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GOVERNMENT NOTICE No 204

APPOINTMENTS.

EDWARD CHARLES CREWE-READ, to be Senior Commissioner, Nakuru, and to exercise the powers and perform the duties of a Resident Commissioner in the Nakuru District, with effect from the 18th April, 1928.

CHARLES EATON WARD, to be Resident Commissioner, Naivasha, with effect from the 18th April, 1928.

S. 20064/25.

EUBULE JOHN WADDINGTON, O.B.E., to be Acting Secretary to the Governors' Conference and to the High Commissioner for Transport, with effect from the 14th April, 1928.

S. 20064/14.

HUBERT CHARLES WILLBOURN, M.C., to be Acting Assistant Postmaster General, with effect from the 13th April, 1928.

S. 20064/6.

THOMAS GODFREY BENSON, to be Acting Principal Jeanes School, Kabete, with effect from the 13th April, 1928.

WILLIAM LYLE PATERSON, L.R.C.P. & S. (Edin.), to be Medical Officer, with effect from 16th March, 1928.

KENYA AND UGANDA RAILWAYS AND HARBOURS.

JAMES ROBBIE FARQUHARSON, Assistant Engineer, to be Acting District Engineer, Jinja, with effect from 24th March, 1928.

W. M. LOGAN,
for Colonial Secretary.

CORRIGENDUM.

S. 20064/15.

The promotion of Mr. J. E. S. Merrick appearing under Government Notice No. 70 in the Official Gazette dated the 14th February, 1928, is amended to read as follows:—

JOHN EDWARD SIEGFRIED MERRICK, to be Principal Assistant Colonial Secretary, with effect from the 1st January, 1928.

Colony and Protectorate of Kenya.

GOVERNMENT NOTICE No 205.

NOTICE.

The following Bill is published for information and criticism.

W. M. LOGAN,
Clerk to Executive Council.

A Bill to Amend the Law relating to Municipal Government and to provide for matters incidental thereto.

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

1. This Ordinance may be cited as "the Local Government (Municipalities) Ordinance, 1928," and shall come into operation upon such date as the Governor may by notice in the Gazette appoint. Short title and commencement.
- 5 2. In this Ordinance, unless the context otherwise requires :—
- " Medical Officer of Health " includes an Assistant Medical Officer of Health ;
- 10 " Municipality " means the area or district placed under the jurisdiction of a Municipal Council or Municipal Board ;
- " Native " means a native of Africa and includes Somalis, Swahilis, Comoro Islanders, and Madagascans ;
- 15 " Owner," in the case of freehold property, means the person (other than His Majesty) owning such property, and, in the case of leasehold or other property, means the person (other than His Majesty) holding such property from the Crown or from a Municipal Council or Municipal Board as lessee or licensee, and includes any agent who receives rents or profits from such person and also any superintendent, overseer or manager of any such lessee or licensee in respect of the holding on which he resides as such superintendent, overseer or manager ;
- 20 " Occupier " includes any person in actual occupation of land or premises without regard to the title under which he occupies, and, in the case of premises sub-divided and let to lodgers or various tenants, includes also the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein ;
- 25 " Premises " includes any land, building, room, structure, tent, van, vehicle, stream, lake, dam, pool, drain or ditch (open or enclosed) whether public or private ;
- 30 " Rent " includes any sum paid by a lessee or licensee for the use of any property or for the benefit of any service or facility provided by the owner or manager ;
- 35 " Tenant " includes any person in occupation of any premises or land, and includes any person entitled thereto or interested therein ;

- " Public place " includes any road, street, thoroughfare, foot-pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in a Municipal Council or Municipal Board under this Ordinance; 5
- " Public vehicle " includes any cab, cart, omnibus, ricksha, trolley, motor vehicle or any other vehicle standing or plying for hire in any public place within a municipality;
- " Sanitary Inspector " means and includes any person 10 for the time being lawfully acting in the capacity of sanitary inspector;
- " Street " means any highway, road, or sanitary lane, or any land reserved for a highway, road or sanitary lane, and includes any bridge, footway, square, 15 court, alley or passage, whether a thoroughfare or not;
- " Street trading " includes the hawking of newspapers, matches, flowers and other articles, the distribution of handbills or other advertisements, and shoe-blacking and any other like occupation carried on in any public place; and " Street trader " includes any person who engages in any such occupation so carried on. 20

**Division of
Ordinance.** 3. This Ordinance is divided into nine Parts relating 25 to the following matters :—

- Part I.—Establishment of Municipalities and Constitution of Municipal Councils and Municipal Boards :—
 - (A) Nairobi;
 - (B) Mombasa;
 - (C) General. 30
- Part II.—Provisions relating to Elections.
- Part III.—Appointment of Officers of Municipal Councils and Municipal Boards.
- Part IV.—Meetings and Proceedings of Municipal 35 Councils and Municipal Boards.
- Part V.—Powers and Duties of Municipal Councils and Municipal Boards.
- Part VI.—Financial Provisions.
- Part VII.—Establishment of Central Authority and 40 Organisation for Local Government Purposes.
- Part VIII.—Special Powers of the Governor.
- Part IX.—Legal Procedure and Miscellaneous.

PART I.

ESTABLISHMENT OF MUNICIPALITIES AND CONSTITUTION OF 45 MUNICIPAL COUNCILS AND MUNICIPAL BOARDS.

(A) Nairobi.

**Area of
municipality of
Nairobi.** 4. For the purposes of this Ordinance the municipality of Nairobi shall be the area included within the boundaries set forth in the First Schedule to this Ordinance. 50

**Constitution
of Nairobi
Municipal
Council** 5. There shall be constituted for the municipality of Nairobi a Municipal Council which shall consist of :—

- (1) Nine European members to be elected as hereinafter provided;
- (2) Five Indian members to be elected as hereinafter provided;

- (3) One Goan member to be nominated by the Governor ;
 (4) One member, to be nominated by the Governor, to represent the Government of the Colony with a special view to the safeguarding of native interests ;
 5 (5) One member, to be nominated by the Governor, to represent the Kenya and Uganda Railways and Harbours Administration ;
 (6) One representative of such local authority (if any) as may be established for the rural area adjacent to the municipality of Nairobi, to be nominated by the Governor.

10 6. (1) The municipality of Nairobi shall be divided into six European wards and three Indian wards which shall be, respectively, the areas described in the Second Schedule to this Ordinance and shall be designated as follows :—

European wards.

- (a) The Town Ward.
 (b) The Hill Ward.
 (c) Parklands Ward.
 20 (d) Ngong Road Ward.
 (e) Westlands Ward.
 (f) Muthaiga Ward.

Indian wards.

- (a) East Ward.
 25 (b) Central Ward.
 (c) West Ward.

(2) The Governor may from time to time, with the advice and consent of the Nairobi Municipal Council, by proclamation alter the boundaries of any ward mentioned in this section.

30 7. The elected members of the Nairobi Municipal Council shall be elected to represent the respective wards, as follows :—

Allocation of seats in case of elected members.

European wards.

- 35 The Town Ward ... Two members.
 The Hill Ward ... Two members.
 Parklands Ward ... Two members.
 Ngong Road Ward ... One member.
 Westlands Ward ... One member.
 40 Muthaiga Ward ... One member.

Indian Wards.

- East Ward ... One member.
 Central Ward ... Two members.
 West Ward ... Two members.

45 (B) *Mombasa.*

8. For the purposes of this Ordinance the municipality of Mombasa shall be the area included within the boundaries set forth in the Third Schedule to this Ordinance.

Area of municipality of Mombasa.

50 9. There shall be constituted for the municipality of Mombasa a Municipal Board which shall consist of :—

Constitution of Mombasa Municipal Board.

- (1) The Resident Commissioner who shall be Chairman ;
 (2) Three European members to be elected as hereinafter provided ;
 (3) Three Indian members to be elected as hereinafter provided ;
 55 (4) Two Arab members to be elected as hereinafter provided ;

- (5) Six European members, to be nominated by the Governor;
 - (6) Three Indian members, to be nominated by the Governor;
 - (7) One member, to be nominated by the Governor, to represent the Government of the Colony;
 - (8) One member, to be nominated by the Governor, to represent the Kenya and Uganda Railway;
 - (9) One member, to be nominated by the Governor, to represent the Port Administration.
- 10

Power to establish wards. **10.** (1) The Governor may, with the advice and consent of the Mombasa Municipal Board, by proclamation divide the municipality of Mombasa into such European, Indian and Arab wards as he may deem necessary, and, subject to the provisions of the last preceding section, may declare the 15 number of elected members to be returned for each such ward :

- (2) Provided that pending the establishment of wards under this section the municipality of Mombasa shall, for the purpose of the election of members, be deemed to be one ward.
- (3) The Governor may from time to time, with the 20 advice and consent of the Mombasa Municipal Board, by proclamation alter the boundaries of any ward established under sub-section (1) of this section and may alter the number of elected members to be returned for any such ward.

(C) General.

25

Powers of Governor in regard to municipalities. **11.** Subject to the provisions of the next succeeding section, the Governor may from time to time, by proclamation, exercise all or any of the following powers; that is to say, he may :—

- (1) (a) declare any area to be a municipality under the 30 jurisdiction of a Municipal Council and constitute for such municipality a Municipal Council in accordance with section 13 of this Ordinance;
- (b) declare any area to be a municipality under the jurisdiction of a Municipal Board and constitute for 35 such municipality a Municipal Board in accordance with section 13 of this Ordinance, and define the powers and duties under Part V of this Ordinance to be exercised by any such Municipal Board;
- (2) assign a name to any such municipality;
- (3) define the boundaries of any such municipality, and from time to time alter any such boundaries;
- (4) divide any municipality into wards and declare the number of elected members to be returned for each such ward;
- (5) from time to time alter the boundaries of any such ward and alter the number of elected members to be returned for each such ward;
- (6) with the consent of the Municipal Council or Municipal Board, as the case may be, divide any 50 municipality or ward into polling districts and from time to time increase or decrease the number of such districts or alter the boundaries thereof.

12. (1) Prior to the exercise of any of the several powers conferred by the last preceding section the Governor shall appoint the Commissioner for Local Government to inquire into and report as to the advisability of the exercise by the Governor of any of the powers so conferred, and for the purpose of such inquiry the Governor may confer on the Commissioner for Local Government all or any of the powers vested in Commissioners under the Commissions of Inquiry *Cap. 25.* Ordinance.

10 (2) Notice of such appointment and particulars of the power or powers proposed to be exercised shall be published in three consecutive issues of the Gazette.

15 (3) The report of the Commissioner for Local Government shall be submitted to the Governor through the Standing Committee established under section 125 of this Ordinance, and such Committee shall record its recommendations thereon.

13. (1) There shall be constituted within every municipality established under section 11 of this Ordinance a Municipal Council or a Municipal Board which shall consist of such number of elected and nominated (official and unofficial) members as the Governor may, by proclamation, appoint. Such elected members shall be elected as hereinafter provided, and any such nominated members shall be nominated by the Governor.

25 (2) Every person nominated by the Governor to be an European member of any Municipal Council or Municipal Board constituted by or under this Ordinance shall possess the qualifications required by this Ordinance in the case of an European elected member of such Council or Board, and 30 every person nominated to be an Indian member of any such Council or Board shall possess the qualifications required by this Ordinance in the case of an Indian elected member of such Council or Board; and the provisions of this Ordinance relating to the vacating of seats by and disqualifications of elected members shall apply *mutatis mutandis* to all members so nominated.

35 (3) Whenever a vacancy is caused on any Municipal Council or Municipal Board by the death, retirement or disqualification of any nominated member, or by a nominated member vacating his seat, the Town Clerk shall forthwith notify the Commissioner for Local Government of such vacancy, and thereupon the Governor may nominate another European, Indian or Goan member, as the case may be, to fill the vacancy.

45 **14.** Every Municipal Council and every Municipal Board constituted by or under the provisions of this Ordinance shall, under the name of "The Municipal Council (or Board) of", be each and severally a body corporate with perpetual succession and a common seal (with power to alter such seal from time to time), and shall by such name be capable in law of suing and being sued, of purchasing, holding, and alienating land, and, generally, of doing and performing such acts and things as bodies corporate may by law do and perform, subject to the provisions of this Ordinance and any other law.

Powers under preceding section to be exercised only after preliminary inquiry.

Constitution of Municipal Councils and Boards.

Qualifications and disqualifications of nominated members.

Municipal Councils and Boards to be bodies corporate.

PART II.

PROVISIONS RELATING TO ELECTIONS.

*Registration of Voters.*Preparation of
voters' roll.

15. (1) A Council or Board shall, as soon as possible after it has been duly constituted under the provisions of this Ordinance, and thereafter once in every three years, by a date to be fixed by the Commissioner for Local Government, cause separate lists to be made—

(a) of all Europeans; and

(b) of all Indians,

10

who are qualified to be enrolled as voters under this Ordinance. Such lists shall, respectively, be sub-divided into as many parts as there are wards of the municipality, and each such part shall show in alphabetical order the full name, residential address, occupation, and nature of the qualification 15 of every voter qualified to vote within the ward to which such part refers :

Provided that the Mombasa Municipal Board shall also cause a separate list to be made of all Arabs who are qualified to be enrolled as voters in respect of the municipality of 20 Mombasa.

(2) Whenever the boundaries of any municipality have been altered, or whenever the number of wards in a municipality has been increased or decreased or the boundaries thereof altered, the Council or Board, as the case may 25 be, shall, as soon as possible after such alteration, increase or decrease, cause such alterations to be made in the respective voters' rolls as may be necessary to show correctly the particulars of voters resident in the municipality or in each ward, as the case may be.

30

(3) Whenever any ward has been divided into polling districts or any increase, decrease, alteration or adjustment of such districts has been made under sub-section (6) of section 11 of this Ordinance, the Council or Board, as the case may be, shall compile from the voters' roll of such ward a register 35 of voters for each such polling district, consisting of the voters for the ward who are entitled to vote in such polling district.

(4) The Governor may order all such steps to be taken with regard to the preparation of the first voters' rolls for any municipality to which the provisions of this Ordinance 40 apply or may hereafter become applicable as he may deem necessary to meet the circumstances of the case.

Registering
officer.

16. The registering officer for the purpose of the preparation of voters' rolls under this Ordinance shall be the Town Clerk or such other person as the Council or Board, 45 as the case may be, may, with the approval of the Commissioner for Local Government, appoint.

Qualifications
of European
voters

17. Subject to the provisions of this Ordinance every person shall be entitled, upon application to the registering officer, to be enrolled in the European Voters' roll and to 50 vote at the election of an European member who is—

(1) of European origin or descent; and

(2) of not less than twenty-one years of age; and

(3) either—

- (a) owns rateable property within the municipality of the capital value of one hundred pounds; or
- 5 (b) (i) has resided in the municipality for twelve months out of the twenty-four months preceding the date of application for enrolment, and either
 - (ii) has been in occupation for a like period of premises in the municipality of an annual value of thirty-six pounds, or
 - 10 (iii) is, at the date aforesaid, and has been for six months out of the preceding twelve months, in receipt of earnings at the rate of not less than ten pounds per month:

15 Provided that in the municipalities of Nairobi and Mombasa the rate of earnings under paragraph (b) (iii) shall be not less than fifteen pounds per month.

A married woman who is qualified for enrolment under paragraphs (1), (2) and (3) (b) (i) of this section shall be 20 entitled to be enrolled notwithstanding that she does not possess either of the qualifications numbered (ii) and (iii) in paragraph (3) (b) provided that her husband is so qualified.

18. Subject to the provisions of this Ordinance every person shall be entitled, upon application to the registering officer, to be enrolled in the Indian voters' roll and to vote 25 at the election of an Indian member who is— Qualifications of Indian voters.

- (1) a British subject of Indian origin or descent or an Indian under the suzerainty or protection of His Majesty; and
- 30 (2) of not less than twenty-one years of age; and
- (3) either—
- (a) owns rateable property within the municipality of the capital value of one hundred pounds; or
- 35 (b) (i) has resided in the municipality for twelve months out of the twenty-four months preceding the date of application for enrolment, and either
 - (ii) has been in occupation for a like period of premises in the municipality of an annual value of twelve pounds, or
 - 40 (iii) is, at the date aforesaid, and has been for six months out of the preceding twelve months, in receipt of earnings at the rate of not less than five pounds per month.

A married woman who is qualified for enrolment under 45 paragraphs (1), (2) and (3) (b) (i) of this section shall be entitled to be enrolled notwithstanding that she does not possess either of the qualifications numbered (ii) and (iii) in paragraph (3) (b) provided that her husband is so qualified.

19. Subject to the provisions of this Ordinance every male Arab resident within the municipality of Mombasa shall 50 be entitled, upon application to the registering officer, to be enrolled in the Arab voters' roll and to vote at the election of an Arab member who is— Qualifications of Arab voters in Mombasa.

- (1) a British subject or is under the suzerainty or protection of His Majesty; and

- (2) of not less than twenty-one years of age; and
 (3) able to write Arabic or Swahili in Arabic characters.

**Disqualifications
of voters.**

20. Notwithstanding anything in the preceding sections of this Ordinance contained, no person shall be entitled to have his name entered upon any voters' roll or to vote at any election if such person—

- (a) has been found by a competent court to be of unsound mind; or
- (b) has been convicted of a criminal offence, whether in the Colony or elsewhere, and has been sentenced to imprisonment for a term of not less than twelve months and has not received a free pardon: Provided that such disqualification shall cease two years after the date of the expiration of the sentence; or
- (c) has received relief from any public funds within twelve months prior to the date of his application to have his name entered upon the voters' roll; or
- (d) has been declared bankrupt or insolvent by a competent court, whether in the Colony or elsewhere, and has not received his discharge; or
- (e) is suffering from any disqualification provided by any enactment for the time being in force.

15

**Voters to be
enrolled in ward
in respect of
which they are
qualified.**

21. Every person who is entitled to be enrolled in any voters' roll in respect of a property qualification shall be enrolled in the ward in which such property is situate; and every person who is entitled to be enrolled in respect of a residential qualification shall be enrolled in the ward in which he resides.

**Notices of
objection to
list.**

22. The registering officer shall cause every voters' roll framed under the provisions of this Ordinance to be deposited in the municipal offices for inspection by the public, and shall cause to be published in the Gazette and in one or more newspapers (if any) circulating in the municipality a notice that all objections and claims to be enrolled will be heard at some time and place to be therein stated: Provided that such time shall not be less than fourteen days after the publication of such notice.

**Determination
of claims and
objections.**

23. (1) The Resident Magistrate for the district shall hear and determine all claims and objections, and may enrol the names of any persons qualified which have been omitted from the appropriate voters' roll, and shall strike out the names of all persons not entitled to be enrolled:

Provided that the name of any person shall not be struck out until such person shall have had not less than two days' notice of the investigation of his qualification, and such person shall, if he shall so desire, be heard in regard thereto either personally or by an advocate.

(2) The hearing and determination of any claim or objection under this section may be adjourned from time to time, and the decision upon any such claim or objection shall be subject to appeal to a Judge in Chambers if notice thereof be given by any interested person within two days after the declaration of such decision. The Judge in Chambers hearing such appeal may uphold or reverse the decision and may make such order as to costs as may seem just.

24. Subject to the provisions of the next succeeding section the voters' rolls when so settled and amended shall be the voters' rolls for the municipality until the next voters' rolls shall in like manner be completed; and such voters' rolls shall be deemed to be conclusive and the only proof of the right of every person enrolled therein to vote at the election of members of the Council or Board, as the case may be.

25. Any person who is not on the appropriate voters' roll in force for the time being in a municipality may at any time apply to the registering officer to be enrolled as a voter, and the registering officer upon being satisfied that such person is qualified under this Ordinance to be so enrolled shall cause the name of such person to be placed on the voters' roll. If the registering officer shall refuse any application under this section the applicant may appeal to the Resident Magistrate for the district, and the application shall be disposed of in the manner provided by section 23 of this Ordinance.

26. Every voters' roll framed or amended under the provisions of this Ordinance shall be deposited at the municipal offices for inspection by the public during office hours.

27. Any person who wilfully makes any false statement on an application to be enrolled upon any voters' roll under this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five pounds or to imprisonment of either description for a period not exceeding three months or to both such fine and imprisonment.

30

Elections.

28. (1) The first election of members of the Municipal Council (hereinafter referred to as "councillors") or of members of the Municipal Board (hereinafter referred to as "members"), as the case may be, of any municipality constituted by or under the provisions of this Ordinance shall be held in the manner hereinafter prescribed as soon as may be after the preparation of the voters' rolls in such municipality. The date of any such election shall be such date as may be notified in the Gazette by the Commissioner for Local Government.

40 (2) The councillors and members so elected shall be elected for a term of three years:

Provided that of the councillors and members so elected one third, or as near as may be, shall retire at the expiration of twelve months from the date of such first election, and one third, or as near as may be, shall retire at the expiration of twenty-four months from the date of such election:

Provided, further, that the councillors and members so retiring shall be chosen by ballot, and any such councillor or member shall be eligible for re-election.

50 **29.** (1) After the first election of councillors or members as aforesaid there shall be, in each municipality, an annual election of councillors or members, as the case may be, to be held upon such date as may be notified in the Gazette by the Commissioner for Local Government, for the purpose of electing councillors or members to replace an equal number of councillors or members retiring from office.

Annual elections to be held;
Term of office of councillors and members elected at such elections.

(2) The councillors and members elected at every such annual election to fill the vacancies caused by the retirement of councillors or members owing to the expiration of their term of office shall continue in office until the date of the third annual election next ensuing.

5

Qualifications of candidates.

30. (1) Subject to any of the disqualifications mentioned in sub-section (2) of this section any person who is and who is entitled to be enrolled as a voter in any municipality shall be eligible for election as a member of the Municipal Council or Municipal Board, as the case may be, of such municipality. 10

(2) A person shall be disqualified for election as a member of any Municipal Council or Municipal Board if such person—

- (a) is not a British subject ; or
- (b) cannot read, write and speak the English language ; or
- (c) is in the employment of, or holds any office or place 15
of profit under or in the gift of, the Council or Board ; or
- (d) has been convicted of a criminal offence, whether in the Colony or elsewhere, and has been sentenced to imprisonment for a term of not less than six months 20 and has not received a free pardon : Provided that the Governor may by order in any particular case remove such disqualification ; or
- (e) has received relief from any public funds within twelve months prior to the date of his nomination as a 25 candidate for election.

(3) A candidate for election who has undertaken, either directly or indirectly by himself or by anyone in trust for him, any contract with a Municipal Council or Municipal Board for which the consideration exceeds seventy-five pounds 30 shall not be disqualified for election to such Council or Board, as the case may be, if he shall, at least fourteen days prior to the date appointed for the election, publish in some newspaper circulating in the electoral area for which he is a candidate the fact of such contract, giving particulars thereof. 35

(4) The election of any candidate who fails to comply with the provisions of the last preceding sub-section shall be invalid, and his seat shall be deemed to be vacant, and the candidate shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds, and shall 40 for a period of seven years from the date of his election be disqualified from voting at any election under this Ordinance and from being elected as a councillor or member of any Municipal Council or Municipal Board.

Casual vacancies.

31. (1) Whenever a vacancy is caused by the death of 45 any elected councillor or member, or by an elected councillor or member retiring or vacating his seat (otherwise than by reason of the expiration of his term of office), the Town Clerk shall forthwith notify the Commissioner for Local Government of such vacancy, and an election shall be held, upon such 50 date as may be notified in the Gazette by the Commissioner for Local Government, for the purpose of electing a councillor or member, as the case may be, to replace the councillor or member so retiring or vacating his seat.

(2) The councillor or member elected to fill a vacancy 55 under this section shall hold office for the remainder of the term for which the councillor or member who has retired or vacated his seat would have been entitled to remain in office,

32. Any elected councillor or member who ceases to possess the qualifications by this Ordinance prescribed, or who is a paid agent for any candidate at an election under this Ordinance, or who becomes disqualified under this Ordinance, 5 shall *ipso facto* vacate his office, and the Mayor or Chairman, as the case may be, shall at the next meeting of the Council or Board declare the seat of such councillor or member to be vacant, and the Town Clerk shall forthwith notify the Commissioner for Local Government of such vacancy. In any 10 such case such vacancy shall be filled by election in the manner prescribed by the last preceding section :

Provided, however, that a councillor or member whose seat shall have been declared vacant under this section may, within fourteen days after the date of such declaration, apply 15 to a Judge of the Supreme Court in Chambers to have such declaration set aside. Notice of the intention to make such application and the grounds thereof shall be given to the Town Clerk within two days after such declaration. The order of 20 the Judge in Chambers as to the disqualification or otherwise of the councillor or member shall be final and without appeal.

33. The Town Clerk or such other person as the Council or Board, as the case may be, may, with the approval of the Commissioner for Local Government, appoint shall be the returning officer at every election held under this Ordinance. Returning officer.

25 **34.** (1) The Town Clerk or such other person as may have been appointed as returning officer under the last preceding section shall, not less than twenty-one days prior to any election, cause to be published in the Gazette and in one or more newspapers (if any) circulating in the municipality, 30 and to be posted at such conspicuous places as he shall think fit within the ward or wards in which the election is to be held, a notice of such election, and in such notice he shall specify the day and place on and at which he will receive the nomination of candidates for the seat or seats to be filled by 35 election. Notice of election.

(2) The day so fixed shall be not less than ten nor more than fourteen days from the date of the publication of the notice.

40 **35.** (1) On the day and at the place fixed under the last preceding section the returning officer shall attend at eleven o'clock in the forenoon and for thirty minutes thereafter and shall receive the nomination of any duly qualified candidate for the seat or seats to be filled. Nomination of candidates.

45 (2) Every candidate shall be proposed and seconded and shall be supported by not less than seven persons other than the proposer and seconder. The proposer and seconder and supporters shall be persons whose names appear on the appropriate voters' rolls for the municipality or ward, as the case may be, for which the candidate seeks election.

50 (3) Every nomination paper shall be in a form to be prescribed by rules under this Ordinance, and the signatures of the proposer and seconder and supporters shall be witnessed by a magistrate, justice of the peace or notary public,

(4) Every nomination paper subscribed and witnessed as aforesaid shall be delivered to the returning officer by the candidate or by his proposer or seconder at the time and at the place appointed, and any nomination paper which is not so delivered shall be rejected. 5

Description of candidates and examination of nomination papers.

36. (1) Every candidate shall be described in his nomination paper in such manner as in the opinion of the returning officer is calculated sufficiently to identify such candidate. No objection to a nomination paper on the ground of the description of the candidate therein being insufficient, 10 or on the ground that such nomination paper does not comply with the provisions of this Ordinance or any rules made thereunder, shall be valid unless such objection is made to the returning officer at or immediately after the time of delivery of the nomination paper. The decision of the returning 15 officer as to the sufficiency of any nomination paper shall be final.

(2) The returning officer shall permit any candidate and his proposer and seconder to examine the nomination paper of any other candidate. 20

Procedure for election of candidates.

37. (1) If at the expiration of the time appointed for the election the number of duly nominated candidates for any municipality or ward, as the case may be, does not exceed the number of councillors or members to be elected for such municipality or ward, the returning officer shall forthwith 25 declare such candidate or candidates to be elected, and shall report such election to the Commissioner for Local Government who shall cause the election to be published in the Gazette.

(2) If the number of duly nominated candidates exceeds 30 the number of councillors or members to be elected as aforesaid, the returning officer shall forthwith adjourn the election for the purpose of taking a poll, and shall report to the Commissioner for Local Government the names of the candidates as described in their nomination papers. Upon 35 receipt of such report the Commissioner for Local Government shall cause to be published in the Gazette and in one or more newspapers (if any) circulating in the municipality, and to be posted at such conspicuous places as he shall think fit within the ward or wards in which a poll is to be taken, a 30 notice specifying—

- (a) the ward or wards (if any) in which a poll will be taken;
- (b) the date on which the poll will be taken, which shall not be less than fourteen days from the date of the 35 publication of the notice;
- (c) the names of the candidates as described in their respective nomination papers and the names of their proposers and seconds;
- (d) the places at which a poll will be taken and the 40 portion of the municipality or ward, as the case may be, allotted to each polling station.

38. If after an election has been adjourned for the purpose of taking a poll, one of the candidates nominated shall die before the poll has commenced, the Commissioner for Local Government shall, upon being satisfied of the fact of such death, countermand notice of the poll, and in such case all the proceedings with reference to the election shall be commenced afresh:

Provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

39. (1) A registered voter shall be entitled to one vote in every ward in respect of which his or her name appears upon the voters' rolls, but no voter shall have more than one vote in any ward.

15 (2) Every voter shall vote at the polling station appointed for the ward or polling district, as the case may be, in respect of which his or her name appears upon the voters' rolls and at no other place.

40. The Governor may from time to time make rules for all or any of the following purposes:—

- (a) For regulating the procedure in regard to the preparation of voters' rolls and for the making and disposing of claims and objections;
- (b) For regulating the procedure in regard to the taking of polls at contested elections under this Ordinance;
- 25 (c) For prescribing such forms as he may think necessary to be used in connection with the matters dealt with in this Part of this Ordinance and any rules made thereunder;
- 30 (d) Generally, for the better carrying out of the provisions of this Part of this Ordinance.

41. Sections 20 to 28 (both inclusive) of the Legislative Council Ordinance shall apply *mutatis mutandis* to any election held under the provisions of this Ordinance.

Penal provisions relating to elections.
Cap. 24.

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PART III.

APPOINTMENT OF OFFICERS OF MUNICIPAL COUNCILS AND MUNICIPAL BOARDS.

42. (1) In every municipality established under the jurisdiction of a Municipal Council there shall be elected at the first meeting of the Council, and thereafter at the first meeting of the Council held after every annual election of councillors, one councillor to be Mayor and another councillor to be Deputy Mayor, and such Mayor and Deputy Mayor shall hold office until their successors be appointed as hereinbefore provided.

Mayor and Deputy Mayor of Municipal Councils.

(2) On any election of Mayor or Deputy Mayor the outgoing Mayor shall preside: Provided that at the first meeting of the Council after its constitution, and subsequently if the office of the outgoing Mayor has been vacated by reason of the expiry of his period of office as councilor or from any other cause, the councillors present shall elect a chairman from amongst themselves to preside for the purposes of such election: Provided, further, that the chairman of the meeting shall have a deliberative vote only.

(3) In the event of the office of Mayor or Deputy Mayor becoming vacant from any cause whatsoever during the term of office of such Mayor or Deputy Mayor, a successor shall, at the next meeting but one of the Council after such vacancy, be chosen by the councillors from amongst themselves, and the councillor so chosen shall forthwith enter upon his office and shall serve as Mayor or Deputy Mayor, as the case may be, for the remainder of the period for which the Mayor or Deputy Mayor had been elected. 5

(4) A retiring Mayor or Deputy Mayor may be re-elected 10 to the office which he is vacating.

(5) The Deputy Mayor shall, whenever it shall be necessary owing to the death, resignation, absence, illness or incapacity of the Mayor, be deemed to have authority to exercise all the powers and discharge all the duties vested in and 15 imposed upon the Mayor under and by virtue of this Ordinance.

Allowance to
Mayor

43. (1) A Municipal Council may vote out of the revenues of the Council as a personal allowance to the Mayor such sum as it may consider sufficient having regard to the 20 position. The amount of such allowance shall be fixed at the commencement of the Mayor's term of office and shall not be altered during the said term. The expenditure of such allowance shall not be subject to any audit, but the Mayor's signature therefor shall be sufficient. 25

(2) Whenever the duties of the office of Mayor are performed, for any continuous period not being less than one month, by the Deputy Mayor under any of the circumstances mentioned in sub-section (5) of the last preceding section the allowance under this section shall be paid for such period to 30 the Deputy Mayor.

Chairman and
Deputy
Chairman of
Municipal
Boards.

44. (1) In every municipality constituted under the jurisdiction of a Municipal Board the officer of Government discharging the functions of Resident Commissioner shall be Chairman. 35

(2) There shall be elected annually, at the first meeting of the Municipal Board after every annual election of members, one member of the Board who shall be Deputy Chairman, and such Deputy Chairman shall hold office until his successor is appointed as hereinbefore provided. 40

(3) In the event of the office of Deputy Chairman becoming vacant from any cause whatsoever during the term of office of such Deputy Chairman, a successor shall, at the next meeting but one of the Board after such vacancy, be chosen by the members from amongst themselves, and the member 45 so chosen shall forthwith enter upon his office and shall serve as Deputy Chairman for the remainder of the period for which the Deputy Chairman had been elected.

(4) A retiring Deputy Chairman may be re-elected.

(5) The Deputy Chairman shall, whenever it shall be 50 necessary owing to the death, resignation, absence, illness or incapacity of the Chairman, be deemed to have authority to exercise all the powers and discharge all the duties vested in and imposed upon the Chairman under and by virtue of this Ordinance.

45. (1) Every Municipal Council and every Municipal Board constituted by or under this Ordinance may from time to time, subject to the approval of the Governor, appoint fit and proper persons to be, respectively, Town Clerk, Town Treasurer, Town Engineer, and Medical Officer of Health, and may pay to such officers such salaries and allowances as the Council or Board, as the case may be, may, subject to the approval of the Governor, determine. Every Council and Board may also appoint such other officers as may be considered necessary and may pay to such officers such salaries and allowances as the Council or Board, as the case may be, may determine.

(2) Subject to the provisions of any law or by-law relating to retirement on grounds of ill-health or on reaching the prescribed age, unless it shall be otherwise stipulated in the contract with or in the terms of appointment of an officer appointed under this section, the Council or Board, as the case may be, may at any time terminate the appointment of such officer upon not less than one month's notice or, in the case of misconduct, immediately without notice :

Provided that no officer holding the post of Town Clerk, Town Treasurer, Town Engineer, or Medical Officer of Health shall be removed from office unless and until such removal has been decided upon by a majority of the councillors or members present at a meeting specially convened for the purpose, and unless the number of councillors or members voting in the majority is not less than a majority of the whole Council or Board, and unless and until the Governor has notified to the Council or Board, as the case may be, his approval of the removal of such officer :

Provided, however, that the Council or Board may suspend any such officer from the duties and emoluments of his office for incapacity, neglect or misconduct pending the sanction of the Governor to his removal, and in the event of such sanction being granted such officer shall be deemed to have been removed from his office as from the date of such suspension.

(3) No person may be appointed to any office under this section who is a member of the Council or Board, as the case may be, or who has been a member thereof within the preceding six months.

46. The Governor may from time to time make rules for regulating the procedure in regard to the appointment by Municipal Councils and Municipal Boards of Town Clerks, Town Treasurers, Town Engineers, Medical Officers of Health, and sanitary inspectors, and for prescribing the qualifications, conditions of appointment, tenure of office, salaries and duties of all such officers.

Power of the Governor to make rules.

PART IV.

MEETINGS AND PROCEEDINGS OF MUNICIPAL COUNCILS AND MUNICIPAL BOARDS.

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47. The provisions of this Part of this Ordinance shall apply to every Municipal Council and every Municipal Board constituted by or under this Ordinance : Provided that the terms "Council," "Mayor," "Deputy Mayor" and "councillors" shall, in the case of a municipality under the jurisdiction of a Municipal Board, be deemed to refer, respectively, to the Board, and to the Chairman, Deputy Chairman, and members of such Board.

Application and interpretation.

Ordinary meetings.

48. The Council shall hold an ordinary meeting for the despatch of business on such days and at such hours as the Council may from time to time appoint, but not less often than once in every month.

Special meetings.

49. The Mayor may at any time and shall, at the request in writing of not less than one-third of the councillors, call a special meeting of the Council, and the day fixed for such meeting shall be within fourteen days of the presentation of such request. The notice of any special meeting shall specify the object of the meeting, and no other subjects than those specified in such notice shall be discussed at such meeting. 5

Notice of meetings.

50. Notice of the time and place of every meeting of the Council shall be served on every councillor either personally or by leaving the same at his usual place of residence or at his business address not less than twenty-four 15 hours before such meeting. Such notice shall be signed by the Mayor or by the Town Clerk :

Provided that the accidental omission to serve such notice on any councillor shall not affect the validity of any meeting.

Meetings to be public.

51. Every meeting of the Council shall be open to the 20 public and to the press :

Provided that this section shall not apply to any committee of the Council nor to a committee of the whole Council.

Quorum.

52. Save as is otherwise specially provided by this Ordinance, all acts, matters and things authorised or required 25 by this Ordinance to be done by the Council, and all questions that may come before it, shall be done and decided by the majority of the councillors present at any meeting at which are present not less than one-half of the councillors or such larger proportion thereof as the Council may from time to time 30 fix.

Mayor to preside at meetings and to have casting vote.

53. (1) At every meeting of the Council the Mayor if present, and in his absence the Deputy Mayor, shall preside. In the event of the absence from any meeting of both the Mayor and the Deputy Mayor the councillors present shall elect 35 a chairman from amongst themselves to preside at such meeting.

(2) In the case of equality of votes the chairman of the meeting shall have a second or casting vote.

Absence of councillors from meetings.

54. (1) Any councillor who, without having first obtained 40 leave from the Council, absents himself from three consecutive ordinary meetings of the Council shall become disqualified from continuing to be a councillor, and the Town Clerk shall, at the next ordinary meeting of the Council after any such continued absence, report the same, and the Mayor shall 45 thereupon declare the seat of such councillor vacant.

(2) Where any councillor leaves the Colony for a period not exceeding six months the Council may, with the consent of the Governor, co-opt a fit and proper person to discharge the duties of such councillor during his absence from the 50 Colony : Provided that if any councillor is absent from the Colony for a period exceeding six months his seat shall become vacant.

55. Minutes of the proceedings of every meeting of the Council and of any committee thereof shall be regularly entered in books kept for that purpose, and such minutes shall be confirmed at the same or the next ordinary meeting. Such minutes when signed by a councillor describing himself or appearing to be chairman of the meeting at which the minutes are confirmed shall, in the absence of proof of error, be deemed to be a correct record of the proceedings of the meeting of which they purport to be the minutes.

Minutes to be
kept and signed.

10 **56.** Whenever the minutes of the proceedings have been recorded and confirmed, such meeting shall, until the contrary is proved, be deemed to have been duly convened and held, and all the councillors present at such meeting shall be deemed to have been duly qualified; and in the case of proceedings 15 so recorded of a committee the committee shall, until the contrary is proved, be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

Meetings to be
deemed to be
duly held.

20 **57.** The minutes of the proceedings of the Council shall 25 at all reasonable times be open to the inspection of any rate-payer of the municipality, and any such ratepayer may obtain a copy thereof or an extract therefrom on payment of such fee (if any) as may be prescribed by the Council.

Minutes to be
open to
inspection.

25 **58.** The councillors present at any meeting may from time to time adjourn such meeting, and if at any meeting a sufficient number of councillors be not present to exercise the powers vested in the Council the councillors present or, if there be no councillor present, the Town Clerk shall adjourn the meeting and may appoint for the adjourned meeting such 30 day and hour as may be thought convenient.

Adjournment of
meetings.

35 **59.** (1) The Council may from time to time appoint out 40 of its own body such and so many committees, either of a general or special nature, consisting of such number of councillors as the Council may think fit, for the purpose of examining and reporting upon any matter or performing any act which in the judgment of the Council would be more conveniently performed by means of a committee, and, subject to the provisions of the next succeeding section, may delegate to any committee such powers (other than power to raise money by rate or loan or any other power as to the exercise of which special provision is made in this Ordinance) as it may think fit, and may fix the quorum of any such committee. The Mayor shall be *ex officio* member of every such committee.

Appointment of
committees.

45 (2) In no case shall any act of any committee be binding on the Council until submitted to and approved by the Council, except in cases where the Council has, by resolution, authorised a committee to manage, regulate, or conclude any matter or matters.

50 (3) Each committee shall elect its own chairman and may also elect a deputy chairman.

(4) Every committee appointed by the Council may be dissolved after notice of motion to that effect by the vote of the majority of the whole Council.

(5) Every councillor shall be elected by the Council to serve on at least one committee.

Appointment
and functions of
Finance
Committee.

60. (1) The Council shall from time to time appoint a Finance Committee for regulating and controlling the finances of the Council.

(2) No expenditure shall be incurred unless provision has been made therefor on a detailed estimate submitted by the Finance Committee and approved by the Council, and every payment from the revenues of the Council shall be made by the Finance Committee which shall submit for information at each ordinary meeting of the Council a schedule of all payments made.

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Procedure at
meetings of
committees.

61. (1) Every committee appointed by the Council may meet from time to time and may adjourn from place to place as it may think proper, but no business shall be transacted at any meeting of the committee unless the quorum of members (if any) fixed by the Council, or if no quorum be fixed two members, be present.

(2) At all meetings of the committee the chairman if present, and in his absence the deputy chairman, shall preside. In the event of the absence from any meeting of both the chairman and deputy chairman the members present shall elect a chairman from amongst themselves to preside at such meeting. In the case of equality of votes the chairman of the meeting shall have a second or casting vote.

Contracts for
execution of
works or supply
of goods.

62. (1) Except in the cases mentioned in sub-section (3) of this section, before any contract for the execution of any work or the supply of any goods to the value of seventy-five pounds or upwards is entered into by the Council, fourteen days' clear notice at the least shall be given in the Gazette and in one newspaper circulating in the municipality, or, if there be no such newspaper, then by affixing a notice outside the principal door of the municipal offices and in two or more other conspicuous places within the municipality, expressing the purpose of such contract and inviting any person willing to undertake the same to submit tenders therefor to the Council. The Council shall not consider such tenders or conclude the contract until full and similar particulars have been supplied to every person applying to the Town Clerk therefor within thirteen days after the said notice was first published or affixed.

(2) The Council or committee thereof duly authorised shall accept the tenders which, having regard to all the circumstances, appear to the Council or committee to be most advantageous, and may take security for the due and faithful performance of every such contract, or the Council or committee may decline to accept any such tenders.

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(3) In cases of emergency or where the delay involved by calling for tenders in the manner hereinbefore prescribed would cause loss to the Council, the Finance Committee may authorise the making of contracts or purchases to the value of seventy-five pounds or upwards without publication of the notice prescribed by sub-section (1) : Provided that in all such cases the Finance Committee shall prescribe the method of calling for tenders and the period within which such tenders shall be submitted, and no such tender shall be accepted without the approval of the Finance Committee : Provided, further, that in every such case the Finance Committee shall submit to the Council at its next succeeding ordinary meeting a report as to the reasons for making such contract or purchase without

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calling for public tenders in the manner prescribed by sub-section (1), and such report shall include a schedule giving full particulars of all such tenders received.

(4) Nothing in this section shall apply to any contract 5 for the purchase by the Council of produce or other perishable goods bought in a public market or to any purchase entered into by the Council as the result of bidding at a public auction.

63. (1) The Mayor may from time to time if he shall see fit, and upon receipt of a requisition signed by such number 10 of enrolled voters as may be fixed by resolution of the Council or by by-law, summon at such place and time as he may determine a public meeting of the inhabitants of the municipality for the discussion of any matter of public interest which may be specified in the requisition : Provided that no such 15 meeting shall be summoned for the purpose of promoting, opposing or discussing the election of any person as a councillor or as a member of the Legislative Council.

Summoning of
public meetings.

64. All acts of the Council or of any person acting as Mayor, Deputy Mayor, councillor, Town Clerk or any other 20 municipal official, as the case may be, shall, notwithstanding that it be discovered that there was some defect in the election or appointment of any such person or that he was disqualified, be as valid and effectual as if such person had been duly elected or appointed and qualified.

Validity of acts
of Council and
officers.

65. (1) Every order, notice or other document requiring 25 authentication by the Council shall be deemed to be sufficiently authenticated without the common seal of the municipality if signed by two councillors or by the Town Clerk or by any other officer of the Council duly authorised thereto by any 30 resolution or by-law of the Council.

Authentication
and execution
of documents.

(2) Every contract and every instrument and document which the Council is lawfully empowered to execute shall be deemed to be duly executed by or on behalf of the Council if signed by the Mayor or Deputy Mayor or by the Town 35 Clerk or by any one or more councillors duly authorised thereto by any resolution or by-law of the Council.

66. No matter or thing done or omitted and no contract entered into by the Council, and no matter or thing done or 40 omitted by any councillor or officer or servant of the Council or other person acting under the direction of the Council, shall, if the matter or thing was done or omitted or the contract was entered into in good faith for the purposes of this Ordinance or of any by-law in force in the municipality, subject any such person personally to any action, liability, claim or demand 45 whatsoever ; and any expense incurred by the Council or any such person as aforesaid shall be paid by the Council out of its revenues :

Exemption of
councillors, etc.,
from personal
liability.

Provided that nothing in this section shall exempt any such councillor, officer or servant or other person aforesaid 50 from liability to be surcharged by the inspector under section 122 of this Ordinance.

Conduct of Councillors and Officers of Municipal Councils.

Pecuniary interest of councillors in matters coming before the Council.

67. (1) No councillor shall be disqualified by his office from entering into any contract with the Council, nor shall any such contract entered into by or on behalf of the Council in which any councillor is in any way directly or indirectly interested be on account of such interest avoided or set aside, nor shall any councillor so contracting or being so interested be liable to account to the Council for any profit realised by any such contract by reason of such councillor holding that office, provided that the nature and extent of his interest is disclosed by him so that such disclosure is duly recorded in the minutes of the Council prior to or at the meeting of the Council at which the contract is determined on, if the interest then exists, or in any other case at the first meeting of the Council after the acquisition of his interest : Provided, however, that it shall not be necessary for any such disclosure to be made—

(a) by any councillor in the case of any contract or bargain which the Council may expressly authorise to be entered into with such councillor in his own name ; or

(b) by any councillor who shall have notified in writing to the Town Clerk subsequent to his last election as councillor that he has any interest in any firm or partnership in the case of any contract or bargain which the Council may expressly authorise to be entered into with such firm or partnership.

(2) No councillor shall be present at the discussion upon any matter in or before the Council or a committee thereof in which he has directly by himself or his partners any pecuniary interest : Provided, however, that no councillor shall be prohibited from being present or taking part in any discussion before the Council or a committee thereof relating to—

(a) any scheme for the imposition of rates ; or

(b) the tariff charges for or the regulations and conditions generally applicable to the supply by the Council of anything, or the rendering by the Council of any service whether in the whole municipality or any portion thereof.

(3) No councillor shall by himself or his partner or agent act as an advocate against the Council.

(4) No councillor shall by himself or his partner or agent act as an advocate or representative of any other person—

(a) before any Valuation Court appointed by the Council under the Local Government (Rating) Ordinance, 1928 ; or

(b) before any committee of the Council appointed to consider or deal with applications for any licence or certificate which the Council has power to grant or issue.

(5) Any councillor who contravenes the provisions of this section shall be liable on conviction to a fine not exceeding one hundred pounds and in default of payment to imprisonment of either description for a period not exceeding six months, and shall *ipso facto* become disqualified from continuing to be a councillor and shall account to the Council for any profit which may accrue to him in respect of such contract or matter.

(6) Any councillor who is disqualified under the provisions of this section shall not be capable, for a period of three years, of being elected a councillor for any municipality.

68. (1) No officer or servant of the Council shall in any wise be concerned or interested in any bargain, contract or arrangement whatsoever made by or with the Council.

(2) If any officer or servant is so concerned or interested, or under cover of his office or employment exacts or accepts any promise, fee or reward whatsoever other than his proper salary, wages and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under this Ordinance and shall be liable on conviction to a fine not exceeding one hundred pounds and in default of payment to imprisonment of either description for a period not exceeding six months.

(3) Any profits, fee or reward which may have accrued to such officer or servant, or which may accrue to him by reason of such bargain, contract or arrangement, may be recovered by the Council before any court of competent jurisdiction.

Interest of officers or servants of the Council in contracts.

PART V.

POWERS AND DUTIES OF MUNICIPAL COUNCILS AND MUNICIPAL BOARDS.

69. The provisions of this Part of this Ordinance shall apply to every Municipal Council and to the Mombasa Municipal Board and, subject to the provisions of section 11 (1) (b) of this Ordinance, to every other Municipal Board constituted by or under this Ordinance :

Provided that the terms "Council" and "Mayor" shall, in the case of a municipality under the jurisdiction of a Municipal Board, be deemed to refer, respectively, to the Board and to the Chairman of the Board.

70. (1) The Council shall have the general control and care of all public roads, streets, bridges, squares and all other open public places and of all gardens, parks, and other enclosed spaces within the municipality which have been or shall be at any time set apart and appropriated by proper authority for the use of the public or to which the inhabitants of the municipality shall at any time have or acquire a common right, and the same shall be vested in the Council in trust to keep the same for the use and benefit of the inhabitants.

(2) The Council may make, construct, alter, repair, and if necessary temporarily close all roads, streets, bridges, squares, ferries, sewers, drains and culverts vested in the Council or under its control, and may make new roads, streets, bridges, squares, open spaces, ferries, dams, sewers, drains and culverts within the municipality, and if it shall be necessary may carry any sewers, drains and pipes through and across any private property : Provided that compensation for any damage done shall be paid by the Council, and the amount of such compensation, if not mutually agreed upon, shall be settled by arbitration.

(3) The Council may, with the consent of the Governor, erect and maintain on any square or other open public place buildings for public purposes, and may set apart any such square or other open public place or any portion thereof for any purpose which the Council may from time to time think fit.

Application and interpretation.

Public roads, streets, open spaces, etc., vested in the Council.

Power of the
Council to close,
divert or alter
roads and
streets.

71. The Council may close or divert or alter any road, street or thoroughfare and may close or alter any square or other open public place and any garden, park or other enclosed space vested in the Council under the last preceding section : Provided that the Council shall, in the exercise of such powers, be subject to the following conditions and restraints :—

- (1) Before the Council shall sanction any such closing or diversion or alteration, not less than fourteen days' notice shall be given at a meeting of the Council to move therefor ; 10
- (2) Before any such closing or diversion or alteration is carried out, the Council shall prepare a plan showing the nature thereof, and shall give notice of the proposed work, not less than one month before its commencement, in the Gazette and in one or more newspapers (if any) circulating in the municipality, as well as by a sufficient number of conspicuous placards posted on or near the road, street, thoroughfare, square or other open public place, garden, park or other enclosed space which it is proposed to close 15 or divert or alter. Such notice shall set forth a place where the said plan shall be open for inspection at all reasonable hours. The Council shall further serve a copy of such notice on the owners or reputed owners, lessees or reputed lessees, and occupiers of all property abutting upon the said road, street, thoroughfare, square or other open public place, garden, park or other enclosed space, and alteration or diversion thereof, whose addresses can after reasonable inquiry be ascertained, and, if the proposed road, street, thoroughfare, square or other open public place, garden, park or other enclosed space, or alteration or diversion thereof, shall affect land not vested in the municipality, shall also serve 20 a copy of such notice on the Commissioner of Lands; 25
- (3) It shall be competent for the Commissioner of Lands, or any such owner, lessee or occupier, or any other person aggrieved by such closing or diversion or alteration, to serve upon the Council within the period of one month aforesaid a claim in writing for compensation in consequence of such closing or diversion or alteration, and the Council shall make compensation to the Commissioner of Lands on behalf of Government or to such person respectively, the amount of such compensation, in default of agreement, being settled by arbitration : Provided that in assessing the amount of compensation payable hereunder the benefit or advantage derived or to be derived by Government or by such person, as the case may be, shall be taken into account. 30 35 40 45 50
- (4) If the Commissioner of Lands or any person interested as owner, lessee or occupier in any property abutting on the road, street, thoroughfare, square or other open public place, garden, park or other enclosed space which it is proposed to close or divert 55 or alter, or any other person aggrieved by such closing or diversion or alteration, shall at any time within the period of one month aforesaid serve written notice on the Council of any objection to such closing or diversion or alteration, then, unless

such objection shall be withdrawn, such closing or diversion or alteration shall not be carried out without the sanction of the Governor.

- 5 (5) After the service of any such objection the Governor may, on the application of the Council, appoint one or more persons to make an inquiry into the proposed closing or diversion or alteration and the objection thereto, and to report thereon; and on receiving the report of such person or persons the Governor may make an order disallowing the proposed closing or diversion or alteration, or allowing it with such modifications (if any) as he may deem necessary.
- 10 (6) If the closing or diversion or alteration be allowed by the Governor, or if there be no objection to it under sub-section (4) of this section and the Council proceeds to carry out such closing or diversion or alteration, the Council shall, on completion of the work, give notice thereof to the Governor, who shall, after due inquiry as to whether the closing or diversion or alteration has been properly effected in accordance with this section, notify the Surveyor General and the Registrar of Titles or other registration officer that the closing or diversion or alteration has been properly effected under this Ordinance, and the Surveyor General shall, on being supplied by the Council with a diagram framed by a registered land surveyor showing all details of the closing or diversion or alteration, cause such amendments as may be necessary to be made in the general plan of the municipality, and the Registrar of Titles or other registration officer shall thereupon make corresponding entries in his registers.

72. (1) The Council may from time to time cause the houses, buildings or erections fronting upon any street or other public place to be marked with such numbers as it may think fit, and may cause the name by which any street or other public place is to be known to be put up and painted on a conspicuous part of any house, building, fence, wall or place fronting thereon, and may further at its discretion change or vary any such number or name, whether or not such number or name existed before the commencement of this Ordinance or not.

(2) Any person who destroys, pulls down, or defaces any such number or name, or, without the permission of the Council, puts up any number or name different to the number or name put up by the Council, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds.

50 **73.** (1) Subject to the approval of the Governor, the Council shall have power to acquire land compulsorily, whether within or without the municipality, for municipal purposes, and such land, when so acquired, shall be vested in the Council.

55 (2) The provisions of the Indian Land Acquisition Act, 1894, or any Ordinance amending or replacing the same for the time being in force, shall apply to the acquisition of any land under this section.

Naming and
numbering of
streets, etc.

Power to
acquire land
compulsorily
for municipal
purposes.

Power to enter
into contracts.

74. (1) Subject to the provisions of section 62 of this Ordinance, the Council may enter into contracts for the purpose of any work or service which it is itself, by or under the provisions of this Ordinance, empowered to undertake or carry out :

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Provided that the Council shall not exempt the party or parties with whom it is contracting from the operation of any by-laws, but shall on the contrary stipulate that such party or parties shall, within the municipality, be subject, in the carrying out of the contract, to all by-laws for the time being in force.

(2) All contracts lawfully made under the provisions of this section shall be valid and binding on the Council and its successors and all other parties thereto, their heirs, successors or legal representatives, as the case may be. 15

Power to
establish
pounds.

75. The Council may establish pounds, and may from time to time make by-laws for all or any of the following purposes :—

- (1) For the management of pounds ;
- (2) For fixing the charges payable by owners of impounded animals ; 20
- (3) As to the conditions under which impounded animals may be sold ;
- (4) As to the transfer of the property in such animals on such sale ;
- (5) For regulating the entry of the police without warrant into pounds. 25

Power to lay
out native
locations.

76. The Council may, subject to the approval of the Governor, lay out on lands under its control such locations for natives as may be deemed desirable and erect suitable buildings thereon, and may, subject to the like approval, compel all natives residing in the municipality, except such natives as are employed in domestic service and are lodged on the premises of their employers and such natives as may be exempted by the Governor, to reside within such locations. 30 35

Duty of Council
to provide for
burial of
paupers.

77. (1) It shall be the duty of the Council to provide for the burial of all destitute persons who die within the municipality, other than those who—

- (a) die in hospital (unless they had lived for at least three months in the municipality prior to their admission to hospital, in which case the Council shall be responsible for the burial and all charges in connection therewith) ; or 40
- (b) die in gaol ; or
- (c) had not lived in the municipality for a period of three months prior to their death, 45

and the Council is hereby authorised and empowered to incur any expenditure necessary therefor.

(2) In the case of destitute persons who die in hospital, but who had lived within the area of jurisdiction of any other local authority for a period of at least three months prior to their admission to hospital, such other local authority shall be responsible for the payment of all charges in connection with the burial of such destitute persons. 50

(3) If any native brought into the municipality by any person carrying on the business of recruiting native labour shall die in the municipality within one month after his arrival, the Council may recover from such person or his 5 employer or principal such burial charges as may be fixed by by-laws with regard to cemeteries.

78. The Council shall have power to do all or any of the following things, namely :— General powers of the Council.

- (1) To construct, alter, repair and keep clean the roads, streets, bridges, squares and other open spaces vested in the Council under this Ordinance; Making and repairing roads, etc.
- (2) To establish, maintain, and carry out such sanitary services for the removal and destruction of, or otherwise dealing with, night soil, slops, rubbish, carcases of dead animals, and all kinds of refuse and effluent; Sanitary services.
- (3) To conduct funerals and to establish and maintain cemeteries, mortuaries, and crematoria within or without the municipality; Funerals, cemeteries, mortuaries, etc.
- (4) To make provision for the return of destitute natives to their homes; Destitute natives.
- (5) To erect, maintain and keep in repair such offices and buildings as may be required for municipal purposes; Municipal buildings.
- (6) To plant, trim or remove trees in or on any public place; Trees.
- (7) To arrange for the lighting of public places and for the erection and maintenance of lamps for that purpose; Lighting public places.
- (8) (a) To establish, maintain and control recreation grounds on municipal land and on parks, squares and open spaces vested in the Council; Recreation grounds.
- (b) To establish, maintain and control, in connection with recreation grounds so established, aquariums, pavilions, piers, dressing-rooms, lavatories, and such other buildings, structures or conveniences of any nature and for any purpose as the Council may consider to be necessary or convenient;
- (c) To set apart any portion of any recreation ground so established as may be fixed by the Council and described in a notice set up in some conspicuous place on such recreation ground for the purpose of any particular game or recreation; and to exclude the public from the portion so set apart while it is in actual use for that purpose;
- (d) To provide any apparatus for games or recreation in respect of any such recreation ground, or to permit any person, club or body to provide any such apparatus on such terms as the Council may decide;
- (e) To establish, maintain and control refreshment rooms, cafés and restaurants in any such recreation ground;
- (f) To let any such recreation ground and/or any building, structure or apparatus established or provided in connection therewith to any person or club or other body of persons, and, by resolution of the Council, to authorise such person, club or body to make charges in connection therewith;

- Markets. (9) To establish, erect, maintain and control markets and market buildings, and to let portions of such buildings and stalls therein ;
- Grants-in-aid. (10) To make grants of money towards the establishment and maintenance of the institutions hereinafter mentioned, not being of a private character, that is to say, hospitals, libraries, art galleries, museums, musical or scientific institutions, asylums for the aged, destitute or infirm, homes for destitute orphans ; 5
- Alienation of property of Council. (11) To sell, let or otherwise dispose of any movable or immovable property of the Council :
Provided that—
(a) no sale or other alienation of immovable property shall take place without the consent of the Governor, 15 who may require that the proposal of the Council to alienate such property shall be published in four successive issues of the Gazette and of one or more newspapers (if any) circulating in the municipality ; and
(b) all moneys received by the Council from the sale or other alienation of immovable property shall be appropriated to the redemption and extinction of existing debt incurred for capital purposes : Provided however, that where due provision has been made 25 for the redemption and extinction of any such debt, or where no such debt exists, the Governor may authorise the Council to apply all moneys so received to such capital expenditure as may be approved by him : Provided, further, that nothing in this paragraph shall apply to moneys received in respect of rentals under leases granted by the Council ; 30
- Land for housing and industrial sites. (12) (a) Subject to the consent of the Governor, to lay out building plots upon or otherwise sub-divide any land the property of the Council for the purpose 35 of housing schemes for inhabitants of the municipality or for the purpose of factory, industrial, business or workshop sites ; and
(b) Subject to the provisions of sub-section (11), to sell, let or otherwise dispose of any such plots or sub- 40 divisions of land and the buildings thereon ;
- (13) Subject to the consent of the Governor, to acquire by voluntary purchase or to hire any land, wayleave, water right or any other property or servitude within or without the municipality which may be 45 necessary for the purposes of this Ordinance : Provided that the consent of the Governor shall not be required where no consideration or merely nominal consideration passes in respect of such acquisition or hiring ; 50
- Land for offensive trades. (14) Subject to the consent of the Governor, to sell, let or otherwise dispose of any land the property of the Council to any person for the purpose of carrying on thereon any work or trade of an offensive nature which the Council is empowered to license ; 55
- Dipping tanks. (15) To establish, erect and maintain dipping tanks ;
- Lavatories, etc. (16) To establish, erect and maintain public lavatories, closets and urinals, either above or below ground ;

- (17) Subject to the consent of the Governor—Housing.
- (a) to erect and maintain dwelling-houses with their appurtenant out-buildings on plots or sub-divisions of land referred to in sub-section (12) hereof;
 - 5 (b) to convert buildings into dwelling-houses, and to alter, enlarge, repair and improve the same;
 - (c) to make advances of money on the security of immoveable property for the purpose of enabling persons resident in the municipality (including officers and servants of the Council) to acquire land and/or to erect dwelling-houses, and to recover such advances with interest thereon by instalments or otherwise as the Council may in its discretion arrange with any person to whom an advance is made: Provided that dwelling-houses proposed to be built by the Council with borrowed money shall be built by contract after tenders have been invited;
 - 10 (18) To pay the medical or funeral expenses of any person employed by the Council who suffers injury or dies as the result of an accident occurring in the course of his employment or as the result of illness contracted in consequence of such employment; Medical expenses of employees.
 - 15 (19) (a) Subject to the provisions of any by-laws made under sub-section (86) of section 95 of this Ordinance to establish, control, manage, maintain and contribute to any pension, provident or benevolent fund intended for the benefit of the officers and servants of the Council, and to grant pensions and gratuities from any such fund to such officers or servants on their retirement from the service of the Council and to dependents on the death of such officers or servants; Establishment of pension funds.
 - 20 (b) Subject to the consent of the Governor, in cases where no pension, provident or benevolent fund has been established under this sub-section, or in cases where no benefits accrue from any fund so established, to grant from the revenues of the Council pensions or gratuities to officers or servants on their retirement from the service of the Council and to dependents of deceased officers and servants of the Council;
 - 25 (35) (20) To establish and maintain camping, grazing, and outspan grounds, whether within or without the municipality; Camping grounds, etc.
 - 30 (40) (21) To establish, erect and maintain magazines for the storage of explosives and dangerous articles, whether within or without the municipality; Powder magazines.
 - 35 (45) (22) To lay out and adorn any square or open space the property of the Council by any architectural scheme of ornamentation, including the erection of statues, fountains or other structures; Adornment of squares.
 - 40 (50) (23) To establish, erect and maintain public weighing machines; Public weighing machines.
 - (24) To establish, erect, maintain and control slaughter-houses, whether within or without the municipality; Slaughter-houses.

- Fire brigades and ambulances. (25) To establish and maintain one or more fire brigades and ambulances ;
- Libraries, etc. (26) To establish, acquire, erect, construct, maintain, assist, promote and control—
 (a) public libraries, art galleries and museums; 5
 (b) botanical and zoological gardens;
 (c) public baths and wash-houses :
 Provided that the Council may decide that the general management, regulation and control of institutions mentioned in paragraphs (a) and (b) 10 established by the Council shall be vested in and exercised by such committee as the Council may from time to time appoint, the members whereof need not be members of the Council.
- Bands. (27) To establish, maintain, control and contribute to 15 bands for musical performances in public places and at municipal functions, and, generally, to provide musical entertainment in such places and at such functions;
- Removal of trees, etc. (28) To require the owner of any premises to do any of 20 the following acts :—
 (a) to remove, lower or trim to the satisfaction of the Council any tree, shrub or hedge overhanging or interfering in any way with the traffic on any road or street or with any 25 wires or works of the Council;
 (b) to remove any dilapidated fence or structure abutting upon any public place;
- By-products. (29) To sell all by-products resulting from the carrying on of any works or undertakings which the Council 30 is authorised to carry on;
- Legislation. (30) To promote and oppose legislation in the interests of the municipality;
- Public health and hospitals. (31) (a) To safeguard and promote the public health, to take all necessary and reasonably practicable 35 measures for preventing the occurrence of, or for dealing with any outbreak or prevalence of, any infectious, communicable or preventable disease, for maintaining its district in clean and sanitary condition, and for preventing the occurrence of, or for 40 remedying or causing to be remedied, any nuisance or condition likely to be injurious or dangerous to health ;
 (b) Subject to the consent of the Governor, to establish, erect, equip and maintain, either within or 45 without the municipality, hospitals, whether permanent or temporary, for the reception of patients, and to provide treatment free of charge for indigent patients who are inhabitants of the municipality;
- Public monuments. (32) To establish, erect and maintain public monuments 50 and to make grants of money towards the establishment or maintenance thereof;
- Cold storage works, etc. (33) To establish, erect, equip and maintain cold storage works, depots for the inspection of milk and dead meat, and to make and sell ice; 55
- Omnibus services. (34) To establish, acquire, maintain and carry on within the municipality a service of motor omnibuses or other vehicles drawn or propelled by animal, mechanical or electrical power for the carriage of

- 5
- passengers and parcels and, in connection with any such service, to enter into agreements with any person or corporation for the establishment, acquisition, construction, laying down, equipment, maintenance, working and guaranteeing of the capital cost and interest on the capital cost thereof, and to exercise such powers either alone or in conjunction with other persons, corporations or authorities :
- 10
- Provided that—
- 15
- (a) this sub-section shall not apply to tramways;
- (b) the Council may exercise such powers in any area beyond the municipality with the consent of the local authority, if any, of such area, or if there be no local authority in such area, then with the consent of the Governor;
- 20
- (35) To acquire, equip and maintain boats and boating establishments; Boats.
- 25
- (36) To take a census of the inhabitants of the municipality and to contribute to the cost of any such census when taken by any other authority; Taking of census.
- (37) To enter into any contract with any other local authority or with any corporation, company or person to secure or further the carrying on outside the municipality of any work or undertaking which the Council is authorised to carry on; Contracts with other local authorities.
- 30
- (38) To establish, acquire, erect, maintain and carry on dhobie quarters and laundries; Laundries.
- (39) To establish, erect, maintain and carry on disinfecting stations; Disinfecting stations.
- 35
- (40) (a) At the request of the owner of any land or premises situate within the municipality, to construct in such manner as the Council may think fit, either by its own servants or through contractors, a footway along the side of any street abutting upon the land or premises of such owner, and to recover from such owner the whole or any portion of the expenses incurred in such work, including a reasonable charge for supervision, and, if the work is undertaken by the Council without the interposition of a contractor, to recover charges for the use of tools and plant; Construction of footways.
- 40
- (b) To advance to the owner of any land or premises the amount of any expenses incurred or to be incurred by him in the construction of any such footway;
- 45
- The provisions of sub-section (2) to (5) of section 94 shall *mutatis mutandis* apply to any advances made under this sub-section;
- 50
- (41) To advertise and give publicity to the attractions and advantages of the municipality and district; Advertising.
- 55
- (42) Subject to the consent of the Governor, to divert, straighten, define, and canalise the course of any stream or watercourse after giving notice and making compensation to any owner or occupier of land, and to any person entitled to any rights or servitudes attaching to land, abutting on such stream or watercourse : Canalisation of streams.

Provided that in arriving at the amount of any compensation payable under this sub-section regard shall be had to the enhanced or improved value, immediate or prospective, which shall accrue to any such land by reason of the carrying out of the said purposes or any of them. The amount of such compensation shall, in default of agreement, be settled by arbitration;

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- Child welfare institutions.** (43) To establish, erect, maintain and carry on or assist institutions or clinics for the care and welfare of newly-born infants, and to make provision for suitable instruction being imparted to expectant mothers and to mothers of such infants; 10
- Aerodromes.** (44) To establish, erect, maintain and carry on aerodromes; 15
- Broadcasting stations.** (45) To establish, erect, maintain and carry on wireless broadcasting stations and to enter into contracts for the hire of apparatus and for listening-in;
- General.** (46) To do all things necessary for carrying out all the purposes for and in regard to which the Council is empowered from time to time to make by-laws, and for carrying all such by-laws into effect; 20
- Expenditure unprovided for** (47) To incur all expenditure necessary for the carrying out of any purpose of this Ordinance which the Council is authorised to carry out, or of any purpose not specially provided for in this Ordinance which the Governor may determine to be a purpose incidental to the exercise by the Council of its powers and duties under this Ordinance, including a reasonable amount for public entertainment and for travelling and personal expenses of councillors, officers and servants on the business of the Council at rates to be fixed by by-laws. 25 30

All charges under this section shall be regulated by by-law : Provided, however, that the Council may from time to time, with the consent of the Governor, impose, by resolution of the Council, charges in respect of any power conferred upon the Council by this section ; and every such resolution shall take effect as from the date of its adoption by the Council. 35 40 A copy of every such resolution shall be published in the Gazette.

Supply of Water and Electricity.

Works for the supply of water.

79. The Council may—

- (1) establish, acquire, construct, equip and carry on, within or without the municipality, works for supplying the inhabitants thereof with water, and may make such charges and impose such conditions of service for the supply of water as may be fixed by by-law; 45 50
- (2) excavate, construct and lay down within the municipality watercourses, water furrows, water pipes, conduits, sluices, drains, dams, reservoirs and other works for supplying, storing and leading water, and

- 5
- close, alter or divert any of such works as may from time to time be necessary : Provided that if the Council closes or diverts any work for the supply of water and thereby deprives any owner of private property of a water supply to which his property has been hitherto by lawful right entitled, he may lodge an objection, and thereupon the Council shall not proceed with the closing or diversion without the prior consent of the Governor ;
- 10
- (3) whenever necessary, carry any water furrows through and across any private property subject to compensation being made by the Council for any damage done thereby, the amount of such compensation being determined, in default of agreement, by arbitration ;
- 15
- (4) make advances to the owner of any land of money or material for the purpose of enabling him to instal a water supply on his premises from municipal mains upon such conditions as the Council may determine. The provisions of sub-sections (2) to (5) of section 94
- 20
- shall *mutatis mutandis* apply to any advances made under this sub-section.

80. In any municipality the Council of which carries on works for the supply of water to the inhabitants thereof no person shall construct any works for the supply of water

Supply of water
to private
premises.

25 to any premises without first obtaining permission in writing from the Council to construct such works :

Provided, however, that such permission shall be granted by the Council in all cases where the Council is not itself willing and able to give a proper and sufficient water supply to

30 any premises at such price as may be fixed in its by-laws :

Provided, further, that nothing in this section shall prohibit the owner of any premises from constructing thereon any works for the supply of water to such premises.

81. (1) Subject to the provisions of the Electric Power Ordinance, the Council may establish, acquire, construct, equip and carry on, within or without the municipality, works for

Works for the
supply of light,
heat and power.
Cap. 185.

supplying the inhabitants thereof with light, heat and power, and may supply electricity for all purposes for which the same can be used to or in respect of any land, building or premises

40 within the municipality and may make such charges and impose such conditions of supply as may be fixed by by-laws ;

(2) Subject as aforesaid, any Council having established electric light works under the preceding sub-section may—

- 45
- (a) supply electricity to any corporation, company or person carrying on business or residing outside the boundaries of the municipality ;
- 50
- (b) contract with the local authority of any adjoining area to supply electricity to such local authority upon such terms and conditions as may be mutually agreed upon ;
- 55
- (c) sell (including sale against payment by instalments) electric lines, fittings, apparatus and appliances to private consumers, and make advances of money to any owner of land within or without the municipality for the purpose of enabling or assisting him in the installation of plain wiring and electric fittings and articles in or at his premises. The provisions of

sub-sections (2) to (5) of section 94 shall *mutatis mutandis* apply to any advances made under this sub-section.

Power to lay wires and pipes in public places and private property.

82. The Council may—

- (1) do all things necessary for the laying of main and branch wires and lines of pipes to convey electric current or water respectively under or over public places, and connect such wires or pipes with any premises at the request of the owners or occupiers thereof; 5
- (2) after giving thirty days' notice in writing to the owner, lessee or occupier of the intention to do so, carry mains, pipes, wires and cables through, across, under or over any private land, within or without the municipality, subject to compensation being made 15 for any damage done thereby, the amount of such compensation being determined, in default of agreement, by arbitration; and the Council may cause such mains, pipes, wires and cables to be laid, altered, deepened, covered and maintained: Provided 20 that if any owner, lessee or occupier of land outside the municipality shall object to such work the provisions of sub-sections (2) and (3) of section 91 shall *mutatis mutandis* apply. 25

Vesting of pipes, wires, etc., in the Council, and right of access thereto.

83. All mains, pipes, wires or cables laid by or on behalf or at the expense of the Council or which are under its control shall be vested in the Council, and the Council, its officers and servants, shall at all times have a right of access to private property for the purpose of inspection, maintenance, alteration or repair of such mains, pipes, wires or cables, and 30 may do all things necessary to uncover and expose such mains, pipes, wires and cables for the purpose of inspection, alteration or repair: Provided that the Council shall repair all damage caused by the exercise of the powers conferred by this section.

Power of entry into premises supplied.

84. Any officer appointed thereto by the Council may at 35 all reasonable times enter any premises to which electricity or water is or has been supplied by the Council, in order to inspect the pipes, wires, lines, meters, fittings, works and apparatus for the supply of electricity or water, or for the purpose of ascertaining the quantity of electricity or water 40 consumed or supplied, or whenever the supply of electricity or water is no longer required, or whenever the Council is authorised to cut off the supply of electricity or water from such premises, or for the purpose of removing any pipes, wires, lines, meters, fittings, works or apparatus belonging to the 45 Council: Provided that the Council shall repair all damage caused by the exercise of the powers conferred by this section.

Power to cut off supply.

85. If any person shall neglect to pay any charge for electricity or water or any other sums due to the Council in respect of the supply thereof, or in respect of any advances 50 made under the provisions of sections 79 or 81, the Council may cut off such supply, and for that purpose may cut or disconnect any pipe, wire, line, or other work through which the electricity or water may be supplied, and may, until such charge or other sum together with the cost incurred by the 55 Council in cutting off such supply of electricity or water, is fully paid, but no longer, discontinue the supply thereof to such person.

86. Any person who, by culpable negligence or with malicious intent, cuts or injures any pipe, wire, line or other work used for or in connection with the supply of electricity or water, and vested in the Council, shall be guilty of an offence and shall be liable upon conviction to make good the damage done by such injury and to a fine not exceeding one hundred pounds or to imprisonment of either description for a period not exceeding two years.

Penalty for
injuring pipes
or wires.

Sewerage and Drainage Works.

10 **87.** The Council may erect, construct, equip and carry on sewerage or drainage works within or without the municipality : Provided that the Council shall not—

Power to
undertake
sewerage and
drainage.

- (a) commence to erect or construct sewerage works ; or
- (b) commence to erect or construct drainage works involving expenditure in excess of five hundred pounds or being part of any drainage scheme the whole of which involves expenditure in excess of five hundred pounds,

without the prior consent of the Governor.

20 **88.** For the purpose of carrying out any drainage or sewerage works the Council may—

Provisions as to
carrying out
sewerage and
drainage works.

- (a) cause such sewers, drains and pipes to be made, laid, altered, deepened, covered over, and maintained either within or (subject to the provisions of section 91) without the municipality as may be necessary for effectively disposing of the sewage or drainage of the municipality or any portion thereof, and from time to time cause to be made and maintained all such reservoirs, sluices, engines, ventilating shafts, and other works as may be necessary for cleansing and ventilating such sewers, drains and pipes;

- (b) carry such sewers, drains or pipes through, across or under any public road, street, square or open space or any place laid out as or intended for a public road, street, square or open place, either within or without the municipality, without paying compensation, and, after giving reasonable notice in writing to the owner or occupier of the intention to do so, perform the same acts in respect of private land within or (subject to the provisions of the said section) without the municipality upon making compensation for any damage done, the amount whereof shall be determined, in default of agreement, by arbitration ;

- (c) from time to time alter, enlarge, divert, discontinue, close up, or destroy any sewers, drains or pipes under the control of the Council ;

- (d) construct any works within or (subject to the provisions of the said section) without the municipality for the purpose of receiving, storing, disinfecting, purifying, distributing or otherwise disposing of any sewage or drainage ;

- (e) in any case where, owing to the contour of the ground or for other reasons, it is difficult to connect for sewerage purposes any premises within the municipality direct with a public sewer maintained by the Council, the Council may, subject to the provisions of paragraph (b) of this section, make connections with and utilise any private drain on private ground

so as to connect such premises with any public sewer: Provided that upon such connection being made the said drain with which connection is so made shall, from the point of such connection to the point of junction with the public sewer, be considered and used as a combined or joint drain, and the cost of construction, repair and maintenance of such combined or joint drain shall, so far as the same shall not fall to be borne by the Council, be paid and borne by the owners of premises respectively served thereby, in such proportions as the Council shall from time to time adjust and settle.

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Vesting of
sewers in the
Council, and
right of access
thereto.

89. All sewers, drains, pipes, ventilating shafts, or other conveniences for the disposal of sewage or drainage, constructed by or which are under the control of the Council, shall be vested in the Council, and the Council, its officers and servants, shall at all times have a right of access to private property for the purpose of inspection, maintenance, alteration or repair of such sewers, drains, pipes, shafts or other conveniences, and may do all things necessary to uncover and expose such sewers, drains, pipes, shafts or other conveniences for the purpose of inspection, alteration or repair: Provided that the Council shall repair all damage caused by the exercise of the powers conferred by this section.

Sewage farms.

90. The Council may establish, maintain and carry on any such sewage farms or sewage disposal works, either within or (subject to the provisions of section 91) without the municipality as may be necessary or advisable for the requirements of the municipality, and may farm the same and dispose of the produce thereof; and neither the Council nor any person shall be liable for any nuisance or damage which is the inevitable consequence of the proper and ordinary conduct of any sewage farm or sewerage disposal works established, maintained or carried on under the provisions of this section.

Notice before
commencing
sewerage works
outside
municipality.

91. (1) The Council shall, at least thirty days before commencing outside the municipality the contruction or extension of any sewer or any work for sewerage purposes, give notice of the intended work by advertisement in the Gazette and in one or more newspapers circulating in the area within which the work is to be done, or, if there is no such newspaper, then in one or more newspapers (if any) circulating in the municipality. Such notice shall describe the nature of the intended work, and shall state the intended termini thereof and particulars of the roads, streets, squares, open spaces and other land (if any) through, across, under or on which the work is to be done, and shall name a place where a plan of the intended work is open for inspection at all reasonable times. A copy of such notice shall be served upon the owners or reputed owners, lessees or reputed lessees, and occupiers of the land and on the local authority (if any) having the care of such roads, streets, squares or open spaces.

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(2) If any owner, lessee or occupier, or any such local authority, or any person who would be affected by the intended work, objects to such work and serves written notice of objection on the Commissioner for Local Government and on the Town Clerk at any time within the said period of thirty days, then the intended work shall not be commenced without the consent of the Governor unless such objection is withdrawn.

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(3) The Governor may appoint the Commissioner for Local Government or any other person or persons to make inquiry on the spot into the propriety of the intended work and the objections thereto, and to report to him on the matter.

5 The report of the Commissioner for Local Government or such other person as aforesaid shall be forwarded to the Governor through the Standing Departmental Committee constituted under section 125 of this Ordinance, and such Committee shall record its recommendations thereon. On receiving such report the Governor may make an order disallowing the intended work or allowing it with such modifications (if any) as he may deem necessary.

92. (1) Any person who, without the prior consent in writing of the Council, shall—

- 15 (a) erect or cause to be erected any building or other structure over any sewer, drain or pipe vested in or constructed under the authority of the Council; or
- (b) excavate, open up or remove, or cause to be excavated, opened up or removed, the ground under or near to any such sewer, drain or pipe; or
- 20 (c) make or cause to be made any opening into any such sewer, drain or pipe, for the purpose of discharging sewage or drainage into the same or otherwise; or
- (d) injure or destroy, or cause to be injured or destroyed, any such sewer, drain or pipe or any works or things in connection therewith,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment of either description for a period not exceeding one year.

- 30 (2) The Council may alter, demolish or otherwise deal with any building or structure so erected as it may think fit, or may make good any such damage, or may close up any such opening, and the expenses so incurred shall, along with such fine, be recoverable from the offender.

- 35 **93.** Any charges which the Council may fix by by-law for the use of the Council's drains or sewers or sewerage works shall for all purposes be deemed to be charges for sanitary services, and shall be recoverable from the owner of any land or premises which are connected with such drains, sewers or 40 sewerage works in accordance with section 111 of this Ordinance.

94. (1) The Council may—

- 45 (a) carry out, either by its own servants or by contractors, any work in connection with the installation or improvement of a drainage or sewerage system on any land or premises, and may connect any such system with the Council's drains or sewers, and may recover from the owner of such land or premises the expenses incurred in such work, including a reasonable charge for supervision and, if the work is undertaken without the interposition of a contractor, for the use of tools and plant; or

Power to execute drainage works on private land or premises and to make advances therefor.

Provisions for protection of sewers and drains.

Charges for use of sewers and drains.

- (b) advance to the owner of any land or premises the amount of any expenses incurred or to be incurred by him in the execution of any such drainage or sewerage work on such land or premises;
- (2) The Council may agree to accept payment of such expenses and repayment of such advances in such instalments, at such times, upon such rate of interest, and upon such conditions as the Council may determine. 5
- (3) Such expenses and advances, together with the interest thereon, shall be a charge upon the land or premises 10 in respect of which the same are incurred or made, and shall be paid to the Council by the owner thereof for the time being, and the instalments thereof as they fall due shall be recoverable from the present or any future owner of the land or premises 15 in any competent court.
- (4) The Council shall keep at the municipal offices a register of all expenses incurred and advances made under this section, and shall show in such register the total amounts thereof, the instalments in which the same are payable, the land or premises in respect of which the same have been 20 incurred or made, and the balances for the time being outstanding; and shall keep such register open at all reasonable times to the inspection of any person, free of charge. Such register and any extract therefrom, certified by the Town Clerk or by any other person authorised by the Council, shall, 25 in any proceedings for the recovery of such expenses, advances or interest thereon or any instalments thereof, be *prima facie* evidence of the matters contained therein.
- (5) Nothing in this section shall limit or affect the power of the Council to execute any work which the Council is, by 30 law or by any by-law in force in the municipality, empowered to execute or to recover the cost of executing such work from any person who is liable therefor.

By-laws.

Power to make
by-laws.

95. The Council may from time to time make, alter 35 and revoke by-laws in respect of all such matters as are necessary or desirable for the maintenance of the health, safety and well-being of the inhabitants or for the good rule and government of the municipality, and more especially for all or any of the following purposes:— 40

General.

(1) For regulating any of the things which the Council is empowered under this Ordinance to do, establish, maintain or carry on, and for fixing the charges to be made in respect thereof;

Proceedings of
the Council.

(2) For regulating the proceedings of the Council and 45 preserving order at meetings of the Council and of committees, and for prohibiting, restricting and regulating the publication and disclosure of the Council's documents and records and the proceedings of any committee of the Council, and for regulating 50 the duties and privileges of members, officers and servants of the Council;

Sanitation.

(3) (a) For establishing, maintaining and compelling the use of any sanitary service which the Council is authorised to carry out or regulate, or which may 55 be established by virtue of any powers vested in the Council for the removal and destruction of or otherwise dealing with night-soil, slops, rubbish, carcasses of dead animals and refuse of all kinds;

- 5
- (b) For keeping public places clean and free from filth, rubbish or refuse, and for prohibiting the throwing, dropping or depositing of any filth, rubbish, glass, tins, paper, dead animals, waste or flushing water or other refuse, liquid or solid, on or in any road, street, bridge, thoroughfare, open space, stream or watercourse, and for preventing any such liquid from flowing into any such place, and for regulating or prohibiting the bathing or washing of persons, animals or things in any such place;
- 10
- (c) For preventing the use or misuse and securing the closing of cesspools, and for compelling and regulating the provision, construction, position, screening, use, cleansing and repair of earth closets, water closets, privies, ashpits, ashbins, urinals, sinks, fixed baths and fixed basins, waste pipes, drains and slop tanks in connection with buildings;
- 15
- (d) For prohibiting, removing or abating, and for preventing the recurrence of nuisances :
- 20
- Provided that the by-laws may provide that in any case where it appears that a nuisance existing within the municipality is wholly or partly caused by some act or default outside the municipality, proceedings may be taken against any person in respect of such act or default in the same manner and with the same incidents and consequences as if the act or default were wholly inside the municipality;
- 25
- (e) For securing the proper construction of and regulating stables, cowsheds, and fowl-houses, and for preventing the keeping of animals on premises which are not constructed in accordance with the by-laws or are so constructed or situated that animals if kept therein are likely to cause a nuisance or injury to health, and for prohibiting the keeping of swine on any premises which the Medical Officer of Health certifies to be so situated as to be unfit for the purpose ;
- 30
- (f) For prohibiting the erection of buildings or the conversion of existing buildings for use as stables or cowsheds for trading purposes in residential areas, and for defining areas where such buildings may or may not be erected or used ;
- 35
- (g) For ascertaining the existence and cause of any nuisance arising from any drain, closet, cesspool, water supply, sink, trap, siphon, pipe or other work or apparatus connected therewith, and for remedying the same and recovering the expenses incurred by the Council in respect thereof, and for regulating the liability and penalty for nuisance in any yard or sanitary convenience used in common by the occupiers of two or more separate dwellings or by different tenants of the same building ;
- 40
- (h) For regulating, controlling or prohibiting the construction or use of septic tanks and filter installations or other works for the disposal of sewage on private property ;
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Public health

- (4) (a) For preserving the public health ;
- (b) For preventing the outbreak and spread of infectious and contagious diseases, for declaring what diseases are notifiable, for compelling the notification of such diseases, for compelling the removal of persons suffering from any such disease to suitable hospitals or places of segregation and their detention and treatment therein where, in the opinion of the Medical Officer of Health, such removal, detention and treatment are necessary either for the protection of the public health or by reason of the insufficiency or unsuitability of the patient's lodging or accommodation, for regulating and enforcing quarantine and the disinfection of persons, places or things, and for authorising the seizure and detention and ensuring the destruction (when necessary in the opinion of the Medical Officer of Health) of articles which are infected or which have been exposed to infection, upon payment of compensation to the owner thereof, such amount to be settled by agreement or arbitration ; 5
- (c) For compelling the giving of any information or the production of any documentary or other evidence required for the purpose of tracing the source and preventing the spread of infection, for requiring the closing of schools or trade premises which are suspected of being or are likely to become sources of infection, and for prohibiting persons who are or are suspected of being or are likely to become infected from carrying on any trade or business 10 or engaging in any occupation which may cause the spread of any infectious or contagious disease ; 15
- (d) For requiring any person arriving in the municipality within fifteen days of leaving any district infected or suspected of being infected with any disease declared to be notifiable under paragraph (b) of this sub-section, or within fifteen days of landing in the Colony from any ship so infected or suspected of being infected or from any ship which has, within ten days prior to his landing, cleared 20 from or touched at any port so infected or suspected of being so infected, to report to the Medical Officer of Health his name and place of residence within the municipality ; 25
- (e) For erecting, regulating and maintaining isolation hospitals, and appointing committees of management thereof. 30
- (5) For granting licences (but without charging any fee therefor) to private hospitals and nursing homes, and for regulating such hospitals and nursing homes ; 35
- (6) (a) For inspecting and examining any article of food or drink for sale, for regulating and supervising the manufacture, preparation, storage, transmission and conveyance of any article of food or drink for sale, and for prohibiting and preventing the introduction 40 into the municipality, the possession, sale or offering for sale for the purpose of human consumption, or the handling (other than for purposes of destruction) of diseased animals, diseased meat, fish or other articles of food or drink unfit for human consumption ; 45
- 60

Private hospitals and nursing homes.

Unwholesome food and drink.

- (b) For authorising the seizure and ensuring the destruction (when necessary in the opinion of the Medical Officer of Health) of any meat, fish or other article of food or drink which is diseased, unsound, unwholesome or unfit for human consumption;
- 5 (c) For permitting at the owner's risk such treatment in lieu of destruction of any diseased, unsound or unwholesome article of food or drink as may render the same fit for human consumption;
- 10 (d) For authorising the seizure and ensuring the destruction of diseased animals when certified to be necessary by a veterinary officer employed or approved by the Department of Agriculture;
- 15 (e) For ordering the detention pending examination or inquiry of animals or articles of food or drink;
- 20 (f) For prescribing standards of composition, strength or quality, and for preventing the adulteration, misdescription or reduction below a prescribed standard (or, where none has been prescribed, a proper standard) and securing the sale in a pure state and in a condition which conforms with such standards of milk or any other article of food or drink or any drug;
- 25 (g) For authorising the Council by its officers or servants to inspect and examine any animal, article or package, and to cut into any dead animal or any article or package, and to purchase samples and require the sale of samples for the purposes of this sub-section.
- 30 (7) For prohibiting, regulating, inspecting, supervising and licensing noisome and offensive trades, and for compelling residents to keep their premises free from offensive or unwholesome matter; Offensive trades.
- 35 (8) For regulating, inspecting and supervising the work or trade of manufacturing flock from rags, and for prohibiting the sale and use for the purpose of manufacture of articles of unclean flock manufactured from rags, and for requiring persons establishing or carrying on such work or trade to obtain a licence from the Council for the purpose of so doing; Flock manufacture.
- 40 (9) For prohibiting, regulating, inspecting, supervising and licensing the work or trade of disinfection or fumigation by cyanide or other means and for penalising persons who, after due notice, refuse without reasonable ground to vacate any room or rooms occupied by them on the same floor or on any floor above that of any building where fumigation is being carried out, and for the cancellation of licences granted to fumigators in cases where the licensee upon conviction for any offence has been proved to have been negligent, careless or incompetent in or at his work or trade aforesaid; Fumigation.
- 45 (10) For regulating and prohibiting the establishment or carrying on of any trade, business or calling which may in the opinion of the Council be or be likely to become a source of serious nuisance, discomfort or annoyance to the neighbourhood; Objectionable trades.
- 50 (11) For regulating and prohibiting the establishment or carrying on of any trade, business or calling which may in the opinion of the Council be or be likely to become a source of serious nuisance, discomfort or annoyance to the neighbourhood; Objectionable trades.
- 55 (12) For regulating and prohibiting the establishment or carrying on of any trade, business or calling which may in the opinion of the Council be or be likely to become a source of serious nuisance, discomfort or annoyance to the neighbourhood; Objectionable trades.

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| Definition of non-business areas. | (11) For defining the streets or areas within which shops, warehouses, factories or business premises may not be erected, or within which specified trades, businesses or callings, or street trading may not be established or carried on ; | 5 |
| Dangerous and offensive factories, etc. | (12) For regulating, inspecting, supervising and licensing all businesses, factories, and workshops which, by reason of smoke, fumes, gases, dust, smell, noise, vibration or other cause, may be or become sources of danger, discomfort or annoyance to the neighbourhood, for prescribing the conditions subject to which such businesses, factories, or workshops shall be carried on, and for prohibiting the carrying on thereof unless the prescribed licences shall have first been obtained and the prescribed conditions complied with ; | 10 |
| Private slaughter-houses and meat shops. | (13) For regulating, inspecting, supervising and licensing the killing of cattle and other animals and the sale of butchers' meat, and for the establishment and localisation of slaughter-houses and meat shops and their maintenance in a clean and proper state, and for authorising the entry on and inspection of slaughter-houses and meat shops and the cattle, carcases and meat therein ; | 15 |
| Municipal slaughter-houses, etc. | (14) For regulating the use and management of municipal slaughter-houses and depots for the inspection of milk and dead meat, and for prohibiting the slaughtering of animals intended for human consumption elsewhere in the municipality than in municipal slaughter-houses, except in the case of animals which the occupier of any premises may slaughter for his own or his family's consumption ; | 20 |
| Premises where food or drink is manufactured or sold. | (15) For regulating, inspecting, supervising and licensing tea-rooms, cafés, restaurants, hotels, eating, boarding and lodging houses, bakehouses, butcher's shops, grocers' shops, and all factories and places where articles of food or drink are manufactured or prepared for sale or use, or are stored or sold ; | 25 |
| Sale of milk or milk products. | (16) For regulating, supervising and licensing purveyors of milk and ice-cream makers or vendors, for regulating, inspecting, supervising and licensing dairies, milk-shops, and cowsheds, for regulating the conveyance and distribution and securing the identification of the source of milk or milk products distributed, offered for sale, or sold within the municipality, for prescribing the conditions subject to which any milk or milk products produced or prepared within or without the municipality may be introduced, distributed, stored, sold or used within the municipality, for enabling the Council to certify the quality of any milk and prohibiting the unauthorised use of any terms employed by the Council in denoting such quality, and for prohibiting the introduction, distribution, storage, sale or use within the municipality of any milk or milk products from any source within or without the municipality where it appears to the Council or a committee thereof, on the certificate of the | 30 |
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- Medical Officer of Health, that the consumption of such milk or milk products is likely to cause the outbreak or spread of any infectious or contagious disease;
- 5 (17) For regulating, supervising and licensing pedlars and hawkers; Pedlars and hawkers.
- (18) For regulating or prohibiting the washing of clothes on public or private premises, for supervising and licensing persons for washing and laundry work for the inhabitants of the municipality, for regulating, supervising, and licensing (but without charging any fee therefor) premises or places outside the municipality (hereinafter referred to as "outside laundries") at which articles are washed for such inhabitants, and for preventing the introduction into the municipality of any articles as aforesaid unless the outside laundries at which they were washed have been licensed by the Council; Washing of clothes.
- 10 (19) For securing the prevention and destruction of rats and other vermin within the municipality, and for enabling the Council to set traps or take other measures on any premises necessary for this purpose, for prohibiting interference with such traps, and for prohibiting or regulating the laying down and use of poison for the destruction of animals or vermin; Destruction of rats and other vermin.
- 15 (20) For securing the prevention and destruction of locusts and other noxious insects within the municipality, for preventing and abating agricultural pests, and for the supply of poison and appliances for the aforesaid purposes; Destruction of locusts and other pests.
- 20 (21) For preventing and abating conditions permitting or favouring the breeding of mosquitoes and flies, and, generally, for the prevention of malaria and other insect borne diseases; Mosquitoes and malaria.
- 25 (22) For regulating the manufacture of chemicals; Manufacture of chemicals.
- (23) For regulating and supervising the practice of midwives, and for prohibiting the practice of midwifery by persons other than registered midwives; Midwives.
- 30 (24) For regulating and controlling the use of public baths, wash-houses, dhobie quarters and laundries established by the Council; Public baths, etc.
- 35 (25) For regulating barbers and hairdressers and barbers' and hairdressers' shops; Barbers and hairdressers.
- 40 (26) (a) For regulating the supply and distribution of any water under the control or management of the Council, for preventing waste and misuse thereof, and for compelling owners and occupiers to maintain in good order water furrows abutting on their premises; Water supply.
- 45 (b) For providing water meters, for fixing charges for water according to meter, and for determining the areas within which such meters shall be installed and used;
- 50 (1) For preventing the pollution of any water which might be used;

- Medical Officer of Health, that the consumption of such milk or milk products is likely to cause the outbreak or spread of any infectious or contagious disease;
- 5 (17) For regulating, supervising and licensing pedlars and hawkers; Pedlars and hawkers.
- (18) For regulating or prohibiting the washing of clothes on public or private premises, for supervising and licensing persons for washing and laundry work for the inhabitants of the municipality, for regulating, supervising, and licensing (but without charging any fee therefor) premises or places outside the municipality (hereinafter referred to as "outside laundries") at which articles are washed for such inhabitants, and for preventing the introduction into the municipality of any articles as aforesaid unless the outside laundries at which they were washed have been licensed by the Council; Washing of clothes.
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- (25) For regulating barbers and hairdressers and barbers' and hairdressers' shops; Barbers and hairdressers.
- 35 (26) (a) For regulating the supply and distribution of any water under the control or management of the Council, for preventing waste and misuse thereof, and for compelling owners and occupiers to maintain in good order water furrows abutting on their premises; Water supply.
- 40 (b) For providing water meters, for fixing charges for water according to meter, and for determining the areas within which such meters shall be installed and used;
- 45 (c) For preventing the pollution of any water which the inhabitants have a right to use;
- 50

- (d) For preventing the pollution of gathering grounds, rivers, canals, springs, wells, reservoirs, filter beds, water purification or pumping works, tanks, cisterns, or other sources of water supply or storage, the water wherein or wherefrom is used or is likely to be used within the municipality for drinking or domestic purposes; 5
- (e) For compelling the provision of a proper and sufficient water supply for every dwelling-house, school, store, factory or workshop; 10
- (f) For compelling owners of premises which, in the opinion of the Council, are not provided with a sufficient supply of good and wholesome water for drinking and domestic purposes to take such a supply from any pipe or main belonging to the Council or 15 that is within reasonable distance of such premises;
- (g) For prohibiting, subject to the payment of compensation in respect of existing boreholes or wells, the use of water from, or the provision or sinking of, any borehole or well on any premises in cases where, in the opinion of the Council, such use 20 provision or sinking prejudicially affects or diminishes, or is likely so to affect or diminish any municipal water supply; 25

Buildings.

- (27) (a) For regulating the construction, alignment and elevation of all buildings or other structures and parts thereof, for compelling the pulling down, removal or rendering safe of all buildings, bridges, earthworks, and verandahs of any walls, dangerous character, or which have been unsafe or to fall into a dilapidated condition, and for doing any such work at the cost of the owner and recovering such cost; 30
- (b) For prohibiting or regulating the erection of back-to-back tenements or houses, and for ensuring sufficient air space and ventilation between houses and adequate through ventilation within houses; 35
- (c) For prohibiting the owners or occupiers of any premises from allowing any wells or other excavations thereon to be in an unprotected or dangerous state, for compelling the fencing, filling in or covering over of wells or excavations which are in such a state, and for doing such work at the cost of the owner or occupier and recovering such cost; 40
- (d) For regulating, controlling or prohibiting the erection or use of any temporary or movable structures, whether standing on wheels or otherwise, and for prohibiting or restricting the use of tents or similar structures for business or dwelling purposes; 50
- (e) For preventing the discharge of any guttering or down-pipe on to any footway, pavement or sidewalk, and for securing, regulating and controlling the laying down of pipes to carry any outflow therefrom to such gutter or drain as may be authorised or approved by the Council for the purpose; 55

- 5 (f) For regulating the sizes of pieces of ground on which buildings may be erected, for prescribing, with due regard to the local conditions of different parts of the municipality, the extent and disposition of the open space or private land to be provided and maintained in connection with new buildings in order to secure proper sanitary conditions, amenity and convenience, and for prohibiting the erection of buildings on any open space so provided;
- 10 (g) For preventing the erection of buildings on ground contaminated by any faecal, animal or vegetable matter;
- 15 (h) For requiring and regulating the lighting and cleansing of staircases and passages used in common by different tenants of the same building, and the cleansing, drainage and paving of courts, yards, and open spaces used in connection with dwellings;
- 20 (i) For prescribing the frontage lines, securing the regularity of lines and level of buildings and of the architecture of buildings, and the removal, alteration and prevention of projections or obstructions in front of buildings;
- 25 (j) For preventing the erection, alteration or use of any building or structure whatsoever which, either in itself or from the circumstances or nature of the locality in which it is or is to be placed, is a disfigurement to the town or an annoyance to the inhabitants thereof, and for securing the removal of projections over streets;
- 30 (k) For preventing the erection of any building or structure whatsoever which, in the opinion of the Council, is or is likely to be objectionable by reason of either the nature or construction of the building itself, or the uses to which it is to be put, or its environment;
- 35 (l) For regulating or prohibiting the use as a dwelling of any building not erected for that purpose;
- 40 (m) For preventing the sub-division or alteration of buildings or dwellings in such a manner as might be calculated to be injurious to health or to depreciate the value of properties in the locality or to cause annoyance to the inhabitants of the neighbourhood;
- 45 (n) For preventing buildings on lands being put to uses which might be calculated to depreciate the value of neighbouring property or to interfere with the convenience or comfort of neighbouring occupiers;
- 50 (o) For regulating, restricting or prohibiting the erection of dwellings or structures of wood or wood and iron or canvas or of hoardings or fences;
- 55 (p) For regulating the inspection of buildings and structures by the Council, its officers and servants, and for regulating the erection and use of scaffolding and hoarding during the construction, demolition, repair or alteration of any building or structure;

(q) For determining and regulating :—

- (i) the structure of walls, foundations, roofs, chimneys, windows, guttering, down-piping and all other parts of buildings, whether new or already existing, in order to secure stability, sufficient height, light and ventilation, and the proper carrying off of rain-water as well as for the prevention of fires and for purposes of health ; 5
- (ii) the sufficiency of the space about buildings in order to secure a free circulation of air and the proper ventilation of buildings ; 10
- (iii) the closing of buildings or parts of buildings which are unfit for human habitation ; 15
- (iv) adequate provision for the escape of the occupants of any building in the event of an outbreak of fire, by way of ordinary or special doors, outside iron stairways or other means, having regard to the size and use of the building ; 20

(r) For the giving of notice and the deposit of plans and sections by persons wishing to construct or alter buildings, for the approval or otherwise of all plans and sections of any such building or alteration, for the removal, alteration, or pulling down, at the cost of the owner, of any work begun or done in contravention of any by-law, and for preventing the occupation of any new or altered building until a certificate of the fitness thereof for habitation shall have been issued by the Medical Officer of Health ; 25

Lodging houses,
etc.

(28) For regulating, supervising and licensing lodging-houses and lodging-house keepers, and for prohibiting or regulating the use of underground rooms for human habitation or occupation ; 30

Sub-divisions
of land.

(29) For preventing or regulating the sub-division or cutting up of land or the sub-division of existing building lots into smaller areas, for providing that no transfer of any such sub-division of land shall be registered in any deeds registry unless and until a certificate under the hand of the Town Clerk has been produced to the registration officer to the effect that the Council has approved of such sub-division, and for preventing the withdrawal, cancellation or alteration, except with the consent of the Council, of any sub-divisional plan which has been approved by the Council ; 45

Grazing land.

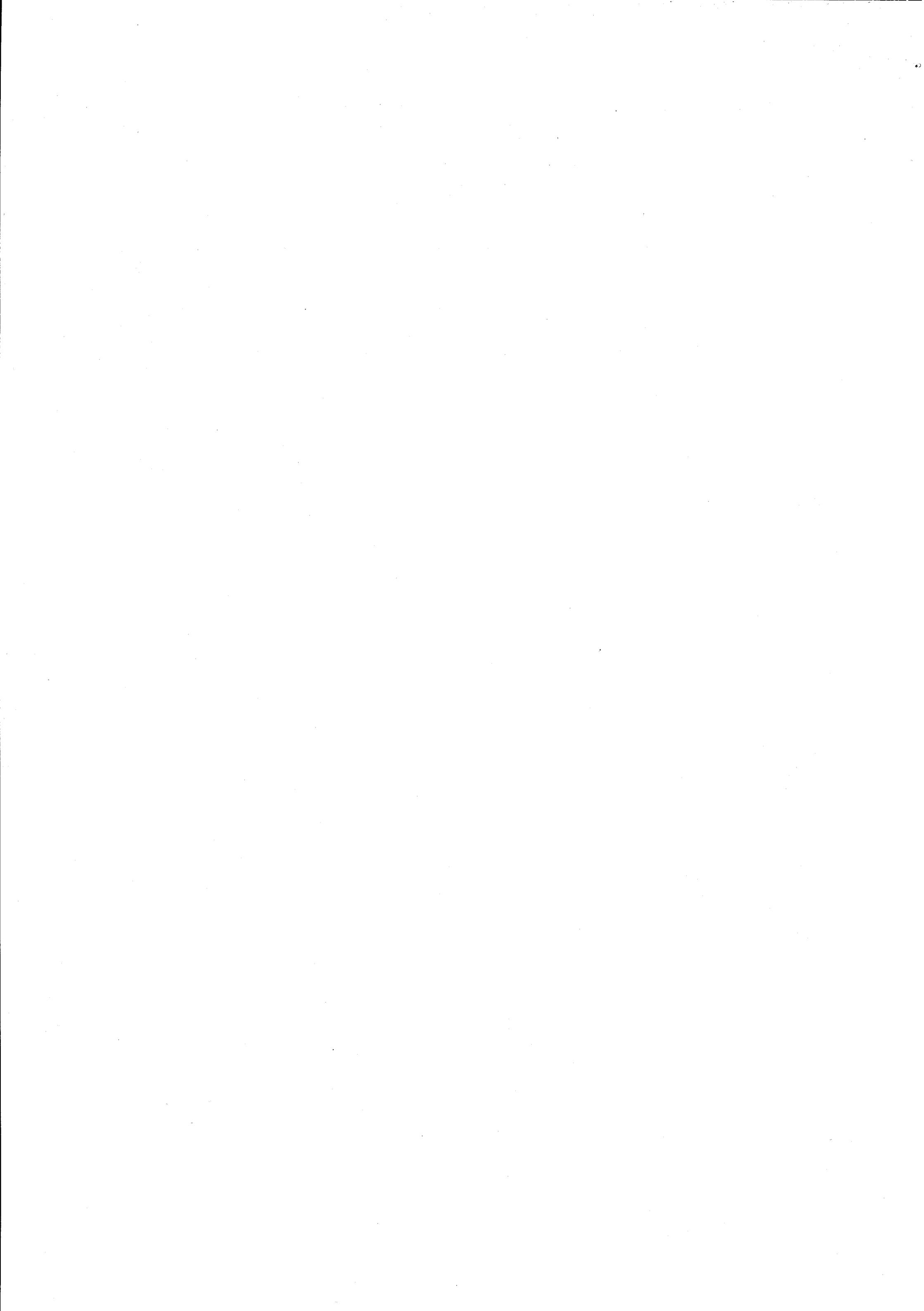
(30) For providing for the due and proper care of the common pasture or other municipal land, and for prohibiting or regulating grazing thereon ; 50

Brick works,
etc.

(31) For granting permits to make bricks or to dig and burn lime, or to dig and remove clay, gravel, peat or turf, or to quarry or crush stone, or to cut or burn firewood, brushwood, or grass upon municipal lands ; 55

Trees.

(32) For planting and preserving trees, flowers, and shrubs, for prohibiting or regulating the planting of trees and shrubs in public places, and for maintaining, cutting or removing any such trees or shrubs and preventing the removal or injury thereof ; 55



- (33) For preventing or regulating the keeping of stallions, Dangerous animals.
5 bulls, rams, swine, bees, and of wild or dangerous animals within the municipality ;
- (34) For regulating or licensing the keeping of dogs, for Dogs.
providing for the seizure, sale or destruction of vicious, dangerous, ownerless and unlicensed dogs, and for prohibiting bitches in heat from running loose in streets or public thoroughfares ;
- 10 (35) For preserving and protecting birds and animals, wild Birds.
or domesticated ;
- 15 (36) (a) For regulating the width, curbing, paving, guttering, Traffic and gravelly and cleansing of roads and streets ;
public places.
(b) For regulating the traffic and preventing and removing obstructions in or on public places, for dealing with live stock and dead, diseased or injured animals found in any public place, and for restricting and regulating the driving of live stock through streets or other public thoroughfares ;
- 20 (c) For regulating and controlling traffic, processions, and gatherings at, in or on public places, and for prohibiting or restricting the use of specified classes of vehicles in certain streets or areas ;
- 25 (d) For preventing any person or vehicle from carrying or conveying any article, burden or load so as to obstruct or incommodate passengers or vehicles in any public place, and for preventing the wheeling of wheelbarrows, cycles or other vehicles on any sidewalk or foot-pavement except for the purpose of crossing the same to or from any building ;
- 30 (e) For preventing persons from congregating with others and so causing obstruction in any public place, except such as may be set apart for the purpose ;
- (37) For regulating street trading and for licensing and Street trading.
supervising street traders ;
- 35 (38) For regulating, licensing, supervising, restricting or prohibiting the playing of musical instruments, or singing or performing for profit, in or on any public place ; Strolling musicians.
- 40 (39) (a) For regulating, supervising and licensing porters, Carriers and public carriers, carters, motor vehicle attendants, omnibuses, cabs, rickshas, trolleys and all other public vehicles and the drivers or haulers thereof, for fixing the amount of the licence fees to be paid, the charges or fares whether by distance or by time within or without the municipality, the number of passengers and the weight, dimensions, and nature of the loads to be carried, and for enabling the Council to endorse, suspend or cancel any such licence ;
- 45 (b) For compelling the provision and use in public vehicles of such taximeters as may be prescribed ;
- (c) For providing in the interests of public safety for the periodical examination by an authorised officer of the Council of all public vehicles, and for prohibiting the use of any vehicle as a public vehicle unless a certificate of efficiency under the hand of such officer has first been obtained by the applicant for a licence or by the licensee :
55

- Bicycles and traction engines. (40) For regulating, supervising and licensing bicycles, tricycles, road locomotives, and traction engines, for registering and stamping such vehicles, and for prohibiting the use of traction engines within the municipality or any portion thereof; 5
- Motor vehicles.* (41) For regulating and licensing motor vehicles, motor-cars and motor-cycles belonging to persons having a residence or place of business within the municipality where such vehicles are ordinarily housed or kept: Provided that the licence fee imposed in respect of such vehicle shall be one half of the licence fee payable under the Motor Traffic Ordinance or any Ordinance amending or replacing the same. 10
- Cap. 68.*
- Private vehicles. (42) For regulating and licensing all private vehicles not hereinbefore provided for; 15
- Conveyance of meat. (43) For regulating the conveyance of meat or dead animals through or along any street or public thoroughfare;
- Placing of articles on window sills. (44) For preventing the placing of articles on window sills or in any other position near any street in such a manner as may be likely to cause danger or annoyance to passers-by; 20
- Street wiring. (45) For prohibiting or regulating and for supervising, inspecting and licensing the erection of wires of any kind in, along, under or over any street or public thoroughfare, other than wires erected for public purposes by Government or by the Kenya and Uganda Railway; 25
- Street advertisements. (46) For regulating, supervising, inspecting, prohibiting and licensing the display of advertisements or advertising devices in or in view of any street or public thoroughfare, for prohibiting the display of advertisements, devices or pictures which are indecent or suggestive of indecency, and for preventing the display of advertisements or advertising devices in such places or in such manner or by such means as would, in the opinion of the Council, be likely to affect injuriously the amenities of or to disfigure any neighbourhood; 30 35
- Advertising devices. (47) For regulating, supervising, inspecting, prohibiting and licensing the use and passage of advertising vans, sandwich boards, lanterns, flags, screens or other movable advertising devices in or along any street or public thoroughfare; 40
- Signboards, etc. (48) For preventing the disfiguring of the fronts of buildings or fences, and for prohibiting, supervising, inspecting and licensing the use, or regulating the size, description and fixing of signboards, screens, private lamps, sunblinds or other devices attached to or connected with any buildings or fences, by means of which advertisements or notices of any kind may be displayed; 45 50
- Street decorations, platforms, etc. (49) For regulating street decorations, and for prohibiting or regulating the erection and removal of temporary platforms, seats and other structures for the use of the public at any meeting or entertainment or for the 55

- accommodation of spectators at any procession, exhibition, ceremony or spectacular display of any kind ;
- (50) (a) For regulating the conveyance, removal, transport, manufacture, storage, sale and use of petroleum, explosives, fireworks, gas and all other inflammable liquid or combustible material ;
- (b) For prescribing the routes and speeds by and at which, and the days and times when, explosives or inflammable material may be conveyed ;
- (51) For prohibiting or regulating collections of money in public places for charitable or other objects ;
- (52) For establishing and regulating public markets and market dues, and for prohibiting the establishment of any market within the municipality without the permission of the Council ;
- (53) For regulating public sales held on any public or open space or in any public building ;
- (54) For regulating, supervising, inspecting and licensing places used for the purpose of selling publicly, or exposing to public sale, any cattle, horses, sheep, goats, pigs, poultry or other live stock, for licensing persons to conduct such sales in municipal markets or elsewhere, and for requiring the deposit of security by an applicant for such licence ;
- (55) (a) For regulating, supervising, and inspecting the construction and maintenance of all installations for the supply of light, heat or power by means of electricity or otherwise ;
- (b) For regulating lighting with gas, electricity or otherwise ;
- (c) For regulating the generation of acetylene gas or other inflammable or explosive gas and the construction and use of all apparatus connected therewith, and for preventing or regulating the storage of liquid acetylene or carbide of calcium ;
- (56) For granting to electricians licences (but without charging any fee therefor) authorising them to carry out electrical wiring work for the installation, alteration or repair of any system of wiring connected or intended to be connected with any municipal works for the supply or distribution of power, for regulating such electricians and for prohibiting the carrying out of any such work by any unlicensed person ;
- (57) For preventing and extinguishing fires, for compensating the owner of buildings removed in order to prevent the spread of fires, and for regulating fire brigades ;
- (58) For regulating and licensing theatres, music halls, public halls, concert rooms, public billiard rooms, and other places of public amusement ;
- (59) For establishing, regulating, supervising, inspecting and licensing places of public recreation and public resort, and for regulating the means of ingress and egress in any such places ;

Conveyance,
etc., of
inflammable or
combustible
material.

Charitable
collections.

Markets.

Public sales.
Sales of
livestock.

Lighting and
power
installations.

Electricians.

Fires and
fire brigades.

Theatres, etc.
Places of
public resort.

Use of streets by natives.	(60) For regulating the use of streets and other public places by natives, and for prohibiting or regulating the carrying by natives of sticks, spears, knives or other weapons;	
Native dances.	(61) For prohibiting or regulating native dances, ngomas and nautches;	5
Native housing.	(62) For regulating the housing of natives by their employers;	
Native labour.	(63) For regulating and licensing wash boys and native labourers other than those employed in industrial concerns or domestic service;	10
Native locations.	(64) For regulating, supervising and inspecting native locations, and for regulating the charges to be made for the occupation of buildings in such locations;	
Native passes.	(65) For regulating the issue of passes to and the carrying of passes by natives within the municipality, and for fixing charges payable by natives for passes, not exceeding a maximum to be approved by the Governor in Council;	15
Wood sawyers.	(66) For regulating, supervising and licensing wood sawyers and other dangerous trades;	20
Dealers in second-hand goods.	(67) For regulating, supervising and licensing the trade, business or occupation of dealers in second-hand goods, including bottles, sacks, bones and tins;	
Cycle dealers.	(68) For regulating, supervising and licensing cycle dealers, manufacturers and repairers;	25
Swimming baths.	(69) For regulating, supervising, inspecting and licensing swimming baths and bathing establishments, and for prohibiting or regulating bathing in any open piece of water within the municipality;	30
Boating establishments.	(70) For regulating, supervising, inspecting and licensing boating establishments, for licensing boats whether kept for hire or otherwise, and for regulating the use of and fixing the number of persons to be carried in such boats;	35
Undertakers.	(71) For regulating, supervising and licensing undertakers, and for regulating the conveyance and disposal of dead bodies;	
Protection of municipal property.	(72) For protecting from damage or interference any municipal works or property situated or being in, under or over any public or other place within the municipality;	40
Quarrying of stone, etc.	(73) For prohibiting, restricting or regulating the quarrying of stone, lime, clay or other material on any premises;	45
Houses of ill-fame.	(74) For suppressing houses of ill-fame;	
Public decency, indecent literature, etc.	(75) For preserving public decency, for prohibiting the sale or exhibition of indecent literature, pictures and devices, and for prohibiting the sale or exhibition of pictures or devices of the nude;	50
Exhibitions of monstrosities.	(76) For prohibiting or restricting the public exhibition of monstrosities, freaks of nature, or any abnormal person or animal;	
Begging.	(77) For prohibiting begging in any public place;	
Gambling houses.	(78) For suppressing gambling houses;	

- (79) For regulating the possession and use of firearms *Firearms*.
 and the carrying of weapons by which bodily hurt
 can be inflicted;
- 5 (80) For enforcing and regulating the fencing of *Fencing of plots*.
 unoccupied plots, and for regulating the use of barbed wire for fencing;
- (81) For regulating and licensing livery stables and any *Livery stables*.
 place where horses or other animals are kept for hire;
- 10 (82) For regulating the taking by the Council of any *Census*.
 census of the inhabitants of the municipality, for defining the duties of census officers appointed by the Council, for compelling the giving of information required for the purpose of such census, and for prohibiting the divulging of such information;
- i5 (83) For regulating the construction by any owner of *Construction of footways*.
 land at his own expense of a footway along the side of any street abutting on his land, the paving of any such footway with concrete blocks or stones or in any other way, and the construction and paving, at the cost of such owner, of any such footway;
- 20 (84) For regulating and maintaining any service of motor *Omnibus service*.
 omnibuses or other vehicles, drawn or propelled by animal, mechanical or electric power, which may be established by the Council;
- 25 (85) (a) For regulating sewerage and drainage, for compelling the construction and connection, at the cost of the owner, of private drains with public drains, sewers or pipes, and for regulating the construction by the Council, at the cost of the owner, of all house drains in so far as they connect with and extend from the main sewer to the boundary of the property concerned; *Sewerage and drainage*.
- 30 (b) For regulating the giving of notice and the deposit of plans and sections by persons intending to carry out any sewerage or drainage work on any land or premises and the approval or disapproval thereof by the Council, and for the removal or alteration of any sewerage or drainage works begun or done in contravention of any by-laws;
- 35 (c) For fixing the charges which may be made for the use of the Council's drains, sewers and sewerage works;
- 40 (d) For granting to plumbers and drain-layers licences authorising them to carry out—
- 45 (i) plumbing or drain-laying work for the installation, alteration or repair of any system of drainage connected or intended to be connected with any municipal sewer, and/or
- 50 (ii) drain-laying or drainage work (other than storm-water drainage) for draining soiled or waste water,
 and for regulating such plumbers and drain-layers and for prohibiting the carrying out of any such work by any unlicensed person;

Pension and
provident funds.

- (86) (a) For permitting or requiring all or any of its officers or servants to become members of one or more pension, provident or benevolent fund or funds established, controlled, managed or maintained by the Council under sub-section (19) of section 78; 5
- (b) For fixing the contributions, if any, to be made by such members and by the Council;
- (c) For making periodical valuations of such funds and for the enforcement of any increase in the contributions thereto or diminution in the benefits arising therefrom as may be shown by any valuation to be necessary for maintaining the solvency thereof; 10
- (d) For prescribing the age at which persons in the service of the Council shall be permitted or required to become members of the fund and the age at and the conditions under which they shall be permitted or required to retire from the service of the Council; 15
- (e) For determining the amount of pension or other benefit to be paid to members on retirement from the service of the Council and to their dependents on death; 20
- (f) For regulating the management and investment of funds and the appointment or election where necessary of members of a committee for that purpose; 25
- (g) For vesting the property, money or/and assets pertaining to such funds in trustees for the purpose of administration thereof as directed by any committee of management by and against whom all actions at law relating to the fund shall be brought; 30
- (h) For regulating the retirement, removal and resignation of members of such committees of management or trustees and for filling of vacancies caused thereby;
- (i) For prescribing that no pension or right to a pension shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated or of being attached or subjected to any form of execution under a judgment or order of a court of law, and for withholding, suspending or entirely discontinuing the payment of the same in the event of the beneficiary attempting to assign, transfer or otherwise cede or to pledge or hypothecate any pension or right as aforesaid; 35
- (j) For prescribing that in the event of any person in receipt of an annuity being convicted by any court in His Majesty's dominions and being sentenced to imprisonment without the option of a fine for a period exceeding one month any such annuity shall during such period of imprisonment be payable to his dependents. 40 45 50
- (k) For agreeing with one or more other councils to establish a united pension, provident or benevolent fund for the benefit of persons in the service of any of those councils: Provided that
- (i) every such united fund shall be established by separate resolutions passed by each of the councils and approved by the Governor and shall be subject to such by-laws as may be framed under paragraphs (a) to (j) hereof and adopted by each of the councils concerned; 55 60

- 5
- (ii) such by-laws shall provide for the management and investment of such united fund being vested in a joint board consisting of representatives of the councils which are members of the said fund and the employees, and for the election of the members of such board;
- 10
- (iii) the expenses of the administration of a united fund so established shall be defrayed by the councils concerned in such proportions as may be agreed upon from time to time;
- 15
- (iv) any council, other than a council concerned in the establishment of such united fund, may by resolution approved by the Governor and subject to such terms as may be mutually agreed upon between the joint board and the council, join in any united fund.

20

No by-law made under this section shall be inconsistent with or repugnant to the provisions of this Ordinance or of any Ordinance dealing with public health or of any other law in force within the municipality.

96. The following are hereby declared to be nuisances for What constitutes a nuisance. the purposes of this Ordinance, namely :—

- 25
- (1) Any vessel, and any railway carriage or other conveyance in such a state or condition as to be injurious or dangerous to health;
- 30
- (2) Any dwelling or premises or part thereof which is or are of such construction or in such a state or so situated or so dirty or so verminous as to be injurious or dangerous to health, or which is or are liable to favour the spread of any infectious disease;
- 35
- (3) Any street, road or any part thereof, any stream, pool ditch, gutter, watercourse, sink, water-tank, cistern, water-closet, earth-closet, privy, urinal, cesspool, soakaway pit, septic tank, cesspit, soil-pipe, waste-pipe, drain, sewer, garbage receptacle, dustbin, dung-pit, refuse-pit, slop-tank, ash-pit or manure heap so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
- 40
- (4) Any well or other source of water supply or any cistern or other receptacle for water, whether public or private, the water from which is used or is likely to be used by man for drinking or domestic purposes or in connection with any dairy or milkshop, or in connection with the manufacture or preparation of any article of food intended for human consumption, which is polluted or otherwise liable to render any such water injurious or dangerous to health;
- 45
- (5) Any noxious matter, or waste water, flowing or discharged from any premises, wherever situated, into any public street, or into the gutter or side channel of any street, or into any nullah or watercourse, irrigation channel or bed thereof not approved for the reception of such discharge;
- 50

- (6) Any stable, cow-shed or other building or premises used for keeping of animals or birds which is so constructed, situated, used or kept as to be offensive or which is injurious or dangerous to health ; 5
- (7) Any animal so kept as to be a nuisance or injurious to health ;
- (8) Any accumulation or deposit of refuse, offal, manure or other matter whatsoever which is offensive or which is injurious or dangerous to health ;
- (9) Any accumulation of stones, timber, or other building material if such is likely to harbour rats or other vermin ; 10
- (10) Any premises in such a state or condition and any building so constructed as to be likely to harbour rats ; 15
- (11) Any dwelling or premises which is so overcrowded as to be injurious or dangerous to the health of the inmates, or is dilapidated or defective in lighting or ventilation, or is not provided with or is so situated that it cannot be provided with adequate sanitary accommodation ; 20
- (12) Any public or other building which is so situated, constructed, used or kept as to be unsafe, or injurious or dangerous to health ;
- (13) Any occupied dwelling for which such a proper, sufficient and wholesome water supply is not available within a reasonable distance as under the circumstances it is possible to obtain ; 25
- (14) Any factory or trade premises not kept in a cleanly state and free from offensive smell arising from any drain, privy, water-closet, earth-closet, or urinal, or not ventilated so as to destroy or render harmless and inoffensive so far as practicable any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein ; 30
- (15) Any factory or trade premises causing or giving rise to smells or effluvia which are offensive or which are injurious or dangerous to health ; 40
- (16) Any area of land kept or permitted to remain in such a state as to be offensive, or liable to cause any infectious, communicable or preventable disease or injury or danger to health ;
- (17) Any chimney sending forth smoke in such quantity or in such manner as to be offensive or injurious or dangerous to health ; 45
- (18) Any cemetery, burial-place or place of sepulture so situated or so crowded or otherwise so conducted as to be offensive or injurious or dangerous to health ;
- (19) All collections of water, sewage, rubbish, refuse, ordure, or other fluid or solid substances, which permit or facilitate the breeding or multiplication of animal or vegetable parasites of men or domestic animals, or of insects or of other agents which are known to carry such parasites or which may otherwise cause or facilitate the infection of men or domestic animals by such parasites ; 50
- (20) Any collection of water in any well, pool, gutter, channel, depression, excavation, barrel, tub, bucket or any other article, and found to contain any of the immature stages of the mosquito ; 60

- (21) Any cesspit, latrine, urinal, dung-pit or ash-pit found to contain any of the immature stages of the mosquito;
- 5 (22) Any act, omission, or thing which is or may be dangerous to life, or injurious to health.

97. No by-law shall be made or amended by the Council unless and until a copy of such proposed by-law or amendment shall have been deposited at the office of the Council for inspection by any person at all reasonable times, and unless 10 and until a notice shall have been published in some newspaper circulating in the municipality or affixed to the principal door of the municipal offices seven days prior to the meeting of the Council held for the purpose of making such by-law or amendment setting forth the general purport of the proposed by-law or 15 amendment and stating that a copy thereof is open to inspection as aforesaid : Provided that any objection to any such proposed by-law or amendment shall be lodged with the Town Clerk within six days after the publication of the notice as aforesaid.

98. (1) After any by-law has been made or amended by 20 the Council, such by-law or amendment shall be submitted to the Commissioner for Local Government for the approval of the Governor : Provided that when any objection has been lodged against any proposed by-law or amendment, and such objection has not been withdrawn, such by-law or amendment 25 shall be submitted for the approval of the Governor in Council.

(2) Every by-law or amendment submitted for approval under the preceding sub-section shall be accompanied by—

- 30 (a) a copy of the minutes of the meeting of the Council at which the by-law or amendment was adopted ;
 (b) a certificate by the Town Clerk that the provisions of the last preceding section have been complied with ;
 (c) copies of any objections against the adoption of the by-law or amendment which may have been lodged, in writing, with the Town Clerk, or, if none have 35 been lodged, a statement to that effect.

(3) The Governor (or the Governor in Council when any objection has been lodged and has not been withdrawn) may approve, alter or reject any such by-law or amendment.

(4) Upon approval by the Governor or the Governor in 40 Council, as the case may be, of any by-law or amendment (with or without alteration thereof) such by-law or amendment shall be published in the Gazette and thereupon shall have the full force of law within the municipality.

(5) A copy of the Gazette containing any by-law of the 45 Council shall be evidence of the due making of such by-law and of the contents thereof.

99. The Governor may at any time, after having given to the Council reasonable notice and having heard the Council 50 thereon, make, amend or revoke any by-law which the Council is empowered by this Ordinance to make, amend or revoke. Every by-law and every amendment or revocation under this section shall be notified to the Council by the Commissioner for Local Government and shall be published in the Gazette.

100. The Council may, by by-law, impose a penalty for 55 the breach of any by-law made under this Ordinance, and may also impose different penalties in case of successive or continuous breaches, but no such penalty shall exceed twenty-five pounds. Any by-law may further provide that, in addition to any such penalty, any expense incurred by the Council in

By-laws, how to be made.

Submission of by-laws for approval.

Power of Governor to make, etc., by-laws.

Penalties for breaches of by-laws.

consequence of any breach of such by-law, or in the execution of any work directed by any such by-law to be executed by any person and not executed by him, shall be paid by the person committing such breach or failing to execute such work.

Prosecution for contravention of by-laws.

101. All offences against any by-law in force within the municipality shall be deemed to be offences against this Ordinance, and in any prosecution for contravening the provisions of any such by-law it shall be sufficient to allege that the accused is guilty of contravening a by-law of the Council and to allege the act constituting such contravention, describing the by-law by number. 5

Provision for affixing to premises notice of conviction for sale or possession of unsound food.

102. (1) Where any person is convicted a second time within a period of twelve months of having contravened any by-law by selling or exposing for sale or depositing for the purpose of sale or preparation for sale, or of having in his possession, any animal or article (whether solid or liquid) intended for human consumption which is diseased or unwholesome or unfit for human consumption, the court may, if it finds that such person knowingly or wilfully committed both offences, in addition to inflicting any other punishment, order that a notice of the facts be affixed in such form and manner and for such period, not exceeding twenty-one days, as may be specified in the order to any premises occupied by such person, and may further order that such person do pay the costs of such affixing. 15

(2) If any person obstructs the fixing of any such notice, or removes, defaces or conceals such notice while affixed during the said period, he shall be guilty of an offence and shall, for each such offence, be liable to a fine not exceeding ten pounds. 20

Licences.

Duties and fees.

103. (1) The Council may impose such duties or fees as may be fixed by by-laws in respect of any trade, occupation or premises which it is empowered under this Ordinance to inspect or supervise and licence. 30

(2) The Council may appoint committees for the purpose of hearing any application for licences to carry on any trade or business or may itself sit to hear such applications, and the Mayor or the chairman of any committee so appointed as the case may be shall have power to summon any applicant for or any objector to the grant of a licence (by writing under his hand served on such persons) to give evidence at any sitting of the Council or a committee held for the purpose of hearing the application for such licence or to produce books or documents at such sitting, and any such person refusing or omitting without sufficient cause to attend and give evidence or to produce books or documents in his possession or under his control as required by such summons shall be guilty of an offence against this Ordinance: Provided always that every person summoned under this section to give evidence or produce books and documents shall be entitled to all the privileges to which a witness summoned to give evidence or produce books or documents before the Supreme Court is entitled. 35 40 45 50

(3) All witnesses giving evidence before the Council or a committee at the hearing of any application for such licences shall give evidence on oath which may be administered by the Mayor or the member presiding. 55

Power of the Council to refuse licences.

104. The Council may refuse to grant any licence to carry on any trade or business which it is empowered to grant, on any of the following grounds:—

(a) That within the three years immediately preceding the application either the applicant or any person em-

ployed by or assisting him in his business or directly or indirectly interested therein has been convicted three times of contravening a law or by-law in force within the municipality in regard to the trade for which the licence is applied for ;

- 5 (b) That the premises in or on which the applicant intends to carry on his trade or business do not conform to the requirements of the Council's by-laws ;
- 10 (c) That the granting of such licence would be contrary to the public interest :

Provided, however, that any applicant for a licence whose application has been refused may appeal against the Council's decision to the court of the magistrate within whose jurisdiction the premises in or on which the applicant intended to conduct his trade or business lies, and, in the event of the appellant satisfying the court that the licence was refused on insufficient grounds, the court may order the Council to grant such licence and such licence shall be granted accordingly :

Provided, further, that the appellant or the Council may 20 appeal to the Supreme Court against any such order of the magistrate and the decision of the Supreme Court shall be final.

105. The Council may refuse a licence in respect of any premises as a theatre, music hall, dance hall, public hall, concert room or other place of amusement, or as a restaurant 25 or eating house, on any of the grounds mentioned in the last preceding section or on any of the following grounds :—

- (a) That the applicant has failed to produce satisfactory evidence of good character ;
- 30 (b) That the premises in respect of which the licence is sought or any adjacent premises owned or occupied by the applicant are frequented by persons of bad character ;
- 35 (c) That the granting of such licence would be calculated to cause nuisance or annoyance to persons residing in the neighbourhood :

Power of the
Council to
refuse to licence
certain premises

Provided, however, that the refusal of the Council to grant any licence on any of the grounds mentioned in this section shall be subject to the same right of appeal as is provided in the last preceding section.

40 **106.** (1) No person shall, without having first obtained from the Council a licence for that purpose, carry on within the municipality the work or trade of a knacker or of blood-boiling or cleaning, tallow melting, fat melting or fat extracting, fell mongering, skin storing, skin curing, blood drying, 45 gutscraping, fish mongering, fish frying, leather dressing, tanning, glue making, size making, charcoal burning, brick burning, lime burning, manure making, manure storing, bone storing, or any other work or trade of an offensive nature which the Council may, with the sanction of the Governor, 50 declare to be an offensive trade for the purposes of this section.

Licensing of
offensive trades

(2) Any person who shall carry on any such work or trade without having first obtained the required licence from the Council shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds and to a further fine not 55 exceeding two pounds in respect of every day during which such offence shall continue after notice to cease such offensive work or trade has been served upon such person by the Council.

(3) Before considering any application for any licence under this section the Council may require the applicant to pay the cost of advertising full particulars of his application in such manner and for such period as the Council may think fit. 5

(4) The Council may refuse to grant any licence under this section on any of the grounds mentioned in section 104 of this Ordinance or on any of the following grounds :—

- (a) That the premises used or proposed to be used by the applicant for the work or trade for which the 10 licence is sought are unsuitable for the purpose;
- (b) That the methods adopted or proposed to be adopted by the applicant for preventing noxious or offensive vapours, gases or smells arising from such work or trade are not efficient; 15

Provided, however, that the refusal of the Council to grant any such licence on any of the grounds mentioned in this section shall be subject to the same right of appeal as is provided in section 104 of this Ordinance.

Power to refuse licences to ricksha boys.

107. The Council may refuse to grant a licence to the hauler of a ricksha who is medically or physically unfit or who has failed to pass any test of efficiency or to deposit any security as may be required by by-laws. 20

Penalty on conviction for contravention of law or by-law relating to licences.

108. On the conviction of any person holding a trade licence granted by the Council for any contravention of the 25 law or the Council's by-laws relating to the conduct of such trade, the magistrate before whom such person is convicted may, on the application of the Council, cancel or suspend his licence and order that no new licence to carry on such trade within the same municipality shall be granted to such person 30 for a period not exceeding one year from such conviction, and thereupon such person shall become disqualified to hold a licence during such period of cancellation or suspension.

PART VI.

FINANCIAL PROVISIONS.

Application and interpretation.

109. Save as otherwise expressly provided, the provisions of this Part of this Ordinance shall apply to every Municipal Council and every Municipal Board constituted by or under this Ordinance :

Provided that the terms "Council" and "Mayor" shall, 40 in the case of a municipality under the jurisdiction of a Municipal Board, be deemed to refer, respectively, to the Board and to the Chairman of the Board.

Revenue and Borrowing Powers.

Revenues of the Council.

110. The revenues of the Council shall include :— 45

- (a) All rates levied by the Council;
- (b) All moneys derived from licences issued by the Council and all market dues and pound fees;
- (c) One-half of all fines imposed by any competent court in respect of any contravention of the provisions of 50 this Ordinance or of any by-laws made thereunder;
- (d) All charges or profits arising from any trade, service or undertaking carried on by the Council under the powers vested in it;

- (e) Proceeds of sale of by-products;
- (f) All other fees, charges, dues and rents recoverable by the Council or to which the Council is entitled under this Ordinance or any other law;
- 5 (g) Interest on moneys invested by the Council, except where special provision is made in regard thereto under this Ordinance or any other law;
- (h) Government contributions (if any).

111. (1) All moneys due for sewerage, sanitary and refuse removal services shall be recoverable from the owner and occupier jointly and severally of the premises in respect of which the services were rendered: Provided that the owner shall, in the absence of any agreement to the contrary, be entitled to recover from the occupier of the said premises for 15 the time being any such charges paid by him in respect of the occupation of such occupier.

(2) When any charges due in respect of any premises for sewerage, sanitary or refuse removal services shall remain unpaid for a period of six weeks after the date on which 20 written notice shall have been given by the Council to the owner or occupier of his indebtedness, the Council may, at any time within twelve months after such date, proceed jointly and severally against the owner and occupier for the time being of such premises for the amount of such charges 25 or any part thereof, and may recover the same from such owner or occupier: Provided that every such occupier shall be entitled to deduct from any rent or other amount payable by him to the owner of the premises any portion of such charges paid by or recovered from him under this sub-section 30 which the owner could not lawfully have required him to pay, and the production of the receipts for such portion of such charges so paid or recovered from such occupier shall be a good and sufficient discharge for the amount so paid or recovered as payment of rent or other amount.

35 (3) The Council may charge and recover interest on arrear charges for sewerage, sanitary and refuse removal services at a rate not exceeding one per centum per month or part of a month.

112. (1) No transfer of any premises within a municipality shall be passed or registered before any registration officer until a written statement in the form shown in the Fourth Schedule to this Ordinance, and signed and certified by the Town Clerk or other officer authorised thereto by the Council, shall be produced to such registration officer, nor 45 unless such statement shows—

- (a) that all charges for a period of three years immediately preceding the date of application for transfer due in respect of such premises for sewerage, sanitary and refuse removal services and lawfully imposed under this Ordinance or any by-laws made thereunder; and
- 50 (b) that all charges (if any) for a period of three years immediately preceding such date due in respect of such premises on account of rates imposed under any enactment for the time being in force within the municipality; and

(c) that all sums (if any) due on account of any expenses incurred or advances made by the Council under the provisions of this Ordinance,
have been paid to the Council..

(2) The Town Clerk or other officer authorised thereto by the Council is hereby required to give the said statement on the demand of the owner of the premises or his attorney or agent, upon payment by him of all charges due as aforesaid and of a charge to be fixed by resolution of the Council not exceeding two shillings for each such statement. 5 10

Government contributions.

113. (1) This section shall apply only to the municipalities of Nairobi and Mombasa.

Contributions in lieu of rates.

(2) There shall be paid to the Council and Board respectively, from the general revenue of the Colony, an annual contribution in lieu of rates for each and every financial year 15 as hereinafter provided, that is to say:—

(a) In respect of all rates imposed by the Council or Board, as the case may be, upon the unimproved value of land under the provisions of any enactment for the time being in force (except special rates 20 hereinafter referred to), a contribution calculated upon the unimproved value of Crown land as shown by the valuation made under such enactment at the same percentage or amount in the pound as rates imposed by the Council or Board for the same 25 financial year upon the unimproved value of privately owned land;

(b) In respect of all rates imposed by the Council or Board, as the case may be, upon the value of improvements under the provisions of any such 30 enactment as aforesaid, a contribution bearing the same proportion to the total amount chargeable as rates upon privately owned improvements as the contribution payable under paragraph (a) on the unimproved value of Crown land bears to the total 35 amount chargeable as rates upon the unimproved value of privately owned land:

Provided that the total contribution payable for any financial year (excluding contributions in respect of special rates hereinafter referred to) shall not exceed two per centum 40 of the total unimproved value of Crown land as shown by the aforesaid valuation.

Contributions in lieu of special rates.

(3) In addition to the contributions payable under the last preceding sub-section, there shall be payable, in respect of all special rates imposed by the Council or Board, as the case 45 may be, upon a particular area or areas of the municipality under any such enactment as aforesaid, a contribution calculated upon the unimproved value of Crown land situate within such area or areas as shown by the aforesaid valuation at the same percentage or amount in the pound imposed by 50 the Council or Board in respect of such special rates upon the unimproved value of privately owned land.

Contributions, when payable.

(4) Contributions under the preceding sub-sections shall become due upon the dates fixed by the Council or Board, as 55 the case may be, for the payment of the rates in respect of which such contributions are payable, and, upon the Council or Board passing a resolution to impose any rate, such Council

or Board shall forward to the Commissioner for Local Government a copy of such resolution certified by the Town Clerk, together with a statement of the contribution payable in respect thereof.

- 5 (5) The Governor may advance to the Council or Board, in anticipation of rates to be levied, any sum not exceeding three-fourths of the estimated total contribution payable in respect of such rates, and any sum so advanced shall be free of interest and shall be deducted from the contribution payable in respect of such rates : Provided that no such advance shall be made in any financial year in respect of contributions on account of rates to be levied in any succeeding financial year.
- 10 (6) There shall also be paid annually to the Council and Board, respectively, from the general revenue of the Colony :—
- 15 (a) (i) A grant of one-half of the cost of construction, reconstruction and maintenance of such roads within the municipality as the Governor may, on the advice of the Central Roads Board established under section 130 of this Ordinance, classify as main trunk and main district roads, subject, however, to the standard of construction, reconstruction and maintenance proposed by the Council or Board, as the case may be, being approved by the Central Roads Board and to provision being made in the annual estimates of the Council or Board for the recovery of the remaining one-half (or, where such one-half is to be met from loan funds, for the recovery of the interest and loan charges) out of rates imposed on the public ;
- 20 (ii) The Council or Board, as the case may be, shall cause a special account to be kept of expenditure incurred on construction, reconstruction and maintenance of such main trunk and main district roads, and, where any question shall arise as to the correctness or admissibility of any charge against such special account, the decision of the Governor in Council shall be final ;
- 25 (b) A sum which is equivalent to one-half of the revenue collected by Government under the provisions of the Motor Traffic Ordinance or any enactment amending *Cap. 68.*
- 30 (c) A sum which is equivalent to one-half of the annual emoluments of the Medical Officer of Health and of all qualified sanitary inspectors appointed in accordance with the provisions of this Ordinance ;
- 35 (d) A sum which is equivalent to one-half of the annual emoluments of the Town Clerk, the Town Treasurer and the Town Engineer, respectively, appointed in accordance with the provisions of this Ordinance ;
- 40 (e) A sum which is equivalent to one-half of any expenditure incurred by the Council or Board, as the case may be, in connection with outbreaks of infectious diseases, subject, however, to the approval by the Governor of the details of such expenditure.
- Advances in
anticipation of
rates.
- Additional
grants.

May 1, 1928.

Grant in aid of
public health.

(7) There shall also be paid to the Council and Board, respectively, from the general revenue of the Colony, in respect of expenditure incurred upon public health by such Council or Board, a diminishing grant of such amount annually and for such period of years as may be determined by the Governor in each case. 5

Payment for
municipal
services.

(8) Payment for all municipal services rendered to Government offices shall be made on the same basis as if such services had been rendered to private premises.

Borrowing
powers.

114. (1) The Council may from time to time, ~~by~~ ^{not less than} a majority of the councillors present at a meeting specially convened for the purpose, at which the majority ~~voted~~ ^{shall} not be less than a majority of the whole Council, raise loans in such amounts and on such conditions as may be allowed by the Governor with the approval of the Secretary of State. 15

(2) Such loans shall be secured on the property and revenues of the Council, including any lands which may be specially placed at the disposal of the Council under the provisions of any law : Provided, however, that this sub-section shall not be deemed to confer any power to alienate such lands other than is conferred by such law. 20

(3) Where any such loan shall be raised by means of stock, the provisions of any borrowing powers Ordinance which may be applicable and in force for the time being with regard to the issuing of stock, the provision to be made for payment of interest thereon, for the redemption thereof at the time or times fixed for repayment, and the proceedings to be taken in case of default, shall apply. 25

(4) If at any time any interest due on any loan (other than stock) shall remain unpaid for three months after demand therefor in writing has been lodged with the Town Clerk by the person entitled thereto or by his duly authorised representative, application may be made by such person or his representative to the Supreme Court for the appointment of a receiver of the property and revenues on which the loan is secured. 30 35

(5) On the hearing of such application the Court may make such order and give such directions as under the circumstances shall seem expedient for the raising and payment of the moneys due. In particular, the Court may order that a rate or rates of such amount or amounts as it may fix be levied upon all rateable property within the municipality ; and such rate so ordered shall have the same incidence as any rate imposed by the Council and may be enforced in like manner, and the proceeds thereof shall be paid into Court or otherwise as the Court shall direct. 40 45

(6) If at any time default be made in the repayment of any loan or of any instalment thereof after a period of thirty days from the date on which such loan or instalment shall have become repayable, the like proceedings may be instituted on the application of the person to whom such repayment shall be due or his duly authorised representative. 50

(7) The Court, on such application, in addition to any order which it is empowered to make under sub-section (5) of this section, may, if it shall think fit, order the sale of any property on which the loan may be secured, subject always to the provisions of any law as regards the alienation of any lands vested in the Council under such law. 55

115. (1) The Council may from time to time obtain Advances from Government and from Government advances of moneys required for the proper overdrafts carrying out of the provisions of this Ordinance.

(2) The Council may obtain advances from any bank by way of overdraft in such amounts and on such conditions as may be approved by the Governor.

(3) All moneys so advanced, and the interest thereon (if any), shall constitute a liability of the Council and shall be a charge on the property and revenues, present and future, of the Council; and the provisions of the last preceding section for the security of such advances and for the recovery thereof shall apply in all respects as if such advances were loans raised under the provisions of the said section.

116. Save when any loan or advance by way of overdraft has been authorised as aforesaid, no person or bank lending money to the Council shall have any remedy or right whatsoever to recover such loan or advance from the Council: Provided that, if the Council borrows any money which it is not legally bound to repay, all the members who have joined in authorising the borrowing of such money shall be jointly and severally liable to repay the amount so borrowed and all interest thereon, and the same may be recovered from them by action in any competent court.

117. (1) It shall be the duty of the Council to frame regulations providing for the annual setting aside by the Council of amounts to create adequate reserve funds to provide for the entire or partial replacement of assets of the Council which owing to depreciation or other cause will require at some future date to be replaced, and providing for the investment of such funds. Such regulations shall be submitted for the approval of the Governor who may approve the same with or without modification, and, when approved, shall be published in the Gazette: Provided that if the Council shall fail to frame such regulations and to submit the same for approval as aforesaid within a period of twelve months from the date on which the Governor shall require the Council so to do, such regulations may be made by the Governor.

(2) The Council shall pay annually out of its revenues into the reserve funds so created such contributions as are required by regulations made under this section, and no such moneys or any part thereof shall, without the sanction of the Governor, be used either permanently or temporarily for any purpose other than the purposes for which they have been contributed. All interest or other revenues derived from such reserve funds shall be paid into and become part of such funds.

Accounts and Audit.

118. (1) The Council shall cause proper books and accounts to be provided and true and regular records to be entered therein of all transactions of the Council, and such books and accounts shall be open to the inspection of any member of the Council, ratepayer or creditor of the municipality, without fee or reward. Any such person may make copies of or extracts from such books or accounts.

(2) All such books and accounts shall, in order to provide for the production of comparative statements of revenue, expenditure, cost, and general uniformity in the accounts of local authorities, be kept in such form and manner as the Commissioner for Local Government may direct.

Illegal borrowing

Accounts to be kept.

Financial year;
statement of
accounts.

119. (1) For the purposes of this Ordinance the financial year shall be the twelve months ending on and including the thirty-first day of December of each and every year.

(2) The accounts of the Council shall, as soon as may be, be balanced for the preceding financial year and an annual statement or abstract thereof shall be prepared. Copies of such annual statement or abstract, and of the inspector's report made under section 121, shall be laid before the Council not later than at its first ordinary meeting in the month of May following, and shall be delivered to any inhabitant of the municipality on application and on payment of the fee, if any, prescribed by resolution of the Council. 5

(3) Such annual statement or abstract shall be prepared in such form and shall contain such information as the Commissioner for Local Government may require, and such portions 15 thereof or extracts therefrom, together with such portions or extracts from the inspector's report, as the Commissioner for Local Government may direct, shall be published in one or more newspapers (if any) circulating in the municipality.

Annual estimates
to be framed by
the Council.

120. (1) Not less than fourteen days before the expiry 20 of any financial year the Finance Committee shall present for the approval of the Council detailed estimates of the revenue and expenditure of the Council for the next financial year.

(2) A summary of such annual estimates shall be published in the Gazette and in one or more newspapers (if any) 25 circulating in the municipality at least fourteen days prior to the date of the meeting of Council at which such estimates are presented for the approval of the Council, and a copy of such annual estimates shall be delivered to any inhabitant of the municipality on application and on payment of the fee, 30 if any, prescribed by resolution of the Council.

Special
provisions for
Municipal
Councils.

(3) In the case of any municipality constituted under the jurisdiction of a Municipal Council, the Council shall, before the commencement of each financial year, submit a copy of 35 such annual estimates as approved by the Council to the Commissioner for Local Government together with a statement of the rates proposed to be levied for such financial year and an estimate of the amount of the contribution payable by Government in respect thereof. Any revised or supplementary estimate of revenue and expenditure approved by the Council 40 shall be submitted in like manner, together with a statement of any proposed alteration in the rates to be imposed and an estimate of the revised contribution, if any, payable by Government: Provided, however, that this sub-section shall not come into operation in the municipality of Nairobi for a 45 period of five years from the commencement of this Ordinance. During the period aforesaid the estimates of the municipality of Nairobi shall be dealt with in the manner prescribed by the next succeeding sub-section, and the term "Board" shall, when used in the said sub-section, be deemed to refer to the Nairobi 50 Municipal Council.

Special
provisions for
Municipal
Boards.

(4) In the case of any municipality constituted under the jurisdiction of a Municipal Board, the Board shall, before the commencement of each financial year, submit a copy of such 55 annual estimates as approved by the Board to the Commissioner for Local Government for approval by the Governor in Council, and when so approved an abstract thereof shall be published in the Gazette. The Board shall not incur any expenditure which has not been included in such approved estimates except with the sanction of the Governor in Council: 60 Provided that reallocations of expenditure within the limits of

the approved estimates which shall not increase or decrease any one item of expenditure by more than one hundred pounds may be made by the Board. Any revised or supplementary estimates approved by the Board shall be submitted for the 5 approval of the Governor in Council.

(5) For the purpose of approval under the last preceding sub-section all annual, revised or supplementary estimates shall be prepared in such form and shall contain such detailed information as the Commissioner for Local Government may 0 require.

(6) A copy of all annual, revised or supplementary estimates as approved in accordance with this section shall be recorded in the minutes of the Council or Board, as the case may be.

15 **121.** (1) The Governor shall appoint one or more persons, being officers of the public service, from time to time to inspect, examine and report upon the accounts and records of the Council, and the Council shall, by the Town Clerk or other officer authorised by the Council, produce and lay before the 20 person or persons so appointed (in this Ordinance referred to as "the inspector") all books and accounts of the municipality together with all vouchers, papers and writings relating thereto.

(2) It shall be the duty of the inspector to certify, not less than once in each financial year, whether or not—

- 25 (a) the accounts of the Council are in order ;
 (b) separate accounts of all trading undertakings have been kept ;
 (c) the accounts issued present a true and correct view of the financial position of the Council, of its 30 transactions, and of the results of trading ;
 (d) due provision has been made on account of redemption and repayment of all moneys borrowed by the Council ;
 (e) the value of the assets of the municipality have been fairly stated ;
 (f) the amounts set aside for depreciation and renewal of the assets of the municipality are adequate and in 35 accordance with regulations framed under section 117 ;
40 (g) all his requirements and recommendations have been complied with and carried out.

(3) The inspector in his report shall state his opinions and observations upon all questions arising out of the certificate given by him under the last preceding sub-section, and upon 45 all matters affecting the economical and efficient administration and conduct of municipal services which in his opinion call for special notice, and shall in such report draw attention to all cases in which it shall appear to him that the provisions of this Ordinance or any other law have not been carried out or that 50 any acts, matters or things have been performed or carried out without due authority.

(4) The Town Clerk shall, immediately upon the receipt of the inspection report or reports or copies thereof, submit 55 the same to the Mayor and/or Chairman of the Finance Committee and thereafter shall lay the same before the Council at its next ensuing meeting.

(5) The Council shall pay to the Governor, within three months from the date of the signing and certifying by the inspector of the accounts of the Council for any financial year, such sum as the Governor may from time to time determine, not being more than one per centum of the total expenditure of the Council which has been brought to account and certified by the inspector for that financial year : Provided that where, for the purpose of an effective audit, the accounts of the municipality require to be completed, adjusted or balanced by the inspector a proportionately higher fee, as the Governor may determine, shall be charged and paid. 5
10

Inspector's power to surcharge

122. (1) The inspector shall disallow every payment made without due authority according to law, and shall surcharge the same on the person or persons making or authorising the illegal payment, and shall charge against any person or persons responsible therefor the amount of any deficiency or loss occasioned by the negligence or misconduct of such person or persons or of any sum which ought to have been brought to account by any such person or persons, and shall in every case certify the amount due from such person or persons. 15
20

(2) For the purposes of this section the persons making or authorising any illegal payment shall include all members of the Council and of any committee thereof who were present at the meeting of the Council or committee at which such payment was authorised and who did not cause their votes 25 against the resolution authorising such payment to be recorded in the minutes.

(3) An appeal shall lie to the Supreme Court from any decision of the inspector under this section, or the person surcharged may, in lieu of such appeal, appeal to the Governor 30 whose decision shall be final.

(4) Every sum certified by the inspector, or found on appeal, to be due from any person under this section shall be paid into the fund from which it was taken within thirty days from the date of the inspector's certificate or decision on 35 appeal, as the case may be, and if such sum is not so paid the inspector shall recover the same from the person surcharged in any competent court, and shall be paid by the Council his reasonable costs and expenses incurred in such proceedings.

(5) In any proceedings for the recovery of such sum the 40 inspector's certificate shall be conclusive evidence that the sum is due and payable by the person charged.

(6) On the production of such certificate the court shall give a decree for the sum sued for, and every such decree shall have the effect of a decree under the Civil Procedure 45 Ordinance, 1924, and any Rules made thereunder.

Powers of inspector to take evidence.

123. (1) For the purpose of any examination under the provisions of section 121, the inspector may hear and receive evidence and examine witnesses upon oath (which oath the inspector is hereby empowered to administer), and 50 may, by summons under his hand, require all such persons as he may think fit to appear personally before him at a time and place to be stated in such summons and to produce all such books and papers (including the minutes of the proceedings of the Council or of any committee thereof) as may be 55 necessary for such examination.

(2) Any person so required who, without reasonable excuse—

(a) neglects or refuses to comply with the tenour of such summons; or

- (b) having appeared, refuses to be examined on oath or to take such oath ; or
 - (c) having taken such oath, refuses to answer such questions as are put to him,
- 5 shall be guilty of an offence and shall be liable, for every such neglect or refusal, to a fine not exceeding thirty pounds or to imprisonment for a period not exceeding six months.

PART VII.

ESTABLISHMENT OF CENTRAL AUTHORITY AND ORGANISATION 10 FOR LOCAL GOVERNMENT PURPOSES.

124. (1) The Governor shall appoint an officer to be Commissioner for Local Government who shall perform the duties prescribed to be performed by him under this Ordinance. The Commissioner shall also be responsible for 15 conducting all correspondence with Municipal Councils and Municipal Boards and for dealing with all matters which require to be referred by such Councils or Boards to the Governor. He shall administer all Government contributions to Municipal Councils and Municipal Boards and shall conduct 20 all the business of the Standing Departmental Committee and Central Roads Board established under this Ordinance.

Appointment of
Commissioner
for Local
Government
and Municipal
and Town
Planning
Engineer

(2) The Governor shall appoint an officer to be Municipal and Town Planning Engineer whose duties shall be to advise the Governor as to the exercise of his powers of control over 25 municipal works, to inspect the works of Municipal Councils and Municipal Boards save as regards main trunk and main district roads, to assist and advise Municipal Councils and Boards in the preparation of town planning schemes, of sewerage, drainage, water supply and other municipal works, 30 and in the preparation of by-laws relating thereto, and to undertake such other duties as may be directed by the Commissioner for Local Government.

125. (1) There shall be established a Standing Departmental Committee for Local Government (in this Ordinance 35 referred to as "the Standing Committee") to advise the Standing Committee for Local Government Governor in regard to all matters relating to local government and to perform the duties imposed upon it by this Ordinance or by any other enactment relating to local government for the time being in force.

- 40 (2) The Standing Committee shall consist of :—
- (a) The Colonial Secretary as Chairman ;
 - (b) The Commissioner for Local Government as Deputy Chairman ;
 - (c) The Director of Medical and Sanitary Services ;
 - (d) The Deputy Director of Sanitary Services ;
 - (e) The Municipal and Town Planning Engineer ; and such other person or persons as the Governor may from time to time appoint.
- 50 (3) In the absence from any meeting of both the Chairman and Deputy Chairman the members present shall elect one of their number to preside at such meeting.
- (4) The member presiding and three other members shall form a quorum.

Functions of
Standing
Committee.

126. The Standing Committee shall advise upon all by-laws submitted for approval by Municipal Councils and Municipal Boards and upon all matters in regard to which the approval of the Governor or the Governor in Council is required under this Ordinance or in regard to which the Governor is empowered to make rules, regulations or by-laws under this Ordinance, and shall perform all such functions as are vested in the Committee by virtue of the Public Health (Amendment) Ordinance, 1928. 5

Reports to be
rendered by
Councils and
Boards.

127. (1) It shall be the duty of every Municipal Council and Municipal Board constituted by or under this Ordinance to render to the Commissioner for Local Government, not later than the thirty-first day of March in each year, a report of the work of the Council or Board, as the case may be, and of the affairs of the municipality for the preceding financial year. 10 15

(2) Such report shall be rendered in such form as may be directed by the Commissioner for Local Government, and shall be accompanied by such statistics as the Commissioner may require. 20

(3) A copy of such report shall be delivered by the Town Clerk to any inhabitant of the municipality on application and on payment of the fee, if any, prescribed by resolution of the Council or Board. 25

Minutes, etc.,
of Councils and
Boards to be
furnished.

128. (1) It shall be the duty of every Municipal Council and Municipal Board to furnish to the Commissioner for Local Government a certified copy of any record or minutes of its proceedings and of the proceedings of any committee appointed by the Council or Board, and of a record of any accounts of the Council or Board, and such reports, statistics and documents as the Commissioner for Local Government may from time to time require. 25 30

(2) Minutes of the proceedings of each meeting of the Council or Board or of a committee thereof shall be forwarded within ten days after the date upon which such minutes were confirmed as prescribed by this Ordinance or any by-law made thereunder. 35

General report
to be rendered to
the Governor by
the Commis-
sioner.

129. It shall be the duty of the Commissioner for Local Government to render to the Governor, not later than the thirtieth day of June in each year, a comprehensive report upon the affairs and activities of all Municipal Councils and Municipal Boards constituted by or under this Ordinance. 40

Central Roads
Board.

130. (1) There shall be established a Central Roads Board for the purpose of advising the Governor upon the matters mentioned in the next succeeding section of this Ordinance, and for the performance of all such other duties as may be imposed upon it under this Ordinance or by any other enactment for the time being in force. 45

(2) The Central Roads Board shall consist of :—

- (a) The Colonial Secretary as Chairman; 50
- (b) The Commissioner for Local Government as Deputy Chairman;
- (c) The Director of Public Works;

(d) The Roads Engineer of the Public Works Department,

and such other persons, not being less than three, as the Governor may from time to time appoint.

5 (3) In the absence from any meeting of both the Chairman and Deputy Chairman the members present shall elect one of their number to preside at such meeting.

(4) The member presiding and four other members shall form a quorum.

10 **131.** (1) It shall be the duty of the Central Roads Board to advise the Governor upon the following matters:— Functions of Central Roads Board.

(a) The contributions payable from the general revenue of the Colony under section 113 of this Ordinance in respect of the construction, reconstruction and maintenance of roads;

(b) The classification of roads in respect of which such contributions are payable;

(c) All grants to any Municipal Council or Municipal Board in respect of the construction, reconstruction or maintenance of roads;

(d) All other matters concerning roads in municipalities.

(2) The Central Roads Board shall control any plant which may be placed at its disposal for the purpose of hire to any Municipal Council or Municipal Board, and shall 25 prescribe charges for the hire of such plant, and shall do all other things necessary in regard to the conditions of hiring such plant.

PART VIII.

SPECIAL POWERS OF THE GOVERNOR.

30 **132.** (1) Pending the first election of members of the Municipal Council or Municipal Board, as the case may be, for any municipality constituted by or under the provisions of this Ordinance, the Governor may, by proclamation, nominate and appoint such number of fit and proper persons as he shall 35 select, not being less than ten, to form a Council or Board, as the case may be, with jurisdiction over any area which under this Ordinance—

(a) has been constituted a municipality; or

(b) has been severed from a municipality (of which it 40 formed part) and constituted a separate municipality.

(2) Every such nominated Council or Board shall exercise all or any of the powers and authorities and shall carry out the duties conferred or imposed on a Municipal Council or Municipal Board, as the case may be, by this Ordinance 45 or under any other enactment, and shall be subject to the obligations attaching to the exercise thereof.

(3) The period of office of every such nominated Council or Board shall be from the date of the proclamation aforesaid until the date upon which a Municipal Council or Municipal 50 Board, as the case may be, shall be duly constituted in accordance with the provisions of this Ordinance; and upon such latter date such nominated Council or Board shall be deemed to be dissolved.

(4) Whenever any area has been severed from a municipality and constituted a separate municipality as aforesaid, the Governor may, by proclamation, declare that all by-laws which at the date of such severance were operative in such area shall, notwithstanding such severance, continue to have full force and effect in the said separate municipality until altered or revoked under and in accordance with the provisions of this Ordinance. 5

Power to dissolve Municipal Councils and Municipal Boards.

133. If any Municipal Council or Municipal Board shall at any time neglect to hold a meeting for the space of three months, the Governor may dissolve such Council or Board and may, by proclamation, nominate and appoint other fit and proper persons, not being less than ten in number, to form a Council or Board for the purposes of this Ordinance, and every such nominated Council or Board shall be competent and is hereby required to exercise all the powers and authorities vested in the Council or Board which has been dissolved. 10 15

Powers of Governor where Council or Board defaults in matters of public health.

134. If any Municipal Council or Municipal Board shall fail to do or carry out any work or thing which it is or may be empowered under this Ordinance to do or carry out, or shall fail to make, alter, revoke or enforce any by-laws on any matters upon which it is empowered to make, alter, revoke or enforce by-laws, and such failure on the part of the Council or Board constitutes, in the opinion of the Governor, a grave danger and menace to the health of the public within or without the municipality, the Governor may give notice to the Council or Board in default, requiring it to take measures within its powers under this Ordinance to abate and remove such danger; and if such Council or Board shall fail to take and properly carry out the required measures, the Governor, 20 25 30 on satisfying himself that the Council or Board has so failed without reasonable cause, may—

- (a) make such by-laws as may be necessary to abate and remove such danger, and such by-laws shall, until revoked by the Governor, have the force and effect 35 of law within the municipality concerned;
- (b) authorise any person or persons to do or carry out any works or things and to expend such moneys in so doing or carrying out works or things as to him may seem necessary; and any moneys so expended 40 under the authority of the Governor shall be recoverable by the Governor from the Council or Board, as the case may be, on the order of any competent court in like manner as if the sum so expended was a loan secured on the property and revenues of the 45 Council or Board under the provisions of section 114 of this Ordinance.

Provisions as to by-laws made by the Governor.

135. Any by-laws which the Governor is by the last preceding section empowered to make—

- (a) may provide penalties for the breach thereof in the same manner and to the same extent as is allowed under the provisions of this Ordinance in the case of by-laws made by a Council or Board;
- (b) may be made applicable to any one or more municipalities;
- (c) shall have the force and effect of law within the area in respect of which they are made upon publication in the Gazette or upon such other date as the Governor may fix in that behalf;
- (d) may from time to time be amended, altered or revoked.

136 If at any time it shall appear that the revenues of a Municipal Council or Municipal Board are not being properly used in the best interests of the municipality as a whole, or that the administration of the affairs of the Council or Board is wasteful or inefficient, or that the Council or Board has failed to act in conformity with the provisions of this Ordinance, the Governor in Council may, on the recommendation of the Standing Committee, and after such enquiry as he may deem necessary (at which enquiry the Council or Board shall be heard), reduce, in the case of Nairobi or Mombasa, the contributions payable in lieu of rates under section 113 of this Ordinance, and, in the case of any other Council or Board, such contributions (if any) as may be payable to such Council or Board, for the next succeeding financial year by such amount as he shall determine :

Provided that any such reduction shall be notified to the Council or Board, as the case may be, within one month after the commencement of the financial year in respect of which such contributions are payable.

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PART IX.

LEGAL PROCEDURE AND MISCELLANEOUS.

Legal Procedure.

137. (1) Where any matter is by this Ordinance Arbitration directed to be determined by arbitration, such matter shall, except as may be otherwise expressly provided, be determined by a fit person as arbitrator, to be agreed upon by the parties to the arbitration, or, failing such agreement by the parties, to be nominated by the Commissioner for Local Government on the application of either party.

30 (2) The expenses of any such arbitration shall be borne and paid as the arbitrator directs.

138. Every person who is guilty of any offence against this Ordinance or any by-law in force within any municipality shall, for every such offence, be liable to the penalty expressly prescribed by this Ordinance or by such by-law and, if no such penalty be prescribed, then to a fine not exceeding ten pounds.

139. All fines, penalties or other moneys payable in respect of any offence against this Ordinance or any by-law in force within any municipality may be recovered before any court of competent jurisdiction.

140. Save as in this Ordinance is otherwise expressly provided, whenever any fine shall have been imposed under the provisions of this Ordinance or of any by-law in force within any municipality, and the person convicted shall not forthwith pay the same, the court imposing the fine may direct that such person shall suffer imprisonment of either description for a period not exceeding one month if the fine does not exceed ten pounds, or for a period not exceeding three months if the fine exceeds ten pounds, and such person shall suffer imprisonment accordingly unless he shall sooner pay the fine.

141. All fines recovered in respect of offences against the provisions of this Ordinance or of any by-law shall be paid as to one-half into the revenues of the Council or Board, as the case may be, and as to the remaining one-half into the general revenue of the Colony.

Conduct of prosecutions.

142. The Town Clerk or any other person authorised thereto by the Council or Board, as the case may be, may prosecute in subordinate courts for all contraventions of this Ordinance or of any by-laws, and the provisions of any law relating to prosecutions by private persons shall apply to all such prosecutions. 5

Powers of arrest.

143. Any police officer may arrest without warrant any person who commits any offence against this Ordinance or any by-law in force within any municipality, and any officer of the Council or Board, as the case may be, in uniform or wearing 10 a visible badge of office and authorised thereto in writing by the Council or Board, may arrest without warrant any person who in his presence commits any such offence and may detain such person until he can be delivered into the custody of a police officer to be dealt with according to law: 15

Provided that no person shall be arrested or detained without warrant unless reasonable grounds exist for believing that, except by the arrest of the person offending, he could not be found or made answerable to justice without delay, trouble or expense. 20

Persons offending against order or notice to be deemed guilty of an offence.

144. When any matter or thing is by this Ordinance, or by any order or notice made and published under the authority thereof, directed or prohibited to be done, or where any authority is given by this Ordinance to any person to direct or prohibit any matter or thing to be done, and such act so directed to be done remains undone or such act so prohibited to be done is done, then in every such case every person offending against such direction or prohibition shall be deemed to be guilty of an offence against this Ordinance. 25

Books of Council or Board to be *prima facie* evidence of sums due.

145. The books and registers of any Municipal Council 30 or Municipal Board and any extracts therefrom certified by the Town Clerk or other officer authorised thereto by such Council or Board shall in any proceedings for the recovery of sewerage, sanitary or refuse removal fees, or charges for the supply of water or electricity, or for any other municipal 35 service, be *prima facie* evidence of the amounts so due.

Contraventions of Ordinance or by-law by company or partnership.

146. If any contravention of this Ordinance or of any by-law is committed by a company or partnership, every managing director or person having the management or control, in the Colony, of the business or property in the case 40 of a company, and every such person and each partner in the case of a partnership, shall be responsible therefor, and shall be liable to the punishment prescribed for such contravention:

Provided that nothing in this section shall be deemed to 45 exempt from liability any other person guilty of any such contravention.

Actions against a Council or Board.

147. All actions against any Municipal Council or Municipal Board shall be brought within six months from the date upon which the causes of such actions arose, and all 50 such costs, charges and expenses as the Council or Board may be put to or may become chargeable with by reason of the prosecution or defence of any such action or under the judgment of any court shall be paid out of the revenues of the Council.

Miscellaneous.

148. (1) Any Council or Board or any officer of any Council or Board duly authorised in writing may, at all reasonable times, enter into and upon any premises within 5 the municipality for the purpose of exercising any power of inspection, inquiry, or execution of works which is given to the Council or Board under this Ordinance or by any by-law or regulation in force within the municipality.

(2) The Medical Officer of Health or any sanitary 10 inspector may, when entering into or upon any premises in exercise of the powers conferred by this section, be accompanied by a European member of the police force.

(3) Any by-law made under this Ordinance may confer on the Council or Board, its officers and servants, such powers 15 of inspection, inquiry, and execution of works as may be reasonably necessary for the proper carrying out or enforcement thereof.

149. The following persons shall be liable to a fine not exceeding twenty pounds or to imprisonment of either 20 description for a period not exceeding three months :—

- (a) Any person who wilfully obstructs any member of any Council or Board or any officer or servant of a Council or Board in the execution of his duty as such ;
- (b) Any occupier of premises who prevents the owner of such premises from complying with any of the requirements of a Council or Board ;
- (c) Any occupier of premises who, on demand, refuses or wilfully omits to disclose or wilfully misstates the name of the owner of such premises ;
- (d) Any person who refuses to answer to the best of his ability or knowingly makes false answers to inquiries made by the Medical Officer of Health or any sanitary inspector specially authorised by him in writing for the purpose of discovering cases of any infectious disease or possible sources of infection of any such disease.

150. Nothing in this Ordinance shall be deemed to over- 40 ride the provisions of the Public Health Ordinance or any Ordinance amending or replacing the same.

Saving of
Public Health
Ordinance.
Cap. 124.

151. The Municipal Corporations Ordinance (Chapter 84 of the Revised Edition) is hereby repealed :

Provided that—

(1) All by-laws made under the said Ordinance shall be 45 deemed to be by-laws under this Ordinance and shall continue to be of full force and effect within the area to which they apply until altered or revoked under this Ordinance ;

(2) All appointments made, powers conferred, and 50 notifications served or published under the said Ordinance shall be deemed respectively to have been made, conferred, served and published under this Ordinance ;

Repeal and
saving clauses.

- (3) All works and undertakings authorised to be executed, all rights, liabilities and engagements existing, and all actions, suits and legal proceedings pending by or against the Council constituted under the said Ordinance shall be vested in, attached to, and be enforced, carried on and prosecuted by or against the Nairobi Municipal Council constituted by this Ordinance, and no such action, suit or proceeding shall abate or be discontinued or prejudicially affected by the operation of this Ordinance; 10
- (4) All rates, fees, charges and debts of whatsoever description due or payable to or recoverable by the Council constituted under the said Ordinance shall be payable to or recoverable by the Nairobi Municipal Council constituted by this Ordinance; 15
- (5) All property, movable and immovable, vested in or belonging to the Council constituted under the said Ordinance or to which such Council was entitled at the commencement of this Ordinance, and all assets and claims to which such Council was entitled at 20 such commencement, shall be vested in and belong to the Nairobi Municipal Council constituted by this Ordinance;
- (6) All creditors of the Council constituted under the said Ordinance shall have the same rights and remedies 25 as if such Ordinance had not been repealed;
- (7) All licences, registrations and permits issued, made or granted under or in pursuance of the said Ordinance shall continue in force for the period, if any, specified in such licences, registrations or permits, 30 unless the same are sooner suspended or cancelled under or in pursuance of this Ordinance.

FIRST SCHEDULE.

BOUNDARIES OF NAIROBI MUNICIPALITY.

Commencing at the north-west corner of L.O. No. 1870 (Upper Parklands Estate) on the Getathuru River;

thence bounded by that river down-stream to its intersection with the eastern boundary of L.O. No. 220;

thence by the eastern and part of the southern boundary of that portion to the intersection of the latter with the eastern boundary of L.O. No. 36 (Eastleigh);

thence southerly by that eastern boundary to its intersection with the Nairobi River;

thence by the eastern boundaries of L.O. No. 35 and L.O. No. 221 (Veterinary Quarantine Reserve) to the intersection of the latter with the Ngong River;

thence by that river up-stream to its intersection with the southern 100-foot zone of the Kenya and Uganda Railway;

thence by that zone, down-line (south-easterly) to the north-east corner of L.O. No. 1140 (Kenya and Uganda Railway Quarry Reserve);

thence south-westerly by the eastern boundary of that portion to its southern corner;

thence by the southern boundary of L.O. No. 2729 (P.W.D. Quarry Reserve) to its south-west corner;

thence westerly by a straight line to the south-east corner of L.O. No. 1759 (Native Cemetery) ;

thence in a generally westerly direction by part of the southern boundary of L.O. No. 1759, the eastern, southern and western boundaries of L.O. No. 3886 (Native Cemetery extension) and again by part of the southern boundary of L.O. No. 1759 to the south-west corner of the latter portion ;

thence by the western boundary of the same portion to the southern corner of L.O. No. 37 ;

thence by part of the south-western boundary of the latter portion to its intersection with the Ngong River ;

thence by that river, up-stream, to its junction with a dry watercourse on its left (or northern) bank ;

thence by that dry watercourse up-stream to a point bearing due north-east of the south-east corner of L.O. No. 4233 (golf course) ;

thence by a straight line to that corner, and onward by part of the southern boundary of that portion to the south-east corner of L.O. No. 1702/8 (golf course extension) ;

thence westerly and northerly by the southern and part of the western boundary of L.O. No. 1702/8 to its most western corner ;

thence westerly by a straight line parallel to the Ngong Road Reserve, to its intersection with the eastern boundary of the Ngong Road Forest Reserve ;

thence north-westerly by part of that forest reserve boundary to its intersection with the southern boundary of the Ngong Road Reserve ;

thence westerly by that road reserve boundary to its intersection with the southern boundary of the Dagoreti Road Reserve ;

thence still westerly by the latter road reserve to a point due south of the intersection of the south-western boundary of L.O. No. 330 (Thompson's Estate) with the Kirichwa Kubwa River ;

thence due north by a straight line to that point ;

thence in a generally northerly direction by part of the generally western boundary of L.O. No. 330 to its intersection with the western boundary of L.O. No. 3734.

thence northerly by part of the western boundary of the latter portion to its intersection with the Nairobi River ;

thence by that river down-stream to its intersection with the generally south-western boundary of L.O. No. 5 ;

thence north-easterly, north-westerly and northerly by the south-western and western boundaries of that portion to its north-west corner ;

thence north-easterly by the western boundary of L.O. No. 4393 to its north-west corner on the southern 100-foot zone of the Kenya and Uganda Railway ;

thence easterly by that zone to its intersection with the eastern boundary of L.O. No. 11 extended southerly ;

thence north-easterly by that extended boundary (common to L.O. No. 1870, Upper Parklands Estate) to the point of commencement.

SECOND SCHEDULE.

NAIROBI MUNICIPALITY.

EUROPEAN WARDS.

(A) *The Town Ward.*

Commencing at the intersection of the Kiambu Road with the Mathari River;

thence bounded by that river down-stream to its intersection with the eastern boundary of Sub-division No. 82 of L.O. No. 214 (Muthaiga);

thence northerly by that boundary to the Fort Hall Road;

thence south-westerly by that road to its junction with the Kiambu Road;

thence northerly by the latter road to its intersection with the Getathuru River;

thence by that river down-stream to its intersection with the eastern boundary of L.O. No. 220;

thence by the eastern and part of the southern boundary of that portion to the intersection of the latter with the eastern boundary of L.O. No. 36 (Eastleigh);

thence southerly by that eastern boundary to its intersection with the Nairobi River;

thence by the eastern boundaries of L.O. No. 35 and L.O. No. 211 (Veterinary Quarantine Reserve) to the intersection of the latter with the Ngong River;

thence by that river, up-stream, to its junction with a tributary near the eastern boundary of L.O. No. 37;

thence by that tributary, up-stream, to its intersection with that eastern boundary;

thence northerly by the eastern boundary of L.O. No. 37;

thence south-westerly by part of the northern boundary of the same portion to its intersection with the aforesaid tributary;

thence by that tributary, up-stream, to its intersection with Whitehouse Road, near the south-west corner of L.O. No. 209/349;

thence westerly by that road to its junction with Kirk Road;

thence northerly by the latter road to its intersection with the Kenya and Uganda Railway, near L.O. No. 209/1208;

thence northerly (up-line) by that railway to its intersection with the Nairobi river.

thence by that river, down-stream, to its intersection with Swamp Road;

thence north-easterly by that road to its junction with Ngara Road;

thence easterly by the latter road to its junction with the Kiambu Road;

thence north-easterly by the latter road to the point of commencement.

(B) *The Hill Ward.*

Commencing at the north-east corner of L.O. No. 1 (Upper Hill Estate);

thence bounded by the Kirichwa Kubwa River, down-stream, to its junction with the Nairobi River;

thence by the latter river, down-stream, to its intersection with the Kenya and Uganda Railway;

thence by that railway, down-line, to its intersection with Kirk Road (near L.O. No. 209/1208);

thence southerly by that road to its junction with White-house Road;

thence easterly by the latter road to its intersection, near the south-west corner of L.O. No. 209/349, with a tributary of the Ngong River;

thence by that tributary, down-stream, to its intersection with the northern boundary of L.O. No. 37;

thence easterly by that boundary to the north-east corner of that portion;

thence south-easterly by the eastern boundary of the same portion to its intersection with the aforesaid tributary;

thence by that tributary, down-stream, to its junction with the Ngong River;

thence by that river, down-stream, to its intersection with the southern 100-foot zone of the Kenya and Uganda Railway;

thence by that zone, down-line (south-easterly), to the north-east corner of L.O. No. 1140 (Kenya and Uganda Railway Quarry Reserve);

thence south-westerly by the eastern boundary of that portion to its southern corner;

thence by the southern boundary of L.O. No. 2729 (P.W.D. Quarry Reserve) to its south-west corner;

thence westerly by a straight line to the south-east corner of L.O. No. 1759 (Native cemetery);

thence in a generally westerly direction by part of the southern boundary of L.O. No. 1759, the eastern, southern and western boundaries of L.O. No. 3886 (Native cemetery extension), and again by part of the southern boundary of L.O. No. 1759 to the south-west corner of the latter portion;

thence by the western boundary of the same portion to the southern corner of L.O. No. 37;

thence by part of the south-western boundary of the latter portion to its intersection with the Ngong River;

thence by that river, up-stream, to its junction with a dry watercourse on its left (or northern) bank;

thence by that dry watercourse, up-stream, to the south-east corner of L.O. No. 209/421;

thence by the southern boundary of that plot to the south-east corner of L.O. No. 209/393/1;

thence by the southern boundaries of L.O. Nos. 209/393/1, 209/393/2, 209/394/2 and 209/394/1, to the south-west corner of the last portion;

thence by the western boundary of L.O. No. 209/394/1 to its north-west corner.

thence by a straight line across the Ngong Road Reserve to the south-east corner of L.O. No. 1 (Upper Hill Estate);

thence northerly by the eastern boundary of that portion to the point of commencement.

(C) *Parklands Ward.*

Commencing at the junction of the Kirichwa Kubwa and Kirichwa Dogo Rivers;

thence bounded, northerly, by the western boundary of L.O. No. 209/347/4/1 (of which the Kirichwa Dogo forms part) and of L.O. No. 209/347/4/5 to the intersection of the latter with the Nairobi River;

thence by that river, up-stream, to the south-west corner of L.O. No. 209/345;

thence by the north-western boundary of that portion, extended across the Kenya and Uganda Railway to its intersection with the northern boundary of the Salisbury Road Reserve;

thence south-easterly by that road reserve to the western corner of L.O. No. 209/76;

thence by the north-western boundaries of L.O. Nos. 209/76, 209/1009, 209/1006 and 209/59 to the intersection of the last with Selater's Road.

thence westerly by that road to the south-east corner of Plot No. 1 of Section I of L.O. No. 1870;

thence north-easterly by the eastern boundary of L.O. No. 1870 to its intersection with the Mathari River;

thence by that river, down-stream, to its intersection with the Kiambu Road;

thence south-westerly by that road to its junction with Ngara Road;

thence westerly by the latter road to its junction with Swamp Road;

thence south-westerly by the latter road to its intersection with the Nairobi River;

thence by that river, up-stream, to its junction with the Kirichwa Kubwa River;

thence by the latter river, up-stream, to the point of commencement.

(D) *Ngong Road Ward.*

Commencing at the north-east corner of L.O. No. 1 (Upper Hill Estate) on the Kirichwa Kubwa River;

thence bounded by the eastern boundary of that portion to its intersection with the northern boundary of the Ngong Road Reserve;

thence by a straight line across that road reserve to the north-west corner of L.O. No. 209/394/1;

thence by the western boundary of that portion to its south-west corner;

thence by the southern boundaries of L.O. Nos. 209/394/1, 209/394/2, 209/393/2 and 209/393/1 to the south-east corner of the last portion;

thence by the southern boundary of L.O. No. 209/421 to its south-east corner;

thence by a dry watercourse down-stream to a point bearing due north-east of the south-east corner of L.O. No. 4233 (golf course);

thence by a straight line to that corner, and onwards by part of the southern boundary of that portion, to the south-east corner of L.O. No. 1702/8 (golf course extension);

thence westerly and northerly by the southern and part of the western boundary of L.O. No. 1702/8 to its most western corner;

thence westerly by a straight line parallel to the Ngong Road Reserve to its intersection with the eastern boundary of the Ngong Road Forest Reserve;

thence north-westerly by part of that forest reserve boundary to its intersection with the southern boundary of the Ngong Road Forest Reserve;

thence westerly by that road reserve boundary to its intersection with the southern boundary of the Dagoreti Road Reserve;

thence still westerly by the latter road reserve to a point due south of the intersection of the south-western boundary of L.O. No. 330 (Thompson's Estate) with the Kirichwa Kubwa River;

thence due north by a straight line to that point;

thence in a generally northerly direction by part of the generally western boundary of L.O. No. 330 to its intersection with the western boundary of L.O. No. 3734.

thence southerly by part of the western boundary of the latter portion to its south-west corner;

thence in a generally easterly and north-easterly direction by the generally northern boundaries of L.O. Nos. 330, L.O. No. 2 (Kilimani Estate) and L.O. No. 1 (Upper Hill Estate) to the point of commencement.

(E) *Westlands Ward.*

Commencing at the north-east corner of L.O. No 1 (Upper Hill Estate);

thence bounded in a generally south-westerly and westerly direction by the northern boundaries of L.O. No. 1, L.O. No. 2 (Kilimani Estate) and L.O. No. 330 (Thompson's Estate) to the south-west corner of L.O. No. 3734;

thence northerly by the western boundary of the last portion to its intersection with the Nairobi River;

thence by that river down-stream to its intersection with the generally south-western boundary of L.O. No. 5;

thence north-easterly, north-westerly and northerly by the south-western and western boundaries of that portion to its north-west corner;

thence north-easterly by the western boundary of L.O. No. 4393 to its north-west corner on the southern 100-foot zone of the Kenya and Uganda Railway;

thence easterly by that zone to its intersection with the eastern boundary of L.O. No. 11 extended southerly;

thence north-easterly by that extended boundary (common to L.O. No. 1870—Upper Parklands Estate) to its intersection with the Getathuru River;

thence by that river down-stream to the north-east corner of Plot No. 1 of Section VIII (Marlborough Estate) of the same portion;

thence south-westerly by the eastern boundary of that plot to its intersection with the Mathari River;

thence by that river down-stream to the most eastern corner of L.O. No. 1870;

thence south-westerly by the eastern boundary of that portion to its intersection with Slater's Road;

thence westerly by that road to its intersection with the north-western boundary of L.O. No. 209/59;

thence south-westerly by the north-western boundaries of L.O. Nos. 209/59, 209/1006, 209/1009 and 209/76, to the intersection of the last with the northern boundary of the Salisbury Road Reserve;

thence north-westerly by that road reserve boundary to its intersection with the north-western boundary of L.O. No. 209/345 extended thereto;

thence south-westerly by that extended boundary to the south-west corner of that portion on the Nairobi River;

thence by that river down-stream to the north-west corner of L.O. No. 209/347/5;

thence southerly by the western boundaries of L.O. Nos. 209/347/5 and 209/347/4/1 to the Kirichwa Dogo River;

thence by that river down-stream to its junction with the Kirichwa Kubwa River;

thence by the latter river up-stream to the point of commencement.

(F) *Muthaiga Ward.*

Commencing at the intersection of the Kiambu Road with the Mathari River;

thence bounded by that river up-stream to the south-east corner of Plot No. 1 of L.O. No. 1870 Section VIII (Marlborough Estate);

thence north-easterly by the eastern boundary of that plot to its intersection with the Getathuru River;

thence by that river down-stream to its intersection with the Kiambu Road;

thence southerly by that road to its intersection with the Fort Hall Road;

thence north-easterly by the latter road to its intersection with the eastern boundary of subdivision 82 of L.O. No. 214 (Muthaiga);

thence south-easterly by that boundary to its intersection with the Mathari River;

thence by that river up-stream to the point of commencement.

INDIAN WARDS.

(A) *East Ward.*

Commencing at the intersection of the Kiambu Road with the Getathuru River;

thence bounded by that river down-stream to its intersection with the eastern boundary of L.O. No. 220;

thence by the eastern and part of the southern boundary of that portion to the intersection of the latter with the eastern boundary of L.O. No. 36 (Eastleigh);

thence southerly by that eastern boundary to its intersection with the Nairobi River;

thence by the eastern boundaries of L.O. No. 35 and L.O. No. 211 (Veterinary Quarantine Reserve) to the intersection of the latter with the Ngong River;

thence by that river up-stream to its intersection with the southern 100-foot zone of the Kenya and Uganda Railway ;
thence north-westerly by that zone (up-line) to a squared stone beacon in the vicinity of two culverts at mile 323/17 ;
thence north-easterly to the south-east corner of L.O. No. 209/1407 (Slaughter House) ;
thence northerly by the eastern boundary of that portion to its intersection with the southern 100-foot zone of the Thika-Nyeri branch of the Kenya and Uganda Railway ;
thence easterly by that zone to its intersection with the western boundary of L.O. No. 36 (Eastleigh), extended southerly thereto ;
thence northerly by that extended boundary to the Nairobi River, and onwards by the generally western boundary of L.O. No. 36 to its north-west corner on the Mathari River ;
thence by the latter river down-stream to its intersection with the eastern boundary of sub-division No. 82 of L.O. No. 214 (Muthaiga) ;
thence northerly by that boundary to the Fort Hall Road ;
thence south-westerly by that road to its junction with the Kiambu Road ;
thence northerly by the latter road to the point of commencement.

(B) *Central Ward.*

Commencing at the intersection of the Kiambu Road with the Mathari River ;
thence bounded by that river down-stream to its intersection with the western boundary of L.O. No. 36 (Eastleigh) ;
thence by that boundary to the Nairobi River and onward by the same extended to its intersection with the southern 100-foot zone of the Thika-Nyeri Branch of the Kenya and Uganda Railway ;
thence westerly by that zone to its intersection with the eastern boundary of L.O. No. 209/1407 (Slaughter House) ;
thence southerly by that boundary to the south-east corner of that portion ;
thence south-westerly by a straight line across the Kenya and Uganda Railway to a squared stone beacon on its southern 100-foot zone in the vicinity of two culverts at mile 323/17 ;
thence by that 100-foot zone down-line to its intersection with the Ngong River ;
thence by that river, up-stream, to its junction with a tributary near the eastern boundary of L.O. No. 37 ;
thence by that tributary, up-stream, to its intersection with that eastern boundary ;
thence northerly by the eastern boundary of L.O. No. 37 ;
thence south-westerly by part of the northern boundary of the same portion to its intersection with the aforesaid tributary ;
thence by that tributary, up-stream, to its intersection with Fourth Avenue ;
thence north-easterly by that avenue to its intersection with Eliot Street ;
thence north-westerly by that street to its intersection with Fifth Avenue ;
thence north-easterly by that avenue to its intersection with Government Road and onwards to Victoria Street ;

thence northerly by Victoria Street to its intersection with Reata Road;

thence by that road extended to its intersection with the Nairobi River;

thence by that river, down-stream, to its intersection with Race Course Road;

thence by that road northerly to its intersection with Ngara Road;

thence north-westerly by that road to its intersection with the Kiambu Road;

thence northerly by that road to the point of commencement.

(C) *West Ward.*

All that area remaining within the Municipal boundary that is not contained within the East and Central Wards.

THIRD SCHEDULE.

BOUNDARIES OF MOMBASA MUNICIPALITY.

Commencing at the most southerly corner of Sub-division No. 36 of Section V, Mainland South (Timbwani);

thence bounded by the generally south-eastern boundary of that section to the most westerly corner of Sub-division No. 36;

thence by a straight line north-westerly to the southern corner of Sub-division No. 27 of Section I, Mainland South (Likoni);

thence by the south-western boundaries of Sub-divisions Nos. 27 and 29 to the most westerly corner of the latter Sub-division;

thence by a straight line north-westerly across the Gasi Road Reserve to the most southern corner of Sub-division No. 30 of the same Section;

thence by the south-western boundaries of Sub-divisions Nos. 30 and 31 to Beacon D.B. 30 on the south-western boundary of the latter Sub-division;

thence by a straight line to the Beacon B.N. 2 on the southern boundary of Sub-division No. III of Section II, Mainland South (Mtongwe);

thence by that southern boundary to the south-west corner of that Sub-division;

thence southerly by part of the eastern boundary of No. 110/2 of the same section to its south-east corner;

thence by the generally south-western boundary of that sub-division to its most westerly corner on the Road Reserve;

thence by a straight line westerly across that Road Reserve to the south-east corner of Sub-division No. 1 of Section III, Mainland South (Mtongwe);

thence by the generally southern boundaries of Sub-divisions Nos. 1, 2, 35, 36, 32, 29, 37, 38, 40, 41 and 42 of the same section to the most westerly corner of the last Sub-division;

thence by a straight line north-westerly across the Road Reserve to the most southerly corner of Sub-division No. 1 of Section IV, Mainland South (Mtongwe);

thence by the generally western boundary of Section IV to the Beacon B.N. 28 on the south-eastern boundary of Sub-division 168 of that Section;

thence south-westerly by part of the south-eastern boundary of that Sub-division to its most southerly corner on high water mark in Mkunguni Creek;

thence north-westerly by high water mark to the most westerly point of Mkunguni;

thence by a straight line northerly to the Beacon A39 on the Kenya and Uganda Railway about 5,000 feet west of Changamwe Station;

thence by a straight line north-easterly to the Trigonometrical Beacon Kibirini, in Changamwe;

thence by a straight line north-easterly to the Trigonometrical Beacon Nguuni South, in Junda;

thence by a straight line south-easterly to the most northerly corner of Sub-division No. 283 of Section I, Mainland North;

thence by the generally western and south-western boundary of that Sub-division to its most southerly corner on high water mark of the Indian Ocean;

thence south-westerly by high water mark to Ras Kunwongbe;

thence by a straight line south-westerly to Ras Muaka Senge;

thence south-westerly by high water mark to the point of commencement.

FOURTH SCHEDULE.

LOCAL GOVERNMENT (MUNICIPALITIES) ORDINANCE, 1928.

Section 112.

This is to certify that all sums due in accordance with section 112 of the Local Government (Municipalities) Ordinance, 1928, to the Municipal Council (or Board) of in respect of the premises registered in the name of have been paid to the Council (or Board).

This certificate is available to 19.....

Given under my hand at
this day of

One thousand nine hundred and

.....
Town Clerk.

.....
Municipality.

OBJECTS AND REASONS.

This Bill is designed to give effect to the recommendations of the Local Government Commission Report, 1927, so far as they concern municipalities, with certain modifications hereafter noted.

Part I of the Bill relates to the establishment of Municipal Councils and Municipal Boards. In regard to Nairobi the recommendations of the Local Government Commission have been adhered to. The area proposed embraces both the present municipal area and also the suburban areas as shown in Plate I of Volume I of the Commission's Report. Provision is also made for the constitution of the Nairobi Municipal Council, for the division of the municipality into wards, European and Indian, and for the distribution of seats.

Provision is also made for the establishment of the municipality of Mombasa under the jurisdiction of a Municipal Board, but in regard to the constitution of this Board the Commission's recommendations have been modified. The municipal area proposed in the case of Mombasa is the present Township.

This Part of the Bill also contains general provisions enabling the Governor to establish other municipalities, to divide municipalities into wards, to appoint polling districts, and to alter the boundaries of any municipality, ward or polling district.

Part II deals with the registration of voters and with election machinery. The electoral qualifications proposed both for voters and candidates are those recommended in the Commission's report. Provision is made that persons nominated by the Governor to a Council or Board shall be persons who would be qualified to be elected as councillors or members, and the same rules govern their continuance in office—save as regards term of office—as apply to elected councillors or members.

Part III deals with the appointment of municipal officials and introduces special provisions regarding the termination of appointment of officers appointed respectively as Town Clerk, Town Treasurer, Town Engineer and Medical Officer of Health. The appointment of these officers is subject to the Governor's approval.

Part IV deals with meetings and proceedings of Municipal Councils and Municipal Boards.

Part V contains the powers and duties of Municipal Councils and Municipal Boards. These powers are provided for in greater detail than is the case in the present Ordinance. Provision is included enabling municipal authorities to make advances to residents for various purposes (*e.g.* building of dwelling-houses, laying on of light, water and sewerage connections) and to establish pension or provident funds for municipal servants.

Part VI deals with the revenues of Councils and Boards and provides for the recovery of moneys due for sewerage, sanitary and refuse removal services jointly and severally from owners and occupiers. Transfer of premises may not be registered without the production of a clearance certificate from the Town Clerk that all rates and all charges in respect of such premises for sewerage, sanitary and refuse removal services for the preceding three years have been duly paid.

The contributions from Government to the Nairobi and Mombasa municipalities are provided for as recommended by the Commission. Provisions are also included in regard to control of estimates and to the inspection and audit of municipal accounts by a Local Government Inspector whose appointment is provided for.

Part VII provides for the appointment of a Commissioner for Local Government and a Municipal and Town Planning Engineer and prescribes their duties. It also provides for the establishment of a Standing Departmental Committee to advise

the Governor on all matters relating to Local Government and to supervise certain local public health authorities. It provides for the rendering of annual reports both to and by the Commissioner for Local Government. It further sets up a Central Roads Board and prescribes its duties. These provisions follow generally the recommendations of the Commission.

Part VIII gives to the Governor power to nominate Councils and Boards pending a first election, and power to act in default of Councils and Boards if they fail to carry out their powers and duties in regard to matters of public health. Power is also given to the Governor to reduce Government contributions to a Municipal Council or Board which is not using its revenues in the best interests of the municipality, and in certain other eventualities.

Part IX contains provisions relating to legal procedure and certain miscellaneous provisions.

PROCLAMATION No. 30.

COLONY AND PROTECTORATE OF KENYA.



THE NATIVE FOODSTUFFS ORDINANCE.

(Cap. 135 of the Revised Edition of the Laws of Kenya.)

PROCLAMATION.

EDWARD GRIGG.

L. S.

BY HIS EXCELLENCY Sir Edward William Macleay Grigg, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Companion of the Distinguished Service Order, upon whom His Majesty has conferred the decoration of the Military Cross, Lieutenant-Colonel in His Majesty's Army (retired), Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, in Executive Council.

WHEREAS by section 3 of the Native Foodstuffs Ordinance (Chapter 135 of the Revised Edition) it is provided that where it has been made to appear to the Governor in Council that any district or area is suffering from or threatened with a shortage of native foodstuffs he may issue a Proclamation (a) prohibiting the purchase or barter of such foodstuffs generally or of any class or classes of the same, for the purpose of re-sale in or export from the district or area in such proclamation specified, unless the written permission of the Resident Commissioner, as the case may be, be first obtained; (b) prohibiting the export of such foodstuffs generally or of any class or classes of the same from any district or area; (c) prohibiting the use of such foodstuffs or of any class or classes of the same for the manufacture of liquor in any district or area; (d) prohibiting the concealment or destruction of such foodstuffs or any class or classes of the same in any district or area;

AND WHEREAS it has been made to appear to me that the Digo and Kilifi districts are threatened with a shortage of native foodstuffs :

NOW, THEREFORE, by virtue of the powers vested in me as aforesaid, and having taken the advice of my Executive Council, I do hereby prohibit :—

- (a) the purchase or barter of yams, sweet potatoes, beans, mtama, mwele, maize and all other grain commonly used as food by natives in the said districts for the purpose of re-sale in or export from the Digo and Kilifi districts unless the written permission of the District Commissioners of the said districts be first obtained;

- (b) the export of any such native foodstuffs from the said districts;
- (c) the use of any such native foodstuffs for the manufacture of liquor in the said districts; and
- (d) the concealment or destruction of any such native foodstuffs in the said districts.

GOD SAVE THE KING.

Given under my hand and the public seal of the Colony at Nairobi this 27th day of April, 1928.

By Command of His Excellency the Governor in Council.

W. M. LOGAN,
Clerk to the Executive Council.

PROCLAMATION No. 31.

COLONY AND PROTECTORATE OF KENYA.

MEETING OF LEGISLATIVE COUNCIL.

PROCLAMATION.

I, EDWARD WILLIAM MACLEAY GRIGG, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Companion of the Distinguished Service Order, upon whom His Majesty has conferred the decoration of the Military Cross, Lieutenant-Colonel in His Majesty's Army (retired), Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, in exercise of the powers vested in me by Instructions under the Royal Sign Manual and Signet, dated the 11th day of September, 1920, do hereby direct that a Session of the Legislative Council be held at the Memorial Hall, Nairobi, on Tuesday, the 8th day of May, 1928, at 10 a.m.

Given under my hand at Nairobi, on this 27th day of April, 1928.

EDWARD GRIGG,
Governor.

GOD SAVE THE KING.

PROCLAMATION No. 32

THE DISEASES OF ANIMALS ORDINANCE.
(*Chapter 157 of the Revised Edition, Section 4.*)

AND

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

GOVERNMENT NOTICE No. 231 OF 1919.

PROCLAMATION.

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

EAST COAST FEVER.

Farm L.O. No. 3333, Mr. E. O. Hopley, Subukia, Nakuru District.

RINDERPEST.

Farm L.O. No. 5787, Captain R. F. Rainsford, Kitale, Trans Nzoia District.

Farm L.O. No. 5786, Mr. F. W. Isaac, Kitale, Trans Nzoia District.

Farm L.O. No. 5785, Mr. R. W. Hoddinott, Kitale, Trans Nzoia District.

And further I do hereby declare that the following portion of Proclamation is revoked:—

That portion of Proclamation No. 9, dated the 28th day of January, 1926, declaring Farm L.O. No. 580, Mr. Vernon Wilson, Mau Summit, Nakuru District, to be an infected area (East Coast Fever).

Given under my hand at Nairobi this 18th day of April, 1928.

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

GOVERNMENT NOTICE No. 206.

THE TOWNSHIPS ORDINANCE.

RULES.

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

1. These Rules may be cited as "the Nyeri Township (Market Fees) Rules, 1928," and shall be read as one with the Rules dated the 12th day of May, 1912, and published in the Official Gazette for the year 1912, at page 329, hereinafter referred to as, "the Principal Rules."

2. Rule 2 of the Principal Rules is hereby amended by the addition thereto of the following words and figures under the words "Market Fees" :—

"For each sheep or goat brought to the market for sale Cts. 20."

By command of His Excellency the Governor in Council.

Nairobi,

This 24th day of April, 1928.

W. M. LOGAN,
Clerk to the Executive Council.

GOVERNMENT NOTICE NO. 207.

THE FOREST ORDINANCE.

RULES.

IN EXERCISE of the powers conferred upon him by section 4 of the Forest Ordinance (Chapter 149 of the Revised Edition), His Excellency the Governor in Council has been pleased to make the following Rules :—

1. These Rules may be cited as "the Forest (Amendment) Rules, 1928," and shall be read as one with the Rules under the Forest Ordinance, and dated the 12th day of May, 1912, as amended by the Rules dated the 4th day of July, 1915, hereinafter referred to as "the Principal Rules."

2. The First Schedule to the Principal Rules is hereby amended by the addition thereto of the following forest produce :—

Bamboos (*Arundinaria alpina*).

By command of His Excellency the Governor in Council.

Nairobi,

This 24th day of April, 1928.

W. M. LOGAN,
Clerk to the Executive Council.

GOVERNMENT NOTICE No. 208.

THE PUBLIC TRUSTEE'S ORDINANCE, 1925.

RULES.

IN EXERCISE of the powers conferred upon him by section 26 of the Public Trustee's Ordinance, 1925, His Excellency the Governor in Council has been pleased to make the following Rules :—

1. These Rules may be cited as "the Public Trustee's (Fees) (Amendment) Rules, 1928," and shall be read as one with the Public Trustee's (Fees) Rules, 1926, hereinafter referred to as "the Principal Rules."

2. The scale of fees relative to Trust Estates in the Schedule to the Principal Rules is hereby revoked and the following substituted therefor :—

TRUST ESTATES.

On the gross income up to £1,000 ... 5 per cent. with a minimum fee of Shs. 5.

On the gross income over £1,000 ... $2\frac{1}{2}$ per cent.

By Command of His Excellency the Governor in Council.

Nairobi,

This 24th day of April, 1928.

W. M. LOGAN,
Clerk to the Executive Council.

GOVERNMENT NOTICE No. 209.

THE INDIAN TELEGRAPH ACT, 1885.

RULES.

IN EXERCISE of the powers conferred upon him by the Indian Telegraph Act, 1885, as applied to the Colony and Protectorate of Kenya, His Excellency the Governor in Council has been pleased to make the following Rules :—

1. These Rules may be cited as "the Telephone Rules, 1928," and shall come into force as from the 14th day of September, 1927.

2. The fee for each call not exceeding three minutes' duration over the Soy Post Office-Soy Railway Station trunk line shall be 25 cents.

3. Rule 36 of the Telephone Service Rules, dated the 26th of June, 1906, and published in the Official Gazette of the 1st of July, 1906, is amended accordingly.

By Command of His Excellency the Governor in Council.

Nairobi.

Dated the 24th April, 1928.

W. M. LOGAN,
Clerk to the Executive Council.

GOVERNMENT NOTICE NO. 210.

THE PUBLIC HEALTH ORDINANCE.

*(Chapter 124 of the Revised Edition.)*THE PUBLIC HEALTH (MILK AND DAIRIES)
REGULATIONS, 1925.

NOTICE.

IN EXERCISE of the powers conferred upon him by Regulation 1 of the Public Health (Milk and Dairies) Regulations, 1925, His Excellency the Governor has been pleased to declare that on and after the 1st day of July, 1928, the Public Health (Milk and Dairies) Regulations, 1925, as amended by the Public Health (Milk and Dairies) (Amendment) Regulations, 1927, shall apply to the Township of Mombasa.

By Command of His Excellency the Governor.

Nairobi.

The 25th day of April, 1928.

H. T. MARTIN,
for Colonial Secretary.

GOVERNMENT NOTICE NO. 211.

LEGISLATIVE COUNCIL.

APPOINTMENT.

HIS EXCELLENCY THE GOVERNOR has been pleased to make the following appointment :—

To be temporarily a Nominated Official Member of the Legislative Council :—

LIEUT.-COL. OSCAR FERRIS WATKINS, C.B.E., D.S.O.,
Senior Commissioner for the Coast.

His Excellency has further been pleased to revoke the appointment of Mr. H. R. Montgomery to be a Nominated Official Member of the Legislative Council dated the 7th day of March, 1927.

Nairobi.

Dated this 28th day of April, 1928.

R. W. LAMBERT,
for Colonial Secretary.

GOVERNMENT NOTICE NO. 212.

LANGUAGES BOARD.

HIS Excellency the Governor has been pleased to approve the appointment of a Languages Board constituted as follows:—

Lt.-Col. O. F. Watkins, C.B.E., D.S.O., M.A., (Chairman).

S. F. Deck, Esq., B.A.

C. J. J. T. Barton, Esq., M.A.

The Revd. B. J. Ratcliffe, F.R.G.S.

Capt. C. G. Usher, M.C., (Secretary).

Nairobi,

25th April, 1928.

EDWARD DENHAM,
Colonial Secretary.

GOVERNMENT NOTICE NO. 213.

THE TOWNSHIPS ORDINANCE.

(*Chapter 82 of the Revised Edition.*)

IN EXERCISE of the powers conferred upon him by section 4 of the Eastleigh Assessment and Rating Rules, 1922, His Excellency the Governor has been pleased to impose the following rates which are now payable by the owners of property in Eastleigh for the year 1928, subject to the exemptions provided for in sections 6 and 7 of the above Rules:—

For every plot or sub-plot not exceeding one-fifth of an acre in area—10 per cent. of the assessed net annual value.

For every plot exceeding one-fifth of an acre in area—5 per cent. of the assessed net annual value.

For every building as defined in clauses 1, 2, 3 and 4 of Rule 12 of the Eastleigh Township Rules, 1921—2½ per cent. of the assessed net annual value.

By command of His Excellency the Governor.

Nairobi,

The 23rd day of April, 1928.

H. T. MARTIN,
for Colonial Secretary.

GOVERNMENT NOTICE NO. 214.

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

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

(*Chapter 1 of the Revised Edition, Section 13.*)

GOVERNMENT NOTICE NO. 406 OF 1926.

APPOINTMENT.

IN EXERCISE of the powers thereunto enabling me, I have appointed the person named in the

Schedule annexed hereto to be Official Headman for the area named therein.

Mombasa,

23rd April, 1928.

O. F. WATKINS,
Provincial Commissioner, Coast.

SCHEDULE.

MALINDI DISTRICT.

Name.	Area.	With effect from.	Remarks.
Ngumbao wa Fundi-Issa Mugambo	Fundi-Issa	1st Dec., 1926	Vice Ali bin Marjan, deceased, appointed by Govt. Notice No. 36 of 1920.

GOVERNMENT NOTICE NO. 215.

THE NATIVE AUTHORITY ORDINANCE.

(*Chapter 129 of the Revised Edition, Section 3 (1.)*)

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

(*Chapter 1 of the Revised Edition, Section 13.*)

GOVERNMENT NOTICE NO. 406 OF 1926.

APPOINTMENTS.

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

Mombasa,

23rd April, 1928.

O. F. WATKINS,
Provincial Commissioner, Coast.

SCHEDULE.

DIGO DISTRICT.

Name.	Area.	With effect from.	Remarks.
Kawai wa Msembe	Kirazini	1st Mar., 1928	On 6 months probation vice Ngui wa Ithitu resigned (G. N. 424 of 15-12-24.)
Mwarondo wa Rondo	Kiban-daongo	do	On 6 months probation vice Abemvoya wa Mvoya resigned (G. N. 522 of 14-12-25.)

GOVERNMENT NOTICE No. 216.

THE COURTS ORDINANCE.

(Chapter 5 of the Revised Edition, Section 11.)

THE NATIVE TRIBUNAL VALIDITY RULES, 1924.

AND

THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE.

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

GOVERNMENT NOTICE No. 99 OF 1924.

APPOINTMENTS.

IN EXERCISE of the powers thereunto enabling me, I hereby grant jurisdiction to the Councils of Elders named in the Schedule annexed hereto within the Masai Province.

Government Notice No. 126, dated the 18th day of April, 1918, is hereby cancelled.

Nairobi,

This 20th day of April, 1928.

G. V. MAXWELL,
Chief Native Commissioner.

SCHEDULE.

MASAI PROVINCE.

Name of President.	Deputy president.	Location.	Area of Jurisdiction.	District.
Kiserian ole Rumbas	Ololdigir	1 A.	Siria	Narok.
Ole Kataiga	Ole Maripet	2 E.	Il Damat	do
Masikonde	Ole Kotikosh	3 A.	Narok Area Purko	do
Ole Engo	Ole Neroti	3 B.	Barkitabu Area Purko	do
Legalishu	Ole Sangalet	3 D.	Mara Area Purko	do
Rasiti ole Keri	Karaga ole Saitagu	4 A.	Kakonyukie	Ngong
Ololtenayeu	Ole Paraka-sua	4 G.	Loita	Narok.
Ololtuno	Ole Leminis	5 X.	Laitayek	do
Longuyun ole Naipenuy	Lengeny ole Kekoyo	5	Lojodokilani Inguruman and Salai Locations	Kajiado.
Saitwa ole Mbere	Laimeri ole Malei	6	Matapatu	do
Karei ole Siranga	Ole Kongum	7	Il Dalalekutuk	do
Njoroge ole Karei	Kokan ole Nanai	8	Kaputiei	do
Ngutete ole Nguju	Nulale ole Ndiati	9	Laitokitok	do
Seggi ole Lenana	Kimuruai ole Lenana	10	Sigirari	do
Engaroya ole Neilyan	Kutatoi ole Engaroya	10 B.	Sigirari	Ngong.
Ole Kerton	Ole Naloki	11 A.	Uasin Gishu	Narok.

GOVERNMENT NOTICE No. 217.

THE PUBLIC TRAVEL AND ACCESS ROADS ORDINANCE, 1920.

APPOINTMENT OF DISTRICT ROAD BOARD.

IN EXERCISE of the powers conferred upon His Excellency the Governor by the Public Travel and Access Roads Ordinance, 1920, which powers His Excellency in exercise of the powers conferred upon him by the Interpretation and General Clauses Ordinance, 1912, has been pleased by Government Notice No. 501 of 1925 to delegate to District Commissioners, I hereby make the following appointments to the District Road Board, Uasin Gishu District, for the year 1928:—

Dr. E. S. Marshall, C.B.E., M.C., P.O.
Eldoret, vice Capt. J. W. Tait, resigned.
H. F. Murrell, Esq., P.O. Eldoret.

Dated at Eldoret this 25th day of April, 1928.

A. J. MACLEAN,
Provincial Commissioner.

GOVERNMENT NOTICE No. 218.

THE DISEASES OF PLANTS PREVENTION ORDINANCE, 1910.

IN EXERCISE of the powers conferred upon me by the Diseases of Plants Regulations, 1924, I hereby appoint:—

Cedric Owen Oates, N.D.A.,
Reginald George Bentall, B.A. (Agric.),,
William Owen Sunman, B.Sc. (Agric.),,
Charles Beverly Croft Handley, B.Sc. (Agric.),,
to be Inspectors for the purposes of the said Regulations.

Nairobi,
24th April, 1928.

E. HARRISON,
Acting Director of Agriculture.

GENERAL NOTICE No. 398.

NOTICE.

UNDER THE MEDICAL PRACTITIONERS AND DENTISTS ORDINANCE, 1910.

(Chapter 119, Revised Edition).

THE undernoted have been registered in accordance with the terms of the Medical Practitioners and Dentists Ordinance (Chapter 119 of the Revised Edition).

Ahluwalia, Lachman Singh, L.R.C.P. & S. (Edin.), 1919. L.R.F.P.S. (Glasg.), 1919. D.P.H. (Camb.).

Andrews, Francis Peter, M.B., B.S. Bombay, 1926.

Nairobi,
26th April, 1928.

JOHN L. GILKS,
Registrar.

GENERAL NOTICE NO. 399

NOTICE.

NOTICE is hereby given that an amendment to Nairobi Township By-law 36 will be submitted for approval to the Nairobi Corporation at the meeting to be held May 8th, 1928, and if approved will be submitted for sanction to the Central Board of Health at its first meeting occurring after the lapse of twenty-eight days from publication of this notice.

The amendment to the By-law provides for the cancellation of the last paragraph of the present By-law, and the substitution therefor of another one on similar lines but giving flats of at least two storeys in height exemption to By-law 36 in addition to hotels and residential clubs.

A copy of the proposed amendment to the By-law may be inspected at this office.

Municipal Offices,
Nairobi, 24th April, 1928.

L. GILBERT,
Town Clerk.

GENERAL NOTICE NO. 400.

NOTICE.

NOTICE is hereby given that at the general meeting of the Municipal Council held on Tuesday, 24th April, 1928, the Council resolved to make a rate of one per cent. for the year 1928 on the unimproved value of sites in the township as assessed in the Valuation Roll to become payable in one sum on the 27th day of June, 1928.

A discount of 2½% will be allowed to those who pay this rate on or before the above-mentioned date.

By order of the Municipal Council,

Nairobi,
24th April, 1928.

L. GILBERT,
Town Clerk.

GENERAL NOTICE NO. 401.

THE DISEASES OF ANIMALS ORDINANCE.

IN EXERCISE of the powers conferred upon me by Rules Nos. 13 and 56 of the Diseases of Animals Rules, 1918, I hereby declare that the gentleman named hereunder ceases to be an Honorary Permit Issuer for the purposes of the said Rules:—

T. R. Spence, Esq., P.O. Kampi ya Moto.

Nairobi,
The 23rd day of April, 1928.

J. T. C. BRADSHAW,
for Acting Chief Veterinary Officer.

GENERAL NOTICE NO. 375

UGANDA PROTECTORATE.

TENDER.

TENDERS are invited for the purchase of one "Bijoli" Cotton Seed Baling Press, complete with Petter Oil Engine No. 88041, H.P. 18/21, set of three tanks, and a comprehensive set of tools, and spare parts for above.

2. The machinery can be inspected on application to the Executive Engineer, Public Works Department, Jinja, and further particulars can be obtained from the Director of Public Works, P.O. Box 10, Entebbe.

3. Tenders in sealed envelopes endorsed "Cotton Seed Baling Press," will be received by the undersigned up to and inclusive of May 7th, 1928.

4. The highest or any tender will not necessarily be accepted.

Entebbe,
30th March, 1928.

C. K. DAIN,
President, Tender Board.

GENERAL NOTICE NO. 376

KENYA AND UGANDA RAILWAYS AND HARBOURS.

TENDERS FOR KEROSENE AND PETROL.

TENDERS are invited for the supply of the above to the Kenya and Uganda Railways and Harbours for a period of twelve months from the 1st July, 1928, to 30th June, 1929.

2. Quotations to be for kerosene 150° and 125° fire test and petrol in bond. Alternative quotations to be submitted for kerosene in cases and in Railway's own containers and in supplier's containers, and for petrol in cases and in suitable large steel drums the property of the suppliers.

3. Quotations should be for actual quantity received at destination.

4. Brands to be specified in the tender as well as the net capacity in Imperial gallons of each type of container quoted by suppliers.

5. Separate contract may be placed for each of the above items and quotations may be submitted and accepted for the whole or part of the Railway's requirements of each item.

6. Accounts will be paid on or before the 15th of the month following that in which delivery is made.

7. Estimated monthly requirements may be obtained from the Chief Storekeeper, Kenya and Uganda Railways and Harbours, P.O. Box 40, Nairobi.

8. Sealed tenders marked "Tenders for Kerosene and Petrol," should reach the Chief Storekeeper's Office not later than the 16th May, 1928.

9. The lowest or any tender will not necessarily be accepted.

Nairobi,
14th April, 1928.

C. L. N. FELLING,
General Manager,
Kenya and Uganda Railways and Harbours,

GENERAL NOTICE No. 383.

HIS MAJESTY'S COURT OF APPEAL FOR
EASTERN AFRICA.

THE next Sessions of His Majesty's Court of Appeal for Eastern Africa have been fixed to be held at Mombasa and to commence on Tuesday, the 5th day of June, 1928, at 10 a.m. or as soon thereafter as cases can be heard.

To ensure appeals from H. M. Supreme Court of Kenya being set down for hearing at these sessions,

memoranda of appeal should be filed with the Registrar, Supreme Court, Nairobi, on or before the 12th day of May, 1928.

Nairobi,

Dated 16th April, 1928.

E. J. O'FARRELL,

for Registrar,

H. M. Court of Appeal for Eastern Africa.

CAUSE LIST

FOR HEARING ON THE 5TH DAY OF JUNE, 1928 AT MOMBASA.

Appeal No.	Civil or Criminal	Appellant.	Respondent.	Original No. of Case.	Appeal from
7 of 1928	Criminal	Wasonga s/o Oreasi	Rex.	Criminal Case No 136/27	H. M. Supreme Court of Kenya, at Kitale.
8 of 1928	,	Munyomo s/o Irumba	Rex.	Criminal Case No. 30/27	H. M. High Court of Uganda at Kampala.
9 of 1928	,	Matenga bin Malengo	Rex.	Criminal Case No. 1/28	H. M. High Court of Tanganyika at Moshi.
21 of 1927	Civil	Khoja Alibhai Kanji	Mahomed Premji	Civil Case No 271/21	H. M. Supreme Court of Kenya, at Mombasa.
26 of 1927	,	G. H. Claassen	Canstaff Flax Co., Ltd.	Civil Case No. 160/26	H. M. Supreme Court of Kenya, at Nairobi.
28 of 1927	,	The Public Trustee	Said bin Salim	Civil Appeal No. 32/27	H. M. Supreme Court of Kenya, at Mombasa.
1 of 1928	,	Kirina Ole Kibiri Masai	Ngera s/o Kibuchuki	Civil Case No. 224/27	H. M. Supreme Court of Kenya, at Nairobi.
2 of 1928	,	Yusuf bin Said Salim	Sayid Salim bin Abdurehman	Civil Appeal No. 27/27	H. M. Supreme Court of Kenya, at Mombasa.
4 of 1928	,	The Products Corporation, and Willy Muller	Khoja Jaffer Dewji	Civil Case No 119/27	H. M. Supreme Court of Kenya, at Mombasa.
5 of 1928	,	Sebastian Francisco Xavier de Silva	Vincent Xavier Machado	Civil Case No. 1/27	H. M. High Court of Tanganyika at Dar-es-Salaam.

GENERAL NOTICE No. 3.

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

NAKURU, 14TH MAY, 1928.

Objections to the Jurors and Assessors list will be heard.

District Registry:

- Civil Case No. 32/26. The Rift Valley Service Garage, Ltd. *vs.* Baket bin Ali.
 " " 2/27. ELD. 0390405 Omari s/o Kamrial *vs.* Fatuma binti Sukar.
 " " 9/27. The Nairobi Building and Development Co., Ltd. *vs.* H. D. Thackrah.
 " " 31/27. Thuo wa Ichangai *vs.* Maina wa Wangari.
 " " 32/27. Mukuhi d/o Kirata *vs.* Chege wa Mothu.
 " " 50/27. Unga, Limited *vs.* M. Lazerson.
 " " 52/27. Herbert Milner *vs.* (1) Charles Evans; (2) Eva Evans.
 " " 54/27. NKU. 0406955 Njau wa Rimui *vs.* Karanja wa Ngure.
 " " 58/27. NKU. 2403033 Njuguna wa Waigaru *vs.* Fuithi wa Ratimu.
 " " 60/27. KBU. 485077 Kinanjui Kangethe *vs.* Debiro wa Kanyuri.
 " " 61/27. Oloo s/o Odianga *vs.* Omono wa Diege.
 " " 1/28. LKA. 048502 Karanja wa Githayo *vs.* Mathayo.
 " " 6/28. The N.B. of India, Ltd. *vs.* Bhagwanji Janadas.
 " " 7/28. The N.B. of India, Ltd. *vs.* H. C. P. Waters.
 " " 9/28. Gailey and Roberts *vs.* V. H. Allison.
 " " 11/28. Kenya Farmers' Association *vs.* J Russell.
 " " 12/28. The N.B. of India, Ltd. *vs.* J. Russell.
 " " 13/28. Gilgil Trading Company *vs.* H. F. Van de Merwe.
 " " 14/28. S. Jacobs, Ltd., Nakuru *vs.* L. A. Wisdom.
 " " 15/28. R. Holmes *vs.* R. Desaram.
 " " 16/28. NKU. 0405770 Karanja Wangai *vs.* Kirogo wa Zuu.
 " " 17/28. Nyambura d/o Karori *vs.* Ndege wa Kamau.
 " " 18/28. Karioki wa Nguwa *vs.* Njeroge wa Karie.
 " " 19/28. KSU. 09495 Mauki Waitogu *vs.* Mutu wa Muchingo.
 " " 20/28. Kenya Farmers' Association *vs.* M. T. Larson.
 " " 21/28. M. R. de Souza & Co. *vs.* J. J. Oostuezen.
 " " 22/28. Munea wa Njuguna *vs.* Kungu wa Mbuthia.
 " " 23/28. Karioki wa Kinyuri *vs.* Ithari wa Maroki.
 " " 24/28. Waithori wa Gachau *vs.* Kamau wa Gathi.
 Divorce Cause No. 1/28. Regina Julia Barrance *vs.* Percival John Barrance.
 " " 2/28. Margaret Jacoba Stewart *vs.* Albert Stewart.

ELDORET, 21ST MAY, 1928.

Objections to the Jurors and Assessors list will be heard.

- Criminal Case No. 43/28. Rex *vs.* Chepsego arap Cheboi.
 " " 46/28. Rex *vs.* Kipkutol arap Cheseram.
 " " 54/28. Rex *vs.* Mungolo s/o Wasara.
 " " 56/28. Rex *vs.* Nguira s/o Chandomiro.

District Registry:

- Civil Case No. 17/27. MK. 182333 Mukirnneyi s/o Chabakaka *vs.* Abombo s/o Obuke.
 " " 36/27. NDI. 372240 Kibilbit arap Kessio *vs.* Kamari, Mgishu.
 " " 41/27. TN. 2965691 Namunyu s/o Nabuani *vs.* Koweri, Babulu.
 " " 45/27. Din Mohamed and Ramatalli Khan *vs.* Mansa Ram Thaker.
 " " 56/27. Charles William Hurst *vs.* C. H. Birdsey.
 " " 8/28. H. E. R. Croxford *vs.* L. L. Dawson.
 " " 4/28. Ismail s/o Gulam Mohamed *vs.* Harilal Sunderji Lakhani.
 " " 6/28. T. P. Steenkamp *vs.* M. J. de Beer.
 " " 7/28. NDI. 370921 Kibrotuk arap Leting *vs.* Kipsongoin arap Chemorr.
 " " 8/28. Islam Din s/o Kadir *vs.* L. Basso.
 " " 9/28. Islam Din s/o Kadir *vs.* L. Basso.
 " " 14/28. Munshi Miran Bux *vs.* Mohamed Umar Hyat.
 " " 15/28. The Kitale Stores, Ltd. *vs.* Fred Davies.

CAUSE LIST.—(Contd.).

- Civil Case No. 16/28. William Segar Bastard *vs.* Olof Abram Servaas Vorster.
,, „ „ 25/28. Plateau Maize Growers, Ltd., (in liquidation), *vs.* A. P. Heine.
„ „ „ 27/28. Plateau Maize Growers, Ltd., (in liquidation), *vs.* O. A. S. Vorster.
„ „ „ 29/28. NK. 128143 Shiamolo s/o Lucha *vs.* Atieka s/o Natemaiyan.
„ „ „ 30/28. Margaret K. Driscoll *vs.* R. E. Tugman.
„ „ „ 31/28. UGU. 2380700 Waiswa s/o Tebo *vs.* Mwanika s/o Mwerezza.
„ „ „ 32/28. MK. 150054 Serika s/o Matiaian *vs.* Meheso s/o Inzoi.
.. „ „ 33/28. Wadhawa s/o Bagga *vs.* Bhagat Ram.

Nairobi,
19th April, 1928.

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

GENERAL NOTICE NO. 402

THE BANKRUPTCY ORDINANCE, 1925.

NOTICE OF DIVIDEND.

Debtor's name.—Robert Graham Coetzee.*Address.*—Kisumu.*Description.*—Formerly residing and carrying on business as a farmer at Kibos, and now in the service of Messrs. Gethin & Dawson, Kisii.*Court.*—Supreme Court, Nairobi.*Number.*—7 of 1927.*Amount per £.*—40 cents in the pound.*First or final or otherwise.*—Final.*When payable.*—12th May, 1928.*Where payable.*—Official Receiver's Office, P.O. Box 231, Nairobi.Nairobi,
28th April, 1928.W. M. KEATINGE,
Official Receiver.

GENERAL NOTICE NO. 403.

THE BANKRUPTCY ORDINANCE, 1925.

NOTICE OF INTENDED DIVIDEND.

Debtor's name.—Narotam Ranchhod.*Address.*—Kitale.*Description.*—Tailor.*Court.*—Supreme Court, Nairobi.*Number.*—No. 8 of 1927.*Last day for receiving proofs.*—16th May, 1928.*Name of trustee.*—Official Receiver.*Address.*—P.O. Box 231, Nairobi.Nairobi,
26th April, 1928.W. M. KEATINGE,
Official Receiver.

GENERAL NOTICE NO. 404.

THE BANKRUPTCY ORDINANCE, 1925.

RECEIVING ORDER, FIRST MEETING AND PUBLIC EXAMINATION.

Debtor's name.—Juthalal Gosher.*Address.*—Nairobi.*Description.*—Shopkeeper, Ruaraka.*Date of filing petition.*—4th April, 1928.*Number of matter.*—12 of 1928.*Date of order.*—5th April, 1928.*Whether debtor's or creditors' petition.*—Debtor's.
Act or acts of bankruptcy.—Inability to pay his debts.*Court.*—Supreme Court, Nairobi.*Date, place and time of first meeting.*—9th May, 1928, at 3 p.m., Official Receiver's Office, Old Secretariat Building, Nairobi.*Date, place and time of public examination.*—11th May, 1928, at 10 a.m., Law Courts, Nairobi.*Date of order (if any) for summary administration.*—24th April, 1928.Nairobi,
21st April, 1928.W. M. KEATINGE,
Official Receiver.

GENERAL NOTICE NO. 405.

THE BANKRUPTCY ORDINANCE, 1925.

RECEIVING ORDER, FIRST MEETING AND PUBLIC EXAMINATION.

Debtor's name.—Shah Nathoo Gosar.*Address.*—Nairobi.*Description.*—Clerk.*Date of filing petition.*—10th April, 1928.*Number of matter.*—14 of 1928.*Date of order.*—10th April, 1928.*Whether debtor's or creditors' petition.*—Debtor's.
Act or acts of bankruptcy.—Inability to pay his debts.*Court.*—Supreme Court, Nairobi.*Date, place and time of first meeting.*—9th May, 1928, at 3 p.m., Official Receiver's Office, Old Secretariat Building, Nairobi.*Date, place and time of public examination.*—11th May, 1928, at 10 a.m., Law Courts, Nairobi.*Date of order (if any) for summary administration.*—24th April, 1928.Nairobi,
21st April, 1928.W. M. KEATINGE,
Official Receiver.

GENERAL NOTICE NO. 406.

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

INSOLVENCY JURISDICTION.

CAUSE NO. 13 OF 1924.

Re DHALLA ISMAIL.*Ex parte* THE CREDITORS, SIR J. H. N. GRAHAM AND JAMES N. GRAHAM, TRADING AS GRAHAMS & CO.

To all whom it may concern.

TAKE NOTICE that Dhalla Ismail, formerly trading at Mombasa, who was adjudicated insolvent by this Court on the 22nd day of October, 1924, has applied to this Court for his discharge, and that the 22nd day of May, 1928, at 10 o'clock in the forenoon has been fixed for the hearing of the application.

Dated this 28th day of April, 1928.

R. L. UNDERWOOD,
Deputy Registrar,
Supreme Court of Kenya.

GENERAL NOTICE NO. 407.

IN THE DISTRICT DELEGATE'S COURT
AT KISUMU.

PROBATE AND ADMINISTRATION.

CAUSE NO. 2 OF 1928.

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE
OF NATHURAM KHOSLA, LATE OF KISUMU, DECEASED.

TAKE NOTICE that application having been made in this Court by Puran Devi, widow of the deceased, of Kisumu, for the administration of the estate of Nathuram Khosla, late of Kisumu, who died at Kisumu on the 8th day of February, 1928, this Court will proceed to make a decree in the same unless cause be shown to the contrary and appearance in this respect entered on or before the 20th day of May, 1928.

Kisumu,
21st April, 1928.B. V. SHAW,
for District Delegate, Nyanza.

GENERAL NOTICE No. 408.

IN THE DISTRICT DELEGATE'S COURT

AT KISUMU.

PROBATE AND ADMINISTRATION.

CAUSE No. 3 of 1928.

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE
OF MOHAMED BUXT, LATE OF NAKOHE (KISII),
DECEASED.

TAKE NOTICE that application having been made in this Court by Gulam Mohamed, of Nakohe (Kisii), for the administration of the estate of Mohamed Bux, late of Nakohe, who died at Kisii on the 12th day of March, 1927, this Court will proceed to make a decree in the same unless cause be shown to the contrary and appearance in this respect entered on or before the 20th day of May, 1928.

Kisumu,

20th April, 1928.

B. V. SHAW,
for District Delegate, Nyanza.

GENERAL NOTICE No. 409.

IN THE DISTRICT DELEGATE'S COURT
AT KISUMU.

PROBATE AND ADMINISTRATION.

CAUSE No. 7 of 1926.

IN THE MATTER OF LALJI DEVJI, DECEASED.

To all whom it may concern.

TAKE NOTICE that the final account in the above estate has been filed in this Court by the administrator, and that this Court has fixed the 21st day of May, 1928, at 9 a.m. or so soon thereafter as possible on that day to pass the account after which date no objections can be heard thereto.

Dated this 21st day of April, 1928.

B. V. SHAW,
for District Delegate, Nyanza.

GENERAL NOTICE No. 410.

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

PROBATE AND ADMINISTRATION.

CAUSE No. 13 of 1928.

NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF
SAAD BIN ABDULLA BIN MOHAMED, EL-SOUUDANI,
LATE OF MOMBASA, DECEASED.

TAKE NOTICE that application having been made in this Court by Said bin Abdulla bin Mohamed, El-Soudani, of Mombasa, for probate of the will of Saad bin Abdulla bin Mohamed, El-Soudani, who died at Mombasa on the 25th day of March, 1928, this Court will proceed to make a decree in the same unless cause be shown to the contrary and appearance in this respect entered on or before the 14th day of May, 1928.

Mombasa,

24th April, 1928.

G. H. PICKERING,
Judge.

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

GENERAL NOTICE No. 411

PROBATE AND ADMINISTRATION.

PUBLIC TRUSTEE'S CAUSE No. 31 of 1928.

IN THE MATTER OF WALTER MAYES, DECEASED.

To all whom it may concern.

TAKE NOTICE that on or after the 15th day of May, 1928, I intend to apply to the Supreme Court of Kenya at Nairobi, for an order to administer the estate of the above-named Walter Mayes, who died at Lamu on the 27th day of January, 1928.

Nairobi,

27th April, 1928.

J. B. WITHERICK,
for Public Trustee.

GENERAL NOTICE No. 412.

PROBATE AND ADMINISTRATION.

SUPREME COURT CAUSE No. 51 of 1928.

PUBLIC TRUSTEE'S CAUSE No. 38 of 1928.

IN THE MATTER OF JOHN EDGAR HEATH, DECEASED.

To all whom it may concern.

PURSUANT to an order of the Supreme Court of Kenya, dated the 21st day of April, 1928, by which the undersigned was appointed administrator of the estate of the late John Edgar Heath, who died on the 19th day of March, 1928.

TAKE NOTICE that all persons having any claims against the estate of the said John Edgar Heath are required to lodge and prove such claims before me the undersigned on or before the 2nd day of July, 1928, after which date only the claims so proved will be paid and the estate distributed according to law.

Nairobi,

24th April, 1928.

W. M. KEATINGE,
Public Trustee.

GENERAL NOTICE No. 413.

THE PATENTS AND DESIGNS ORDINANCE.

CERTIFICATE OF ENTRY IN THE REGISTER OF PATENTS.

Certificate No. 136.

This is to certify that an entry has been made in the Register of Patents in the name of Max Mederer, of 35, East Burgher Street, Bloemfontein, Province of the Orange Free State, Union of South Africa, a Chemical Engineer, a British Subject, as appears in the Schedule hereto.

This certificate is issued in pursuance of section 8 of the above-mentioned Ordinance.

SEAL OF THE PATENT OFFICE.

Date, 20th April, 1928.

W. M. KEATINGE,
Registrar.

SCHEDULE.

Number of application.—136.

Date of application.—20th April, 1928.

Name of applicant.—Max Mederer.

Address of applicant.—35, East Burgher Street, Bloemfontein, Province of the Orange Free State, Union of South Africa.

Number and date of Patent (Certificate of Registration) in the United Kingdom.—No. 264,071 of 28th June, 1926.

Nature of patent.—Improvements in sanatoria or buildings for the curative treatment of invalids.

Documents, etc., filed in Registry.—

1. Two certified copies of specification (including drawings) of the United Kingdom Patent.
2. Certificate of Comptroller General of the United Kingdom Patent Office giving full particulars of the issue of the patent.
3. Power of attorney in favour of Messrs. Atkinson, Wright and Bown, Advocates, Mombasa.

W. M. KEATINGE,
Registrar.

GENERAL NOTICE NO. 414.

NOTICE.

NOTICE is hereby given that the power of attorney, dated the 28th day of January, 1927, given by The Nyanza Oil Mills Company, Limited (Private Company), to Khushalbhai Naranbhai Patel, of Kisumu, has been cancelled as from the 17th April, 1928, and the said Khushalbhai Naranbhai Patel has no authority to transact any further business on behalf of the said Company.

Mombasa,
21st April, 1928.

For and on behalf of the Directors, Nyanza Oil Mills Company, Limited, (Private),

NARSHIDAS M. BUDHDEO,
Advocate.

GENERAL NOTICE NO. 415.

THE REGISTRATION OF TRADE MARKS
ORDINANCE.

APPLICATION No. 101/27.



To all whom it may concern.

TAKE NOTICE that an application for the registration of the Trade Mark shown above in Class 12 of Part III of the Schedule to the above-mentioned Ordinance, in respect of razors, razor blades, safety razors, safety razor blades and cutlery of all kinds, has been lodged by Gillette Safety Razor Company, of 47, West First Street, Boston, State of Massachusetts; Manufacturers, whose address for service in the Colony is Messrs. Atkinson, Wright and Bown, Advocates, Mombasa.

The said Trade Mark will be registered after the expiration of the period mentioned in section 13 of the said Ordinance, provided no notice of opposition is received.

A specimen of the Trade Mark the registration of which is applied for can be seen at the office of the undersigned at Nairobi.

(To be associated, sec. 25.)

Nairobi,
23rd April, 1928.

W. M. KEATINGE,
Registrar of Trade Marks.

GENERAL NOTICE NO. 416.

THE REGISTRATION OF TRADE MARKS
ORDINANCE.

APPLICATION No. 102/27.



To all whom it may concern.

TAKE NOTICE that an application for the registration of the Trade Mark shown above in Class 12 of Part III of the Schedule to the above-mentioned Ordinance, in respect of razors, razor blades, safety razors, safety razor blades and cutlery of all kinds, has been lodged by Gillette Safety Razor Company, of 47, West First Street, Boston, State of Massachusetts; Manufacturers, whose address for service in the Colony is Messrs. Atkinson, Wright and Bown, Advocates, Mombasa.

The said Trade Mark will be registered after the expiration of the period mentioned in section 13 of the said Ordinance, provided no notice of opposition is received.

A specimen of the Trade Mark the registration of which is applied for can be seen at the office of the undersigned at Nairobi.

(To be associated, sec. 25.)

Nairobi,
23rd April, 1928.

W. M. KEATINGE,
Registrar of Trade Marks.

GENERAL NOTICE NO. 417.

THE REGISTRATION OF TRADE MARKS
ORDINANCE.

APPLICATION No. 35/28.



To all whom it may concern.

TAKE NOTICE that an application for the registration of the Trade Mark shown above in Class 47 of Part III of the Schedule to the above-mentioned Ordinance, in respect of matches, has been lodged by "Solo" Spojene Akciove Ceskoslovenske, of Stepanska, 22, Prague 11, Czechoslovakia; Manufacturers, whose address for service in the Colony is Messrs. Atkinson, Wright and Bown, Advocates, Mombasa.

The said Trade Mark will be registered after the expiration of the period mentioned in section 13 of the said Ordinance, provided no notice of opposition is received.

A specimen of the Trade Mark the registration of which is applied for can be seen at the office of the undersigned at Nairobi.

Nairobi,
23rd April, 1928. W. M. KEATINGE,
Registrar of Trade Marks.

GENERAL NOTICE NO. 418.

TENDERS.

TENDERS are invited for purchase of the right title and interest of Naronga Jolly, deceased, of Marama in the following property:—

1. Plot No. 3, Section No. 3 in Marama Township, in the North Kavirondo District, comprising five thousand square feet with all building and improvements erected thereon and made thereto, held by the said deceased under the lease for the term of 99 years from the 1st day of June, 1912.

2. All that piece or parcel of land situate in the Marama Township aforesaid, facing the River Feratzi about a quarter of a mile east of the bridge over that river on the Native Road between Butere and Headman Musula's boma, and having an area of approximately one acre held by the said deceased under T.O.L. for the purpose of a Water Mill and a C.I. Sheets shed and other improvements erected thereon and made thereto.

Tenders should be submitted separate for each plot. Sealed tenders marked "Naronga Jolly Estate" should be addressed to Dhanwant Singh, Bar.-at-Law, Advocate, Kisumu, and will be received by him up to and including 30th May, 1928.

The highest or any tender will not necessarily be accepted.

GENERAL NOTICE NO. 419

NOTICE.

NOTICE is hereby given that I have disposed of my business known as Smithfield Butchery to Mr. John Dickenson as and from the 1st day of May, 1928. I will discharge all the liabilities of the said business; all outstandings due to me should be paid at the premises of the business.

Dated at Nairobi this 26th day of April, 1928.

P. MACFARLANE,
C/o RALSTON & KAPLAN,
Solicitors for the Parties, Nairobi.

GENERAL NOTICE No. 420.

NOTICE.

NOTICE is hereby given that the undermentioned goods will be sold by public auction in Godown No. 2, Mombasa Old Port, on 4th June, 1928, if not cleared before that date and the proceeds will be applied as follows:—

- Firstly*, in the payment of expenses of the sale;
- Secondly*, in the payment of the duty;
- Thirdly*, in the payment of the warehouse rent and charges;
- Fourthly*, in the payment of the freight, if any, due upon the goods if written notice of such freight shall have been given to the Collector.

The surplus, if any, will be paid to the proprietor of the goods on his application in writing for the same within six months from the date of sale, but if on expiration of that date no such application shall have been received the surplus will be forfeited and shall be applied as if it had originally been paid as duty due and payable.

Custom House,
Mombasa, 19th April, 1928.

G. WALSH,
Commissioner of Customs, Kenya and Uganda

UNCLAIMED CARGO LYING IN THE KING'S WAREHOUSE, KILINDINI, OVER THREE MONTHS.

FOR SALE ON 4TH JUNE, 1928.

Under Section 106 of the Customs Management Ordinance, 1926.

Date.	Steamer.	Marks and Numbers.	No. & Description of Packages.
1927			
6th Oct.	Diplomat, Europe	Nil	1 angle bar
1928			
15th Jan.	Jagerfontein, South	D. R. & Co. Msa 5093	1 bundle merchandise
18th Jan.	Parana, Europe	F J Nbi 1 Red in the middle ALITCOHI, 2, 4, 5	1 case milk 6 bundles steel sleepers 3 cases merchandise
19th Jan.	Matiana, South	Nil 36 Nil	1 roll wire netting 1 loose steel plate
21st Jan	Malda, Europe	Kilindini F M'sa Nil Nil Nil	1 bag merchandise 1 package merchandise 1 case merchandise 1 round bar 9 casks cement broken and contents short
29th Jan.	Klipfontein, South	M M 259 M'sa	1 case fruits (empty)
31st Jan.	Tanganyika, Europe	E P. C.	3 bundles timber

UNCLAIMED CARGO LYING IN THE KING'S WAREHOUSE, KILINDINI, OVER THREE MONTHS—(Contd.)

Date.	Steamer.	Marks and Numbers.	Nos. and Description of packages
1928 31st Jan	Hydaspes, Europe	A B & R E Nil Nil Nil Nil Nil	1 lot broken 4 stoves pieces 5 pieces pipe connection 3 pieces stove parts broken 1 bag nuts 1 piece soil pipes fittings 1 bundle hoop iron
		A B & R E	1 drum cattle dip (4/5 empty)
6th Feb.	Usambara, South	H & C 2654 Mombasa 270	1 case milk broken and 3/4 empty
6th Feb.	Usambara, South	Nil	1 bag bolts & nuts
6th Feb.	Sandgate Castle, South	Nil	1 bag sweeping of cement &c.

UNCLAIMED BAGGAGE LYING IN THE KING'S WAREHOUSE, KILINDINI, OVER THREE MONTHS.

FOR SALE ON 4TH JUNE, 1928.

Under Section 106 of the Customs Management Ordinance, 1926.

Date.	Steamer.	Mark and Number	No. & Description of packages.
1928 27th Jan.	Karoa, Bombay	Nil	1 tin merchandise
28th Jan.	Unknown	McNevin	1 parcel monkey skins
30th Jan.	Eritrea South	Valli Hassam & Co.	1 parcel wearing apparel
31st Jan.	Tanganyika, Europe	E. G. Broadbridge	4 packages P. effects
29th Jan.	Mexico Maru, Europe	Gulamhusein Esmailji & Sons	1 parcel merchandise

FORFEITED GOODS LYING IN THE KING'S WAREHOUSE, MOMBASA

FOR SALE ON 14TH JUNE, 1928.

Under Section 200 of the Customs Management Ordinance, 1926.

Date.	Steamer.	Marks and Number.	No. & Description of packages.
1928 21st March	Karapara	Bapu Juma bau	2 keys time gold watches
27th March	Dhow	Salim Bin Juma	18 bottles perfumery
27th March	"	Ali Bin Nassor	6 Nos kikoi
27th March	"	Juma Bin Amad do	6 Nos kikoi
27th March	"		1 lb 5 oz holood wood

UNCLAIMED CARGO LYING IN THE KING'S WAREHOUSE MOMBASA.

FOR SALE ON 4TH JUNE, 1928.

Under Section 106 of the Customs Management Ordinance, 1926.

Date.	Steamer.	Marks and Numbers.	Nos. & Description of packages.
1928 23rd Feb	Mexico Maru	P. N. C.	1 bag sugar

GENERAL NOTICE NO. 381.

EASTLEIGH TOWNSHIP.

THE EASTLEIGH ASSESSMENT AND RATING
RULES, 1922.

IT is hereby notified, with reference to General Notice No. 304, dated March 27th last, that the time limit fixed therein for the lodging of complaints against valuations in the Eastleigh Valuation Roll has been extended until the 7th day of May, 1928.

Nairobi, W. W. RIDOUT,
20th April, 1928. *for District Commissioner.*

GENERAL NOTICE NO. 352.

KENYA AND UGANDA RAILWAYS AND
HARBOURS.

CATERING DEPARTMENT.

Fresh Provision Contracts.

TENDERS are invited for the supply to the Kenya and Uganda Railways and Harbours of meat, live sheep, fish, chickens, bacon, sausages, polony, eggs, bread, butter, cheese, potatoes, fruit, vegetables, coconuts, etc., from the 1st July, 1928, to 30th June, 1929.

1. All deliveries for Restaurant Cars and Refreshment Rooms to be made to the nearest Railway Station at such times and in such quantities as may be required by the Catering Manager.

2. All deliveries for ships on Lake Victoria, etc., are to be made to the Assistant Chief Storekeeper, Kisumu, or consigned as directed.

3. Tenders should specify the station of delivery.

4. Printed tender forms may be obtained on application from the Chief Storekeeper, Kenya and Uganda Railways and Harbours, P.O. Box 40, Nairobi. Sealed tenders marked "Catering Tenders," should reach the above on or before the 16th May next. Late tenders will not be considered.

5. The lowest or any tender will not necessarily be accepted.

Nairobi, C. L. N. FELLING,
12th April, 1928. *General Manager,*
Kenya and Uganda Railways and Harbours.

GENERAL NOTICE NO. 421.

POST OFFICE NOTICE.
ARRIVAL OF KENYA MAILS IN ENGLAND.

IT is notified for general information that the mails despatched from Mombasa on the undermentioned date arrived in England as stated:—

Date of despatch from Mombasa.	Name of vessel by which despatched.	Date of arrival in England.
8th April, 1928	S.S. "Njassa".	26th April, 1928

General Post Office,
Nairobi,
27th April, 1928.

D. CORMACK,
for Postmaster General,
Kenya and Uganda.

GENERAL NOTICE NO. 422.

PRINCIPAL ARTICLES IMPORTED INTO AND CLEARED FOR HOME CONSUMPTION* IN THE
COLONY AND PROTECTORATE OF KENYA AND UGANDA PROTECTORATE DURING THE
MONTH OF DECEMBER, 1927.

ARTICLES.	Unit of Quantity.	TOTAL	
		Quantity.	Value.
1. Rice	Cwts.	13,863	275,791
2. Wheat Meal and Flour	"	5,595 $\frac{1}{2}$	99,610
3. Ale, Beer, Stout, etc.	Imp. gals.	13,770	57,980
4. Ghee	Cwts.	514	43,415
5. Spirits	I. & pf. gl.	8,173	205,857
6. Sugar	Cwts.	1,420 $\frac{1}{2}$	30,277
7. Tea	"	468	92,448
8. Wines	Imp. gals.	5,522	93,212
9. Cigarettes	Lbs.	47,384	200,266
10. Tobacco, other, manufactured	"	79,604	138,497
11. Wood and Timber	Cub. feet	3,841	11,293
12. Cement, Building	Tons	2,601 $\frac{1}{4}$	219,010
13. Galvanised Iron Sheets, Corrugated	"	564 $\frac{1}{2}$	201,924
14. Iron and Steel Manufactures	"	1,184 $\frac{1}{2}$	565,415
15. Hardware	Cwts.	216 $\frac{1}{2}$	19,969
16. Shovels and Spades, etc.	Nos.	258,747	163,958
17. Machines and Machinery	Value	.	703,811
18. Cotton Piece Goods: grey, unbleached	Yards	763,065	
" " " bleached	Cwts.	2,131 $\frac{1}{2}$	288,603
19. " " " printed	Yards	336,998	143,908
20. " " " dyed in the piece	"	417,893	237,011
21. " " " coloured	"	394,427	342,645
22. " " Nos.	"	709,225	442,232
23. Cotton Blankets	Nos.	171,070	
24. Jute Bags and Sacks	Doz.	57,288	320,400
" "	Cwts.	16,077	632,468
25. Disinfectants and Insecticides	"	709 $\frac{3}{4}$	23,360
26. Fuel Oil	Imp. gals.	13,200	3,168
27. Lubricating Oils	"	118,264	350,218
28. Lubricating Greases	Cwts.	353 $\frac{1}{4}$	14,552
29. Motor Spirit (Petrol)	Imp. gals.	233,115	256,288
30. Mineral Oil, Illuminating or Burning (Kerosene)	"	476,281	465,289
31. Soap, Common	Cwts.	823 $\frac{1}{4}$	38,916
32. Soap, Toilet	Value	.	23,983
33. Cycles (not motor)	Nos.	358	40,151
34. Motor Cars	"	167	586,982
35. Motor Lorries	"	120	399,072
36. Motor Tractors	"	33	172,413
37. Motor Cycles	"	29	29,275
38. Motor Cycles Sidecars for	"	3	820
39. Fertilisers and Manures	Tons	125	33,340
40. Other Articles	Value	..	9,245,182
TOTAL		—	17,217,009 $\frac{1}{2}$
TOTAL TRANSIT IMPORTS		—	170,143
GRAND TOTAL .. Sh.		—	17,387,152

*Note.—Home Consumption means: Goods cleared from Customs control on landing and also goods cleared from Bonded Stocks.

† Includes produce of Tanganyika Territory valued at Shs. 1,995,428 and intended for ultimate re-exportation.

‡ No allowance made for under-proof in excess of 12 $\frac{1}{2}\%$.

CUSTOM HOUSE,
MOMBASA
10th April, 1928

G. WALSH,
Commissioner of Customs,
Kenya and Uganda.

DURING THE MONTH OF DECEMBER, 1927, SHOWING THE PRINCIPAL COUNTRIES OF ORIGIN OF IMPORTED TRADE GOODS.

ARTICLES.	Unit of Quantity.	Great Britain.		India and Burmah.		Union of South Africa.		Other British Possessions.		Belgium.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
1. Rice	Cwts.	..	Sh.	6,786 $\frac{1}{4}$	124,577	..	Sh.	7,096 $\frac{1}{4}$	151,214	..	Sh.
2. Wheat Meal and Flour	5,508	97,860	87 $\frac{1}{2}$	1,750	156	1,255
3. Ale, Beer, Stout, etc.	Imp. gals.	2,086	11,229	692	2,802
4. Ghee	Cwts.	48 $\frac{1}{2}$	9,795	465	33,520
5. † Spirits	† I. & P. gl.	6,919	178,111	4	118	18	501
6. Sugar	Cwts.	64	2,522	41 $\frac{1}{2}$	1,344	39 $\frac{1}{2}$	1,200
7. Tea	"	380 $\frac{1}{2}$	78,088	86 $\frac{3}{4}$	14,072
8. Wines	Imp. gals.	263	8,209	62	826	12	147
9. Cigarettes	Lbs.	47,370	200,242	5	8
10. Tobacco, other, manufactured	1,079	6,557	144	136	1,750	5,848	6,316	4,061	678	491
11. Wood and Timber	Cub. feet	45	260	82	984
12. Cement, Building	Tons	1,707 $\frac{1}{2}$	147,662	83 $\frac{1}{4}$	6,088
13. Galvanised Iron Sheets, Corrugated	"	564 $\frac{1}{2}$	201,924
14. Iron and Steel Manufactures	"	818	405,047	2	1,979	40	..	202	58,503
15. Hardware	Cwts.	117 $\frac{1}{4}$	12,560
16. Shovels and Spades, etc.	Nos.	29,144	33,161	5,200	12,000
17. Machines and Machinery	Value	..	443,889	..	13,617	44,077	..	36,500
18. Cotton Piece Goods: Grey, unbleached	Yards	207,485
" " " bleached	Cwts.	489	75,863
19. " " " printed	Yards	168,406	73,214	288	197
20. " " " dyed in the piece	"	205,535	125,455	1,989	1,070	100	317
21. " " " coloured	"	279,852	251,913	4,149	2,745	27,158	27,373
22. Cotton Blankets	"	79,455	62,213	173,177	80,6 $\frac{1}{2}$	26,800	61,821
23. Jute Bags and Sacks	Nos.	2,705	9,883	2,100	2,674
24. Motor Spirit (Petrol)	Doz.	57,288
25. Disinfectants and Insecticides	Cwts.	16,077	632,468	396 $\frac{3}{4}$	7,168
26. Fuel Oil	Imp. gals.	198 $\frac{1}{2}$	12,373	11 $\frac{1}{4}$	850
27. Lubricating Oils	"	7,388	25,604
28. Lubricating Greases	Cwts.	77	2,763	32 $\frac{1}{2}$	1,179
29. Mineral Oil, Illuminating or Burning (Kerosene)	Imp. gals.	40	120
30. Soap, Common	Cwts.	786	37,725	4	89	41,771	70,375	550	1,157
31. Soap, Toilet	Value	..	15,837	..	250	18	..
32. Cycles (not motor)	Nos.	357	40,009	63	..
33. Motor Cars	"	40	166,117	74	172,927
34. Motor Lorries	"	15	97,179	80	190,458	4	15,000
35. Motor Tractors	"	5	42,619
36. Motor Cycles	"	24	19,370
37. Mortor Cycles sidecars for	"	3	820
38. Fertilisers and manures	Tons	29	9,160	95 $\frac{1}{2}$	23,680
39. Other Articles	Value	..	4,853,670	..	342,134	..	255,553	..	2,144,023	..	76,634
+TOTAL	—	—	7,497,297	—	1,466,574	—	267,787	—	2,849,256	—	306,686
TOTAL TRANSIT IMPORTS	—	—	30,114	—	12,157	—	1,000	—	7,822	—	108,558.
GRAND TOTAL ... Sh.	—	—	7,527,411	—	1,478,731	—	268,787	—	2,857,078	—	415,244

* Note.—Home Consumption means: Goods cleared from Customs control on landing and also goods cleared from Bonded Stocks. † No allowance made for under proof in excess of 12 $\frac{1}{2}\%$.

† Includes produce of Tanganyika Territory valued at Shs. 1,995 $\frac{3}{8}$ and intended for ultimate re-exportation

PRINCIPAL ARTICLES IMPORTED INTO AND CLEARED FOR *HOME CONSUMPTION IN THE COLONY AND PROTECTORATE OF KENYA AND UGANDA PROTECTORATE
DURING THE MONTH OF DECEMBER, 1927, SHOWING THE PRINCIPAL COUNTRIES OF ORIGIN OF IMPORTED TRADE GOODS.—*Contd.*

ARTICLES.	Unit of Quantity.	France.		Germany.		Holland		Japan.		United States of America.		Other Foreign Countries.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
1. Rice	Cwts.
2. Wheat Meal and Flour	Imp. gals.	9,243	37,111	1,457	4,964	136	619
3. Ale, Beer, Stout, etc.	Cwts.
4. Ghee	I. & P. gl.	1,161	25,807	50	893	21	427
5. Spirits	Cwts.	108 $\frac{1}{4}$	3,633	21 $\frac{1}{2}$	750	1,146 $\frac{1}{4}$	20,828
6. Sugar
7. Tea
8. Wines	Imp. gals.	3,405	59,521	4	66	2,776	24,443
9. Cigarettes	Lbs.	9	16
10. Tobacco, other, manufactured	74	705	67,835	116,927	1,366	2,642	362	1,130
11. Wood and Timber	Cub. feet	400	2,049	3,314	8,000
12. Cement, Building	Tons	..	46	427 $\frac{1}{4}$	33,495	21 $\frac{1}{2}$	1,663	35 $\frac{3}{4}$	1,883	18	5,750	307 $\frac{3}{4}$	22,418
13. Galvanised Iron Sheets, Corrugated
14. Iron and Steel Manufactures	84	55,420	57 $\frac{1}{2}$	18,769	2	2,217	2 $\frac{1}{2}$	5,476	15 $\frac{1}{4}$	17,459
15. Hardware	Cwts.	89	6,945	10 $\frac{1}{4}$	464
16. Shovels and Spades, etc.	No.	194,069	107,429	240	393	30,094	15,975
17. Machines and Machinery	Value	34,781	..	551	117,282	..	13,114
18. Cotton Piece Goods: Grey, unbleached	Yards	470,380	..	71,700	..	13,500	..
	Cwts.	1,490 $\frac{1}{4}$	187,269	130 $\frac{3}{4}$	21,511	21 $\frac{1}{2}$	3,960
19. „ „ „ bleached	Yards	8,574	901	64,115	30,546	88,500	32,022	7,115	7,028
20. „ „ „ printed	350	957	142	236	32,727	25,730	171,380	78,417	5,770	5,146
21. „ „ „ dyed in the piece	5,956	7,695	72,846	54,963	18,000	6,215	13,524	18,897
22. „ „ „ coloured	113	62	6,281	4,459	231,538	190,633	185,095	72,163	6,358	4,633
23. Cotton Blankets	Nos.	1,400	5,307	11,039	24,599	126,526	214,226	100	390	400	1,500
24. Jute Bags and Sacks	Doz. & cwts.	100	2,200	2 $\frac{1}{2}$	754
25. Disinfectants and Insecticides	Cwts.
26. Fuel Oil	Imp. gals.	13,200	3,168
27. Lubricating Oils	4	20	1,566	3,5.6	130	333	109,176	320,705
28. Lubricating Greases	Cwts.	243 $\frac{3}{4}$	10,610
29. Motor Spirit (Petrol)	76,600	106,856	156,475	149,312
30. Mineral Oil, Illuminating or Burning (Kerosene)	101,637	93,354	332,323	299,403
31. Soap, Common	Cwts.	33	1,084
32. Soap, Toilet	Value	..	621	..	4,224	..	2,697	291
33. Cycles (not motor)	No.	1	142
34. Motor Cars	39	209,854	14	38,084
35. Motor Lorries	4	26,648	16	66,787	1	3,000
36. Motor Tractors	1	6,922	27	122,872
37. Motor Cycles	4	9,255	1	650
38. Motor cycles sidecars for
39. Fertilisers and Manures	Tons
40. Other Articles	Value	..	73,214	..	286,791	..	164,343	..	157,755	..	541,900	..	349,160
TOTAL	168,251	—	657,571	—	829,375	—	538,346	—	1,643,269	—	992,597
TOTAL TRANSIT IMPORTS	275	—	1,120	—	7,194	—	1,903
GRAND TOTAL ..	Sh.	—	168,526	—	658,691	—	836,569	—	538,346	—	1,643,269	—	994,500

*Note.—Home Consumption means: Goods cleared from Customs control on landing and also goods cleared from Bonded Stocks. + No allowance made for under-proof in excess of 12½%.

GENERAL NOTICE NO. 423.

SUMMARY OF PRINCIPAL EXPORTS OF DOMESTIC PRODUCE OF THE COLONY AND PROTECTORATE OF KENYA AND UGANDA PROTECTORATE DURING THE MONTH ENDED 31st DECEMBER, 1927.

ARTICLES.	Unit of Quantity.	TOTAL.	
		Quantity.	Value.
1. Maize	Cwts.	64,429	Sh. 402,672
2. Other Grain and Pulse	"	1,817	21,066
3. Wheat Meal and Flour	"	1,175	25,191
4. Maize Meal and Flour	"	5,590	44,133
5. Bran	Tons	20	2,000
6. Cattle for Food	Nos.	78	6,450
7. Sheep and Goats for Food	"	736	10,310
8. Butter	Cwts.	34	7,761
9. Cheese	"	13	2,001
10. Chillies	"	131	10,825
11. Coffee	"	42,413	4,751,796
12. Potatoes	"	3,201	14,922
13. Sugar refined	"	4,230	112,208
14. Wood and Timber	Cub. ft.	15,325	29,169
15. Carbonate of Soda	Tons	5,600	560,074
16. Raw Cotton	Centals	241	22,088
17. Flax Fibre and Tow	Tons	16	21,600
18. Sisal Fibre and Tow	"	1,465	77,546
19. Cotton Seed	"	296	36,955
20. Sesame Seed	"	1	345
21. Groundnuts	"	12	4,550
22. Cocoanut Oil	Imp. gals.	133	543
23. Sesame Oil	"	3,030	15,490
24. Hides dry and dry-salted	Cwts.	11,891	951,267
25. Skins, Sheep and Goat	Nos.	129,441	127,445
26. Rubber	Centals	1,325	165,650
27. Barks for Tanning	Cwts.	7,509	61,540
28. Ivory, Elephant	"	182	245,208
29. Shells Marine	Ton	20	2,200
30. Wool	Cwt.	315	78,750
31. Soap Common	"	682	22,234
32. Animals not for Food	Nos.	46	3,200
33. Other Articles	Value	..	237,114
TOTAL		—	8,772,503
*TOTAL RE-EXPORTS		—	2,752,497
TOTAL TRANSIT EXPORTS		—	166,803
GRAND TOTAL .. Sh.		—	11,691,803

*Re-exports include goods the produce or manufacture of Tanganyika Territory to the value of Shs. 1,160,680.

CUSTOM HOUSE,
MOMBASA.
10th April, 1928.

G. WALSH,
Commissioner of Customs,
Kenya and Uganda

**SUMMARY OF PRINCIPAL EXPORTS OF DOMESTIC PRODUCE OF THE COLONY AND PROTECTORATE OF KENYA AND UGANDA PROTECTORATE
DURING THE MONTH ENDED 31ST DECEMBER, 1927.**

May 1, 1928.

THE OFFICIAL GAZETTE

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ARTICLES.	Unit of Quantity.	Great Britain.		India and Burmah.		Other British Possessions.		Belgium.		France.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value
1. Maize	Cwts.	20,000	125,000	21	119	13,709	85,681	300	1,875
2. Other Grain and Pulse	"	260	1,040	1,548	19,843
3. Wheat Meal and Flour	"	1,161½	24,911
4. Maize Meal and Flour	"	5,590	44,133
5. Bran	Ton
6. Cattle for Food	Nos.	78	6,450
7. Sheep and Goats for Food	"	443	4,820
8. Butter	Cwt.	28	6,579
9. Cheese	"	13	2,001
10. Chillies	"	60	4,900	5	465	24½	2,080
11. Coffee	"	36,085	4,104,374	263	1,180	4,486	506,227	740	62,920
12. Potatoes	"	1,193	5,891
13. Sugar refined	Cub. ft.	40	120	825	..	4,176	110,590
14. Wood and Timber	Ton	9,549	24,379
15. Carbonate of Soda	Cental	112	10,416	50½	5,074
16. Raw Cotton	Ton	5	140
17. Flax Fibre and Tow	Imp. gals.	16	21,600
18. Sisal Fibre and Tow	"	663	338,418	20	11,000	531	288,078
19. Cotton Seed	"	293	36,580
20. Sesame Seed	"
21. Groundnuts	"	2	800	10	3,750
22. Cocoanut Oil	"	109	441
23. Sesame Oil	Imp. gals.	2,202	11,128
24. Hides, dry and dry-salted	Cwt.	4,645	371,610	1,021	81,690	113	9,048	2,678	214,274	588	47,040
25. Skins, Sheep and Goat	Nos.	65,441	64,645	10,600	10,000	22,000	22,000
26. Rubber	Cental	1,298	162,250
27. Barks for Tanning	Cwt.	2,110	21,600
28. Ivory, Elephant	"	115	166,330	41	46,153	20	24,577
29. Shells, Marine	Ton	18	1,450	..	150
30. Wool	Cwt.	315	78,750
31. Soap, Common	"	17	610	628	20,579
32. Animals, not for Food	Nos.
33. Other Articles	Value	..	94,866	..	620	..	110,629	..	1,100	..	17,720
 TOTAL		—	5,580,899	—	144,178	—	949,974	—	614,483	—	153,635
 *TOTAL RE-EXPORTS		—	768,954	—	248,915	—	1,101,704	—	40,303	—	128,764
 TOTAL TRANSIT EXPORTS ..		—	—	46,833	—	680	—	..
 GRAND TOTAL .. Sh.		—	6,349,853	—	393,093	—	2,098,511	—	655,466	—	282,399

* Re-exports include goods the produce or manufacture of Tanganyika Territory to the value of Sh. 1,160,680.

SUMMARY OF PRINCIPAL EXPORTS OF DOMESTIC PRODUCE OF THE COLONY AND PROTECTORATE OF KENYA AND UGANDA PROTECTORATE
DURING THE MONTH ENDED 31ST DECEMBER, 1927.—*Contd.*

526

ARTICLES.	Unit of Quantity.	Germany.		Holland.		Italy.		Japan.		United States of America.		Other Foreign Countries.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
1. Maize	Cwt.	6,020	Sh. 37,625	3,117	Sh. 19,482	21,262	Sh. 132,890
2. Other Grain and Pulse	"	9	183
3. Wheat Meal and Flour	"	14	280
4. Maize Meal and Flour	"	20	2,000
5. Bran	Ton
6. Cattle for Food	Nos.
7. Sheep and Goats for Food	"	293	5,490
8. Butter	Cwt.	6	1,182
9. Cheese	"
10. Chillies	"	10	900	31	2,480
11. Coffee	"	3	300	1,099	77,945
12. Potatoes	"	1,745	7,851
13. Sugar refined	"	54	1,618
14. Wood and Timber	Cub. ft.	36	288	4,875	1,907
15. Carbonate of Soda	Ton	800	80,000
16. Raw Cotton	Cental
17. Flax Fibre and Tow	Ton
18. Sisal Fibre and Tow	"	131	72,050	120	66,000
19. Cotton Seed	"	3	375
20. Sesame Seed	"	1	545
21. Groundnuts	"
22. Cocoanut Oil	Imp. gall.	24	102
23. Sesame Oil	"	828	4,362
24. Hides, dry and dry-salted	Cwt.	1,488	119,035	915	73,215	442	35,355
25. Skins, Sheep and Goat	Nos.	1,200	600	30,200	30,200
26. Rubber	Cental	9	1,088	18	2,312
27. Barks for tanning	Cwt.	4,699	34,690	700	5,250
28. Ivory, Elephant	"	6	8,148
29. Shells, Marine	Ton	2	600
30. Wool	Cwt.
31. Soap, Common	"	37	1,045
32. Animals not for food	Nos.	46	3,200
33. Other Articles	Value	..	948	..	30	200	..	11,001
TOTAL		—	276,472	—	95,669	—	36,555	—	492,157	—	96,400	—	332,081
* TOTAL RE-EXPORTS		—	60,732	—	31,299	—	11,304	—	..	—	9,591	—	350,931
TOTAL TRANSIT EXPORTS ..		—	..	—	—	119,290
GRAND TOTAL .. Sh.		—	337,204	—	126,968	—	47,859	—	492,157	—	105,991	—	802,302

* Re-exports include goods the produce or manufacture of Tanganyika Territory to the value of Sh. 1,160,680.

CUSTOM HOUSE, MOMBASA, 10th April, 1928.

G. WALSH,

Commissioner of Customs, Kenya and Uganda.

SHIPPING REPORT

KILINDINI HARBOUR

MONTH OF MARCH, 1928.

Name of vessel.	Captain.	Gross tons.	Cargo.	Nationality.	To whom Consigned.	From	Date.		Bound to
							Arr.	Dep.	
S.S. British Emperor	F. Hill ..	3637	Oil	British	Gibson and Co., Ltd.	Abadan	1928 Feb. 26	1928 Mar. 1	Abadan
„ Zoe ..	Haji Issack ..	40	General	„	African Wharfage Co., Ltd.	Bodo	„ 24	„ 2	Kilifi
„ G. Mazzini ..	A. Serra ..	7453	„	Italian	Societa Coloniale Italiana	Zanzibar	„ 29	„ 2	Genoa
„ Mexico Maru..	T. Mostoshige ..	5774	„	Japanese	Dalgety and Co.	Durban	„ 26	„ 4	Kobe
„ Clan Macilwraith ..	J. W. Cowie ..	4958	„	British	African Mercantile Co., Ltd.	Beira	„ 23	„ 5	Liverpool
„ Grijpskerk ..	G. Van Beeken ..	6991	„	Dutch	Twentsche Overseas Trading Co.	Amsterdam	„ 26	„ 5	Amsterdam
M.V. Shaza ..	J. M. Davidson ..	234	Oil	British	Shell Co. of East Africa, Ltd.	Tanga	„ 28	„ 7	Tanga
S.S. Almascos ..	H. Stephenson ..	614	General	„	Gibson and Co.	Seychelles	Mar. 1	„ 10	Seychelles
„ Ellora ..	G. M. Davies ..	5201	„	„	Smith Mackenzie and Co.	Bombay	„ 1	„ 5	Bombay
„ Usaramo ..	Schade ..	7775	„	German	Boustead & Clarke, Ltd.	Hamburg	„ 1	„ 3	Hamburg
„ Guildford Castle ..	Atlwood, J. ..	7995	„	British	Union Castle Mail S/S Co., Ltd.	London	„ 2	„ 5	Tanga
„ Laconia ..	Brithen, E. T. ..	19680	„	„	„	Zanzibar	„ 2	„ 2	Port Sudan
„ Grantully Castle ..	Barron, A. ..	7612	„	„	„	Tanga	„ 3	„ 7	London
„ Leconte de Lisle ..	Sabiani ..	9877	„	French	Messageries Maritimes	Marseilles	„ 3	„ 4	Mauritius
„ Chambord ..	Trial ..	7563	„	„	„	Mauritius	„ 4	„ 4	Marseilles
„ Zoe ..	Haji Issack ..	40	„	British	Smith Mackenzie and Co.	Kilifi	„ 4	—	Still in Harbour
„ R. N. San Giorgio ..	F. Liede ..	—	—	Italian	Societa Coloniale Italiana	Mogadiscio	„ 4	„ 14	Mogadiscio
„ City of Christiania ..	Jenkins ..	4940	„	British	African Mercantile Co., Ltd.	Liverpool	„ 5	„ 13	Dar-es-Salaam
„ Karagola ..	Blencowie ..	7053	„	„	Smith Mackenzie and Co.	Durban	„ 8	„ 9	Bombay
„ Kasenga ..	Ricketts, R. J. ..	7159	„	„	African Mercantile Co., Ltd.	New York	„ 8	„ 14	Calcutta
M.V. Shaza ..	Davidson, J. M. ..	234	Oil	„	Shell Co. of East Africa Ltd.	Lamu	„ 9	„ 14	Tanga
S.S. Billiton ..	Leffers ..	5889	General	Dutch	Twentsche Overseas Trading Co.	Amsterdam	„ 10	„ 15	Amsterdam
„ Khandalla ..	Harley, G. H. ..	7018	„	British	Smith Mackenzie and Co.	Bombay	„ 10	„ 11	Durban
„ A. Woermann ..	Ihrcke ..	8576	„	German	Boustead & Clarke Ltd.	Hamburg	„ 10	„ 11	Hamburg
„ Simba ..	Haji Issack ..	125	„	British	Smith Mackenzie and Co.	Kilifi	„ 10	„ 14	Tanga
„ Askari ..	Rack ..	589	„	German	Boustead & Clarke Ltd.	Tanga	„ 11	„ 16	„
„ Casaregis ..	Pirrelli, D. ..	3908	„	Italian	Societa Coloniale Italiana	Genoa	„ 11	„ 13	Genoa
M.V. Dumra ..	Foskett, H. ..	2304	„	British	Smith Mackenzie and Co.	Mikandani	„ 11	„ 16	Mikandani
S.S. Kifaru ..	Malden, W. ..	279	„	„	„	Dar-es-Salaam	„ 11	„ 14	Dar-es-Salaam
„ Nicol ..	A. Issack ..	40	„	„	„	Tanga	„ 12	„ 14	Kilifi
„ Kabinda ..	Teygemans ..	5182	„	Belgian	Mitchell Cotts and Co.	Port Sudan	„ 13	„ 14	Beira
„ Mantola ..	James, D. F. ..	8963	„	British	Smith Mackenzie and Co.	Beira	„ 14	„ 17	London
„ Nykerk ..	Barf, J. ..	5766	„	Dutch	Twentsche Overseas Trading Co.	Amsterdam	„ 14	„ 16	Amsterdam
„ Nicol ..	Sulaman Juma ..	40	„	British	Smith Mackenzie and Co.	Kilifi	„ 15	„ 18	Bodo
„ Modasa ..	Gillchrist, J. W. ..	9070	„	„	„	London	„ 17	„ 20	Beira
„ General Voyron ..	Roudy ..	6267	„	French	Messageries Maritimes	Mauritius	„ 18	„ 18	Marseilles
„ Kambove ..	Bosequet ..	5279	„	Belgian	Mitchell Cotts and Co.	Dar-es-Salaam	„ 18	„ 20	Antwerp
„ Ex-Grandidier ..	Lacanaud ..	10268	„	French	Messageries Maritimes	Marseilles	„ 19	„ 19	Mauritius
„ Karapara ..	Miller, A. C. ..	7117	„	British	Smith Mackenzie and Co.	Durban	„ 20	„ 21	Bombay
M.V. Shaza ..	Davidson, J. M. ..	234	Oil	„	Shell Co. of East Africa Ltd.	Tanga	„ 20	„ 24	Lindi
S.S. Garada ..	Remington, F. G. ..	5333	General	„	Smith Mackenzie and Co.	Rangoon	„ 21	„ 23	Colombo
„ City of Christiania ..	Jenkins ..	4940	„	„	African Mercantile Co., Ltd.	Dar-es-Salaam	„ 20	„ 28	Liverpool
„ Kawachi Maru ..	Osada, F. ..	5798	„	Japanese	Dalgety & Co. Ltd.	Singapore	„ 22	„ 22	Buenos Aires
„ Nicol ..	Sulaman Juma ..	40	„	British	Smith Mackenzie and Co.	Bodo	„ 22	„ 24	Kilifi
„ Karoa ..	Bennehr, V. O. ..	7009	„	„	„	Bombay	„ 23	„ 24	Durban
M.V. Dumra ..	Foskett ..	2304	„	„	„	Mikandani	„ 24	„ 25	Lamu
S.S. Llanstefan Castle ..	C. E. Stuart ..	11293	„	„	Union Castle Mail S/S Co., Ltd.	Tanga	„ 24	„ 28	London
„ Heemskerk ..	Ch. B. Nache-nins ..	5616	„	Dutch	Twentsche Overseas Trading Co.	„	„ 24	„ 29	Port Sudan

KILINDINI HARBOUR—(Continued).

Name of vessel.	Captain.	Gross tons.	Cargo.	Nationality.	To whom Consigned.	From.	Date.		Bound to.
							Arr.	Dep.	
S.S. Chicago Maru ..	K. Ishimaru ..	5848	General	Japanese	African Mercantile Co. Ltd.	Durban	1928 Mar. 23	1928 Mar. 31	Singapore
„ F. Crispi ..	Lazario E. Mario ..	7464	„	Italian	Societa Coloniale Italiana	Kismayu	„ 25	„ 28	Zanzibar
M.V. Dumra ..	Foskett ..	2304	„	British	Smith Mackenzie and Co.	Lamu	„ 27	„ 28	Mikandani
S.S. Nicol ..	Sulaman Juma ..	40	„	„	„	Kilifi	„ 27	„ 28	Bodo
„ Panama Maru ..	I. Kawasaki ..	5801	„	Japanese	African Mercantile Co. Ltd.	Coombo	„ 27	„ 29	Zanzibar
„ Ellora ..	Davis, G. M. ..	5201	„	British	Smith Mackenzie and Co	Bombay	„ 29	„ 31	Bombay
„ Wangoni ..	Iversen ..	7778	„	German	Boustead & Clark Ltd.	Hamburg	„ 29	„ 30	Hamburg
„ Harmonides ..	John Hughes ..	5288	„	British	African Mercantile Co. Ltd	Aden	„ 23		Still in Harbour
„ Ndovu ..	Mortan ..	278	„	„	African Wharfage Co., Ltd.	„	, 27		„
„ Iris ..	Moll ..	3887	„	„	Smith Mackenzie and Co.	Singapore	„ 30		„
„ Bernardin S. Pierre ..	Roscoor ..	10268	„	French	Messageries Maritimes	Mauritius	„ 31		„

MOMBASA HARBOUR.

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