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COLONY AND PROTECTORATE OF KENYA.
(SPECIAL ISSUE).

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COLONY AND PROTECTORATE OF KENYA.

AN ORDINANCE.

No. 26 OF 1925.

Assented to in His Majesty's name this 31st day of December, 1925.

EDWARD GRIGG,
Governor.

**An Ordinance to Amend the Patents and Designs
Ordinance, 1913.**

ENACTED by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof :—

1. This Ordinance may be cited as “ the Patents and Designs (Amendment) Ordinance, 1925,” and shall be read as one with “ the Patents and Designs Ordinance, 1913,” hereinafter referred to as “ the Principal Ordinance.” Short title.
2. Section 4 of the Principal Ordinance is hereby repealed and the following section substituted therefor :— Amendment to Section 4 of the Principal Ordinance.
- “ 4. Any person being the grantee of a Patent in the United Kingdom or any person deriving his right from such grantee by assignment, transmission or other operation of law may apply within three years from the date of the issue of the patent to have such Patent registered in the Colony. Where any partial assignment or transmission has been made, all proper parties shall be joined in the application on registration.”
3. Section 6 of the Principal Ordinance is hereby repealed and the following section substituted therefor :— Amendment to Section 6 of the Principal Ordinance.
- “ 6. Every application for the registration of a Patent or Design under this Ordinance shall be made to the Registrar and shall be accompanied
- (a) In the case of a Patent, by :—
- (1) Two certified copies of the specification or specifications (including drawings, if any) of the United Kingdom Patent, and
- (2) A certificate of the Comptroller General of the United Kingdom Patent Office giving full particulars of the issue of the Patent on such specification or specifications.
- (b) In the case of a Design, by :—
- (1) Two copies of any drawing in relation to the Design,
- (2) Two exact representations or specimens of the Design, and
- (3) Two certified copies of the United Kingdom certificates of registration.”

Amendment to
Section 8 of
the Principal
Ordinance.

4. Section 8 of the Principal Ordinance is hereby renumbered 8 (1), and the following subsection added thereto :—

“(2) Privileges and rights so granted shall have effect from the date of the United Kingdom Patent or certificate of registration of Design, as the case may be.”

Disclaimers,
etc.

5. Whenever the specification or drawings of an United Kingdom Patent registered in the Colony has been amended by way of disclaimer, correction, or explanation, according to the law of the United Kingdom, a request, accompanied by a copy of the specification and drawings (if any) as amended, duly certified by the Comptroller General of the United Kingdom Patent Office, may be made to the Registrar to substitute a copy of the specification and drawings as amended, for the specification and drawings originally filed.

Assignments,
etc.

6. Where a person becomes entitled by assignment, transmission, or other operation of law to the privileges and rights conferred by a certificate of registration under this Ordinance or to any interest therein, he may make application to the Registrar for the entry on the register of such assignment, transmission or other instrument affecting the title or giving an interest therein.

The Registrar shall on sufficient evidence thereof and on payment of the prescribed fee enter the same in the proper register in the prescribed manner and shall endorse the same on the certificate of registration.

Extension and
revocations, etc.

7. All extensions, and revocations of any patent or design registered under the Ordinance shall be notified to the Registrar, who shall, on sufficient evidence thereof and on payment of the prescribed fee, enter the same in the proper register in the prescribed manner, and shall endorse the same on the certificate of entry referring to such patent or design. The Registrar shall, on payment of the prescribed fee, cause a copy of such entry to be inserted in the Gazette.

Inspection of
registered
designs.

8. During the existence of copyright in a design, the design shall not be open to inspection except by the proprietor, or a person authorised in writing by the proprietor, or a person authorised by the Registrar or by the Court, and furnishing such information as may enable the Registrar to identify the design, nor except in the presence of the Registrar or of an officer acting under him, nor except on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design or of any part thereof.

Design of which
copyright
ceased.

9. When the copyright in a design has ceased, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

Inspection of
and extracts
from register

10. Every register kept under the Ordinance and the specification of every registered patent shall be open to the inspection of the public on payment of the prescribed fee, subject to the provisions of the Ordinance and to the rules made thereunder. Certified copies sealed with the seal of the Registrar of any entry in such register or of any such specification, shall be given to any person requiring the same on payment of the prescribed fee: Provided that whenever any specification or extract includes any tracing, drawing, or diagram, an additional fee for any copy thereof shall be paid equal to the cost of preparing such tracing, drawing, or diagram.

11. The Registrar may, on request in writing accompanied by the prescribed fee :—

Power for Registrar to correct clerical errors.

(a) Correct any clerical error in or in connection with an application for a patent, or for registration of a design ;
or

(b) Correct any clerical error in the name, style, or address of the registered proprietor of a patent, or design.

AN ORDINANCE.

No. 27 OF 1925.

Assented to in His Majesty's name this 31st day of December, 1925.

EDWARD GRIGG,

Governor.

An Ordinance to Amend the Wireless Telegraphy Ordinance, 1913.

ENACTED by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof :—

1. This Ordinance may be cited as " the Wireless Telegraphy (Amendment) Ordinance, 1925," and shall be read as one with " the Wireless Telegraphy Ordinance, 1913," hereinafter referred to as " the Principal Ordinance." Short title.

2. Section 6 subsection (1) of the Principal Ordinance is amended by the deletion therein of the word " merchant " whenever occurring and by the addition of the following clause :— Amendment of Section 6 (1) of the Principal Ordinance

" (vi) Regulations similar to those made under paragraphs (iii), (iv) and (v) of this subsection may also be made in regard to aircraft."

AN ORDINANCE.

No. 28 OF 1925.

Assented to in His Majesty's name this 31st day of December, 1925.

EDWARD GRIGG,

Governor.

An Ordinance to Amend the Arbitration Ordinance, 1913.

ENACTED by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof :—

1. This Ordinance may be cited as " the Arbitration (Amendment) Ordinance, 1925," and shall be read as one with the Arbitration Ordinance, 1913, hereinafter referred to as " the Principal Ordinance." Short title.

Staying of court proceedings in respect of matters to be referred to arbitration under commercial agreements.

2. Notwithstanding anything in the Principal Ordinance, if any party to a submission made in pursuance of an agreement to which the Protocol on arbitration signed on behalf of His Majesty at a meeting of the Assembly of the League of Nations on the 24th day of September, 1923, which Protocol is set forth in the Schedule hereto, applies, or any person claiming through or under him, commences any legal proceedings in any court against any other party to the submission, or any person claiming through or under him, in respect of any matter agreed to be referred, any party to such legal proceedings may at any time after appearance, and before delivering any pleadings or taking other steps in the proceedings, apply to the court to stay the proceedings, and that court or a judge thereof, unless satisfied that the agreement or arbitration has become inoperative or cannot proceed, shall make an order staying the proceedings.

SCHEDULE.

Protocol on Arbitration Clauses, signed on behalf of His Majesty at a meeting of the Assembly of the League of Nations held on the 24th day of September, 1923 :

1. Each of the Contracting States recognises the validity of an agreement whether relating to existing or future differences between parties, subject respectively to the jurisdiction of different Contracting States by which the parties to a contract agree to submit to arbitration all or any differences that may arise in connection with such contract relating to commercial matters or to any other matter capable of settlement by arbitration, whether or not the arbitration is to take place in a country to whose jurisdiction none of the parties is subject.

Each Contracting State reserves the right to limit the obligation mentioned above to contracts which are considered as commercial under its national law. Any Contracting State which avails itself of this right will notify the Secretary-General of the League of Nations, in order that the other Contracting States may be so informed.

2. The arbitral procedure, including the constitution of the arbitral tribunal, shall be governed by the will of the parties and by the law of the country in whose territory the arbitration takes place.

The Contracting States agree to facilitate all steps in the procedure which require to be taken in their own territories, in accordance with the provisions of their law governing arbitral procedure applicable to existing differences.

3. Each Contracting State undertakes to ensure the execution by its authorities and in accordance with the provisions of its national laws of arbitral awards made in its own territory under the preceding articles.

4. The tribunals of the Contracting Parties, on being seized of a dispute regarding a contract made between persons to whom Article 1 applies and including an arbitration agreement whether referring to present or future differences which is valid in virtue of the said article and capable of being carried into effect, shall refer the parties on the application of either of them to the decision of the arbitrators.

Such reference shall not prejudice the competence of the judicial tribunals in case the agreement or the arbitration cannot proceed or become inoperative.

5. The present Protocol, which shall remain open for signature by all States, shall be ratified. The ratifications shall be deposited as soon as possible with the Secretary-General of the League of Nations, who shall notify such deposit to all the signatory States.

6. The present Protocol shall come into force as soon as two ratifications have been deposited. Thereafter it will take effect, in the case of each Contracting State, one month after the notification by the Secretary-General of the deposit of its ratification.

7. The present Protocol may be denounced by any Contracting State on giving one year's notice. Denunciation shall be effected by a notification addressed to the Secretary-General of the League, who will immediately transmit copies of such notification to all the other signatory States and inform them of the date on which it was received. The denunciation shall take effect one year after the date on which it was notified to the Secretary-General, and shall operate only in respect of the notifying State.

8. The Contracting States may declare that their acceptance of the present Protocol does not include any or all of the undermentioned territories : that is to say, their colonies, overseas possessions or territories, protectorates or the territories over which they exercise a mandate.

The said States may subsequently adhere separately on behalf of any territory thus excluded. The Secretary-General of the League of Nations shall be informed as soon as possible of such adhesions. He shall notify such adhesions to all signatory States. They will take effect one month after the notification by the Secretary-General to all signatory States.

The Contracting States may also denounce the Protocol separately on behalf of any of the territories referred to above. Article 7 applies to such denunciation.

AN ORDINANCE.

No. 29 OF 1925.

Assented to in His Majesty's name this 31st day of December, 1925.

EDWARD GRIGG,

Governor.

An Ordinance to Amend the Civil Procedure Ordinance, 1924.

ENACTED by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof :—

1. This Ordinance may be cited as " the Civil Procedure (Amendment) Ordinance, 1925," and shall be read as one with the Civil Procedure Ordinance, 1924, hereinafter referred to as " the Principal Ordinance." Short title.

2. Section 2 of the Principal Ordinance is amended by the deletion of subsection (20) and the substitution therefor of the following subsection :— Amendment of Section 2 of the Principal Ordinance.

" (20) (a) ' Registrar ' includes a district and deputy registrar ;

“(b) ‘Rules’ means rules and forms made by the Rules Committee to regulate the procedure of courts.”

Amendment of
Section 11 of
the Principal
Ordinance.

3. Section 11 of the Principal Ordinance is amended by the deletion in line eight of the words “of the first class.”

Amendment of
Section 25 of
the Principal
Ordinance.

4. Section 25 of the Principal Ordinance is amended by the addition of the following proviso :—

“Provided that if the defendant does not enter such appearance as may be prescribed the court may give judgment for the plaintiff in default :

“And provided further that in cases for which rules have been made under Section 83 (2) (f) of the Principal Ordinance it shall not be necessary for the court to hear the case before giving judgment.”

Amendment of
Section 58 of
the Principal
Ordinance.

5. Section 58 of the Principal Ordinance is amended by the addition after the words “claimants” in the sixth line of the following :—

“or where a suit dealing with the same subject matter is pending may intervene by motion on notice in such suit.”

Repeal.

6. Section 80 of the Principal Ordinance is hereby repealed.

Amendment of
Section 81 of
the Principal
Ordinance.

7. Section 81 of the Principal Ordinance is amended by the deletion in the first line of the words “subject as aforesaid.”

Repeal.

8. Section 82 of the Principal Ordinance is hereby repealed.

AN ORDINANCE.

No. 30 of 1925.

Assented to in His Majesty's name this 31st day of December, 1925.

EDWARD GRIGG,

Governor.

An Ordinance to Supply a Further Sum of Money for the Service of the Period from January 1st, 1926, to 31st December, 1926.

ENACTED by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof :—

Short title.

1. This Ordinance may be cited as “the Supplementary Appropriation (Railway) Ordinance, 1925.”

Public Revenue
charged.

2. The Public Revenue for the above period and other funds of the Colony and Protectorate of Kenya are hereby charged towards the service of the period of twelve months ending the thirty-first day of December, one thousand nine hundred and twenty-six, with a further sum of Two Million, Seven Hundred and Forty-five Thousand, Eight Hundred Pounds, in addition to the sums provided by the Appropriations Ordinance, 1925.

3. The money granted by this Ordinance shall be applied to the purposes and services expressed in the Schedule annexed hereto.

Application of money granted.

4. The Treasurer of the Colony and Protectorate of Kenya is hereby authorised and required from time to time, upon Warrant or Order of the Governor, to pay out of the Revenue and other funds of the Colony and Protectorate, for the several services specified in the Schedule, the said sum of Two Million, Seven Hundred and Forty-five Thousand, Eight Hundred Pounds, which will come in course of payment during the period of twelve months ending on the thirty-first day of December, one thousand nine hundred and twenty-six.

Treasurer's authority for payment.

SCHEDULE.

<i>Heads of Expenditure.</i>	<i>Amounts.</i>
	£
Railway and Marine Revenue Services ...	2,009,800
Railway and Marine Renewals, Betterment, and Insurance Fund Services ...	736,000
Total ...	£2,745,800

AN ORDINANCE.

No 31 of 1925.

Assented to in His Majesty's name this 31st day of December, 1925.

EDWARD GRIGG,

Governor.

An Ordinance to make provision for taking the Census of Kenya as and when may be required.

ENACTED by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof :—

1. This Ordinance may be cited as "the Census Ordinance, 1925."

2. In this Ordinance the expression "premises" includes also any vessel or train, and any plantation, shamba, mining area or other place where persons are employed.

Interpretation.

3. The Governor in Council may by Order direct a census to be taken of the inhabitants of the Colony or of any part thereof specified in such Order at such time or times as he may think fit.

Power to order census.

4. All expenses incurred, with the approval of the Governor, for the purposes of the census, shall be paid out of the general revenue of the Colony.

Expenses

5. The Governor may appoint a superintendent of any census directed to be taken.

Power to the Governor to appoint a superintendent.

Powers of
superintendent.

6. The superintendent shall :—

(1) Subject to the control of the Governor, have the general supervision and management of the census; and

(2) Subject to the approval of the Governor, appoint such enumerators and officers as may be necessary for the purpose of the census and the carrying into effect of this Ordinance.

Forms to be
prepared and
issued.

7. The superintendent shall cause to be prepared and printed, for the use of the persons to be employed in taking the census, such forms and instructions as he may deem necessary, and in particular schedules to be filled up with such particulars as the Governor may consider necessary in order to insure as far as possible the completeness and accuracy of the census returns.

Occupiers or
persons in
charge of
premises to fill
up and sign
schedule.

8. The occupier or person in charge of any premises shall fill up, or cause to be filled up, any schedule left at such premises to the best of his knowledge and belief in relation to all persons dwelling or being on the premises at the time when such census is taken, and shall sign his name thereto and shall deliver the schedule so filled up to the enumerator when required to do so: Provided always that when any person required to fill up such schedule is illiterate, such schedule may be filled up and signed by the enumerator.

Penalty for
refusal to give
information.

9. The enumerators and other persons employed in the execution of this Ordinance shall have authority to ask of all persons presumably able to afford the information desired all such questions as may be necessary for obtaining any of the particulars required by this Ordinance, and every person refusing to answer, or knowingly giving a false answer to, any such question shall for every such refusal or false answer be liable to a fine of five pounds.

Declaration by
enumerator.

10. Every enumerator shall make a declaration to the effect that the returns furnished by him in pursuance of this Ordinance, or any instructions issued thereunder have been truly and faithfully taken and that to the best of his knowledge they are correct as far as may be known and such declaration shall be made before a magistrate.

Penalty for
default.

11. If any person employed for the purposes of this Ordinance makes wilful default in the performance of any of his duties under this Ordinance or makes any wilfully false declaration he commits an offence and shall be liable for such offence to a fine not exceeding five pounds.

Penalty for
refusal to fill
up or sign
schedule.

12. Every person who :—

(a) Wilfully refuses or without lawful excuse neglects to fill up and sign any schedule of particulars as and when he may be required by the superintendent of the census or any officer acting on his behalf so to do; or

(b) Wilfully fills up or signs any such schedule with particulars which he knows to be false, or does not believe to be true;

shall be liable to a fine not exceeding five pounds.

Abstract of
returns to be
made and
furnished to
the Governor.

13. Upon the completion of any census the superintendent shall prepare a report on the census and cause an abstract of the returns to be made and furnished to the Governor.

Power to
make rules.

14. The Governor in Council may make rules for the carrying out of this Ordinance.

Repeal.

15. The Census Ordinance, 1921, is hereby repealed.

AN ORDINANCE.

No. 32 OF 1925

Assented to in His Majesty's name this 31st day of December, 1925.

EDWARD GRIGG,
Governor.

An Ordinance to Make Provision for the Payment of Annual Allowances to the Widow and Children of the late Sir Robert Thorne Coryndon and to Establish a Trust for the Administration of the Allowances to the Children.

ENACTED by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof :—

WHEREAS on the 17th of February, 1925, a resolution was adopted by the Legislative Council of the Colony of Kenya that " in recognition of the late Sir Robert Coryndon's great services to this Colony, a compassionate allowance of five hundred pounds (£500) per annum to Lady Coryndon, two hundred pounds (£200) per annum to each of the three sons and one hundred pounds (£100) per annum to the daughter of the late Sir Robert Coryndon shall be granted by this Colony such allowance to be free of income tax and in the case of Lady Coryndon to continue until her death or remarriage; in the case of the three sons until they attain the age of twenty-one, in the case of the daughter until she attains the age of twenty-one or marries and further that the allowance to the children shall be vested in Trustees duly appointed on their behalf." Preamble.

And whereas it is expedient to make provision for the issue and administration of the said allowances.

1. This Ordinance may be cited as " the Coryndon Trust Ordinance, 1925." Short title.

2. All sums due under this Ordinance shall be charged to the annual appropriation for pensions and gratuities. Annual appropriation.

3. The Treasurer may authorise the Crown Agents for the Colonies to pay to Phillis Lady Coryndon, widow of the late Sir Robert Thorne Coryndon, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, during her life or until she remarries an allowance at the rate of five hundred pounds (£500) per annum and to pay to the Commissioners of Income Tax of the United Kingdom or to Lady Coryndon, as the case may require, such sum or sums as may represent the difference between the United Kingdom Income Tax due to be paid by her and the United Kingdom Income Tax which but for the passing of this Ordinance would have been so due. Allowance to Lady Coryndon and provision for payment of income tax.

4. The allowance shall be paid at the end of each quarter or on such other dates as the Treasurer may direct. Allowance, when payable.

Provision in
case of
insolvency.

5. In the event of the said Lady Coryndon becoming insolvent or making a composition with her creditors the payment of the allowance shall forthwith cease but it shall be lawful for the Treasurer to authorise the Crown Agents for the Colonies to apply for her personal benefit sums not exceeding the amount which but for her insolvency would be due to be paid under this Ordinance.

Payment to
trustees for
benefit of
children.

6. The Treasurer may pay to the trustees for the benefit of the children of Sir Robert Coryndon whose names and the dates of birth of whom are set forth in the schedule to this Ordinance the allowances set forth in the said schedule.

Trustees may
make arrange-
ments for
application of
allowances to
children, etc.

7. The trustees may make from time to time such arrangements as to them seem fit for securing the application of the allowances to the benefit of the children and unless and until the trustees otherwise direct the Treasurer may authorise the Crown Agents for the Colonies to pay the allowances to Lady Coryndon as guardian for the children and the Crown Agents may accept her certificate as showing that the allowances have been applied for the benefit of the children.

Allowances to
children, when
to be paid.

8. The allowances shall be paid at the end of each quarter in respect of each son during his life or until he attains twenty-one years of age and in respect of the daughter during her life or until she attains twenty-one years of age or marries.

Income tax.

9. The Treasurer may pay to the trustees or the Crown Agents for the Colonies as the trustees shall direct such sums as shall be due and payable for the United Kingdom Income Tax in respect of the said allowances, and such sums as may be due to be paid by any child in respect of United Kingdom Income Tax over and above such sums as would have been due to be paid if this Ordinance had not been passed.

Trustees.

10. The trustees shall be the Governor for the time being of the Colony of Kenya and such person or persons as the Governor may from time to time appoint.

Operation.

11. This Ordinance shall be deemed to have come into operation on the 11th of February, 1925.

SCHEDULE.

<i>Name of Child.</i>	<i>Date of Birth.</i>	<i>Rate of Annual Allowance.</i>
John Coryndon	11th January, 1910	£200.
Roger Coryndon	15th April, 1911	£200.
Peter Coryndon	25th August, 1913	£200.
Honor Coryndon	15th July, 1917	£100.