	"
Miss I. A. Silver .. .. .	Nursing Sister, Medical	"	"	"
B. H. Robson .. .. .	Farm Manager, Agricultural Dept.	"	"	"
C. Fielding Fox .. .. .	Senior Asst. Agricultural Officer	"	"	"
Miss J. A. Chart .. .. .	Matron, Education Dept.	"	"	"
Miss J. O. G. Harries .. .. .	Asst. Mistress, Education Dept.	1st Appointment	"	"

### GOVERNMENT NOTICE NO. 754

#### THE TRADING IN UNWROUGHT PRECIOUS METALS ORDINANCE

SUBORDINATE COURT OF RESIDENT MAGISTRATE, KISUMU

NOTICE is hereby given that the unwrought precious metal described in the Schedule hereunder has since been declared to be forfeited by reason of it having been unlawfully possessed by the respective accused persons.

Any person claiming any title to the said unwrought precious metal in any case or cases must prove his title to the satisfaction of the court within three months from the date of this notice. If no such claim is proved the said unwrought precious metal will become the absolute property of the Government and be disposed of accordingly.

Kisumu,  
20th July, 1949.

E. R. HARLEY,  
*Resident Magistrate, Kisumu.*

#### SCHEDULE

Criminal Case No.	Name of Accused	Date and Place of seizure	Description of Metal and approximate weight or value
1138/45 .. .. .	Adhola s/o Osuma .. .. .	14-4-45 at Ngiga Mines	Stones with Gold—weight 6 ozs. Value Sh. 6/38.
905/46 .. .. .	Riako s/o Agwambo .. .. .	5-7-46 at Kisumu	0.0545 Grammes Amalgam valued at Sh. 30/02.
915/46 .. .. .	Okidi s/o Okidi .. .. .	2-5-46 at Asembo	0.2278 Grammes Gold sample valued Sh. 1/26.
48/47 .. .. .	Odeng s/o Aman & Tito s/o Jeremiah.	13-1-47 at Kisumu	Gold dust weight and value not known.
997/47 .. .. .	Nason s/o Okoth .. .. .	1-8-47 at Kisumu	Gold valued at Sh. 25/25.
90/48 .. .. .	Bondi s/o Ogal .. .. .	24-2-48 at Kisumu	Gold valued at Sh. 30.
1035/48 .. .. .	Sefenia Ogonji s/o Arondo .. .. .	1-7-48 at Luanda	Gold Dust weight and value not known.
1649/48 .. .. .	Ongolo s/o Ogolo .. .. .	1-10-48 at Nyanza Gold Mines	Amalgam valued at Sh. 20.
722/49 .. .. .	R. S. Patel & 2 others .. .. .	16-5-49 near Kisumu	Gold valued at Sh. 331.
749/49 .. .. .	Opio s/o Revino .. .. .	17-5-49 at Kisumu	Gold valued at Sh. 91/38.

## GOVERNMENT NOTICE No. 755

## THE NATIVE LANDS TRUST ORDINANCE

## SETTING APART OF LAND

WHEREAS I consider it desirable under section 22 of the Native Lands Trust Ordinance, 1938, to set apart a portion of land, more particularly described in the Schedule below, in the Machakos District within the Kamba Land Unit, and whereas this setting apart has been duly approved by the proper authority in accordance with the provisions of the aforesaid Ordinance, I do hereby, in accordance with the provisions of sub-section (1) of section 16 of the aforesaid Ordinance, notify that the portion of land as described in the Schedule below has been set apart for the purpose specified in the Schedule.

Nyeri, 18th July, 1949. E. H. WINDLEY,  
Acting Provincial Commissioner,  
Central Province.

## SCHEDULE

Area.—10 acres.

Purpose.—Mission station, Holy Ghost Mission.  
Situating at.—Kisukioni, Matungulu Location.

The boundaries of the above are described in the sketch plans filed in the office of the District Commissioner, Machakos.

## GOVERNMENT NOTICE No. 756

## THE NATIVE LANDS TRUST ORDINANCE

## SETTING APART OF LAND

WHEREAS I consider it desirable under section 22 of the Native Lands Trust Ordinance, 1938, to set apart certain portions of land, more particularly described in the Schedule below, in the Machakos District within the Kamba Land Unit, and whereas this setting apart has been duly approved by the proper authority in accordance with the provisions of the aforesaid Ordinance, I do hereby, in accordance with the provisions of sub-section (1) of section 16 of the aforesaid Ordinance, notify that the portions of land as described in the Schedule below have been set apart for the purposes specified in the Schedule.

Nyeri, 18th July, 1949. E. H. WINDLEY,  
Acting Provincial Commissioner,  
Central Province.

## SCHEDULE

Area.— $\frac{1}{2}$  acre.

Purpose.—Prayer house, Africa Inland Mission.  
Situating at.—Konza (Kibaoni Location).

Area.— $\frac{1}{2}$  acre.

Purpose.—Prayer house, Church Missionary Society.  
Situating at.—Kithangathini (Kilungu Location).

Area.— $\frac{1}{2}$  acre.

Purpose.—Prayer house, Church Missionary Society.  
Situating at.—Wautu (Kilungu Location).

Area.— $\frac{1}{2}$  acre.

Purpose.—Prayer house, Church Missionary Society.  
Situating at.—Kyakatoni (Kilungu Location).

Area.— $\frac{1}{2}$  acre.

Purpose.—Prayer house, Church of England.  
Situating at.—Ukia (Kilungu Location).

Area.— $\frac{1}{2}$  acre.

Purpose.—Prayer house, Salvation Army.  
Situating at.—Kathuka (Kangundo Location).

Area.— $\frac{1}{2}$  acre.

Purpose.—Prayer house, Salvation Army.  
Situating at.—Muisuni (Kangundo Location).

Area.— $\frac{1}{2}$  acre.

Purpose.—Prayer house, Gospel Furthering Fellowship.  
Situating at.—Kyambusia (Kisau Location).

Area.— $\frac{1}{2}$  acre.

Purpose.—Prayer house, African Brotherhood Church.  
Situating at.—Ukanga (Mbooni Location).

Area.—2 acres.

Purpose.—School, Roman Catholic Mission.  
Situating at.—Kasaini (Iveti Location).

Area.—2 acres.

Purpose.—School, Roman Catholic Mission.  
Situating at.—Kyekeyo (Matungulu Location).

Area.—2 acres.

Purpose.—School, Roman Catholic Mission.  
Situating at.—Waithini (Mukaa Location).

Area.—2 acres.

Purpose.—School, Africa Inland Mission.  
Situating at.—Iuwani (Kaumoni Location).

Area.—2 acres.

Purpose.—School, Africa Inland Mission.  
Situating at.—Kalamba (Nzawi Location).

Area.—2 acres.

Purpose.—School, Africa Inland Mission.  
Situating at.—Lomo (Kiteta Location).

Area.—2 acres.

Purpose.—School, African Brotherhood Church.  
Situating at.—Kabumbo (Masii Location).

Area.— $\frac{1}{4}$  acre.

Purpose.—Prayer house, Africa Inland Mission.  
Situating at.—Kikawani (Iveti Location).

Area.— $\frac{1}{4}$  acre.

Purpose.—Prayer house, African Brotherhood Church.  
Situating at.—Kithangathini (Muputi Location).

Area.— $\frac{1}{4}$  acre.

Purpose.—Prayer house, Karura Seventh Day Adventists.  
Situating at.—Manyala (Masii Location).

Area.— $\frac{1}{4}$  acre.

Purpose.—Prayer house, African Brotherhood Church.  
Situating at.—Nguluni (Matungulu Location).

Area.— $\frac{1}{4}$  acre.

Purpose.—Prayer house, Africa Inland Mission.  
Situating at.—Kawethi (Matungulu Location).

Area.—2 acres.

Purpose.—School, Roman Catholic Mission.  
Situating at.—Chyemundo (Mbitini Location).

Area.—2 acres.

Purpose.—School, Roman Catholic Mission.  
Situating at.—Musalala (Kilungu Location).

Area.—5 acres.

Purpose.—Market, Local Native Council.  
Situating at.—Kiatuni (Kalama Location).

Area.—5 acres.

Purpose.—Market, Local Native Council.  
Situating at.—Kathaana (Iveti Location).

Area.—5 acres.

Purpose.—Market, Local Native Council.  
Situating at.—Iia Itune (Kangundo Location).

Area.—5 acres.

Purpose.—Market, Local Native Council.  
Situating at.—Mbilini (Kangundo Location).

Area.—5 acres.

Purpose.—Market, Local Native Council.  
Situating at.—Uuni (Masii Location).

Area.—5 acres.

Purpose.—Market, Local Native Council.  
Situating at.—Kabumbo (Masii Location).

Area.—5 acres.

Purpose.—Market, Local Native Council.  
Situating at.—Wetaa (Mwala Location).

Area.—5 acres.

Purpose.—Market, Local Native Council.  
Situating at.—Makutano (Mwala Location).

Area.—5 acres.

Purpose.—Market, Local Native Council.  
Situating at.—Kiongwan (Mukaa Location).

Area.—5 acres.

Purpose.—Market, Local Native Council.  
Situating at.—Iuwani (Kaumoni Location).

Area.—5 acres.

Purpose.—Market, Local Native Council.  
Situating at.—Kiu (Mukaa Location).

Area.—5 acres.

Purpose.—Market, Local Native Council.  
Situating at.—Kikoko (Kilungu Location).

Area.—5 acres.

Purpose.—Market, Local Native Council.  
Situating at.—Kithangathini (Kilungu Location).

The boundaries of the above are described in the sketch plans filed in the office of the District Commissioner, Machakos.

## GOVERNMENT NOTICE No. 757

(Ga. 49/2)

## KENYA NATIONAL PARKS TRUSTEES

## APPOINTMENT

IT IS hereby notified for general information that in accordance with the provisions of section 5 of the National Parks Ordinance, 1945, the following Trustee retired with effect from 2nd June, 1949—

W. G. D. NICOL, Esq.

and that under the said section the Governor has been pleased to appoint the undermentioned person to be a Trustee for the purpose of the said Ordinance with effect from 19th July, 1949—

P. PHILLIPS, Esq.

By Command of the Governor.

Nairobi, 20th July, 1949. F. CAVENDISH-BENTINCK,  
Member for Agriculture and  
Natural Resources.

GOVERNMENT NOTICE No. 758

(Lnd. 26/19)

THE REGISTRATION OF TITLES ORDINANCE

APPOINTMENT

THE GOVERNOR has been pleased to appoint the following officer to be Deputy Registrar General of Titles, for the purpose of the above-mentioned Ordinance, with effect from the 1st day of July, 1949:—

EDGAR BRINLEY LLOYD

By Command of the Governor.

Nairobi,  
15th July, 1949.

C. E. MORTIMER,  
Member for Health and  
Local Government.

GOVERNMENT NOTICE No. 759

THE IMMIGRATION (CONTROL) REGULATIONS

APPOINTMENT

IN EXERCISE of the powers conferred upon him by sub-regulation (1) of regulation 4 of the Immigration (Control) Regulations, 1948, and all other powers thereunto enabling him, the Governor in Council has been pleased to appoint, with effect from the 15th day of July, 1949—

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

member of the Immigration Control Board, established under Government Notice No. 709 dated the 23rd day of July, 1948, in place of the Hon. Mr. A. B. Patel, C.M.G., M.L.C. (resigned).

Government Notice No. 709 dated the 23rd day of July, 1948, is varied accordingly.

By Command of the Governor in Council.

Nairobi,  
15th July, 1949.

E. W. M. MAGOR,  
Clerk to the Executive Council.

GOVERNMENT NOTICE No. 760

THE REGISTRATION OF PERSONS ORDINANCE

APPOINTMENTS

IN EXERCISE of the powers conferred upon me by subsection 2 of section 4 of the Registration of Persons Ordinance, 1947, I hereby appoint the persons named in the Schedule hereto to be Registration Officers (Temporary) for the purpose of the Ordinance, with effect from the dates shown against their names.

SCHEDULE

Province	Name	Date	Area of jurisdiction
Central	Mr. Damiano Kirungye	2-8-1949	Thika District.
	„ Kilunda Nziema	7-7-1949	Kitui District.
	„ Ikunga Mukula..	„	„ „
	„ Jeremiah Kingao	„	„ „
	„ Charles Chalo ..	„	„ „

Nairobi,  
18th July, 1949.

A. T. WISE,  
Principal Registrar.

GOVERNMENT NOTICE No. 761

THE REGISTRATION OF PERSONS ORDINANCE

CANCELLATION OF APPOINTMENTS

IN EXERCISE of the powers thereunto enabling me, I hereby cancel the appointments of the persons named in the Schedule hereto as Registration Officers in the North Nyanza District with effect from 1st July, 1949.

SCHEDULE

Province	Name
Nyanza	Mr. George Apolo Kidera.
	„ Isaac Shihembekho.
	„ Daniel Nelima.
	„ Benjamin Wanyama.
	„ Joseph Mukhwana.
	„ Joash ben Odari Mfuoge.

Nairobi,  
1st July, 1949.

A. T. WISE,  
Principal Registrar.

GOVERNMENT NOTICE No. 762

THE REGISTRATION OF PERSONS ORDINANCE

CANCELLATION OF APPOINTMENT

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

Mr. Mjomba James

as a Registration Officer, Mackinnon Road, with effect from 15th July, 1949.

A. T. WISE,  
Principal Registrar.

GOVERNMENT NOTICE No. 763

THE FISH PROTECTION ORDINANCE

IN EXERCISE of the powers conferred upon me by rule 16 of the Victoria Nyanza Fish Protection Rules, 1940, I hereby vary the effect of Government Notice No. 454 of 29th April, 1949, by cancelling the words “31st August, 1949” and substituting therefor the words “31st July, 1949”.

Kisumu,  
23rd July, 1949.

W. LYNE WATT,  
for Provincial Commissioner, Nyanza.

GOVERNMENT NOTICE No. 764

(L.B. 2/5 (Ty. 1))

LAND BANK BOARD

APPOINTMENT

IN EXERCISE of the powers conferred upon him by section 4 of the Land and Agricultural Bank Ordinance, 1930, the Governor has been pleased to appoint—

DENIS NOLAN NEYLAN, ESQ.

to be a member of the Land Bank Board during the absence from the Colony of Mr. J. E. A. Wolryche Whitmore.

By Command of the Governor.

Nairobi,  
13th July, 1949.

C. M. DEVERELL,  
Member for Finance.

GOVERNMENT NOTICE No. 765

THE COURTS ORDINANCE

APPOINTMENT

IN EXERCISE of the powers conferred upon him by section 6 of the Courts Ordinance, 1931, the Governor has been pleased to appoint, with effect from the 12th day of July, 1949—

ROGER CLINTON MILLS

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

By Command of the Governor.

Nairobi,  
12th July, 1949.

K. K. O'CONNOR,  
Member for Law and Order.

GOVERNMENT NOTICE No. 766

THE COURTS ORDINANCE

APPOINTMENT

IN EXERCISE of the powers conferred upon him by section 6 of the Courts Ordinance, 1931, the Governor has been pleased to appoint, with effect from the 27th day of June, 1949—

DONALD WILLIAM ALFRED STONES

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

By Command of the Governor.

Nairobi,  
20th July, 1949.

K. K. O'CONNOR,  
Member for Law and Order.

GOVERNMENT NOTICE No. 767

THE NATIVE AUTHORITY ORDINANCE

APPOINTMENT

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the person named in the Schedule annexed hereto to be official headman (on probation for a period of six months) for the area named therein.

Kisumu,  
21st July, 1949.

K. L. HUNTER,  
Provincial Commissioner, Nyanza.

SCHEDULE

South Nyanza District, Nyanza Province

Name	Area	With effect from	Remarks
Jeremiah Otieno	North Nyokal (formerly Kochia)	8th July, 1949	Vice Chief Obonyo Annayo appointed vide Govt. Notice No. 742/38. Retired.

GOVERNMENT NOTICE No. 768

HONORARY GAME WARDEN—APPOINTMENT

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

COLONEL THOROLD MURRAY SMITH, M.C.

to be an Honorary Game Warden.

Nairobi,  
22nd July, 1949.

HUGH COPLEY,  
Acting Game Warden

## PROCLAMATION No. 40

## THE DISEASES OF ANIMALS ORDINANCE

## PROCLAMATION

IN EXERCISE of the powers thereunto enabling me, I hereby declare the areas described in the Schedules hereto to be "infected areas" in respect of the diseases respectively indicated at the head of such Schedules.

## SCHEDULE I—EAST COAST FEVER

- L.O. Nos. 3439, 3441/2 and 1250/R, J. Pease, Esq., P.O. Mweiga, Nanyuki District.  
 L.O. No. 1251, Major Illingworth, P.O. Mweiga, Nanyuki District.  
 L.O. No. 2912/2, P. J. Mayston, Esq., P.O. Thomson's Falls, Laikipia District.  
 L.O. No. 2464, L. McIntyre, Esq., P.O. Thomson's Falls, Laikipia District.  
 L.O. No. 5254, M. G. Chart, Esq., P.O. Gilgil, Naivasha District.

## SCHEDULE II—FOOT-AND-MOUTH DISEASE

- L.O. Nos. 1170/4 and 482/9, C. J. Hissey, Esq., P.O. Kampi-ya-Moto, Nakuru District.  
 L.O. No. 7218/1, Mrs. McLean, P.O. Kampi-ya-Moto, Nakuru District.  
 Ward 3, Uasin Gishu District, the District Commissioner, Eldoret.  
 L.O. No. 6699, A. Fowler, Esq., P.O. Kitale, Trans Nzoia District.  
 L.R. No. 6933, Messrs. Meyer Bros., Trans Nzoia District.  
 L.R. No. 6620, J. Grobler, Esq., Trans Nzoia District.  
 L.R. Nos. 4834 and 3740, Mt. Elgon Products, Ltd., Trans Nzoia District.  
 L.R. No. 4835, P. L. Connellan, Esq., Trans Nzoia District.  
 L.R. Nos. 6681/3 and 6655, I. G. M. Barbeton, Esq., Trans Nzoia District.  
 L.R. No. 6698, L. H. E. Edgley, Esq., Trans Nzoia District.  
 L.R. No. 5368, D. Valpy, Esq., Trans Nzoia District.

## SCHEDULE III—TRYPANOSOMIASIS

- L.O. No. 7343, I. K. Madsen, Esq., Kendon Estate, Sotik District.  
 L.O. No. 5474/1, D. Holden, Esq., Chepnyalil, Sotik District.  
 L.O. No. 7487, S. S. Bastard, Esq., Jesume, Sotik District.  
 L.O. No. 946/1, S. H. Young, Esq., Simberet, Sotik District.

## SCHEDULE IV—ULCERATIVE LYMPHANGITIS

Premises in Nakuru Township, Brigadier F. T. Baines, P.O. Nakuru, Nakuru District.

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

Proclamation No. 62 dated the 9th day of July, 1941:

L.O. No. 3232, R. O. Watkins, Esq., P.O. Subukia, Nakuru District, to be an infected area (east coast fever);

Proclamation No. 37 dated the 16th day of September, 1943:

L.O. No. 2846/15, A. D. P. Thomas, Esq. (formerly S. Loew, Esq.), P.O. Subukia, Nakuru District, to be an infected area (east coast fever);

Proclamation No. 32 dated the 18th day of July, 1945:

L.O. No. 3233, the Manager, Ndiloi Farm (formerly J. W. L. Harris, Esq.), P.O. Subukia, Nakuru District, to be an infected area (east coast fever);

Proclamation No. 23 dated the 19th day of June, 1946:

L.O. No. 7183, Mackenzie Estates, Ltd. (formerly C. P. Nicholson, Esq.), Legagor Farm, P.O. Subukia, Nakuru District, to be an infected area (east coast fever);

Proclamation No. 16 dated the 30th day of April, 1947:

L.O. No. 2674, R. Worrall, Esq., P.O. Lake Solai, Nakuru District, to be an infected area (east coast fever);

Proclamation No. 30 dated the 18th day of June, 1947:

L.O. No. 1157/2, Mrs. F. B. Basto, Cedar Lodge Farm, P.O. Nakuru, Nakuru District, to be an infected area (east coast fever);

Proclamation No. 35 dated the 13th day of August, 1947:

L.O. No. 6742, W. B. Aubrey, Esq., Forest Hill, P.O. Subukia, Nakuru District, to be an infected area (east coast fever);

Proclamation No. 14 dated the 14th day of March, 1949:

L.O. No. 6644, A. Sutherland, Esq., P.O. Kitale, Trans Nzoia District, to be an infected area (rinderpest);

Proclamation No. 25 dated the 23rd day of May, 1949:

L.O. No. 6388, Mrs. Hickson, P.O. Timau, Nanyuki District, to be an infected area (rinderpest);

Given under my hand at Kabete this 20th day of July, 1949.

R. A. HAMMOND,  
Acting Director of Veterinary Services.

## GENERAL NOTICE No. 1400

THE MUNICIPAL BOARD OF NAKURU  
ELECTION OF INDIAN MEMBER TO THE MUNICIPAL BOARD  
*Casual Vacancy*

PURSUANT to rule 17 of the Indian Councillors Election Rules, 1938, an election to fill a vacancy upon the Municipal Board caused by the resignation of Doctor N. M. Shah will be held on Friday, 12th August, 1949.

Each candidate for election as a member must be nominated in writing and the nomination paper must be delivered by the candidate or the proposer or seconder, to me at my office, Municipal Offices, Nakuru, between the hours of 11 o'clock in the forenoon and 12 o'clock noon on the 12th day of August, 1949.

The candidate elected to fill the above vacancy will be entitled to remain in office until 30th June, 1951.

Nakuru,  
29th July, 1949.

K. M. LOUIS,  
Returning Officer.

## GENERAL NOTICE No. 1401

## NYANZA LIQUOR LICENSING COURT

NOTICE is hereby given that the next meeting of the Nyanza Liquor Licensing Court will be held in the office of the District Commissioner, Kisumu, on Monday, 4th November, 1949, at 10 a.m.

All applications for new licences and confirmation of transfers or provisional licence must reach the District Commissioner's Office, P.O. Box 47, Kisumu, on or before 25th September, 1949, together with Sh. 10 stamp fee on each application.

Kisumu,  
19th July, 1949.

P. J. DE BROMHEAD, *Chairman,*  
Nyanza Liquor Licensing Court.

## GENERAL NOTICE No. 1402

## VACANCY IN THE MUNICIPAL COUNCIL OF KAMPALA

*Female Committee Clerk*

APPLICATIONS are invited for the position of Female Committee Clerk in the Town Clerk's Department at a salary of £550; £550; £600 by £30 to £780 per annum.

Candidates must be experienced shorthand typists and will be expected to attend and record meetings of the council and its committees. They should also be capable of drafting agenda, minutes and reports, and of dealing with routine matters arising from committee meetings.

The council is at present considering terms and conditions of service for its staff and the successful applicant may be given an opportunity of accepting these terms and conditions when they have been adopted. In the meantime the appointment will be on a temporary basis terminable by three months' notice on either side.

Hostel accommodation will be available for the successful applicant for which five per centum of the salary will be deducted.

The cost of board will be payable in addition to the percentage deduction.

Applications, stating age, qualifications and experience, etc., accompanied by copies of not more than three recent testimonials, should reach the undersigned not later than Friday, 12th August, 1949.

Municipal Offices,  
P.O. Box 210, Kampala,  
20th July, 1949.

K. EVANS,  
Town Clerk.

## GENERAL NOTICE No. 44

## 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 CRIMINAL SESSIONS AT MOMBASA, 2-8-1949  
Cr. C. No. 124/49 Rex vs. Omolo s/o Asio.

SUPREME COURT CRIMINAL SESSIONS AT NAIROBI, 2-8-1949

Cr. C. No. 128/49 Rex vs. John Edmund Arthur Delporte.  
 Cr. C. No. 122/49 Rex vs. Muthembwa s/o Mbebi.  
 Cr. C. No. 127/49 Rex vs. Saidi Ali.  
 Cr. C. No. 129/49 Rex vs. Duncan Kunjuri s/o Kimwe.  
 Cr. C. No. 130/49 Rex vs. Obanda s/o Gwai.

D. F. SHAYLOR, *Registrar,*  
Supreme Court of Kenya.

## GENERAL NOTICE No. 1403

## THE CROWN LANDS ORDINANCE

## TENDERS FOR GRANT OF GARAGE PLOTS, NANYUKI TOWNSHIP

TENDERS in terms of stand premium are invited for the purchase of the grants in respect of two garage sites at Nanyuki Township as described in the Schedule, for the purpose of erecting garages.

A plan of the sites may be inspected at the Public Map Office of the Survey Department, Nairobi, and at the office of the District Commissioner, Nanyuki, or a copy may be obtained at the office of the Director of Surveys, P.O. Box 89, Nairobi, on payment of Sh. 3, post free.

## CONDITIONS OF SALE

## (A) Tender

(1) Sealed tenders marked "Tender for Nanyuki Garage Plot" must be deposited with the undersigned before noon on Saturday, 10th September, 1949.

(2) Tenders should be accompanied by a statement indicating:—

(a) the detailed proposals of the tenderer for the development of the site, illustrated by site sketch plans drawn to scale;

(b) the amount of guaranteed capital for development purposes.

(3) The proposals for development must include the building of showrooms, workshops and (on first floor) offices or residential accommodation (if required) for not more than two families (the kitchens being restricted to two in number for the whole site) of a value of not less than £4,000. Provided that if advantage is taken of this condition to utilize the first floor for residential accommodation, development proposals and building plans will be rigorously controlled to ensure that satisfactory standards are maintained and the decision of the Commissioner of Lands will be final. Adequate provision must be made on the site for vehicles to be refuelled off the road reserve.

Additional provision must also be made in the development proposals for the parking of not less than ten vehicles on each site. Repair sheds and yards must be completely screened from view from the adjoining roads and adjacent plots.

(4) The successful tenderer will be required to pay within seven days of notification that his tender has been accepted 25 per cent of the amount tendered, together with the rent due to 31st December, 1949.

(5) The balance of the purchase price will be payable on demand prior to the issue of title.

(6) The survey fees and the fees (Sh. 120) payable in respect of the preparation and registration of the title, together with the stamp duty (which is approximately 2 per centum on the purchase price and the rent) in respect of the grant must be paid within seven days of a demand therefor. Titles will be issued as soon as conveniently possible, but in respect of Site "B" not until the plot has been surveyed.

(7) No tender of a sum less than that indicated in the Schedule hereto as the reserve price will be considered. The highest or any tender will not necessarily be accepted

## (B) General

(1) The terms of the grants will be for 33 years from the 1st day of October, 1949, and the grants will be issued under the provisions of the Crown Lands Ordinance (Chapter 140 of the Revised Edition) and the Registration of Titles Ordinance (Chapter 142 of the Revised Edition)

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

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

(4) No buildings erected on the said land may be occupied until the grantee shall have submitted a block plan with the position of such buildings clearly defined and showing a system of drainage for dealing with the surface water on the said land which shall satisfy the Commissioner of Lands and the local authority that such system of drainage has been properly constructed, such satisfaction in both cases to be expressed in writing.

(5) The grantee shall duly and suitably connect such drainage system with any town drainage system when in the opinion of the Commissioner of Lands and the local authority the latter system is so far completed as to enable the grantee reasonably so to do.

(6) The grantee shall not at any time subdivide the plot or assign, sublet or otherwise dispose of the plot or any part thereof, without the prior written consent of the Governor.

(7) Any building erected shall conform to a building line decided upon by the local authority.

(8) The grantee will be required to pay all rates and taxes which now or may at any future date be imposed upon the whole of the rateable value of the premises including Government's contribution in lieu of rates assessed on the plot. A condition will be embodied in each grant providing for the necessary adjustment between the grantee and the Government.

(9) The grantee will be responsible for the proportionate cost of roads and drains serving the plot and will be required to pay the same within seven days of a demand therefor.

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

## (C) Special

(1) The purchaser of each site will be required to erect thereon within 18 months from the commencement of the grant garage and other buildings of approved design, constructed of approved permanent and fireproof material, on proper foundations in accordance with the development conditions imposed on the acceptance of the tender and to maintain the same and will be required to comply with all other structural development conditions within the same period of 18 months.

(2) The plots shall be used only for the purposes of motor showrooms, garage and workshop for the repair and sale of motor vehicles and accessories on the ground floor or for these purposes combined with offices and residence on the first or higher floor. Provided that in the event of the plot being used for the said combined purposes, then not more than one-half of the area thereof shall be built upon; otherwise not more than 60 per centum of the area shall be built upon.

(3) The unbuilt-over area of the plot shall be free from any erection thereon above the level of the ground except latrine accommodation constructed in accordance with all laws and by-laws in force relating thereto and in accordance with a design approved by the local authority.

Nairobi,  
22nd July, 1949.

E. R. COUSINS,  
Special Commissioner and  
Acting Commissioner of Lands.

## SCHEDULE

Site	Plot No.	Section No.	Area	Rent per annum	Reserve Price	Survey Fees	Proportionate rent from 1-5-49 to 31-12-49
A	16	V	<i>Acres</i> .6887	<i>Sh.</i> 2,135	<i>Sh.</i> 10,673	<i>Sh.</i> 70	<i>Sh.</i> 534
B	unsurveyed	XII	.6887 (approx.)	2,135	10,673	70	534

## GENERAL NOTICE No. 1404

## THE WATER ORDINANCE

## Blundell's Stream, Nakuru District

APPLICATION by Mrs. D. M. S. Allison of Nakuru for a water right from Blundell's Stream on L.R. No. 2849/1 for net quantities of 2,700 and 1,000 gallons per day for domestic and minor irrigation uses respectively.

Plans may be seen at the Public Works Department Head Office, Nairobi, and at the office of the Water Bailiff, Nakuru.

Objections stating specific grounds therefor should be filed in duplicate with the Water Board, P.O. Box 662, Nairobi, within 30 days from the date of publication of this notice, and a copy served on the undersigned.

(Mrs.) D. M. S. ALLISON, Applicant,  
P.O. Box 127, Nakuru.

## GENERAL NOTICE No. 1405

THE FRAUDULENT TRANSFER OF BUSINESSES  
ORDINANCE, 1930

PURSUANT to the above Ordinance, notice is hereby given that the business of retail trade heretofore carried on by Nyanza Commercial Company on premises on Plot No. 7 at Kibos under the name and style of "Nyanza Commercial Company" has as from the 10th day of July, 1949, been transferred to Rajabali Shivji who will carry on the said business on the same premises under the name and style of Rajabali Shivji.

The transferee does not assume nor does he intend to assume any liability incurred by the transferor in the said business up to and including the 10th day of July, 1949.

Kibos,  
16th July, 1949.

RAJABALI SHIVJI,  
Transferee.

## GENERAL NOTICE NO. 1406

## THE CROWN LANDS ORDINANCE

## TENDERS FOR GRANT OF GARAGE PLOT—VOI TOWNSHIP

TENDERS in terms of stand premium are invited for the grant of a garage site at Voi as described in the Schedule hereto for the purpose of erecting a garage.

A plan of the site may be inspected at the Public Map Office of the Survey Department, Nairobi, and at the office of the District Commissioner, Teita District, Voi, or a copy may be obtained at the office of the Director of Surveys, P.O. Box 89, Nairobi, on payment of Sh. 3, post free.

## CONDITIONS OF SALE

## (A) Tender

(1) Sealed tenders marked "Tender for Voi Garage Plot" must be deposited with the undersigned before noon on Saturday, 10th September, 1949.

(2) Tenders should be accompanied by a statement indicating—

(a) the detailed proposals of the tenderer for the development of the site illustrated by a site sketch plan drawn to scale;

(b) the amount of guaranteed capital for development purposes.

(3) The proposals for development must include the building of showrooms, workshops and (on first floor) offices or residential accommodation (if required) for not more than two families (the kitchens being restricted to two in number for the whole site) of a value of not less than £4,000. Provided that if advantage is taken of this condition to utilize the first floor for residential accommodation, development proposals and building plans will be rigorously controlled to ensure that satisfactory standards are maintained and the decision of the Commissioner of Lands will be final. Adequate provision must be made on the site for vehicles to be refuelled off the road reserve.

Additional provision must also be made in the development proposals for the parking of not less than ten vehicles on the site. Repair sheds and yards must be completely screened from view from the adjoining roads and adjacent plots.

(4) The successful tenderer will be required to pay within seven days of notification that his tender has been accepted 25 per centum of the amount tendered, together with the rent due to 31st December, 1949.

(5) The balance of the purchase price will be payable on demand prior to the issue of title.

(6) The survey fees and the fees (Sh. 120) payable in respect of the preparation and registration of the title, together with the stamp duty (which is approximately 2 per centum on the purchase price and the rent) in respect of the grant must be paid within seven days of a demand therefor.

(7) No tender of a sum less than that indicated in the Schedule hereto as the reserve price will be considered. The highest or any tender will not necessarily be accepted.

## (B) General

(1) The term of the grants will be for 33 years from the 1st day of October, 1949, and the grants will be issued under the provisions of the Crown Lands Ordinance (Chapter 140 of the Revised Edition) and the Registration of Titles Ordinance (Chapter 142 of the Revised Edition).

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

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

(4) No building erected on the said land may be occupied until the grantee shall have submitted a block plan with the position of such buildings clearly defined and showing a system of drainage for dealing with the surface water on the said land which shall satisfy the Commissioner of Lands, and the local authority, and the grantee shall also satisfy the Commissioner and the local authority that such system of drainage has been properly constructed, such satisfaction in both cases to be expressed in writing.

(5) The grantee shall duly and suitably connect such drainage system with any town drainage system when in the opinion of the Commissioner of Lands and the local authority the latter system is so far completed as to enable the grantee reasonably so to do.

(6) The grantee shall not at any time subdivide the plot or assign, sublet or otherwise dispose of the plot or any part thereof or any buildings thereon without the prior written consent of the Governor.

(7) Any building erected shall conform to a building line decided upon by the local authority.

(8) The grantee shall pay such rates, taxes, charges, duties, assessments or outgoings of whatever description as may be imposed, charged or assessed by any Government or local authority upon the land or the buildings erected thereon including any contribution or other sum paid by the Government in lieu thereof.

(9) The grantee will be responsible for the proportionate cost of roads and drains serving the plot and will be required to pay the same within seven days of a demand therefor.

## (C) Special

(1) The grantee will be required to erect within 18 months from the commencement of the grant a garage and other buildings of approved design, constructed of approved permanent and fireproof material, on proper foundations, in accordance with the development conditions imposed on the acceptance of the tender and to maintain the same and will be required to comply with all other structural development conditions within the same period of 18 months.

(2) The plot shall be used only for the purposes of motor showrooms, garage and workshop for the repair and sale of motor vehicles and accessories on the ground floor or for these purposes combined with offices and residence on the first or higher floor. Provided that in the event of the plot being used for the said combined purposes, then not more than one-half of the area thereof shall be built upon; otherwise not more than 60 per centum of the area shall be built upon.

(3) The unbuilt-over area of the plot shall be free from any erection thereon above the level of the ground except latrine accommodation constructed in accordance with all laws and by-laws in force relating thereto and in accordance with a design approved by the local authority.

Nairobi,  
22nd July, 1949.

E. R. COUSINS,  
Special Commissioner and  
Acting Commissioner of Lands.

## SCHEDULE

Plot No.	Section No.	Area	Rent per Annum	Reserve Price	Survey Fees	Proportionate rent from 1-10-49 to 31-12-49
24	IV	Acre .50 (approx.)	Sh. 400	Sh. 2,000	Sh. 100	Sh. 100

## GENERAL NOTICE NO. 1407

I, Molly Eileen Daly of Pembroke House, Gilgil in the Colony of Kenya, heretofore called and known by the name of Molly Eileen Nandrup, hereby give notice that on the 19th day of May, 1949, I renounced and abandoned the use of my said surname of Nandrup and assumed in lieu thereof the surname of Daly, and further that such change of name is evidenced by a deed dated the 19th day of May, 1949, duly executed by me and attested and registered in the Crown Lands Registry as No. 2482, folio 12/14.

18th July, 1949.

MOLLY EILEEN DALY,  
late Molly Eileen Nandrup.

## GENERAL NOTICE NO. 1408

## NOTICE OF INTENDED DESTRUCTION OF COURT RECORDS—KITALE

THREE months after the date of this notice I intend to apply to His Honour the Chief Justice for leave to destroy the records of the Court of Kitale, Trans Nzoia District, as set out below:—

## 1st Class Magistrate's Court

Civil cases numbered:

1935 .. 19, 32, 54, 56 and 65.  
1936 .. 1-134.  
1937 .. 1-48.

## 2nd Class Magistrate's Court

1937 .. 1-92.

## 1st Class Magistrate's Court

Lunacy cases numbered:

1932 .. 1, 2.  
1933 .. 1-6.  
1934 .. 1-5.  
1935 .. 1-9.  
1937 .. 1-3.

Any person desiring the return of an exhibit in any of the above cases must make good his claim before 19th September, 1949.

All exhibits to which no claim is substantiated as above will be liable to be included in the order for destruction.

Kitale,  
12th July, 1949.

J. H. LEWIS,  
District Commissioner.

## GENERAL NOTICE No. 1409

## INLAND REVENUE DEPARTMENT

IT IS notified for general information that with effect from 1st August, 1949, all correspondence to the Commissioner of Inland Revenue should be addressed as under:—

Commissioner of Inland Revenue,  
Private Bag,  
Nairobi.

Correspondence in respect of income tax should continue to be addressed to Commissioner of Income Tax, P.O. Box 520, Nairobi.

## GENERAL NOTICE No. 1410

## THE MEDICAL PRACTITIONERS AND DENTISTS ORDINANCE

WHEREAS I am satisfied that in the interests of the public the privileges of persons registered under the Medical Practitioners and Dentists Ordinance should be conferred upon Senior Assistant Surgeons, Assistant Surgeons, and African Assistant Medical Officers in the Government service, the undermentioned persons have been licensed in accordance with the terms of section 10 of the aforesaid Ordinance:—

Assistant Surgeon Mr. Mehar Singh Bansel.  
Assistant Surgeon Mr. Satya Pal.  
Assistant Surgeon Mr. Rip Daman Singh.  
Assistant Surgeon Mr. D. P. Saggar.  
African Assistant Medical Officer Mr. Y. Otyula.

N. M. McLENNAN, Registrar,  
Director of Medical Services.

## GENERAL NOTICE No. 1411

## THE EAST AFRICAN AIR TRANSPORT AUTHORITY

## NOTICE OF APPLICATION FOR LICENCE TO OPERATE AIR SERVICES

PURSUANT to the provisions of regulations 21 and 22 of the Air Services (Licensing) Regulations, 1946, notice is hereby given that Mr. M. W. Carter of 156 Magneson, Los Gatos, California, U.S.A. (local address c/o Messrs. Ker & Downey, Safaris, Ltd., P.O. Box 1822, Nairobi), has applied to the East African Air Transport Authority for a licence to operate the following air service:—

Aerial work in the form of photography of game, native life and scenery in Kenya, Tanganyika and Uganda for the period 1st October, 1949, to 15th December, 1949.

A "Hiller" 360 helicopter aircraft is to be used.

It is further notified that any representations or objections with regard to this application must be made to the East African Air Transport Authority at the office of the Director of Civil Aviation, East Africa, O.M.T. House, Sadler Street, P.O. Box 601, Nairobi, not later than 24th August, 1949. Every such representation or objection shall be made in writing, shall state the specific grounds on which it is based and shall specify any conditions which it may be desired should be attached to the licence if granted. A copy of every such representation or objection shall be sent by the person making the same to the applicant for the licence at the same time as it is sent to the Authority.

STACEY W. D. COLLS,  
Director of Civil Aviation,  
East Africa.

Nairobi,  
13th July, 1949.

## GENERAL NOTICE No. 1412

## NAIROBI LIQUOR LICENSING COURT

NOTICE is hereby given that the next meeting of the Nairobi Liquor Licensing Court will be held in the Railway Club, Nairobi, on Monday 14th November, 1949, at 9.30 a.m.

All applications for new licences and confirmations of transfers must reach this office on or before the 25th day of September, 1949, together with Sh. 10 stamp fee on each application.

Nairobi, J. DOUGLAS MCKEAN, Chairman,  
19th July, 1949. Nairobi Liquor Licensing Court.

## GENERAL NOTICE No. 1413

TAKE NOTICE that (1) Virchand Karamsi Shah and (2) Mulchand Karamsi Shah, trading as Shah Virchand Karamsi and Company at Mombasa, being desirous to be authorized to carry on business as money-lenders, have made an application for a certificate under section 6 of the Money-lenders Ordinance, 1932, which will permit them to carry on business as money-lenders at Premises No. B-157, Salim Road North, Mombasa, under their said firm name of Shah Virchand Karamsi and Company, and such application will be heard on the 22nd day of August, 1949, at the District Commissioner's Office, Mombasa, at 10 a.m.

Mombasa, C. H. PATEL, Advocate for  
12th July, 1949. Shah Virchand Karamsi & Company.

## GENERAL NOTICE No. 1414

THE TRADE MARKS ORDINANCE, 1930  
APPLICATION No. 4221

TAKE NOTICE that an application for the registration of the trade mark shown above in Class 17, in respect of all goods included in that class, has been lodged by Fybro, Limited, of 38 Kampala Road, Kampala, Uganda, whose address for service in the Colony is c/o Messrs. Hamilton, Harrison and Mathews, advocates, of Nairobi House, Nairobi.

The said trade mark will be registered after the expiration of 90 days from the date of this Gazette, provided no notice of opposition is received.

To be associated with No. 4220.

Nairobi,  
13th July, 1949.

D. J. COWARD,  
Acting Registrar of Trade Marks.

## GENERAL NOTICE No. 1415

THE TRADE MARKS ORDINANCE, 1930  
APPLICATION No. 4136

RAYOL

TAKE NOTICE that an application for the registration of the trade mark shown above in Class 47, in respect of all goods included in Class 47, has been lodged by Joseph Crosfield and Sons, Limited, of Bank Quay, Warrington, Lancashire, England, manufacturers, whose address for service in the Colony is c/o Messrs. Atkinson, Ainslie, Childs-Clarke and O'Donovan, advocates, of P.O. Box 29, Mombasa.

The said trade mark will be registered after the expiration of 90 days from the date of this Gazette, provided no notice of opposition is received.

To be associated with No. 4135.

Nairobi,  
13th July, 1949.

D. J. COWARD,  
Acting Registrar of Trade Marks.

## GENERAL NOTICE No. 1416

THE TRADE MARKS ORDINANCE, 1930  
APPLICATION No. 4165

REXONA

TAKE NOTICE that an application for the registration of the trade mark shown above in Class 3, in respect of chemical substances prepared for use in medicine and pharmacy, has been lodged by Rexona Proprietary, Limited, of Reynolds Street, Balmain, Sydney, New South Wales, Australia, manufacturers, whose address for service in the Colony is c/o Messrs. Atkinson, Ainslie, Childs-Clarke and O'Donovan, advocates, of P.O. Box 29, Mombasa.

The said trade mark will be registered after the expiration of 90 days from the date of this Gazette, provided no notice of opposition is received.

To be associated with No. 4166.

Nairobi,  
13th July, 1949.

D. J. COWARD,  
Acting Registrar of Trade Marks.

## GENERAL NOTICE No. 1417

THE FRAUDULENT TRANSFER OF BUSINESSES  
ORDINANCE, 1930

PURSUANT to the above Ordinance, notice is hereby given that the business of retail trade carried on by Raksha Devi under the name or style of "Chadha Stores" on Plot No. 8, Kibigori, has been sold and transferred as from the 14th day of July, 1949, to Abdulla Mohamed Masud.

The address of the transferor is P.O. Kibigori.

The address of the transferee is P.O. Kibigori.

The transferee intends to carry on the said business at the same place and address.

The transferee does not assume and is not intended to assume the liabilities incurred by the transferor in the said business up to and including the 13th day of July, 1949.

RAKSHA DEVI, Transferor.  
ABDULLA MOHAMED MASUD,  
Transferee.

Kisumu, 15th July, 1949.

## GENERAL NOTICE NO. 1418

## EAST AFRICAN CURRENCY BOARD

PAYMENT of the value of the following mutilated East African currency notes has been claimed by the persons named. Any other person wishing to submit a claim in respect of any of these notes should communicate at once with the Currency Officer, Nairobi:—

- No. of note.*—H/6 45902, for Sh. 20.  
*Name and address of claimant.*—Mr. Karitha s/o Gachoka, Nairobi.
- No. of note.*—R/6 69592, for Sh. 10.  
*Name and address of claimant.*—The District Commissioner, Meru.
- Nos. of notes.*—K/6 84365, for Sh. 20; T/8 26412, for Sh. 10.  
*Name and address of claimant.*—The Standard Bank of South Africa, Ltd., Nairobi.
- No. of note.*—P/7 41309, for Sh. 10.  
*Name and address of claimant.*—Mr. Domnic Rachwanyo, Waa.
- No. of note.*—S/1 20512, for Sh. 5.  
*Name and address of claimant.*—Mtu Trumberia Daniel, Meru.
- No. of note.*—W/6 01511, for Sh. 10.  
*Name and address of claimant.*—The District Commissioner, Kitale.
- No. of note.*—J/1 96860, for Sh. 10.  
*Name and address of claimant.*—The District Commissioner, Kisumu.
- No. of note.*—M/6 51586, for Sh. 5.  
*Name and address of claimant.*—Mr. Odongo s/o Obuny, Nairobi.
- No. of note.*—K/8 07964, for Sh. 10.  
*Name and address of claimant.*—The National Bank of India, Ltd., Nairobi.
- Nos. of notes.*—J/5 61246, D/5 53138, for Sh. 20 each; B/18 77690, for Sh. 5.  
*Name and address of claimant.*—The Standard Bank of South Africa, Ltd., Nairobi.
- No. of note.*—T/4 34885, for Sh. 10.  
*Name and address of claimant.*—Mungai s/o Daveru, Nairobi.
- Nos. of notes.*—G/4 84945, G/2 62232, for Sh. 20 each.  
*Name and address of claimant.*—Barclays Bank (D.C. & O.), Nairobi.
- Nos. of notes.*—J/8 26566, J/8 26587, for Sh. 20 each.  
*Name and address of claimant.*—National Bank of India, Ltd., Nairobi.
- No. of note.*—M/9 31408, for Sh. 5.  
*Name and address of claimant.*—The District Commissioner, Nyeri.
- No. of note.*—S/9 87593, for Sh. 5.  
*Name and address of claimant.*—Mr. Ndegwa Githongo, Nairobi.
- Nos. of notes.*—L/9 89227, P/5 10129, J/7 33743, for Sh. 10 each; B/64 58848, X/3 88397, Z/9 11284, S/3 58440, M/5 58979, R/10 29316, R/4 00983, P/9 12388, B/15 37973, Y/2 94495, for Sh. 5 each.  
*Name and address of claimant.*—Barclays Bank (D.C. & O.), Nairobi.
- Nos. of notes.*—M/9 83794, Q/9 32964, R/5 19203, for Sh. 10 each.  
*Name and address of claimant.*—Mr. Kamani s/o Kamina, Nairobi.
- No. of note.*—V/1 65791, for Sh. 10.  
*Name and address of claimant.*—Mr. Mohamed Ishaq Khan, Nairobi.
- No. of note.*—D/8 06079, for Sh. 20.  
*Name and address of claimant.*—Mr. Hassan bin Abdulla, Mombasa.
- No. of note.*—B/12 10191, for Sh. 5.  
*Name and address of claimant.*—The District Commissioner, Rumuruti.
- No. of note.*—B/14 44858, for Sh. 5.  
*Name and address of claimant.*—Barclays Bank (D.C. & O.), Nairobi.
- No. of note.*—L/7 33396, for Sh. 5.  
*Name and address of claimant.*—Chief Clerk, Government House, Nairobi.
- No. of note.*—R/4 44370, for Sh. 10.  
*Name and address of claimant.*—Standard Bank of South Africa, Ltd., Nairobi.
- No. of note.*—G/9 50810, for Sh. 20.  
*Name and address of claimant.*—The District Commissioner, Kapenguria.
- No. of note.*—K/9 06572, for Sh. 10.  
*Name and address of claimant.*—Mr. Ismail, C.I.D., Nairobi.
- No. of note.*—C/1 48954, for Sh. 20.  
*Name and address of claimant.*—The District Commissioner, Kitale.

*Nos. of notes.*—Q/10 05123, Q/8 24286, L/9 89652, for Sh. 10 each; A/59 29188, A/58 31643, for Sh. 1 each.

*Name and address of claimant.*—Kenya Bus Services, Ltd., Nairobi.

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

- No. of note.*—B/35 83210, for Sh. 5.  
*Name and address of claimant.*—Mr. L. T. Gunn, Fort Portal.
- Nos. of notes.*—X/5 05940, V/6 09199, B/32 58671, B/2181237, for Sh. 5 each.  
*Name and address of claimant.*—Mr. G. N. Baswire, Jinja.
- Nos. of notes.*—N/3 79664, N/1 70085, Z/6 15054, J/3 63210, N/8 85741, P/1 91405, for Sh. 5 each.  
*Name and address of claimant.*—Mr. Paulo Lubega, Masaka.
- No. of note.*—V/934307, for Sh. 5.  
*Name and address of claimant.*—Mr. Vallabhdas Madhavji Ganatra, Jinja.
- Nos. of notes.*—T/7 14826, for Sh. 10; C/14 91749, for Sh. 5.  
*Name and address of claimant.*—Mr. Asupasa Ngobi, Kamuli.
- Nos. of notes.*—R/1 41240, H/9 34478, R/7 40487, K/3 67743, Q/2 71779, for Sh. 10 each.  
*Name and address of claimant.*—Mr. Asadi Busaja, Busia.
- No. of note.*—M/9 45808, for Sh. 5.  
*Name and address of claimant.*—Messrs. East African Motor Spares, Mbale.
- No. of note.*—W/5 11051, for Sh. 10.  
*Name and address of claimant.*—The Manager, N.B.I., Ltd., Jinja.
- No. of note.*—B/82 54384, for Sh. 5.  
*Name and address of claimant.*—Mr. A. S. Patel, Lira.
- No. of note.*—X/4 66852, for Sh. 10.  
*Name and address of claimant.*—Mr. Petero Ichuria, Soroti.
- No. of note.*—V/8 58971, for Sh. 5.  
*Name and address of claimant.*—Mr. Henry Lubega, Masaka.
- No. of note.*—R/7 79008, for Sh. 10.  
*Name and address of claimant.*—Mr. Abdulla, Jinja.
- No. of note.*—Q/3 15991, for Sh. 10.  
*Name and address of claimant.*—Mr. Ezekeri Muwonge, Jinja.
- No. of note.*—U/8 58895, for Sh. 10.  
*Name and address of claimant.*—Mr. Harsadbhai N. Amin, Jinja.
- No. of note.*—B/31 84994, for Sh. 5.  
*Name and address of claimant.*—Mr. P. Kateba, Kabale.
- Nos. of notes.*—B/57 29500, X/4 10726, X/3 58228, U/5 01335, V/4 18564, W/1 45598, L/9 05811, U/9 72443, B/34 92233, V/10 04377, W/2 90561, B/41 63352, X/1 54352, V/5 64586, B/58 67411, B/56 39605, V/8 37523, for Sh. 5 each.  
*Name and address of claimant.*—Mr. W. B. Musisi, Kampala.

PAYMENT of the value of the following mutilated currency notes has been claimed by the persons named. Any other person wishing to submit a claim in respect of any of these notes should communicate at once with the Currency Officer, Dar es Salaam:—

- No. of note.*—E/10 07111 (?), for Sh. 10.  
*Name and address of claimant.*—Barclays Bank (Dominion, Colonial and Overseas), Mbeya.
- Nos. of notes.*—S/8 35315, T/9 74642, S/5 02891, for Sh. 10 each.  
*Name and address of claimant.*—Zebedayo s/o Alfayo, c/o Native Administration Akheri School, Meru, Arusha.

## GENERAL NOTICE NO. 1419

## NOTICE OF CHANGE OF NAME

I, John Bevington, heretofore called and known by the name of John Beffinger of Nairobi in the Colony of Kenya, hereby give public notice that on the 15th day of July, 1949, I formally and absolutely renounced, relinquished and abandoned the use of my said surname of Beffinger and then assumed and adopted and determined thenceforth on all occasions whatsoever to use and subscribe the name of John Bevington instead of the said name of John Beffinger.

And I give further notice that by deed poll dated the 15th day of July, 1949, duly executed and attested, I formally and absolutely renounced and abandoned the said surname of Beffinger and declared that I had assumed and adopted and intended thenceforth upon all occasions whatsoever to use and subscribe the name of Bevington instead of Beffinger and shall be at all times hereafter called, known and described by the name of Bevington exclusively.

16th July, 1949.

JOHN BEVINGTON,  
late John Beffinger.

GENERAL NOTICE No. 1420

THE CROWN LANDS ORDINANCE

TRADING PLOTS, TURBO

NOTICE is hereby given that the plots in Turbo as described in the Schedule hereto are available for alienation, and applications are invited for the direct grant of individual plots.

2. A plan of the plots contained in the Schedule may be seen at the offices of the Commissioner of Lands, Nairobi, or at the offices of the District Commissioner, Eldoret, or may be had on application to the Commissioner of Lands, P.O. Box 89, Nairobi, on payment of Sh. 5, post free.

3. Applications must be submitted to the District Commissioner, Eldoret (from whom a copy of the prescribed application form can be obtained), not later than Saturday, 27th August, 1949. Applications received after this date will not be considered, and personal interviews will not be granted either at the office of the Commissioner of Lands, Nairobi, or at the office of the District Commissioner, Eldoret.

(A) General Conditions

(1) The stand premium of each plot is set out in the Schedule below.

(2) Each allottee of a plot shall pay to the Commissioner of Lands on demand the assessed stand premium. In default of such payment the plot may be immediately reallocated and any subsequent application by the person who has made default may be ignored or refused.

(3) The grant will be issued in the name of the allottee in accordance with the information supplied on the application form.

(4) A contribution towards the cost of the roads and drains of the plot shall be paid to the Commissioner of Lands within seven days of demand.

(5) Deeds of grants in respect of each plot will be issued as soon as possible. Fees for survey will be payable on demand together with those 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 of the amount bid and rent).

(B) Conditions of Grant

(1) The purchaser shall erect, within two years of the commencement of his grant, a building of approved design, constructed of stone, burnt brick or concrete on proper foundations.

(2) No building shall be erected on any plot unless plans (including block plans showing the position of the buildings), drawings, elevations and specifications thereof shall have been previously approved by the prescribed 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 District Commissioner, Eldoret.

(3) The grant 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 will be 33 years from the first of the month following allocation at the annual rents specified in the Schedule.

(4) The grantee shall not at any time subdivide the plot, or assign, sublet or otherwise dispose of any portion of the plot.

(5) Any building erected shall conform to a building line decided upon by the prescribed authority.

(6) The grantee shall not transfer the plot nor enter into any mortgage charge or agreement of sale in respect thereof within five years of the date of commencement of the grant, except that permission to mortgage for the purpose of building may be given at the discretion of the Commissioner of Lands.

(C) Special Conditions in respect of Trading Plots in Schedule I

(1) The plot and buildings to be erected thereon shall be used for business purposes or for the combined purposes of business and residence.

(2) The grantee shall not at any time during the term of the grant erect any building or buildings so as to cover more than 90 per cent of the area of the plot if it is used for business purposes only, or more than 50 per cent if the plot is used for the combined purposes of business and residence.

(3) In no case shall the area of the plot required to remain unbuilt on be less than 300 square feet or 10 per cent of the area, whichever shall be the greater, and the said area shall be free from any erection thereon above the level of the ground except latrine accommodation constructed in accordance with all laws and by-laws in force relating thereto, and in accordance with a design approved by the prescribed authority. Such open space shall be at the rear of the building and shall extend along the entire width of the building or for a distance of not less than 30 feet, whichever shall be the less and the distance across such open space from every part of the building to the rear boundary of the plot shall be not less than ten feet.

(4) At no time during the term of the grant shall the plot or any portion thereof or any building erected on the plot be used for the purpose of carrying on any trade or business which has been or may be declared to be dangerous or offensive by notice in the Official Gazette.

(5) A veranda may be erected within the road reserve with the previous consent of the prescribed authority and must conform to a building line decided upon by such authority.

(D) Special Conditions in respect of Workshop Plots in Schedule II

(1) The plot and the buildings erected thereon shall be for workshop purposes only and at no time during the term of the grant shall any building erected on the plot be used for residential purposes.

(2) The grantee shall not at any time during the term of the grant erect any building or buildings so as to cover more than 75 per cent of the area of the plot as qualified by these special conditions.

(3) In no case shall the area required to remain unbuilt on be less than 25 per cent of the whole area and the said area shall be free from any erection thereon above the level of the ground except latrine accommodation constructed in accordance with all laws and by-laws in force relating thereto and in accordance with a design approved by the prescribed authority. Such open space shall be at the rear of the building and shall extend along the entire width of the building or for a distance of not less than 30 feet, whichever shall be the less, and the distance across such space from every point of the building to the rear boundary shall be not less than ten feet.

(4) At no time during the term of the grant shall the plot or any portion thereof or any building erected on the plot be used for the purpose of carrying on any trade which has been or may be declared to be dangerous or offensive by notice in the Official Gazette.

Nairobi,  
July, 1949.

E. R. COUSINS,  
Commissioner of Lands.

SCHEDULE I

Plot Number	Section Number	Area Approx.	Stand Premium	Rent per Annual	Roads and Drains Contribution
8	II	Acres ·17218	Sh. 300	Sh. 75	Payable if demanded
9	"	·17218	300	75	"
10	"	·17218	300	75	"
11	"	·17218	300	75	"
12	"	·17218	300	75	"
13	"	·17218	300	75	"
14	"	·17218	300	75	"
18	"	·17218	300	75	"

SCHEDULE II

16	"	·1950	400	100	"
17	"	·1999	400	100	"
19	"	·2313	400	100	"

GENERAL NOTICE No. 1421

ESTATE OF THE LATE JULIUS HENRY HERMAN

TAKE NOTICE that all persons having any claims against or owing moneys to the above-named Julius Henry Herman who died at Asmara, Eritrea, on 7th June, 1947, are required to prove such claims before me the undersigned or to pay to me the amount due, as the case may be, on or before 31st August, 1949, after which date the claims so proved will be paid and the estate distributed according to law.

ARTHUR LLEWELLYN WINTER,  
Attorney of the Administrators,  
c/o the Standard Bank of S.A., Ltd.,  
P.O. Box 1303, Nairobi.

GENERAL NOTICE No. 1422

ESTATE OF THE LATE NELLIE VERA SHAW

TAKE NOTICE that all persons having any claims against or owing moneys to the above-named Nellie Vera Shaw, widow, who died at Nairobi in the Colony of Kenya on 30th June, 1949, are required to prove such claims before me the undersigned or to pay to me the amount due, as the case may be, on or before 30th September, 1949, after which date the claims so proved will be paid and the estate distributed according to law.

RICHARD GRAY,  
Attorney of the Standard Bank of S.A., Ltd.,  
which bank is the Executor named in  
the will of the above-named deceased,  
c/o the Standard Bank of S.A., Ltd.,  
P.O. Box 1303, Nairobi.

## GENERAL NOTICE No. 1423

## VACANCY IN UGANDA PROTECTORATE

*Game Ranger, Game and Fisheries Department*

APPLICATIONS are invited from serving officers and others for appointment to the vacant post of Game Ranger, Game and Fisheries Department, Uganda, on the following terms of service:—

Salary, £550; £550; £600 by £25 to £700 by £35 to 945 per annum. Initial salary will be determined on qualifications and experience, including war service.

Subject to a satisfactory period of probation admission to the permanent and pensionable establishment may be permitted.

The appointment will be governed by the revised conditions of service for the Civil Service of Uganda.

The duties of the post require that, apart from a special aptitude for all matters concerned with game work, the successful applicant should be familiar with elephant-shooting, have a good knowledge of Kiswahili, and be capable of administering and training Africans for elephant control duties. The work will involve constant *safari* in the elephant and game areas, and for this reason preference will be given to single men aged 25 to 30 years.

Applications should be addressed to the Chief Secretary, Entebbe, for receipt not later than 31st August, 1949. Forms of application for candidates living in Kenya and Tanganyika may be obtained from the Chief Secretary to their respective Governments, for completion and onward transmission.

## GENERAL NOTICE No. 1424

## VACANCY IN EAST AFRICA HIGH COMMISSION

*European Statistical Clerk*

APPLICATIONS are invited for the post of European Statistical Clerk in the East African Statistical Department and should be sent to the Acting Director, P.O. Box 1101, Nairobi, so as to reach him not later than 15th August, 1949.

The salary scale is £580 by £20 to £680 by £20 to £720 on the High Commission terms of service. The starting salary will be according to qualifications and experience. The post is in connexion with the Kenya National Income Inquiry and candidates will be called upon to undertake, under the guidance of technical staff, compilation of statistical data. Ability to organize and knowledge of office routine as well as tact in dealing with members of the public are required.

## GENERAL NOTICE No. 1425

## VACANCIES IN GOVERNMENT DEPARTMENTS

*Laboratory Assistants (European), Public Works Department*

APPLICATIONS are invited for the post of Laboratory Assistants (European) in the Public Works Department; they should be sent to the Director of Public Works, P.O. Box 662, Nairobi, so as to reach him not later than 20th August, 1949. Applicants in Government service should apply through their heads of departments.

The salary scale of the post is £340 by £22-10 to £520 per annum, with an efficiency bar at the £452-10 per annum point.

The terms of service are as follows:—

Candidates will be required to serve on trial for three months on a salary to be determined in the above scale with due regard to age, experience and qualifications. On expiration of this period consideration will be given to the issue of a four-year contract which includes the payment of a gratuity and leave and passage privileges.

Eighteen days' local leave per annum and vacation leave on expiration of contract at the rate of 4½ days for each completed month of residential service.

Free passage to the United Kingdom on expiration of contract. In the case of a married officer with dependent children under 21, passages will be provided up to the cost of three adult passages.

When in occupation of Government quarters, 10 per cent of salary is charged for rent; when an officer occupies private quarters he may claim an allowance equal to the amount by which the rent exceeds 10 per cent of his salary.

Free medical treatment by the Government medical service for the officer, his wife and children.

Candidates should have passed the London Matriculation, Cambridge Junior School Certificate, or possess other equivalent qualifications.

The work entails testing of all types of building materials, soils, bitumen and concrete under laboratory conditions, and the application of the results so obtained to operations in the field. This may entail the applicant being stationed away from Nairobi for varying periods, when normal subsistence allowance will be paid. There are vacancies in a higher grade for applicants of proved ability and experience. Suitable applicants will be considered for promotion to this grade, after they have satisfactorily completed a period of training which may last up to two years.

Previous experience is not essential as applicants will be given training, but previous laboratory experience will be an advantage.

*Publications and Broadcasting Officer, Kenya Information Office*

APPLICATIONS are invited for the post of Publications and Broadcasting Officer, Kenya Information Office; they should be sent to the Secretary, European Civil Service Advisory Board, P.O. Box 621, Nairobi, so as to reach him not later than 20th August, 1949.

Applicants in Government employ should submit their applications through the head of their department. Applications from candidates not in Government service should be submitted on the Form of Application for Appointment to the Government Service, copies of which can be obtained from the Secretariat of the territory in which the applicant resides.

The salary scale of the post is £630 by £20 to £690 by £25 to £840 by £30 to £960 per annum. General conditions of service are as follows:—

For applicants not already in Government service, appointment on probation for two years before admission to the permanent and pensionable establishment.

Eighteen days' local leave per annum; and vacation leave at the rate of 4½ days for each completed month of residential service after 48 months' tour for officers under 40, and at the rate of 5½ days for each completed month of residential service after 40 months' tour for officers over 40.

Free passages to the United Kingdom for the officer (and for his wife, if he is married) after completion of a tour of service, and return passages if returning for further service; in the case of a married officer with dependent children under 21, passages for himself and his family are provided up to the cost of three adult passages or the actual cost of the passages, whichever is the less.

When in occupation of Government quarters, 10 per cent of salary is charged as rent if the quarters are furnished, and 7½ per cent of salary if they are unfurnished; when an officer occupies private quarters he may claim an allowance up to the amount by which the rent exceeds 10 per cent of his salary if the quarters are furnished, and up to the amount by which the rent exceeds 7½ per cent of his salary if they are unfurnished.

Free medical treatment by the Government medical service for the officer, his wife and unmarried children under 21.

Applicants should have a first-class knowledge of Swahili and of the African in his home surroundings. An additional qualification would be teaching experience. The duties involve the planning and preparation of mass education material for Africans in all media and the supervision of broadcasts in African vernaculars.

*Assistant Medical Storekeeper, Medical Department*

APPLICATIONS are invited for the post of Assistant Medical Storekeeper in the Medical Department and should be submitted to the Director of Medical Services, P.O. Box 641, Nairobi, to reach him not later than 10th August, 1949.

The scale of salary attached to the post is £530 by £20 to £630 (E.B.) by £20 to £690 by £25 to £715 (initial salary according to qualifications and experience).

Applicants should possess a thorough knowledge of medical storekeeping and methods of accounting and ordering and should have experience in dealing with medical, surgical, laboratory, sanitary and general hospital stores, drugs and equipment. Candidates must be capable of acting in the absence of the medical storekeeper and possession of the R.A.M.C. Certificate of Dispenser, Class 1, would be an advantage.

*European Storekeeper (Buildings), East African Posts and Telegraphs Department*

APPLICATIONS are invited for appointment to the post of European Storekeeper (Buildings), East African Posts and Telegraphs Department.

The salary scale attached to the post is £610 by £20 to £690 by £25 to £715 (E.B.) by £25 to £840. The initial salary will be decided upon in the light of the successful candidate's age, qualifications and previous experience.

The vacancy is scheduled to the permanent and pensionable establishment, but candidates not already in Government service will be required to serve on probation for a period of two years before admission to the permanent and pensionable establishment.

Candidates, who must not be more than 35 years of age, should possess the following qualifications:—

- (i) A knowledge or experience of storekeeping and stores accounting.
- (ii) Ability to supervise subordinate staff.
- (iii) Must have served an apprenticeship in one of the recognized building trades.
- (iv) Must have a general knowledge of all building materials.
- (v) Must be capable of purchasing and examining consignments of all types of building materials obtained from local sources or overseas.

The successful candidate will be liable for service at any station in Kenya, Uganda or Tanganyika, but in the first instance will be posted to Nairobi.

The revised terms and conditions of service include vacation leave, passage privileges, free medical attention, etc.

Personal canvassing will be a disqualification.

Applications giving full details of age, nationality, qualifications and previous experience with dates in chronological order and copies of testimonials or the names of persons or firms to whom reference may be made should be addressed to the Chief Accountant, East African Posts and Telegraphs Department, P.O. Box 251, Nairobi, to reach him not later than 12th August, 1949.

*European Telephone Operators (Female), East African Posts and Telegraphs Department*

APPLICATIONS are invited for a number of vacant posts of European Telephone Operators (Female). Candidates will be required to take up duties in the Nairobi telephone exchange.

Single candidates will be required to serve on probation for a period of two years before admission to the permanent and pensionable establishment.

The salary scale attached to the posts, providing the candidates are over the age of 20 years is £325 by £15 to £400 (E.B.) by £15 to £460. Candidates who are between the ages of 16 and 20 years may be accepted as Learner Telephonists at a salary of £280 per annum.

Single candidates will be entitled to free medical treatment, local and vacation leave, passage privileges, etc.

Married candidates will be accepted on Government temporary terms of service, will receive the same salaries as officers of the permanent staff, and will earn vacation leave at the reduced rates of 2½ days for each completed month of service and 18 days' local leave per annum.

Applications stating age, marital status, nationality, education and details of previous experience should be addressed to the Traffic Superintendent, East African Posts and Telegraphs Department, P.O. Box 1041, Nairobi, to reach him not later than 14th August, 1949.

*European Clerk, Grade II (Female), East African Posts and Telegraphs Department*

APPLICATIONS are invited for the vacant post of Clerk, Grade II (Female), in the East African Posts and Telegraphs Department.

The appointment is to the permanent and pensionable establishment, but single candidates not already in Government service will be required to serve on probation for two years before admission to the permanent and pensionable establishment.

The salary scale attached to the post is £295 by £15 to £370 by £15 to £460 with an efficiency bar at £370. Candidates will enter the scale at a point commensurate with their age and previous experience. The minimum age of entry is 20 years.

The revised terms of service include local and vacation leave, passage privileges, free medical attention, etc. Government quarters are not provided, but in certain circumstances a house allowance may be paid to single applicants in addition to salary.

Married candidates will be accepted on Government temporary terms of service, will receive the same salaries as officers of the permanent staff, and will earn vacation leave at the reduced rates of 2½ days for each completed month of service and 18 days' local leave per annum.

The duties of the post consist of registry duties and filing in the office of the Engineer (Radio), Nairobi. A knowledge of typing will be an advantage but is not essential.

Applications giving full details of nationality, age, marital status, qualifications, previous experience, copies of testimonials and educational standards attained should be addressed to the Engineer (Radio), East African Posts and Telegraphs Department, P.O. Box 581, Nairobi, to reach him not later than 12th August, 1949.

*(i) Asian Clerks, Grade II, (ii) Asian Learners, East African Posts and Telegraphs Department*

APPLICATIONS are invited to fill a number of vacant posts of Clerk, Grade II (Asian).

The appointments are to be permanent and pensionable, but candidates will be required to serve for a period of two years on probation before admission to the permanent establishment. The salary scale attached to these posts is £180 by £10 to £240 (E.B.) by £15 to £315 (E.B.) by £15 to £375. There are prospects of promotion to Clerk, Grade I, which salary scale rises to £450. The initial salary will be decided upon in the light of the candidate's age, qualifications and previous experience.

Applicants must be between 19 and 35 years of age and must possess a pass in a secondary school leaving certificate or equivalent educational qualifications. They will be required to perform various duties in post offices as sorting clerks, counter assistants, general clerical duties, etc.

The successful candidates will be liable for service at any station in Kenya, Uganda or Tanganyika, but vacancies exist at present in Nairobi, Mombasa and Dar es Salaam.

The revised terms and conditions of service include vacation leave, passage privileges, medical attention, etc.

Vacancies also exist for a number of Asian Clerical Learners who must have reached the age of 17 years. The salary scale for learners is £100 by £25 to £150 per annum, and salary in these cases will be assessed according to educational quali-

fications. After two years' training the learners may be permitted to pass to the salary scale for Grade II Clerks mentioned above.

Applications stating age, marital status, education, previous experience supported by copies of testimonials should be addressed to the Regional Director (P.), East African Posts and Telegraphs Department, P.O. Box 911, Nairobi.

GENERAL NOTICE No. 1426

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT NAIROBI

PROBATE AND ADMINISTRATION

CAUSE No. 140 OF 1949

*Notice of application for administration of estate of Arthur Cooper Feast, late of 45 Leinster Gardens, London, W.2, deceased.*

TAKE NOTICE that application having been made in this Court by John Cloudesley Mundy, civil servant of Nairobi, Kenya Colony, as an attorney of Ethel Lucy Feast, the executrix named in the will of the deceased, for the administration with will annexed of the estate of Arthur Cooper Feast, late of 45 Leinster Gardens aforesaid, who died there on the 25th day of December, 1948, this Court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered on or before the 9th day of August, 1949.

Nairobi,  
21st July, 1949.

J. R. ROSS,  
Deputy Registrar,  
Supreme Court of Kenya.

GENERAL NOTICE No. 1427

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT NAIROBI

PROBATE AND ADMINISTRATION

CAUSE No. 141 OF 1949

*In the estate of Julius Henry Herman, deceased  
and*

*In the matter of an application for sealing in the Colony of Kenya of an exemplification of letters of administration intestate of the estate of the above-named deceased granted by the Principal Probate Registry of His Majesty's High Court of Justice in England.*

TAKE NOTICE that an application has been made to this Court by Arthur Llewellyn Winter of Nairobi, manager of the Nairobi branch of the Standard Bank of South Africa, Ltd., the duly constituted attorney of Robert Albert Campling, c/o Mitchell Cotts & Company, Ltd., Winchester House, Old Broad Street, London, E.C.2, England, and 6 Warley Road, Woodford Green, Essex, and Mrs. Winifred Alice Fleisig of 2 Kelvin Court, Woodlands Grove, Isleworth, Middlesex, England, the administrators of the estate of the deceased, for sealing in the Colony of Kenya of an exemplification of letters of administration granted on the 11th day of March, 1948, by the Principal Probate Registry of His Majesty's High Court of Justice in England, of the estate of Julius Henry Herman, c/o Mitchell Cotts & Co., Ltd., Winchester House aforesaid, the above-named deceased, who died at Regina Elena Hospital, Asmara, Eritrea, on the 7th day of June, 1947, intestate, and that this Court will order accordingly unless cause be shown to the contrary and appearance in this respect entered on or before the 9th day of August, 1949.

Nairobi,  
21st July, 1949.

J. R. ROSS,  
Deputy Registrar,  
Supreme Court of Kenya.

GENERAL NOTICE No. 1428

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT NAIROBI

PROBATE AND ADMINISTRATION

CAUSE No. 142 OF 1949

*Notice of application for administration of estate of Kamla Devi w/o Mohan Lal, late of Nairobi, Kenya Colony, deceased*

TAKE NOTICE that application having been made in this Court by Mohan Lal s/o Maghi Ram, merchant of Nairobi, for the administration of the estate of Kamla Devi w/o Mohan Lal, late of Nairobi, who died at Mombasa intestate on the 9th day of June, 1949, this Court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered on or before the 9th day of August, 1949.

Nairobi,  
21st July, 1949.

J. R. ROSS,  
Deputy Registrar,  
Supreme Court of Kenya.

## GENERAL NOTICE No. 1429

## THE CROWN LANDS ORDINANCE

## ALIENATION OF LAND

APPLICATIONS have been received and others are invited for the direct alienation of the land noted in the Schedule hereunder and this intimation is published for public information.

Any remarks on the applications or any counter claims for consideration by persons interested, including persons who have

previously submitted applications, must be submitted to the undersigned before noon on 23rd August, 1949.

Plans of the areas may be seen at the Public Map Office of the Survey Department, Government Road, Nairobi, or may be obtained on payment of Sh. 3, post free.

Nairobi,  
23rd July, 1949.

E. R. COUSINS,  
Special Commissioner and  
Acting Commissioner of Lands.

## SCHEDULE

L.R. No.	Locality	Area Approx.	Rate per Acre	Applicant	Present rate per annum per acre in accordance with the Crown Lands Ordinance
Portion of unsurveyed Crown Land North of Vipingo Estate	Kuruitu .. ..	<i>Acre</i> 160	<i>Sh.</i> To be assessed ..	J. P. Williams ..	20 cents until 31-12-50 then revisable
5063/2	Mkomani (Coast)	894	..	S. Nielson ..	..
Eastern portion 1246/1/3	Naro Moru ..	160	..	R. F. Morice ..	..
1405/2 Old plot No. 291	Witu .. ..	860.6	..	H. E. Burnier ..	..
Western portion of Outspan L.R. 3222	Burguret ..	250	..	F. M. Allen ..	..
3672/R	Athi River ..	1078	..	Messrs Kitani Ltd.	..
Crown land lying between Nos. 1340/R 1780/R and 7630	South of Lake Naivasha ..	6,500	2/- per acre	The Marquess of Willingdon ..	To be assessed

## GENERAL NOTICE No. 826

## IN HIS MAJESTY'S COURT OF APPEAL FOR EASTERN AFRICA

## LIST OF PENDING APPEALS

TAKE NOTICE that the following appeals are still awaiting hearing at the current Session of His Majesty's Court of Appeal for E. A. at Mombasa which commenced at 10 o'clock on the 5th July, 1949.

D. F. SHAYLOR,  
Registrar

## CAUSE LIST

Appeal No.	Civil or Criminal	Appellant	Respondent	Original No. of case	Appeal from
86/49	Criminal	Edward Chelangat arap Kaino	Rex .. ..	Cr. C. 68/49	H.M. Supreme Court of Kenya at Eldoret
91/49	..	Gaboye s/o Parmat .. ..	Rex .. ..	Cr. C. 263/48	H.M. High Court of Tanganyika at Arusha.
92/49	..	Abdulrehman Ismail .. ..	Rex .. ..	Cr. C. 17/49	H.M. High Court of Tanganyika at Dar es Salaam.
94/49	..	Andrew s/o Chiwamba Kruson	Rex .. ..	Cr. C. 71/49	H.M. High Court of Tanganyika at Arusha.
95/49	..	Aloys Ongoro s/o Oyoo ..	Rex .. ..	Cr. C. 36/49	H.M. Supreme Court of Kenya at Kisumu.
96/49	..	Kassamali Jamal .. ..	Rex .. ..	Cr. App. 117/49	H.M. Supreme Court of Kenya at Nairobi.
99/49	..	Chuma arap Terer .. ..	Rex .. ..	Cr. C. 48/49	H.M. Supreme Court of Kenya at Eldoret.
108/49	..	Fulchanda Raishi .. ..	Rex .. ..	Cr. App. 41/49	H.M. Supreme Court of Kenya at Nairobi.
109/49	..	Mwangi Gachege .. ..	Rex .. ..	Cr. App. 95/49	do
110/49	..	William Laurie .. ..	Rex .. ..	Cr. C. 210/48	H.M. Supreme Court of Kenya at Nyeri.

For Hearing on 11th July, 1949, at 9.30 a.m. at Mombasa

22/48	Civil	Mohamedali Moledina ..	Gulamhussein Moledina and another	Civil C. 17/46	H.M. High Court of Tanganyika at Dar es Salaam. (Application for leave to appeal to P. C.).
29/48	..	Mohanlal Kalyanji .. ..	G. T. Modi & Co., Ltd. ..	Civil C. 327/47	H.M. Supreme Court of Kenya at Nairobi. (Application for leave to appeal to P. C.).
4/49	..	Colonial Blankets Trading Co.	Kefa Odhengo s/o Oganda and others being original partners in original defendant Co. Nyanza Traders & Lands Co.	Civil C. 383/47	H.M. Supreme Court of Kenya at Nairobi.
5/49	..	do.	Nyanza Traders & Lands Co.	do	do
19/49	..	Kishen Singh s/o Attar Singh	Rambhai Chaturbhai Patel	Civil C. 292/48	do
20/49	..	Mrs. M. O'Brien .. ..	Hove Court Hotel ..	Civil C. 152/48	do
22/49	..	Manibhai K. Patel .. ..	Pandit Dwarka Nath ..	Civil C. 518/47	do
23/49	..	Alexander Hyde Duder ..	Ruth Mary Duder ..	Div. Cause 42/48	do
24/49	..	A. H. Adam .. ..	Bhagwanji & Co. .. ..	Civil C. 342/48	do
26/49	..	Rulia Ram .. ..	Mohan Singh s/o Thacker Singh	Civil App. 28/47	H.M. Supreme Court of Kenya at Nairobi. (Application).

## GENERAL NOTICE NO. 1430

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

CAUSE NO. 3 OF 1946

*In the estate of William Frederick Woodruff, deceased*

TAKE NOTICE that Messrs. Christie & Bryson, advocates for the administratrix of the above-named deceased, have filed the administration account and that this Court has fixed the 10th day of August, 1949, at 2.15 o'clock in the afternoon for passing account, after which date no objection will be heard thereto.

Mombasa,  
16th July, 1949.

R. A. CAMPBELL,  
*Acting District Registrar,  
H.M. Supreme Court of Kenya.*

## GENERAL NOTICE NO. 1431

## PROBATE AND ADMINISTRATION

PUBLIC TRUSTEE'S CAUSE NO. 40 OF 1949

*In the matter of Fatuma binti Mohamed Abdalla, deceased*

TAKE NOTICE that on or after the 10th day of August, 1949, I intend to apply to H.M. Supreme Court of Kenya at Nairobi for letters of administration with will annexed to the estate of the above-named Fatuma binti Mohamed Abdalla, late of Lamu in the Protectorate of Kenya, who died at Kivandoni, Lamu aforesaid, on the 29th day of May, 1949.

Nairobi,  
20th July, 1949.

D. J. COWARD,  
*Acting Public Trustee.*

## GENERAL NOTICE NO. 1432

## PROBATE AND ADMINISTRATION

PUBLIC TRUSTEE'S CAUSE NO. 40 OF 1949

*In the matter of Fatuma binti Mohamed Abdalla, deceased, late of Lamu in the Protectorate of Kenya*

TAKE NOTICE that all persons having any claims against the estate of the above-named Fatuma binti Mohamed Abdalla who died at Kivandoni, Lamu aforesaid, on the 29th day of May, 1949, are required to prove such claims before me the undersigned on or before the 27th day of September, 1949, after which date the claims so proved will be paid and the estate distributed according to law.

Nairobi,  
20th July, 1949.

D. J. COWARD,  
*Acting Public Trustee.*

## GENERAL NOTICE NO. 1433

## THE TRADE MARKS ORDINANCE, 1930

APPLICATION NO. 4253



## TIGER BRAND

TAKE NOTICE that an application for the registration of the trade mark shown above in Class 50, in respect of all goods included in this class, has been lodged by Nathalal Dharamshi Chandaria, manufacturer and merchant, of P.O. Box 1521, Nairobi.

The said trade mark will be registered after the expiration of 90 days from the date of this Gazette, provided no notice of opposition is received.

Nairobi,  
21st July, 1949.

D. J. COWARD,  
*Acting Registrar of Trade Marks.*

## GENERAL NOTICE NO. 1434

## THE TRADE MARKS ORDINANCE, 1930

APPLICATION NO. 4227

## NUGLOSS



## LION BRAND

TAKE NOTICE that an application for the registration of the trade mark shown above in Class 50 in respect of all goods included in this class, has been lodged by Chandubhai Dhoribhai Patel, Manibhai Dhoribhai Patel and Chimanbhai Rambhai Patel, trading as The Kenya Chemical Industries of P.O. Box 1552, Nairobi, manufacturers of disinfectants, insecticides, soap, polishes, etc.

The said trade mark will be registered after the expiration of 90 days from the date of this Gazette, provided no notice of opposition is received.

Nairobi,  
21st July, 1949.

D. J. COWARD,  
*Acting Registrar of Trade Marks.*

## GENERAL NOTICE NO. 1435

## THE COMPANIES ORDINANCE, 1933

PURSUANT to section 284, sub-section 3, of the above Ordinance, it is hereby notified that at the expiration of three months from the date hereof the name of the undermentioned company will, unless cause be shown to the contrary, be struck off the Register of Companies and the company will be dissolved:—

Piccadilly, Ltd.

Nairobi,  
26th July, 1949.

D. J. COWARD,  
*Acting Registrar of Companies.*

## GENERAL NOTICE NO. 1436

THE JUBILEE INSURANCE COMPANY, LIMITED,  
MOMBASA

(INCORPORATED IN KENYA)

Claim No. 322, Policy No. 4851, for Sh. 10,000 on the life of Sadrudin Hussein Valji, deceased, of Nairobi, Kenya Colony

NOTICE having been given of the loss of the above policy, the duplicate policy will be issued and the claim will be settled unless objection is lodged at the office of the company within 30 days from this date.

16th July, 1949.

M. R. HOSANGADY,  
*General Manager,  
P.O. Box 220, Mombasa.*

## GENERAL NOTICE NO. 280

HIS MAJESTY'S COURT OF APPEAL FOR EASTERN  
AFRICA

ORDINARY SESSIONS, 1949

NOTICE is hereby given that the following ordinary sessions of His Majesty's Court of Appeal for Eastern Africa will be held at the places and on the dates set out hereunder:—

Dar es Salaam: Tuesday, 4th October, 1949.

To ensure appeals being set down for hearing at any of these sessions, memorandum of appeals should be filed with the Registrar, H.M. Court of Appeal for Eastern Africa, Nairobi, and the Deputy Registrars, H.M. Court of Appeal for Eastern Africa at Mombasa, Kampala, Dar es Salaam, Zanzibar and Aden in the respective territories of Kenya, Uganda, Tanganyika, Zanzibar and Aden, at least one month before the commencement of any particular session.

10th February, 1949.

D. F. SHAYLOR, *Registrar,  
Court of Appeal for Eastern Africa.*