

**THE
OFFICIAL GAZETTE
OF THE
EAST AFRICA
PROTECTORATE.**



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TABLE OF CONTENTS.

	PAGE
Courts Amendment Ordinance, No. 10 of 1908 ...	639
Land Titles Ordinance No. 11 of 1908 ...	639
Indentification of Prisoners Ordinance No. 12 of 1908 ...	652
Bill to Amend the King's African Rifles Ordinance 1902 ...	652
Bill to apply a sum of money for the service of the year ending 31st March, 1910 ...	653
Bill to make provision for the removal of Natives from one District to another ...	655
Bill to make better provisions for the entry and clearance through the Customs of goods imported or exported into the East Africa Protectorate ...	656
Rules under the East Africa Forestry Regulations 1902 ...	662
Rules under the Township Ordinance 1903, Kisimayu Gobwen ...	663
Notice authorising E. L. Sanderson, Town Clerk, to sue for any Conservancy Fees ...	663
Notice under the Indian Stamp Act, 1899 ...	663
Notice as to the country north of the Nzoia River ...	663
Notice under the East Africa Registration Regulations 1901 ...	664
Notice under Native Christian Marriage Ordinance 1904 ...	664
Notice as to Swahili Examination ...	664
Appointments of Headmen ...	664
Appointments ...	665
Notice as to Tenders ...	665
Notice as to Court Vacation ...	665
Notice as to Nomination on the Nairobi Township Committee ...	666
Notice as to Auction of Opium Licence at Mombasa ...	666
Notice as to Tenders for the supply of Food Stuff ...	666
Notice as to Tenders, for the supply of Articles for the Mombasa Prison ...	666
Notice as to Nairobi Electric Power and Lighting Company, Limited ...	666
In the High Court of East Africa Protectorate at Mombasa (Insolvency Cause No. 3 of 1907) ...	667
In the High Court of East Africa Protectorate at Mombasa, (Probate and Administration Cause No. 19 of 1907) ...	667
In the High Court of East Africa Protectorate at Mombasa, (Cause No. 36 of 1908) ...	667
In the Town Magistrates Court of East Africa Protectorate at Nairobi (Cause No. 85 of 1908) ...	667
In the Town Magistrates Court of East Africa Protectorate at Nairobi (Probate and Administration Cause No. 87 of 1908) ...	668
In the District Delegates Court at Nairobi (Probate and Administration Cause No. 88 of 1908) ...	668
In the Town Magistrates Court at Nairobi (Insolvency Jurisdiction Cause No. 8 of 1908) ...	668
Notice as to List of Newspapers received without address at General Post Office, Mombasa ...	669
Balance sheet for month August, 1908 ...	670
Comparative Statement of Revenue for period ending 31st August, 1908 ...	670
" " Expenditure, for period ending 31st August, 1908 ...	671
Statement of Assets and Liabilities as at 31st August, 1908 ...	672
Arrivals and Departures ...	673
Notice as to Applications and Remittances to Editor ...	673
UGANDA RAILWAY.	674
Uganda Railway (Lake Steamers Time Table) ...	674

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. 10 of 1908.

To amend the Courts Ordinance 1907.

[November 26th, 1908.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

Short Title. 1. This Ordinance may be cited as the Courts Amendment Ordinance 1908, and shall be read as one with the Courts Ordinance 1907, hereinafter referred to as the Principal Ordinance.

Amendment of Courts Ordinance 1907. 2. Wherever in the Principal Ordinance there shall appear the word “European” there shall be read thereafter the words “or American.”

Definition. 3. In the Principal Ordinance the terms “European” and “American” shall have the same meaning as in the Criminal Procedure Ordinance 1906, or in any Ordinance which may hereafter be substituted for the said Criminal Procedure Ordinance.

AN ORDINANCE

No. 11 of 1908.

To make Provision for the removal of Doubts that have arisen in regard to Titles to Land and to Establish a Land Registration Court in the East Africa Protectorate.

[November 30th, 1908.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

Short Title. 1. This Ordinance may be cited as “The Land Titles Ordinance 1908.”

The Ordinance to come into force in such places and at such time as may be proclaimed. 2. The Governor may by Proclamation published in the “Official Gazette” and published in such other manner (if any) as he shall think fit apply this Ordinance to any District, area or place in the Protectorate and may by such Proclamation fix the day on which this Ordinance shall commence and take effect in such District area or place.

Definitions. 3. In the construction and for the purposes of this Ordinance and in all instruments purporting to be made or executed thereunder (if not inconsistent with the context and subject matter) the following terms shall have the respective meanings assigned to them, that is to say:—

“Immovable property” shall include land, benefits to arise out of land and things attached to the earth or permanently fastened to any thing attached to the earth but shall not include standing timber (other than cocoanut trees) growing crops or grass.

“Land Registration Court” shall mean the Court constituted under the provisions of this Ordinance and presided over by the Recorder of Titles or the Deputy Recorder of Titles as Judge thereof.

“ Proprietor ” shall mean any person seized or possessed of any freehold or other estate or interest in immovable property at law, or in equity in possession, in futurity or expectancy, and any person possessed of or having any interest in or entitled to any charge upon any immovable property.

“ Certificate of Title ” shall mean a certificate of title granted by the Recorder of Titles under the provisions of this Ordinance.

“ Mortgage ” shall mean any charge on immovable property created merely for securing a loan.

“ Encumbrance ” shall mean any charge on immovable property created for the purposes of securing the payment of an annuity or sum of money other than a loan.

“ Lunatic ” shall mean any person who shall have been found to be a lunatic under the law for the time being in force in the Protectorate.

“ Person ” shall include any association of persons whether designated as an association, society, league, or otherwise and shall include a body corporate whether limited or unlimited.

“ Person of unsound mind ” shall mean any person not an infant who not having been found to be a lunatic, shall be certified by two duly qualified medical practitioners to be incapable from infirmity of mind of managing his own affairs.

“ Instrument ” shall mean and include any certificate of Title, conveyance, assurance, deed, map, plan, will, probate, or exemplification of will, or any other document in writing relating to the title to immovable property or any interest therein.

“ Prescribed ” shall mean prescribed by rules under this Ordinance.

“ Signed and Signature ” shall include a mark made by an illiterate person and attested by a witness to the making of such mark.

“ Recorder of Titles ” shall include a Deputy Recorder of Titles.

The describing any person as a proprietor, or as seized of or having any estate or interest in any immovable property shall be deemed to include the heirs, executors, administrators and assigns of such person.

And generally, unless the contrary shall appear from the context every word importing the singular number only shall extend to several persons or things, and every word importing the plural number shall apply to one person or thing, and every word importing the masculine gender only shall extend to a female and shall include a body corporate, and whenever a form in the Schedule hereto is directed to be used, such direction shall apply equally to any form to the like effect signed by the Recorder of Titles or which for the same purpose may be authorised under the provisions of this Ordinance, and any variation from such forms not being a variation in matter or substance shall not affect their validity or regularity, but they may be used with such alterations as the character of the parties or the circumstances of the case may render necessary.

4. The Governor may from time to time appoint an officer who shall be a Barrister or Solicitor of not less than five years standing to perform the duties of the Recorder of Titles under this Ordinance. The Officer holding the office of Recorder of Titles at the time of the enactment of this Ordinance shall be deemed to have been duly appointed under this Ordinance.

5. Whenever by any law for the time being in force in the Protectorate anything is appointed to be done by the Recorder of Titles the same may be lawfully done by any Deputy Recorder of Titles or other officer duly appointed by the Governor on that behalf.

6. There shall be a Court of special jurisdiction subordinate to the High Court to be styled the “ Land Registration Court ” whereof the Recorder of Titles shall be the presiding judge and the said Recorder of Titles shall have jurisdiction in all claims made under this Ordinance relating to immovable property situated in the District, area, or place to which this Ordinance shall have been applied as aforesaid with powers to determine any questions that may need determination in connection with such claims and the Recorder of Titles shall have all the powers of a judge in respect of procedure in the said Land Registration Court, and the summoning of, administering oaths to witnesses, assessors, land valuers, appraisers and other persons whose advice, assistance or evidence shall seem to him to be necessary, production of instruments and records and the due and proper administration of justice and order in the said Court.

7. (1) The determination and judgment of the Recorder of Titles upon each claim shall, save as otherwise expressly provided for in this Ordinance, be final and conclusive upon the claimants and upon those claiming under any of them by any title acquired subsequent to the claim being made.

A Recorder of Titles
to be appointed.

Anyting which
may be done by the
Recorder of Titles
may be done by the
Deputy Recorder of
Titles

Jurisdiction of the
Land Registration
Court

Judgments of
Recorder of Titles
to be final and
conclusive unless an
appeal be entered
within 30 days.

(2) The Commissioner of Lands on behalf of the Crown and any person aggrieved by any final judgment or order having the effect of a final judgment of the Recorder of Titles may within thirty days after the pronouncing thereof lodge with the Recorder of Titles and appeal in writing to the High Court and the Recorder of Titles shall without delay forward to the High Court the appeal with the record made up as hereinafter provided. An appeal shall lie from the decrees or from any part of the decrees and from the orders of the High Court made on any such appeal to the Court of Appeal for East Africa.

Evidence how to be recorded.

8. (1) It shall not be necessary for the Recorder of Titles to take down in writing the evidence given in the Land Registration Court of any witness verbatim unless requested to do so by the claimant or by a person opposing the claim. Provided that the essence of such evidence shall be noted by him. Provided further that it shall not be necessary for him to put in writing any judgment delivered by him except in a short and concise form showing his reasons for arriving at such judgment.

Records how to be kept.

(2) The record of all evidence, whether oral or documentary taken by the Recorder of Titles at the investigation of the claims shall, subject to the provisions of subsection (4), be made up in a separate file, and the finding or judgment thereon, and reasons therefor, and all orders of the Recorder of Titles in relation thereto, shall be duly entered on the said record.

Records to be open to inspection.

(3) The record so made up shall at all reasonable times upon a written application on that behalf, be open to the inspection of any person interested in such claim or his agent duly authorised thereto in writing with liberty to demand and receive copies thereof or extracts therefrom upon payment of the fees which may be prescribed.

Consolidating claim.

(4) The Recorder of Titles may, when he thinks fit, consolidate the claims of one or more persons, and the same shall then form the subject of one and the same investigation; and the record of all evidence whether oral or documentary taken by the Recorder of Titles at such investigation shall be filed with any one of the statements of the claims so consolidated as aforesaid and the finding or judgment on each of such claims, and reasons therefor, and all orders of the Recorder of Titles in relation thereto shall be duly entered on the said record.

Court may sit at such places as the Recorder of Titles may determine.

A qualified Surveyor to be attached to the Land Registration Court.

9. The Land Registration Court shall be held in such places in the East Africa Protectorate as the Recorder of Titles shall determine.

Oath to be taken by the Recorder of Titles or any Deputy Recorder.

10. (1) There shall be appointed and attached to the Land Registration Court a duly qualified surveyor who with such assistants as may be necessary, shall survey land, make a plan or plans thereof and define and mark the boundaries of any areas therein as when and where directed by the Recorder of Titles, either before, during or after the determination of any question concerning land of any interest connected therewith, and every area so defined and marked shall be further marked with a number or other distinctive symbol to be shown upon the said plan or plans for the purposes of complete identification and registration thereof as hereinafter appearing.

(2) The said surveyor or such assistant as aforesaid shall be, and hereby is authorised to demand any explanation or information required for the purposes of this Ordinance from any person in his opinion likely to be able to give the same.

11. The oath following shall be taken before a judge of the High Court of the East Africa Protectorate by the Recorder of Titles before entering upon the execution of his Office hereunder:—

I do solemnly swear that I will faithfully and to the best of my ability execute and perform the Office and duties of Recorder of Titles (or Deputy Recorder of Titles) for the East Africa Protectorate according to the provisions of the Land Titles Ordinance, 1908. So help me God.

12. The Recorder of Titles shall have and use a seal of Office bearing the impression of the Royal Arms having inscribed thereon in the margin "Recorder of Titles, East Africa Protectorate" and the imprint of such seal shall be valid whether made in wax, ink or other substances.

Seal to be used by the Recorder.

13. All documents purporting to be issued or written by or under the directions of the Recorder of Titles and purporting to be sealed with his seal of Office, or signed by him or by one of his Deputies, shall be received in evidence, and shall be deemed to be issued or written by or under the direction of the Recorder of Titles without further proof, unless the contrary be shown.

All documents purporting to be issued by the Recorder of Titles to be deemed to be so issued unless the contrary be shown.

14. The Recorder of Titles may from time to time, subject to the approval of the Governor make such alterations in the several forms prescribed in the schedule hereto as he may deem requisite and shall, before finally issuing any such altered form, give notice thereof in the "Official Gazette" and such form shall be supplied at the Office of the Recorder of Titles free of charge, and every such form shall be taken to be made in the form hereby required, or in the form sanctioned by the Recorder of Titles, unless the contrary is proved.

Recorder of Titles may with the sanction of the Governor alter the forms prescribed by the Ordinance.

Notice of alteration to be given.

15. (1) All persons being or claiming to be Proprietors of or having or claiming to have any interest whatever in immovable property situate in any district area or place whereto this Ordinance shall have been applied by proclamation as aforesaid, shall before the expiration of twelve clear months from the date of the application of this Ordinance as aforesaid make a claim in respect thereof to the Officer in charge of the Administration of the district wherein such immovable property is situate or to such officer as he may appoint.

All persons claiming to be proprietors of or claiming to have any interest in immovable property in any area to which the Ordinance is applied to send in a claim in respect thereof within 12 months of such application.

(2) Every such claim shall be as regards a claim in respect of:—
 (a) Estates in fee in land in form A I of the first Schedule hereto.
 (b) All interests in immovable property other than estates in fee in land in form A II of the first schedule hereto.

Form in which claim is to be made.

And shall be forwarded by the said officer within one month of the receipt thereof to the Recorder of Titles, Mombasa.

(3) Any person may for the purpose of such claim as aforesaid obtain the said forms free of charge from the office of a District Commissioner or from the office of the Recorder of Titles, at Mombasa.

16. The Officer in charge of the administration in each District as aforesaid or such officer as he may appoint in that behalf shall cause Notice to be given in such manner as shall best convey the requirements of this Ordinance to all persons concerned therein in such District, and Notices shall be issued in all such Districts and elsewhere as the Governor shall from time to time determine in such language or languages as shall be understood by such persons and shall be posted up in the usual places or otherwise disseminated as shall be deemed expedient. Provided always that, in Districts where any person making his claim is unable for any cause to write, the said officer in charge of the administration thereof shall have the power to sign the claim on behalf of such person and such claim shall have the same force and effect as if signed by the said person with his own hand under the provisions of this Ordinance.

District Officers to give notice of the requirements of this Ordinance to persons residing in the districts to which the Ordinance is applied and to assist illiterate persons in sending in their claims.

17. (1) All land situate in any District area or place whereto this Ordinance shall have been applied as aforesaid concerning which no claim or claims for a certificate of ownership shall have been made in the manner and in the period aforesaid, or if such claim or claims having been made none shall have been allowed, shall at the expiration of such period be deemed to be Crown Land, and such land and all things attached to such land or permanently fastened to any thing attached to such land shall be subject only to such right or interest in any person other than the Crown as may be evidenced by a certificate of Title granted under this Ordinance, or which may thereafter be granted by or on behalf of the Crown.

All land with regard to which no certificate of ownership shall be granted to be deemed to be Crown Land.

(2) If within twelve years from the date on which any property shall have become Crown property by reason of the provisions of this Section any person shall satisfy the Governor in Council that he or his predecessor in title was entitled to such immovable property at the date aforesaid and that the person entitled to make

a claim under this Ordinance in respect of such property had no notice of the application of this Ordinance to the area within which such property is situate or for other good and sufficient reason failed to make such claim, the Governor may either direct (a) a grant to be made of the immovable property to him if practicable or (b) such value as in the circumstances may appear reasonable to be paid to him by the Protectorate Treasurer.

Recorder to give
notice to the persons
interested of the
time and place
when he will hear
and determine
disputed or doubtful
claims.

18. (1) The Recorder of Titles upon receipt of the claims hereinbefore provided for shall proceed to deal therewith in such order and according to such district, area, or place whereunto the Governor shall have applied the provisions of this Ordinance as aforesaid as shall seem to him to be most expedient in connection therewith, and, in the event of any dispute or doubt arising out of or from any claim to immovable property or interest therein, shall give notice to the persons concerned of the date when and place where he proposes to hear and determine in the Land Registration Court the matters in dispute or doubt.
- (2) If any claimant fails to appear on the day fixed for investigating his claim and no good and sufficient cause is shown for such absence it shall be lawful for the Recorder of Titles to make such order or give such judgment as he may deem fit.
- (3) If any claimant appears in reasonable time and satisfies the Recorder of Titles that his absence was due to sickness, accident or some other cause over which he had no control then the Recorder of Titles shall cancel any order made or open up any judgment given under this section.

Persons interested
may be represented
by pleaders.

Officers of Native
Affairs Department
and District Officers
to have a right of
audience on behalf
of natives and any
officer or person
appointed by the
Commissioner of
Lands on that behalf
may appear on
behalf of the Crown.

Certificate of Title
to be granted by the
Recorder to the
persons entitled
thereto.

Form of Certificate.

Certificate of owner-
ship.

Certificate of
Mortgage.

Certificate of
interest.

19. It shall be lawful for any party in any proceeding in the Land Registration Court to appear by any person entitled so to appear under the "East Africa Legal Practitioners Rules 1901," or any Rules substituted therefor which are hereby in such respect made applicable to the said Land Registration Court.

And provided that the Secretary for Native Affairs or any Assistant to the said Secretary and the officer in charge of the administration of any district concerned therein shall in like manner have a right of audience whenever any native of the East Africa Protectorate is concerned in any proceeding in the Land Registration Court and provided further that any officer or person generally or specially appointed in that behalf by the Commissioner of Lands shall have a right of audience on behalf of the Crown in any proceeding in the said Court.

20. (1) At the expiration of the period of twelve months from the date of the application of the provisions of this Ordinance as aforesaid or so soon thereafter as shall be possible, the Recorder of Titles shall give to those persons whose right to any immovable property or any interest therein shall have been determined, a certificate of Title.
- (2) Certificate of Title shall be of three kinds,
- (a) A certificate of ownership in the form B in the first Schedule hereto.
 - (b) A certificate of Mortgage in the form C in the first Schedule hereto.
 - (c) A certificate of interest in the form D in the first Schedule hereto, or as near thereto as the case may require.
- (a) A certificate of ownership shall be granted to those persons whose claim to an estate in fee in land shall have been upheld.
 - (b) A certificate of Mortgage shall be granted to Mortgagees of immovable property or any undivided share thereof or interest therein under any instrument valid in law.
 - (c) A certificate of interest shall be granted to persons whose rights as owners of immovable property (other than land) or whose rights by way of lease, encumbrance, charge, lien, contract or other interest in any immovable property (except such rights as would be included in a certificate of ownership or mortgage) or whose right in remainder, reversion or expectancy in or to immovable property or any undivided share thereof shall have been upheld.

21. Save as in this Ordinance otherwise expressly provided every certificate of Title duly authenticated under the hand and seal of the Recorder of Titles shall be conclusive evidence against all persons (including the Crown) of the several matters therein contained and a certificate of ownership shall be conclusive proof that the person to whom such certificate is granted is the owner of the cocoanut trees, houses and buildings on the land in respect of which such certificate is granted at the date of the certificate unless there shall be noted thereon in the manner hereinafter provided a memorandum to the contrary effect.

22. Upon the determination of the right of any proprietor, and, if the Recorder of Titles should so think fit, before the issue of the certificate of Titles, the Surveyor appointed under Section 10 hereof or his assistant shall, if and when directed by the Recorder of Titles, demark and delimit the boundaries of the land comprised in such estate upon a map or plan in manner as aforesaid and he shall determine, place, or cause to be placed upon the said land boundary mark showing the demarcation and delimitation thereof, such boundary marks to be so placed at the expense of the Government and maintained and repaired at the joint or proportionate expense of the proprietor of such land and of the proprietors of land contiguous thereto, and any proprietor thereafter altering or causing to be altered whether temporarily or otherwise such boundary marks without the leave in writing of the Recorder of Titles or other officer duly authorised in that behalf shall be guilty of an offence and subject to penalties as hereinafter provided.

23. Upon issuing a certificate of title to any proprietor under this Ordinance the Recorder of Titles shall require such proprietor to deposit with him all such instruments of title as such proprietor shall have in his possession or power and which shall not already have been so deposited.

24. If any such instrument relates to or includes any property whether movable or immovable other than the property included in such certificate of Title, then the Recorder of Titles shall endorse thereon a memorandum cancelling the same in so far only as relates to the property included in such certificate of Title, and shall return such instrument to such proprietor.

The Recorder of Titles shall retain in his office all instruments so deposited except such as he is hereby directed to return to the proprietor, and no person shall be entitled to the production of such instrument so deposited except upon the written order of the proprietor who shall have deposited such instrument or of some person claiming through or under him or upon the order of the High Court.

25. Where any claimant dies in the interval between the date of his claim and the date appointed for the certificate of Title to issue in accordance with the provisions hereinbefore contained, the Certificate of Title shall be issued to the person to whom the property the subject of such claim shall have devolved.

26. (1) The Recorder of Titles shall keep a book to be called the "Register book," and shall bind up therein the duplicate of all certificates of Title issued under this Ordinance.

(2) Each Certificate of Title shall constitute a separate folium of such book.

27. (1) Every Certificate of Title shall be in duplicate and shall set forth a description of the immovable property therein referred to, with figures and references necessary to identify it on the plan or map of the area in which it is situate and a correct statement of the right, title or interest of the person to whom it is issued.

(2) The Recorder of Titles shall note thereon in such manner as to preserve their priority a memorandum of the particulars of all subsisting mortgages or other encumbrances or of any lease to which the property may be subject and of the right or interest in the said property existing at the date of the certificate of any person other than the person to whom the certificate is issued.

(3) If a Certificate of Title be issued to an infant or to a person under disability the Recorder of Titles shall state the age of such infant the nature of the disability so far as known to him.

Except as otherwise provided in the Ordinance a Certificate of Title to be conclusive evidence of the several matters therein contained.

The boundaries to be shown on a plan and to be marked on the land.

Cost of the erection and maintenance of boundary marks to be paid by the proprietor of the land on either side of the boundaries.

Instruments of Title to be deposited with the Recorder of Titles before the issue of a certificate.

In certain cases instruments may be returned to the proprietor after cancellation of such part as relates to the property included in the certificate of Title.

In the case of a claimant entitled to a certificate of title dying before the date appointed for granting the certificate of title the certificate to be granted to the person to whom the property shall have devolved.

The recorder of Title to keep a register containing a duplicate of all certificates issued.

Matters to be noted on a Certificate of Title.

Certificate of Title
not to confer rights
over mines,
minerals, foreshore
or water unless
expressly mentioned.

Rights to and over
water and rights of
way reserved.

Certificates deemed
to be registered
when marked with
the folium and
volume in register
book.

Certificate copies to
be issued on receipt
of prescribed fee.

Inspection of
Register book.

All claims to be
authenticated by
the claimant.

The Recorder of
Titles to order an
unsuccessful claim-
ant to pay court fees
not exceeding 2 per
cent on the value of
the property
claimed.

An action to recover
possession of land
to lie in certain
cases.

- (4) There shall be attached to every certificate of ownership a plan of the land the subject of the certificate such plan to be signed by the Recorder of Titles and the Director of Surveys, or such officer as the Director of Surveys may appoint.
28. (1) A Certificate of Title issued under this Ordinance shall not confer upon any person any rights over or to any gold, silver, precious stones, or to any mines, metals or minerals whatsoever or to any mineral oil, or to or over the foreshore or to any water except in so far as such rights are expressly mentioned and described in such certificate, and save as aforesaid nothing in this Ordinance or in any Certificate of Title issued thereunder shall be deemed to derogate from the rights of the Crown in or over the foreshore or any water or any gold, silver, precious stones or to any mines, metals or minerals whatsoever or to any mineral oil.
- (2) Nothing contained in any certificate of title issued under this Ordinance shall derogate from any rights to or over water or rights of way subsisting at the date of the issue of such certificate.
29. Every Certificate of Title shall be deemed to be registered under the provisions and for the purposes of this Ordinance so soon as the same has been marked by the Recorder of Titles with the number of the folium and volume as embodied in the register book.
30. The Recorder of Titles, upon payment of the fee specified in the second Schedule hereto, shall furnish to any person applying for the same a certified copy of any Certificate of Title to land under the provisions of this Ordinance.
31. Any person may, upon payment of the fee specified in the second Schedule hereto, have access to the register-book for the purpose of inspection during the hours and upon the days appointed for search.
32. The Recorder of Titles shall not receive any claim under the provisions of this Ordinance, unless there is thereon or therein a statement that the same is correct for the purpose of this Ordinance, signed by the claimant or by a person holding a power of attorney on that behalf from the claimant.
33. (1) The Recorder of Titles shall whenever any claim made under Section 15 of this Ordinance shall be disallowed by him in whole or in part order, the person whose claim or application has been disallowed to pay to the Government as court fees such sum as he may think fit not exceeding 2 per cent on the value of the property claimed but save as aforesaid or as in this Ordinance or any rules thereunder provided no court fees shall be demanded in any proceeding in the Land Registration Court.
- (2) Any sum ordered to be paid under the preceding sub-section shall be recoverable by the Government in the manner prescribed by section 50.
- (3) The costs of the parties to any proceedings in the Land Registration Court shall ordinarily be paid by the parties incurring the same. Provided however the Recorder of Titles may whenever he shall disallow any claim in whole or in part and such claim or the part thereof disallowed is in his opinion frivolous, vexatious or fraudulent order that the expenses or such portion thereof as he shall determine incurred by the Crown or by any person who shall have opposed such claims shall be paid to the Crown or to such other person as the case may be, by the person whose claim shall be disallowed.
34. Any person claiming to be wrongfully deprived of immovable property or of any estate or interest therein by fraud or by any error omission or misdescription in any certificate of title granted under this Ordinance may bring and prosecute an action at law for the recovery of such property or of any estate or interest therein against (a) the person to whom a certificate of title in respect of such property or estate or interest therein shall have been granted under this Ordinance, by reason of such fraud or with such error omission or misdescription therein; (b) any person who shall have acquired a title to such property or estate or interest therein with knowledge of such fraud, error, omission or misdescription.

35. No action for recovery of immovable property or any estate or interest therein shall lie or be sustained against such person as provided in the preceding section unless notice of such action shall have been given to the Recorder of Titles and such action is commenced within 12 years from the grant of the certificate of title under this Ordinance in respect of such immovable property estate or interest. Provided always that any person who at the time of the grant of such certificate shall be under the disability of infancy or unsoundness of mind may bring such action within 12 years from the date upon which the disability ceases. And provided further that the times hereby fixed for prosecuting claims shall only begin to run against persons claiming estates in remainder or reversion from the time when such persons acquired a right of possession or enjoyment of the immovable property or estate or interest therein which forms the subject of their claims.

36. Whenever the person against whom an action could be brought under the provisions of Section 34 shall before notice shall have been given to the Recorder of Titles as provided in the preceding section have alienated demised or incumbered the immovable property for valuable consideration, and should the alienee, lessee or mortgagee have duly registered such alienation, demise, or incumbrance, all rights and claims in or to such immovable property or any interest therein which under the provisions of this Ordinance should be the subject of a certificate of title or an endorsement thereon, shall unless evidenced by a certificate of title or an endorsement thereon granted or made under this Ordinance be deemed to be extinguished and null and void as against the alienee, lessee or mortgagee for valuable consideration.

Saving however the right of any person to proceed against the person to whom the certificate shall have been granted or his estate, to recover such sum as may, in the opinion of the Court before which the claim is prosecuted, be equivalent to the injury which he has sustained by the loss of the immovable property, interest or estate.

37. Save as is expressly provided in this Ordinance to the contrary every right title or interest in any immovable property in respect of which a claim should have been made under Section 15 of this Ordinance shall if a claim shall not have been made in respect thereof in the manner and within the period prescribed, on the expiration of twelve months from the application of this Ordinance to such immovable property, expire; and any claim to such right title or interest whether made by the person who should have made a claim as aforesaid, or by a person claiming through such person shall be absolutely barred.

38. Nothing in this Ordinance shall be held to affect the rights of the Crown, except where it is otherwise expressly provided in this Ordinance or any rights which the public may possess or be entitled to in respect of any immovable property.

39. (1) In case it appears to the satisfaction of the Recorder of Titles that :—

- (a) any Certificate of Titles has been issued in error or contains any variation from the judgment or judgments relating to the immovable property the subject of the certificate or (b) any certificate has been fraudulently or wrongfully retained.

He may call upon the person to whom such certificate has been so issued or by whom it has been so obtained or is retained to deliver up the same for the purpose of being cancelled or corrected as the case may require.

(2) If such person refuses or neglects to comply with such requisition, or cannot be found, the Recorder of Titles may issue a summons for such person to appear before him and show cause why such certificate should not be delivered up to be cancelled or corrected as aforesaid.

(3) If such person when served with such summons neglects or refuses to attend before the Recorder of Titles at the time therein appointed, the Recorder of Titles may issue a warrant authorising and directing the person so summoned to be apprehended and brought before him for examination.

40. (1) Upon the appearance before the Recorder of Titles of any person called upon summoned or brought up by virtue of a warrant as aforesaid the Recorder of Titles may examine such person upon oath and may order such person to deliver up such Certificate of Titles as aforesaid.

Notice of action to be given.

Limitation

Protection to purchasers, lessees, and mortgagees.

Action for damages lie in certain cases.

Claims which should be made under this Ordinance to be barred if not made within the prescribed time.

Saving as to the rights of the Crown and the public.

Recorder of Titles may in certain cases summon persons to produce a certificate of Title.

Person refusing to produce a certificate of Title when ordered to do so by the Recorder of Titles may be committed to prison.

- A secondary certificate may be granted.
- (2) Upon refusal or neglect by such person to deliver up the same pursuant to such order the Recorder of Titles may commit such person to prison.
 - (3) Upon such refusal or neglect, or in case such person has absconded so that a summons cannot be served upon him as hereinbefore directed, the Recorder of Titles shall, if the circumstances of the case require it, issue to the proprietor of the said immovable property a secondary Certificate of Title as is hereby and hereinafter authorised to be issued in the case of any Certificate of Title being lost, mislaid, or destroyed, and shall enter in the register-book notice of the issuing of the secondary Certificate of Title and the circumstances under which the same was issued, and such other particulars as he may deem necessary.
 - (4) Such secondary Certificate shall be available for all purposes and uses for which the Certificate of Title which shall not have been produced upon the said order of the Recorder of Titles would have been available and valid in law.

The Recorder of
Titles may issue a
replace one lost, etc

41. In the event of any Certificate of Title being lost, mislaid or destroyed the Recorder of Titles may issue to the proprietor thereof, if satisfied by such evidence as he may require or by a sworn declaration, to be made by such proprietor before him or before a person qualified to administer oaths, stating the circumstances and giving full particulars of the Land and interest therein concerned, a certificate which shall contain an exact copy of the Certificate of Title contained in the Register-book.

42. The Recorder of Titles shall as and when he proposes to issue a secondary Certificate or a Certificate in the place of one lost, mislaid, or destroyed as hereinbefore provided for, give ninety days notice prior to such issue in the "Official Gazette" of his intention to make such issue in the absence of any valid objection thereto within the period stated.

Penalties.

43. (1) If any person

- (a) fraudulently or falsely makes, assists in making a false or fraudulent claim, declaration or application under the provisions of this Ordinance or is privy to the false or fraudulent making of any such claim, declaration or application or gives or procures the giving or is privy to the giving of false evidence in respect of any claim to any right, title, estate, or interest in immovable property hereinunder, or fraudulently procures or assists in fraudulently procuring or is privy to the fraudulent procuring of any Certificate of Title or other instrument or of any entry in the register-book or in any erasure or alteration in any entry in the register-book or in any instrument or form issued by the Recorder of Titles or
 - (b) fraudulently uses, assists in fraudulently using or is privy to the fraudulent using of any form purporting to be issued by the Recorder of Titles, or
 - (c) knowingly misleads or deceives any person hereinbefore authorised to demand explanation or information in respect of any immovable property which is the subject of any claim under this Ordinance, or
 - (d) wilfully damages, removes, defaces, covers up, renders useless, invisible, or irrecognisable or in any way whatsoever tampers or deals with any boundary marks of any description provided for herein or causes or procures or is privy to the causing or procuring the damaging, removing, defacing, covering up or rendering useless, invisible or irrecognisable or in any way whatsoever tampering or dealing with any such boundary marks as aforesaid without the lawful order in writing of an officer duly authorised in that behalf, shall be guilty of an offence and shall be liable to imprisonment of either description for a term not exceeding three years or to a fine not exceeding 3,000 Rupees or to both.
- (2) Any Certificate of Title, entry, erasure, or alteration so procured or made by fraud shall be void as between all parties or persons privy to such fraud.
- Notice to be given
before the issue of
such certificate.

44. No proceeding or conviction of any act hereby declared to be an offence shall affect any remedy which any person aggrieved or injured by such acts may be entitled to as hereinbefore provided against the person who has committed such acts or against his estate.

45. The Recorder of Titles may on the application of the Commissioner of Lands, issue a writ of possession in favour of the Crown in the prescribed form in respect of any land which by virtue of Section 17 is to be deemed to be Crown Land and such writ shall be enforced according to the terms thereof by an officer of the Land Registration Court or the High Court.

46. If in the execution of a writ of possession issued under the preceding Section the officer charged with the execution of the writ is resisted or obstructed by any person or if after the officer has delivered possession the person placed in possession is hindered by any person in taking complete and effectual possession, the Commissioner of Lands may at any time within one month from the time of such resistance or obstruction or hindrance complain thereof to the Recorder of Titles, and the Recorder of Titles shall appoint a day for the determination of the complaint and intimate to the person resisting or obstructing or hindering the writ that he will be heard in opposition to the complainant if he appears before the Recorder of Titles for that purpose on the day so appointed.

47. On the hearing of the complaint the Recorder of Titles, if he is satisfied of the obstruction or resistance or hindrance complained of, may sentence the person or persons so obstructing or resisting or hindering to imprisonment of either description for a term not exceeding six months or to a fine not exceeding one thousand Rupees.

48. All Certificates of Title issued under this Ordinance shall be exempted from the provisions of the East Africa Registration Regulations of 1901 and the East Africa Registration of Documents Ordinance 1902, and shall not be liable to stamp duty under the provisions of the Indian Stamp Act 1879.

49. The fees specified in the second Schedule hereto shall be payable in respect of the several acts, matters and things therein mentioned.

50. The Recorder of Titles shall fix a date within which the fees for a certificate of ownership shall be paid by the person who is entitled to the certificate. If the fees are not paid by such date the Recorder of Titles shall issue the certificate and the fees may be recovered from the person liable to pay the same by and in the name of the Crown Advocate for and on behalf of the Government in the same manner as costs of suit are recoverable under the law relating to Procedure in Civil Cases for the time being in force in the Protectorate.

51. The Recorder of Titles shall not individually nor any person acting under his authority be liable to any action suit or proceeding for or in respect of any matter *bona fide* done or omitted to be done under this Ordinance.

52. (1) The Governor may from time to time make alter or revoke any rule under this Ordinance for any of the purposes following :
- (a) Prescribing the person by whom and the manner in which immovable property shall be valued for the purposes of this Ordinance.
 - (b) Fixing the charge to be made in respect of anything done in or emanating from the office of the Recorder of Titles under this Ordinance or any rule thereunder.
 - (c) Fixing the fees to be levied in the Land Registration Court.
 - (d) Prescribing the procedure to be followed on an appeal to the High Court from a judgment or order of the Recorder of Titles; the person who shall have a right of audience on such appeal, and the persons in favour of whom or against whom the costs of such appeals may be awarded.
 - (e) For the better carrying out of or rendering effective the provisions or intentions of this Ordinance or of any rule or regulation made thereunder.
- (2) All such rules shall be published in the "Official Gazette" and on such publication shall have the full force of law.

Land Titles Ordinance 1908.**Schedule I Form A 1.***Application for Certificate of Title of Ownership.*

1. Name address description of Claimant.
2. Declaration as to ownership.
3. How such ownership was obtained.
4. Situation of the land in respect of which the claim is made.
5. Boundaries.
6. Is such land in physical occupation and if so by whom.
7. Is such land cultivated?
8. Is there any mortgage thereon and if so to whom and to what value and of what date?
9. Are there any and if so what rights in, over or upon such land other than the Claimant's?

What is declared above is true to the best of my (our) knowledge, information and belief and I (or, on behalf of) hereby apply for a Certificate of Title of Ownership accordingly.

(Signed.)

Witness.

Name.

Address.

Description.

State where or how the applicant would prefer any further notice from the Recorder of Titles to be sent

Land Titles Ordinance 1908.**Schedule I Form A 2.***Application for Certificate of Mortgage or Interest.*

1. Name address and description of Claimant.
2. Declaration as to the mortgage or other interest claimed.
3. Date of acquisition of same, and, if a mortgage encumbrance or charge state names of parties, and sum of money involved
4. Situation and boundaries of the immovable property which or an interest in which is claimed.
5. Has any person any and what right or interest in the mortgage or other interest mentioned in this claim other than the claimant?

What is stated above is true to the best of my (our) knowledge, information and belief and I (or, on behalf of) hereby apply for a Certificate of Mortgage (or interest) accordingly.

(Signed)

Witness.

Name.

Address.

Description.

State where or how the applicant would prefer any further notice from the Recorder of Titles to be sent.

Land Titles Ordinance 1908.

Schedule I Form B.

EAST AFRICA PROTECTORATE.

CERTIFICATE OF OWNERSHIP.

I, of
 Recorder of Titles do hereby certify that is the proprietor of an estate in fee
in that piece of land situate in the Province of
at
and which is demarcated and delineated on the plan No.
deposited in the Office of the Recorder of Titles at Mombasa, and thereon numbered
and containing or thereabouts and subject to such mortgages
and other interests (if any) as hereunder written.

In witness whereof I have hereunto set my hand and seal this
 day of 190.

(L.S.)

Recorder of Titles.

Mortgages and other interests above referred to.

Land Titles Ordinance 1908.

Schedule I Form C.

EAST AFRICA PROTECTORATE.

CERTIFICATE OF MORTGAGE.

I, Recorder of Titles do hereby certify
 that of
is the
mortgagee of that piece of land (or other immovable property) situate in the Province of
at
and whereof a Certificate of Ownership in
respect of the estate in fee in such land (or land containing such other immovable property)
has been granted to
of
numbered
in Register Book Vol.
by virtue of a
mortgage dated the
day of 19
for Rupees

IN WITNESS whereof I have hereunto set my hand and seal this day of

19

(L.S.)

Recorder of Titles

Land Titles Ordinance 1908.

Schedule 1 Form D.

EAST AFRICA PROTECTORATE.

CERTIFICATE OF INTEREST.

I, Recorder of Titles do hereby certify that
is the owner of
 the rights following to wit
 situate in or upon that land situate in the Province of
 at whereof a certificate of ownership in respect of the estate in fee in the land
 containing or bearing such rights has been granted to of
number
in Register Book Vol .

IN WITNESS WHEREOF I have hereunto set my hand and seal this day of
 19 (L.S.)

Recorder of Titles.

(N.B.)—In the case of Crown lands these words would be substituted “situate in or upon that Crown Land situate in the Province of at
 and which is demarcated and delineated on the plan No. deposited in the Office of the
 Recorder of Titles at Mombasa, and thereon numbered and containing
or thereabouts.”

Schedule. 2.

Fees payable in respect of the several acts, matters and things herein specified.

I. Certificate of Ownership.

} A fee at the rate of 1 per cent on the value of the land in respect of which the Certificate is granted. Provided that no such fee shall be required for a Certificate in respect of land granted by or on behalf of the Crown and provided further that no land shall be assessed for the purpose of this fee at a higher rate than Rs. 1,500 per acre.

II. For a Certificate issued to replace one lost, mislaid or destroyed.

} Rs. 10.00 irrespective of value.

III. For a Secondary Certificate

Rs. 5.00 irrespective of value,

IV. For a Certified copy of a Certificate of Title:—

(a) Where such Certificate has no memorandum of Mortgage, Lease, encumbrance or other rights noted thereon.

} Rs. 5.00 irrespective of value.

(b) Where such Certificate of Title has such memorandum.

} Rs. 5.00 with an additional 0.50 cents in respect of each item noted in such memorandum.

V. On search or inspection:—

(a) For a specified instrument

Rs. 2.00.

(b) For a general search

Rs. 5.00.

AN ORDINANCE

No. 12 of 1908.

To make provision for the identification of prisoners.

[November 30th, 1908.]

Date.

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as “the East Africa Identification of Short Title. Prisoners Ordinance 1908.”
2. It shall be lawful for any European Police Officer or other Police Officer not below the rank of Sub-Inspector to take and record for the purposes of identification, the finger prints of all persons who may from time to time be in lawful custody. Finger prints may be taken from all persons in custody of police.
3. Any person in lawful custody as aforesaid who shall refuse to submit in a proper manner to the methods of identification aforesaid shall be deemed guilty of a contravention of this Ordinance and shall on conviction be liable to a fine not exceeding two hundred Rupees or to imprisonment with or without hard labour for a period not exceeding one month or to both. Penalty for refusal to submit to methods of identification.
4. The Governor may make such Rules for the purpose of carrying this Rules and penalties. Ordinance into effect as he may from time to time deem expedient, and may fix such penalties for the breach or non-observance of any Rule as he may think proper, not exceeding the penalties imposed by this Ordinance, and when no penalty is imposed by the Rules the breach or non-observance of any Rule shall be punishable to the extent aforesaid.

The following Bills were read a first time at the meeting of the Legislative Council held at Nairobi on Monday 16th November, 1908.

A Bill

To amend “The King’s African Rifles Ordinance 1902.”

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as “The King’s African Rifles Amendment Ordinance, 1908,” and shall be read as one with the King’s African Rifles Ordinance 1902, hereinafter referred to as the Principal Ordinance. Short title.

2. Any Non-Commissioned Officer or Private who shall have forfeited a Good Conduct Badge, shall, after having served for 12 months without having incurred a sentence of:—

- (a) Imprisonment for any term;
- (b) Confinement to Barracks for more than seven days;
- (c) Fine in any sum exceeding three days’ pay;
- (d) Corporal punishment

Restorations of Good Conduct Badge.

be entitled to have his Good Conduct Badge restored to him and his service towards a further Good Conduct Badge shall commence to reckon from the date of such restoration.

Appointment of Military Prisons.

3. The Governor may by notice in the "Official Gazette" declare such building as he may deem suitable to be a Military Prison for the purposes of this Ordinance and may from time to time make rules for the Government of such Prison, and with regard to the admissions, discharge, custody, removal, safe guarding, diet, labour, occupation, discipline, instruction, and offences of soldiers of the regiment confined therein, and with regard to and every other matter or thing relating to and connected with the carrying out and management of imprisonment in such prisons.

Execution of sentence of imprisonment.

4. Any sentence of imprisonment, or of imprisonment with hard labour, imposed upon any Non-Commissioned Officer or Private of the regiment for any offence under the Principal Ordinance or under any Ordinance Amending the same may be carried out either in a Military Prison or as provided in the Principal Ordinance.

Punishment of drunkenness.

5. Section 40 (2) (b) of the Principal Ordinance is hereby repealed and there shall be substituted therefor the provision following:—

(c) For the third and every subsequent offence as follows:—

If within three months of the previous offence, by fine to the amount of nine days' pay;

If over three months and within six months of the previous offence, by fine to the amount of six days' pay;

If over six months and within nine months of the previous offence, by fine to the amount of three days' pay;

If over nine months of the previous offence by admonition or confinement to barracks.

Provided that where an offender is liable to a fine and four convictions of drunkenness are recorded against him within the previous twelve months, a fine to the amount of three days' pay may be imposed upon him in addition to the fine to which he would otherwise be liable and provided further a record of the offence of absence without leave marked with the letter D committed after the second conviction of drunkenness shall be reckoned, for the purpose of computing the fine for a subsequent instance of drunkenness, as a conviction of the offence of drunkenness.

Commencement of Ordinance.

6. This Ordinance shall have effect as regards the provisions of Section 2 thereof, from the first day of August nineteen hundred and eight, and as regards all other provisions from the first day of January, nineteen hundred and nine.

A Bill

Intituled.

An Ordinance to apply a sum of money for the service of the year ending the 31st day of March, 1910.

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. The Public Revenue for the year 1909-10 and other funds of the East Africa Protectorate, are hereby charged towards the service of the year ending the 31st day of March, 1910, with a sum of seven hundred and forty five thousand seven hundred and twenty five pounds.
2. The money granted by this Ordinance shall be applied to the purposes and services expressed in the Schedule annexed hereto, and more particularly specified and set forth in Divisions 1 to 31 of the Estimates of the Expenditure for the year ending the 31st day of March, 1910, submitted to and passed by the Legislative Council.
3. The Protectorate Treasurer is hereby authorised and required, from time to time, upon the Warrant or Order of the Governor, to pay out of the Revenue and other Funds of the Protectorate, for the several services specified in the Schedule, the said sum of seven hundred and forty five thousand seven hundred and twenty five pounds which will come in course of payment during the year ending on the thirty first day of March, 1910.
4. This Ordinance may be cited as "The Appropriation Ordinance 1909."

Public Revenue charged.

Application of money granted.

Treasurer's authority for payment.

Short title.

SCHEDULE.

	DIVISION.	AMOUNT. £
1	Rent and Interest to H. H. the Sultan of Zanzibar	17,000
2	Pensions	1,166
3	His Excellency the Governor	5,112
4	Lieutenant Governor and Secretariat	5,743
5	"Official Gazette" and Printing and Stationery	5,619
6	Provincial Administration	70,301
6a	Ditto. Special Expenditure	1,150
7	Treasury	7,993
8	Customs Department	12,649
9	Port and Marine Departments	10,984
9a	Ditto. Special Expenditure	530
10	Audit Department	2,901
11	Legal Departments	13,725
12	Police	55,525
13	Prisons	12,191
14	Medical Departments	13,122
14a	Ditto. Special Expenditure	2,620
15	Hospitals and Dispensaries	11,042
15a	Ditto. Special Expenditure	300
16	Education	4,716
17	Transport	2,996
18	Military Expenditure	50,333
18a	Ditto. Special Expenditure	435
19	Miscellaneous services	2,550
20	Bombay Agency	775
21	Post Office and Telegraphs	26,626
21a	Ditto. Special Expenditure	4,000
22	Railway Department	196,120
22a	Ditto. Special Expenditure	25,200
23	Agricultural Department	22,986
23a	Ditto. Special Expenditure	6,009
24	Forestry and Scientific Departments	14,685
24a	Ditto. Special Expenditure	1,400
25	Immigration Department	895
26	Survey Department	20,024
26a	Ditto. Special Expenditure	1,727
27	Land Office	9,247
28	Public Works Department	18,765
29	," " Recurrent	28,879
30	," " Extraordinary	51,684
31	Abolition of Slavery	6,000
		£745,725

A Bill

To make provision for the removal of Natives from one district to another within the East Africa Protectorate.

Definition.

Power to remove.

Governor to report to Secretary of State.

Power of Governor to vary or revoke order.

Penalty.

Governor's order to be sufficient order for removal and detention.

Rules.

Repeal.

Short title.

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. In this Ordinance the term "Native" means any Native of Africa not of European or American origin and the term "Protectorate" means the East Africa Protectorate.

2. Where it is shown to the satisfaction of the Governor that any Native is disaffected to His Majesty's Government or to the Government of His Highness the Sultan of Zanzibar, or of His Highness the Sultan of Witu, or has committed or is about to commit an offence or is otherwise conducting himself so as to be dangerous to peace and good order in the Protectorate or is intriguing against the Government of the Protectorate, the Governor, may if he thinks fit, by an order under his hand and official seal, direct such person to be removed to or interned in such place within the limits of the Protectorate as he may direct, or may prohibit him from remaining in the Protectorate during any time specified in such order of prohibition or removal.

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

4. An appeal shall not lie against any order under this Ordinance, but the Governor may by order under his hand and official seal, vary or revoke any such order.

5. If any Native removed or prohibited from remaining within the Protectorate under this Ordinance leaves the place to which he is removed or returns to the Protectorate as the case may be without any revocation or variation of the order of removal or prohibition by the Governor, he shall be deemed guilty of an offence and shall be liable on conviction to imprisonment of either kind for a period not exceeding three months or to a fine not exceeding five hundred Rupees, or to both, and he shall also be liable to be forthwith again removed or prohibited from remaining in the Protectorate.

6. The warrant of the Governor under his hand and seal shall be sufficient authority to the person to whom it is addressed or delivered for execution to receive and detain the native therein named and move and carry him to the place therein directed according to the warrant.

7. The Governor may from time to time make rules consistent with this Ordinance for all or any of the following purposes namely:—

(1) To provide for the detention, control, accommodation and food of any native removed;

(2) To regulate the access to any native removed of the relations and friends of such native;

(3) Generally for the more effectual administration of this Ordinance.

8. The Removal of Natives in Special Districts Ordinance 1904 is hereby repealed.

9. This Ordinance may be cited as "The Removal of Natives Ordinance, 1908."

A Bill

To make better provisions for the entry and clearance through the Customs of goods imported or exported into or out of the East Africa Protectorate.

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Customs Amendment Ordinance 1908."

2. The importer of any goods liable to Customs duties on the landing thereof from the importing ship, or his agent shall, make perfect entry of such goods by delivering to the proper Officer of the Customs a bill of entry thereof in the form A in the schedule hereto, or to the same effect, and containing the several particulars indicated in or required thereby.

And the particulars in such entry shall correspond with the particulars given of the same goods and packages in the report of the ship, and in any certificate of origin or other document, where any such is required, by which the importation or entry of such goods is authorised, and the particulars in the entry shall describe the goods in the way provided for by section 7 of this Ordinance provided always that all bills of entry for goods in transit only shall have across the face of them in red ink the words "In Transit".

3. The importer or his agent shall immediately upon the entry of any goods entered by him, pay down any duties which may be payable upon the goods mentioned in such bill of entry to the proper Officer of the Customs authorised to receive the same; and such bill of entry when signed by the proper Officer of the Customs shall be transmitted to the examining or other proper Officer of the Customs and it will be his warrant for the landing and delivery of such goods.

4. Whenever any articles are entered at any Customs Office within the Protectorate, the Officer taking the inward entry may and shall, whenever he shall see fit, require the party making the entry whether the articles shall be entered as goods free of duty, or to be warehoused, or for consumption or in transit to produce the original invoices, bills of lading, bills of parcels, or other such documents, showing the cost of the articles at the place at which they were purchased, together with the freight, insurance and other charges on the same; and such articles shall not be admitted to entry until such invoices, or other documents, so required are produced and submitted for the inspection of the Officer requiring the same or satisfactory proof be made by the importer accounting for the non-production of the invoices or other documents and showing the true value of the articles; and it shall be lawful for such Officer when and as often as he shall deem expedient, to have any articles as aforesaid or packages containing such articles opened and examined, and the value of the articles at the place of landing ascertained in such manner as the Chief of Customs may direct.

Short title.

Importer or agent to deliver bill of entry.

Duty to be paid at the time of entry.

Original invoices to be produced.

Invoices not necessary when ships are brought into port on account of being wrecked.

Bill of entry to be delivered by importer of goods not subject to duties.

Goods to be described in bill of entry.

Penalty for not complying with foregoing sections.

Entry not valid unless goods have been properly described.

Penalty for concealing goods in packages not entered in bill of entry.

Bill of entry to be delivered before goods exported.

5. Provided always, that nothing in this section requiring the production of invoices or other documents shall apply to articles brought into any port from wrecked or stranded ships, or in ships which may have put into any port in distress, and without having cargo on board consigned to such port.

6. The importer of any goods, not subject to duties of Customs, or his agent, shall deliver to the proper Officer of the Customs a bill of entry of such goods in the form B in the schedule hereto, and such bill of entry when signed by the proper Officer of the Customs, shall be transmitted to the examining or other proper Officer, and be his warrant for the delivery of the goods mentioned therein.

7. The importer or exporter of any goods his agent, or the consignee of the ship, as the case may be, shall describe such goods in the bill of entry thereof, according to the denomination, weights, measure, number, quantity or value thereof, as set forth in or required by any Ordinance or rules relating to the Customs, or in such other manner as may for the time being be sanctioned by the Chief of Customs and such importer or exporter, his agent, or the consignee of the ship, as the case may be, shall deliver two or more duplicates of such bill of entry as the case may require, in which duplicates all sums and numbers may be expressed in figures, and the number of duplicates shall be such as the Chief of Customs may require.

8. Every importer or exporter, agent, or other person entering any goods who shall wilfully fail to comply with the foregoing Sections, so far as they are respectively applicable to the goods so entered by him, shall forfeit and be liable to pay a sum not exceeding three hundred Rupees.

9. No entry for the landing or shipment of any goods shall be deemed valid, unless the goods shall have been properly described in such entry by the denominations and with the characters and circumstances according to which such goods are charged with duty.

10. If any package or parcel shall have been landed by or in pursuance of any entry, and any goods or other things shall be found in such package or parcel concealed in any way or packed to deceive the officers, or if any package of goods shall have been entered as of one denomination, and shall afterwards be discovered, either before or after delivery thereof, to contain other goods subject to a higher rate or amount of duty than those of the denomination by which such package was entered, every such package or parcel, and all the contents thereof, shall be forfeited; and if any goods be taken or delivered out of any ship or out of any warehouse, not having been duly entered the same shall be forfeited:

Provided always that no entry shall be required in respect of the baggage of passengers, which may be examined, landed, and delivered under such conditions as the Governor may direct, but if any prohibited or uncustomed goods shall be found concealed therein, either before or after landing, the same shall be forfeited together with the other contents of the package containing the same.

Entry and Clearance of Goods for Exportation.

11. Before any goods shall be permitted to be shipped for exportation the exporter or his agent shall deliver to the proper Officer of the Customs a bill of entry of such goods with such duplicates as may be

required by such Officer, in form C in the schedule hereto, or to the same effect, and containing the particulars indicated therein or required thereby.

The exporter or his agent shall immediately on delivering such bill of entry to the proper Officer of Customs pay down the duties which may be payable upon the goods mentioned in such bill of entry to the officer authorised to receive the same, and such bill of entry when signed by the proper officer shall be the export entry for such goods, and when transmitted to the examining or other proper officer of Customs be his warrant for permitting the shipment of such goods.

12. The particulars in every export entry shall describe the goods in such way as may for the time being be sanctioned by the Chief of Customs.

13. If upon any entry of goods to be exported such goods are found not to correspond with the particulars contained in the entry thereof, the same may be detained until the discrepancy shall have been explained to the satisfaction of the Chief of Customs or other proper Officer of Customs, who may thereupon restore the same on such terms as he may deem proper, and for the purposes of this Ordinance the person whose name appears on the bill of lading as consignor of the goods for exportation shall be deemed to be the exporter thereof, and any exporter of goods who shall fail, either by himself or his agent, to do any act which he is hereinbefore required to do, shall forfeit and pay a sum not exceeding three hundred Rupees.

14. If any goods for exportation shall be shipped, except with the authority or under the care of the proper Officer of the Custom, and in such manner, by such persons within such time, and by such roads or ways as such officer shall permit or direct, such goods shall be forfeited.

15. The Chief of Customs may permit the entry, clearance or exportation of goods in such form and manner, on such conditions as he may direct, to meet the exigencies of any case to which the general laws and regulations may not be strictly applicable.

16. Sections 7, 8, 10 and 14 of the Customs Regulations 1899 are hereby repealed.

Goods to be described.

Goods found not corresponding with bill of entry may be detained.

Penalty for exporting goods without authority.

Powers of Chief of Customs.

Repeal.

Form A.

Form of Entry for Payment of Duty on Goods at Landing.

Port of (name of port of importation.)

Importer's name.

Wharf, dock or station.	Ship's name.	Whether British or foreign ship ; if foreign, the country.	Master's name.	Port or place from whence imported.		
Here state the particulars according to the above headings.						
Marks.	Numbers.	Number of packages, quantities and description of goods as charged in table of duties.	Invoice value without expenses.	Invoice value, including expenses of freight, insurance and invoice value of packages.	Rate.	Duty.
Here state the particulars according to the above headings.					Total amount of duty on entry.....Rs.	

I, (name of importer or agent) of (place of abode) do hereby declare that I am (the importer or agent duly authorised by the importer) of the goods contained in this bill of entry, and that I enter the same goods therein stated, as goods charged at value at the sum of (money in words at length), and that all the above particulars are correct to the best of my knowledge.

Witness my hand, the.....day of.....190 .

(Signed)..... Importer or Agent.

(Signed).....Chief of Customs (or other proper officer).

Form B.

Entry-Free.

Port of
Importer's name

Wharf, dock or Station.	Ship's name.	Whether British or foreign; if foreign, the country.	Master's name.	Port or place from whence imported.
Marks.	Numbers.	Number of packages, quantities and description of goods.	Invoice value without expenses.	Invoice value, including expenses, freight, insurance and value of packages.

I, of....., do hereby declare that I am the importer (or agent duly authorized by importer) of the goods contained in this bill of entry, and that all the above particulars are correct to the best of my knowledge.

Witness my hand, the..... day of..... 190.....

(Signed)..... Importer or Agent.

(Signed)..... Chief of Customs (or other proper officer.)

Form C.

Export Entry.

Port of

Exporter

Wharf, dock or station.	Ship's name.	Whether British or foreign ; if foreign, the country.	Master's name.	Port or place of destination.	Date of shipment.	
Marks.	Numbers.	Number and description of packages.	Quantity, quality and description of goods.	Produce and Manufacture of the Colony.	British foreign and other Colonial Produce and Manufactures.	Duty.

I, of do hereby declare that I am the exporter or agent duly authorised by the exporter of the goods contained in this bill of entry and that all the above particulars are correct to the best of my knowledge.

Witness my hand, the day of 190 ..

(Signed) Exporter or Agent.

(Signed) Chief of Customs (or other proper officer).

RULES.

Made by His Excellency the Governor for the East Africa Protectorate under the provisions of the East Africa Forestry Regulations, 1902.

The following fees shall be payable for timber and other forest produce in Government Forests.

(1) **Timber.** Trees within a 10 mile radius of Nairobi or within 5 miles of the Uganda Railway.

Cedar, (Kik.) mu Tarakwa, (Juniperus procera) 30	cts.
Sandal, (Kik.) mu Hugu, (Brachylaena sp.) 40	„
Camphor, (Kik.) m'Zaite, (Lauraceae) 30	„
Red Stinkwood, (Kik.) mu Were, (Pygeum Africanum) 25	„
Poon, (Kik.) m'Ona (Allophylum) 25	„
Yellowwood, (Kik.) mu Sengera, (Podocarpus gracilior thunbergii)	25	„
Kajatenhout, (Sw.) Bemba kofe, (Afzelia cucanensis) 25	„
Copal, (Sw.) m'Tanderusi, (Trachylobium hornemannianum) 25	„
All other Reserved Trees, 20	„
Unreserved Trees, 6	„

The above rates are subject to a General reduction of 1 p.c. per mile outside the Nairobi 10 mile radius and outside the railway 5 mile radius. This reduction applies to all timbers except Camphor and Sandal (m'Hugu) and extends to a minimum of 50 p.c. of the above rates, after which no further reductions will be made.

In unexplored forests, Tana and Juba Rivers, parts of Kenia, Mau, etc., special rates will be furnished on application to the Chief Conservator of Forests, Nairobi. Sandal (m'Hugu) is also subject to special rates. The forest will be marked in Sections 250 acres more or less. Where there are two or more purchasers for the mature timber on the same Section, it will be sold to the highest bidder. Timber specially inspected and marked for any purchaser outside a Section, will be sold at an increase of 50 p.c. on these rates and a deposit of 50 cents per acre will be required for the survey and marking of a Section. Timber will be marked and adjudged mature by the Forest Department on the basis of a 20 years' rotation the regeneration of the more valuable species, and the sylvies (sylvicultural conditions) of the forest. Only mature timber will be sold from Government Forests.

The measurement will be per c. ft. of sound bole, allowance being made for unsound timber as far as this can be judged before the tree is sold. Timber too unsound to measure in the bole, will be sold by "stacked measurement," viz: per cubic foot of the stack of such sound timber as can be got out of the unsound bole.

Unless otherwise stated on the license, all crown and branch wood is the property of the purchaser of the bole.

Windfall, dead, and refuse timber, will be sold at one half, or a fraction of the above rates, according to circumstances.

(2) **Poles.** Split posts at the above rates according to their cubic content.

Round poles (when available) according to their cubic contents, at double the above rates, (to cover the cost of extra supervision). Round green poles of Cedar, Yellowwood, Camphor, Sandal (muHugu), Mona, Stinkwood, Bemba kofe and Copal are not sold from Government forests.

Withies are no longer sold from Government forests.

Bamboos under 3" diameter at base, Re. 1 per 100.

Bamboos over 3" diameter at base, at 10 cents each or at special rates which will be furnished on application.

(3) **Firewood.** For the removal of firewood, licenses will be granted either per quantity or per time according to circumstances.

Quantity License. Per cart load of 1 ton or 80 c. ft. Rs. 3.

" " " Per head load, if no axes be taken into the forest, 6 cts. per head load.

" " " Per head load, if axes are used in procuring it, 12 cts. for dry wood

25 cts. for green wood.

A donkey load of firewood is reckoned at 3 head loads.

Entering forests to remove dead wood without axes, per month, 50 cts.

Entering forests to remove dead wood with axes, Re. 1.

All Government dues, whether for timber, firewood, posts, or other forest produce, must be pre-paid.

THE TOWNSHIP ORDINANCE 1903.

Rules.

Rules issued by the Governor of the East Africa Protectorate under the provisions of the East Africa Township Ordinance 1903.

Nairobi,
Dated this 18th day of November, 1908.

J. HAYES SADLER
Governor.

1. These Rules shall apply to the Townships of Kismayu and Gobwen.
2. No public sale of cattle or any live stock shall take place except in the Government sale bomas and in the presence of an auctioneer approved by the Provincial Commissioner.
3. The fees following shall be paid and levied :—

(a) Slaughter house fees.

For cattle or camel slaughtered	Re. 1 per head.
For goats or sheep slaughtered	25 Cents per head.

No such animal shall be killed unless it bears the Government brand showing that the above fee has been paid.

(b) Pound fees.

Goats and sheep per day	50 Cents per head.
Other stock for first day	Re. 1 , ,
,, for each succeeding day	50 Cents , ,

(c) Market fees.

Licence to sell meat	Re. 1 per annum.
,, Fruit and vegetables	, , ,
,, Fish	, , ,

(d) Permits.

For cattle boma	Rs. 5.
For sheep goats and donkey boma	, 3.
For building	, 1.
For Bakeries	, 2.
For Dhobi	, 2.
For Ngoma	, 1.
For Ngoma ya Pepo	, 2.
Lime Kiln	, 2.

NOTICE.

I hereby authorise E. L. Sanderson Town Clerk of Nairobi, to sue for the recovery of any Conservancy fee due or which may hereafter become due in the Township of Nairobi under the Township Fees and Conservancy Ordinance 1908.

Nairobi,

J. HAYES SADLER,

This 19th day of November, 1908.

Governor.

NOTICE.

In exercise of the Powers thereto enabling me contained in Section 2 Sub-Section 9 (b) of the Indian Stamp Act 1899 (Act 11 of 1899) as applied to the East Africa Protectorate, I hereby give Notice that Provincial Commissioners as substituted for Collectors in the application of the said Act to the East Africa Protectorate shall include District Commissioners, The Registrar of The High Court, The Principal Registrar of Documents, Deputy Principal Registrar of Documents, and the Town Magistrates at Nairobi and Kisumu.

This Notice is in substitution of the Notice of August 24th 1904, under the said Act which is hereby cancelled.

J. HAYES SADLER,

Governor.

NOTICE.

It is hereby notified for general information that although the Uasin Gishu Plateau has now been thrown open to settlement, the country north of the Nzoia River still remains a Closed District.

Nairobi,

F. J. JACKSON,

November 24th, 1908.

Deputy Governor.

NOTICE.

In Exercise of the powers conferred upon the Governor by the East Africa Registration Regulations 1901, I hereby appoint every Assistant District Commissioner to exercise the duties of a Registrar of Documents under the aforesaid Regulations within his district in the absence of the District Commissioner from the district station.

Nairobi,

F. J. JACKSON,

Dated this 25th day of November, 1908.

Deputy Governor.

NOTICE.

In exercise of the provisions of the Native Christian Marriage Ordinance 1904 Section 7, I hereby appoint the following minister to be a Registrar of Marriages for the purposes of the aforesaid Ordinance.

Mr. G. Muhlhoff of the Newkirchener Mission at Ngao.

Nairobi,

F. J. JACKSON,

November 28th, 1908.

Deputy Governor.

NOTICE.

Swahili Examination.

With reference to the notice which appeared in the "Gazette" of the 15th of November, the Lower Standard Examination will be held on the 10th of December, the Higher Standard on the 11th of December, in Mombasa and Nairobi.

Nairobi,

H. F. G. BELL,

November 19th, 1908.

Acting Secretary.

NOTICE.

The following persons are hereby appointed Headmen under the Village Headmen Ordinance 1902.

Names.	Villages or group of Villages.
SEYIDIE PROVINCE.	
Malindi District.	
Kikuche wa Mwambata	Bura
Chamanje wa Mgodo	Mayowe
Abdulla bin Jefa	Mwangani
Bake Mwake	Pumwani
Barati wa Saleh	Kamtande (Bura)
Tune wa Jefa	Shingwaya
Uledi wa Musa	Kwa Ucho
JUBALAND PROVINCE.	
Gosha District.	
Magaya Mokomo	Mofi
Ali Songoro	Yontoi
Magaya Mgoto	Harara
Kismayu District.	
Hashim bin Mshamu	Koyama Island
Mohammed Bakari	Towalla Island
TANALAND PROVINCE.	
Lamu District.	
Ali bin Mahomed bin Ali	Shella
Mahomed bin Khamis	Kipungani
Mzee Musoori	Mtondoni

Hashim bin Mshamu
Mohammed Bakari

Ali bin Mahomed bin Ali
Mahomed bin Khamis
Mzee Musoori

November 12th, 1908.

F. J. JACKSON,
Deputy Governor.

GOVERNOR'S OFFICE,

NAIROBI,

December 1st, 1908.

APPOINTMENTS.

His Excellency The Governor has been pleased to approve of the following :—

To be Inspector General of Police,

Capt. W. F. S. Edwards, D. S. O., to date 22nd June, 1908.

To be a Supernumerary Assistant District Superintendent of Police,

Capt. P. F. Browne, to date 8th November, 1908.

W. T. Porter to act for E. R. Logan in the Provinces of Kisumu and Naivasha as Town Magistrate till further order to date 23rd November, 1908.

E. R. Logan to act for W. T. Porter as Town Magistrate Mombasa till further notice to date 23rd November, 1908.

To be the Editor "Official Gazette" and Superintendent Government Printing Press,
H. F. G. Bell, 1st Assistant Secretary to date 1st December, 1908.

To be Assistant Accountant Uganda Railway,

H. E. Goodship, to date 30th September, 1908.

To be Acting Principal Registrar of Documents,

Capt. J. C. Ward, to date 28th November, 1908, during the absence on leave of
J. W. H. Parkinson.

To be Acting Registrar High Court,

" " " Secretary under the Inventions and Designs Act, 1888.

" " " Registrar of Companies under the Indian Companies Act, 1882.

" " " Acting Secretary to the Visiting Justices of the Mombasa Gaol.

" " " Registrar under Part II of the Newspaper Registration Ordinance, 1906.

T. A. Hammer, to date 28th November 1908, during the absence on leave of
J. W. H. Parkinson.

Resignation.

E. L. Waring, Deputy Director of Surveys (Cadastral Branch) from the 28th October, 1908.

F. J. JACKSON,

Lieutenant Governor.

NOTICE.

Tenders are invited for Licenses for the Kisauni, Makupa, and Mtwapa (Shimo-la-Tewa) Ferries for the year 1909.

Contractors whose tenders are accepted will be required to sign agreements for the proper working the ferries.

Tenders should be forwarded in sealed covers to the Port Officer not later than the 15th December, 1908.

The Port Officer does not bind himself to accept the highest or any tender.

Mombasa,

November 23rd, 1908.

G. J. MUIR,

Ag. Port Officer.

NOTICE.

I. The Court vacation will commence on the 20th day of December 1908, and will terminate on the 31st day of January 1909.

II. During the vacation the High Court will only sit for the transaction of business of an urgent nature.

III. All Courts and Court offices will be closed on such days as are advertised as public holidays, save that arrangements will be made for the taking of Police Cases and urgent business on such days.

IV. During the vacation the Town Magistrates of Mombasa, Nairobi and Kisumu will only hear Police cases and Civil Cases of an urgent nature or those in which Pleaders are not engaged.

Mombasa,

November 18th, 1908.

J. W. H. PARKINSON

Registrar, High Court, E. A. P.

NOTICE.

Is hereby given that in accordance with the Rules published under the East Africa Townships Ordinance 1903 the undernoted gentleman has been nominated to serve on the Nairobi Township Committee for 1908.

Mr. Hasrat vice Mr. Hasham Bhai Jan Mahomed resigned.

Nairobi,

November 25th, 1908.

C. W. HOBLEY,

Provincial Commissioner.

NOTICE.

Auction of Opium Licence at Mombasa.

Under instructions from His Excellency the Governor two licences to deal in Opium, Ganja, Churas, Poppy-heads, Chandoo and Natron will be auctioned at the District Commissioner's Office, Mombasa on Thursday 17th December, 1908 at 2 p.m.

The licences will be operative during six months dating from 1st day of January 1909 and will be confined to the Island of Mombasa.

Mombasa,

November 25th, 1908.

S. L. HINDE,

Provincial Commissioner.

NOTICE.

"Reference Tenders for the supply of Food Stuff and Transport Requirements for 1909, quotations may be given for delivery of goods either at Mombasa or Nairobi.

NOTICE.

Tenders are invited for the supply of all or any of the following articles required for the Mombasa Prison for a period of one year commencing from January 1st, 1909 to December 31st, 1909.

Daily Provisions.

Fresh Vegetables, Sweet Potatoes, Pumpkins, Mohogo and Potatoes	about	lbs. 100
Eggs ...	"	doz. 1
Onions ...	"	lbs. 40

Monthly Provisions.

Ghee (best Indian)...	about	lbs. 54
Sugar	"	54
Sago	"	50
Curry powder (Country Ground)	"	100
Tea	"	5
Table Salt (Bottles)	"	3
Salt	"	216
Lamp Chimneys 10" & 14"	doz.	4

Yearly Requirements.

Zinc Buckets (hold 4 gallons)	about	12
Hurricane Lamps	"	12
Bush Knives	"	24
Tinning Material	"	lbs. 50
Copper Rivets	"	25

Tenders with samples, which should be in sealed covers, addressed to the Deputy Superintendent of the Prison, will be opened on the 18th day of December, 1908.

The Deputy Superintendent does not bind himself to accept the lowest or any tender, and the decision of the Superintendent shall be final in all matters concerning there into.

The Persons whose tenders are accepted will be required to sign an agreement, particulars of which can be obtained from the undersigned.

H. M. Prison,
Mombasa, November 12th, 1908.

S. R. HILL,
Acting Deputy Superintendent.

NOTICE.

Notice is hereby given that Robert Corbett Bayldon, Esq., Managing Director of the NAIROBI ELECTRIC POWER & LIGHTING COMPANY LIMITED, holds the sole Power of Attorney for the Company in British East Africa

By order of the Board.

11 Queen Victoria Street,
London, E. C.

G. A. HIGLETT,
Secretary.

IN THE HIGH COURT OF THE EAST AFRICA PROTECTORATE
AT MOMBASA.

INSOLVENCY CAUSE No. 3 OF 1907.

IN THE MATTER OF JOLLY BIGGS & Co.

Whereas Arthur Pano Jolly, St. John Biggs, and Russell Biggs, lately trading and doing business at Mombasa and elsewhere in the East Africa Protectorate under the style and title of Jolly Biggs and Co., have been declared insolvent, and HANS GEORG RAASCHOU of Mombasa, has been appointed Receiver of the estate of the said insolvents, Jolly Biggs and Co., by order of the Court dated August 8th, 1907.

THIS IS TO GIVE notice that the Creditors of the said insolvents should send to the Receiver, HANS GEORG RAASCHOU, on or before the 15th of December, 1908, a Statement in writing of their claims against the said insolvents together with all particulars thereof, accompanied by an affidavit verifying same.

To all to whom it may concern.

Mombasa,

H. G. RAASCHOU,

Dated the 5th day of November, 1908.

IN H. M. HIGH COURT OF EAST AFRICA AT MOMBASA.

PROBATE AND ADMINISTRATION.

CAUSE No. 19 OF 1907.

NOTICE OF APPLICATION FOR PROBATE OF THE WILL OF JIVRAJ KHATAO
LATE OF MOMBASA, DECEASED.

Take notice, that application having been made in this Court by Abdul Karim Kasam Khatao of Bombay for probate of the Will of Jivraj Khatao late of Mombasa who died at Mombasa on the 9th day of June, 1907, 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 15th day of December, 1908.

Mombasa,

R. W. HAMILTON,

November 14th, 1908.

Principal Judge.

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

IN H.M. HIGH COURT OF EAST AFRICA AT MOMBASA.

PROBATE AND ADMINISTRATION.

CAUSE No. 36 OF 1908.

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE OF ALIBHAI NOORBHAI LATE OF
MALINDI, DECEASED.

Take notice, that application having been made this Court by Wajira binti Noorbhai of Malindi for the administration of the Estate of Alibhai Noorbhai late of Malindi who died at Malindi on the 11th day of February, 1908, 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 15th day of December, 1908.

Mombasa,

R. W. HAMILTON,

November 14th, 1908.

Principal Judge.

IN THE TOWN MAGISTRATE'S COURT OF THE EAST AFRICA
PROTECTORATE AT NAIROBI.

CAUSE No. 85 OF 1908.

NOTICE OF GRANT OF LETTERS OF ADMINISTRATION IN THE ESTATE OF ISMAIL WAHIS, DECEASED.

Pursuant to an order of the District Delegate at Nairobi granting Letters of Administration in the estate of the late Ismail Wahis deceased, who died at Nairobi on the 10th day of July, 1908, all creditors and other having claims upon the estate of the above-named deceased are required to send in writing the particulars of their debts, claims, or demands, to the Administrator General, Law Courts, Mombasa on or before the 30th day of December, 1908.

Nairobi,

A. MORRISON,

November 2nd, 1908.

District Delegate.

IN THE TOWN MAGISTRATE'S COURT OF THE EAST AFRICA
PROTECTORATE AT NAIROBI.

PROBATE AND ADMINISTRATION.

CAUSE No. 87 of 1908.

NOTICE OF GRANT OF LETTERS OF ADMINISTRATION IN THE ESTATE OF
BARKETALLI S/O RUGHERKHAN.

Pursuant to an order of the District Delegate at Nairobi granting Letters of Administration in the estate of the late Barketalli s/o Rugherkhan, deceased, who died at or near Makindu in or about October 1908, all creditors and others having claims upon the estate of the above-named deceased are required to send in writing the particulars of their debt, claims, or demands, to the Administrator General, Law Courts, Mombasa, on or about the 31st day of December, 1908.

Nairobi,

November 5th, 1908.

A. MORRISON,

District Delegate.

IN THE DISTRICT DELEGATE'S COURT AT NAIROBI.

PROBATE AND ADMINISTRATION.

CAUSE No. 88 of 1908.

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE OF NURI DITTO
TRANSPORT CONTRACTOR, LATE OF NAIROBI, DECEASED.

Take notice, that application having been made in this Court by Mohomedbux s/o Nathoo of Nairobi for the administration with Will annexed of the Estate of NURI DITTO late of Nairobi who died at Nairobi on the 6th day of November 1908, 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 31st day of December, 1908.

Nairobi,
November 14th, 1908.

A. MORRISON,
District Delegate.

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

N.B. This notice is published in substitution for that which appeared in the last issue of the Gazette with reference to this Estate.

IN THE TOWN MAGISTRATE'S COURT AT NAIROBI.

INSOLVENCY JURISDICTION

CAUSE No. 8 of 1908.

IN THE MATTER OF HENRY CUTHBERT SMITH OF NAIROBI.

To all whom it may concern.

Whereas the said Henry Cuthbert Smith has made an application to this Court that he be declared an Insolvent; Notice is hereby giving that the hearing of the said application has been fixed for Wednesday, the 16th December, 1908 at 10-30 a. m., or so soon thereafter as it can be heard at the Town Magistrate's Court of the East Africa Protectorate at Nairobi.

Nairobi,
Dated 28th November, 1908.

A. MORRISON,
Town Magistrate.

NOTICE.

List of Newspapers, Magazines, etc., received without address at the General Post Office, Mombasa, during the month of September 1908.

No.	Name.	Date.
1	Times Weekly	September 25th 1908
2	Church Times	" 18th "
3	Glasgow Weekly	August 19th "
4	Le Soir (20 Copies)	Nos. 231 to 250
5	The Spectator	September 12th 1908
6	Sunday Companion	" 26th "
7	Athletic News.	" 7th "
8	M. A. P. (2 Copies)	" 17th and 19th "
9	Fantasio	" 15th "
10	Le Frou Frou	" 12th "
11	Le Rire	" 19th "
12	Le Matin	" 23rd "
13	T. P's Weekly (9 Copies)	Nos. 295 to 298
14	Daily Mirror (4 Copies)	August 13th 1908
15	Christian Herald	No. 54
16	Unione Coperativa (Milano)	September 9th "
17	The Guardian	" 22nd "
18	Daily Mail	" 27th "
19	Les Annales	" 24th "
20	The Indu Prakash	Nos. 252 to 258
21	Le Petit Provengal (11 Copies)	" Gnp-Sup "
22	La Tribune (7 Copies)	Nos. 252 to 258
23	Journal De Vitré	September 27th 1908
24	Lloyd's Weekly	" 6th "
25	Masik Hindi Graphic	September
26	Hibernian Church Missionary Gleaner	October
27	De Tijd (10 Copies)	
28	Coniica	September
29	{ La Tribuna (6 Copies)	{ Nos. 246 to 251
30	{ Il Segolo (3 Copies)	{ Nos. 15,219 to 15,221
31	The Field	September 19th 1908
32	Blanco Y Negro	" 19th "
33	Baptist Times	{ October 2nd 1908
34	Weekly Times	September 26th 1908
35	Jersey Weekly	
36	Samples of Ruberoid	
37	Catalogue (Cayeux & Le Clerc, Paris)	
38	People's Friend (2 Copies)	
39	Imperial Review	August 7th and 24th 1908
40	Canadian Life and Resources	September 15th 1908
41	Traveller De Luxe	July "
42	Natal Mercury	September "
43	Black and White	August 8th "
44	Revista Marchigiana Illustrata	No. 5 "
45	Punch	September 2nd 1908
46	Morgenbladt (12 Copies)	
47	Army and Navy Gazette	July 18th 1908
48	The Volksrust and District Recorder	September 12th "
49	Mexborough and Swinton Times	" 5th "
50	Westminster Gazette	August 15th "
51	Weekly Times	" 14th "
52	Catalogue (P. and D. Duncan, Ltd.)	1907
53	Life of Faith	August 5th "
54	Sale and Stretford Guardian	July 25th "
55	Le Journal (2 Copies)	5,597 and 5,598 "
56	London Opinion	September 19th 1908
57	Cricket	" 9th "
58	Transvaal Weekly	August 3rd "
59	Gardener's Chronicle	September 12th "
60	Daily Mail	" 10th "
61	Lloyd's Weekly News	September 13th 1908
	The Freeman's Journal	" 15th "
	Order Book Issued by Civil Service Supply Assn: Ltd, London	
	London Opinion (2 Copies)	August 22nd and 29th 1908
	Winning Post	" 29th 1908
	Daily Mirror (10 Copies)	
	The Evening News (2 Copies)	August 25th and 27th 1908
	Weekly Despatch (2 Copies)	" 16th and 23rd "
	East Africa Standard	October 10th "
	" " "	" 24th "

Owners of the above should forward early application to this office, together with every available evidence of ownership.

Mombasa, General Post Office,
November 1st, 1908.

W. PEARSON,
Postmaster.

EAST AFRICA PROTECTORATE.

Balance Sheet for the month of August 1908.

			£	s.	d.	£	s.	d.
Revenue			183,688	10	7
Subsidiary Silver Coinage			6,999	17	1
,, Nickel and Aluminium Coinage					8,157	14	8
Parliamentary Grant			34,000	0	0
General Post Office, Natal			187	13	5
Drafts and Remittances			3,453	16	0
Deposits			41,183	17	2
Surplus and Deficit			201,765	14	0
Expenditure	255,805	9 5			
Advances	22,621	7 0			
Unallocated Stores	62,835	4 11			
Suspense	29,086	7 0			
Copper Coinage	3,139	2 9			
General Post Office, London	12,491	10 8			
Investments	9,500	0 0			
Cash	83,958	1 2			
Total	£	479,437	2	11		479,437	2	11

HENRY P. ESPIE,

Mombasa, November 17th, 1908.

for Treasurer.

Comparative Statement of the REVENUE of the East Africa Protectorate,
for the period ended 31st August, 1908.

Heads of Revenue.	Estimated 1908-9.	Actual Revenue to Aug. 31st, 1908.	Revenue for same period of preceding year.	Increase.	Decrease.
	£	£	£	£	£
Customs	94,000	34,119	32,683	1,436	...
Port, Harbour, Wharf &c.	700	214	245	...	31
Licences, Excise, &c.	104,727	31,839	31,352	487	...
Fees of Court, &c.	22,910	7,065	8,010	...	945
Post Office and Telegraphs	18,960	8,739	9,302	...	563
Government Railways	268,415	93,807	100,035	...	6,228
Rents	12,581	3,400	3,425	...	25
Interest	695	498	194	304	...
Miscellaneous Receipts	5,700	2,548	1,317	1,231	...
Sale of Government Property	1,790	348	424	...	76
Land Sales	2,961	1,112	1,004	108	...
Total	£ 533,439	£ 183,689	£ 187,991	£ 3,566	£ 7,868
Loan Receipts	£ Nil	Nil			

HENRY P. ESPIE,

Mombasa, November 17th, 1908.

for Treasurer.

EAST AFRICA PROTECTORATE.

Comparative Statement of the EXPENDITURE of the East Africa Protectorate,
for the period ended 31st August, 1908.

Heads of Revenue.	Estimates 1908-9.	Actual Revenue to 31st Aug., 1908.	Revenue for same period of preceding year.	Increase.	Decrease.
Rent and Interest to H. H. the Sultan	17,000	8,500	8,500
Pensions ...	632	242	267	...	25
His Excellency the Governor	5,282	1,624	1,302	322	...
Lieut-Governor and Secretariat	6,222	2,170	1,326	844	...
Official Gazette & Printing & Stationery	4,808	3,175	2,202	973	...
Provincial Administration	63,790	22,494	20,210	2,284	...
Treasury ...	7,610	3,021	2,869	152	...
Customs Department ...	12,031	4,440	4,391	49	...
Port and Marine Departments ...	10,259	4,501	5,360	...	859
,,," Special Expenditure	750	25	...	25	...
Audit Department ...	2,714	899	849	50	...
Legal Departments ...	12,869	4,424	4,046	378	...
Police ...	55,509	12,933	16,631	...	3,698
Prisons ...	11,291	4,901	3,671	240	...
Medical Departments ...	11,636	4,393	4,824	...	431
Ditto Special Expenditure	...	8	...	8	...
Hospitals and Dispensaries ...	10,000	3,524	3,908	...	384
Ditto Special Expenditure	100	22	4	18	...
Education ...	4,368	636	361	275	...
Transport ...	3,506	993	738	255	...
Military Expenditure ...	50,070	12,225	18,724	...	6,499
Ditto Special Expenditure	9,596	5,776	4	5,772	...
Miscellaneous Services ...	2,700	1,162	1,194	...	32
Bombay Agency ...	848	252	277	...	25
Post Office and Telegraphs ...	24,858	9,328	8,120	1,208	...
Ditto Special Expenditure	280	71	575	...	504
Railway Department ...	193,400	63,703	66,413	...	2,710
Ditto Special Expenditure	48,985	5,931	13,053	...	7,122
Agricultural Department ...	22,208	7,319	4,446	2,873	...
Ditto Special Expenditure	3,000	10,086	226	9,860	...
Forestry and Scientific Departments	14,875	6,086	2,778	3,308	...
Ditto Special Expenditure	1,400	739	...	379	...
Immigration Department ...	1,027	277	256	21	...
Survey Department ...	20,012	6,012	6,689	...	677
Ditto Special Expenditure	1,713	471	282	189	...
Land Office ...	9,647	2,691	1,718	973	...
Public Works Department ...	16,871	5,858	5,485	373	...
" Recurrent	28,966	12,225	10,818	1,407	...
" Extraordinary	78,805	20,991	27,251	...	6,260
Abolition of Slavery ...	34,000	2,847	...	3,847	...
Famine Relief	3,025	...	3,025
Total £	803,638	255,805	252,793	35,263	32,251
Expenditure out of Loans... £	Nil.	Nil.			

Mombasa,

November 17th, 1908.

HENRY P. ESPIE,

for Treasurer.

EAST AFRICA PROTECTORATE.

Statement of Assets and Liabilities as at 31st August, 1908.

ASSETS.		Amount.			LIABILITIES.		Amount.		
		£.	s.	d.			£	s.	d.
Advances	...	22,621	0	0	Subsidiary Silver Coinage	...	7,000	0	0
Unallocated Stores	...	62,835	0	0	,, Nickel and Aluminium Coinage	...	8,157	0	0
Suspense	...	29,086	0	0	General Post Office, Natal	...	187	0	0
General Post Office, London	...	12,492	0	0	Drafts and Remittances	...	3,454	0	0
Copper Coinage	...	3,139	0	0	Deposits	...	41,184	0	0
Investments	...	9,500	0	0	Excess of Assets over Liabilities	...	163,649	0	0
Cash	...	83,958	0	0					
	Total £	223,631	0	0			Total £	223,631	0

Mombasa,
November 17th, 1908.

HENRY P. ESPIE,
for Treasurer.

ARRIVALS.

Name in full.	Rank.	From leave or on 1st Appointment.	Date of leaving England.	Date of Embarkation	Date of arrival at Mombasa or Kilindini.
S. E. J. Howarth	Asst. Accountant. P. W. D.	Leave	Oct. 9th 1908	Oct. 10th 1908	Oct. 27th 1908
J. L. Moon	Forester	"	" 9th "	" 10th "	" 27th "
A. J. Turner	Schoolmaster	"	" 8th "	" 10th "	" 27th "
A. J. M. Collyer	District Commissioner	"	" 9th "	" 10th "	" 27th "
H. Silberrad	Asst. District Commissioner	"	" 9th "	" 10th "	" 27th "
Maj. G. E. Smith, R.E.	Director of Surveys	"	" 9th "	" 10th "	" 27th "
R. Small	Medical Officer	"	" 8th "	" 10th "	" 27th "
A. W. A. C. Tannahill	Inspector of Farms	1st appoint.	" 16th "	" 17th "	Nov. 4th "
A. C. Hollis	Secretary Native Affairs	Leave	" 9th "	" 17th "	" 4th "
N. B. Neilan	Asylum Warder	1st appoint.	" 15th "	" 17th "	" 4th "
R. M. Combe	Crown Advocate	Leave	--	--	Oct. 14th "
L. E. Caine	Telegraph Superintendent	"	--	--	" 14th "
Dr. A. D. Milne	Dy. Principal Medical Officer	"	--	--	" 14th "
Lieut. J. Kelsall	Lieut. 2nd K. A. Rifles	1st appoint.	--	--	" 14th "
C. W. Hobley, c.m.g.	Provincial Commissioner	Leave	--	--	Nov. 4th "

DEPARTURES.

Name in full.	Rank.	On leave or termination of appointment.	Date of departure.	Date due to return Mombasa.	Remarks.
E. L. Waring	Dy. Director of Surveys	--			Resigned from 28th October 1908
Lieut. C. E. Fishbourne R.E.	U. Railway Survey Party	--	Oct. 28th 1908		
C. W. Gregory	Chief Storekeeper P. W. D.	Leave	" 28th "	May 28th 1909	
Capt. R. W. B. Eustace	Asst. Dist. Suptd. of Police	"	" 28th "	Feb. 28th "	
Lieut. Col. J. Will	P. M. Officer	"	" 28th "	" 28th "	
O. Gamble	Pay and Quartermaster East Africa Police.	"	" 28th "	" 28th "	
C. Bowen	Inspector	"	" 28th "	Apr. 28th "	
W. Richardson	Inspector of Police	"	Nov. 27th "	May 17th "	

NOTICE.

All Applications or Remittances should be sent to the Editor

The rates of subscription are as follows:

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UGANDA RAILWAY.

**NOTICE
LAKE STEAMERS
Round Trips.**

PUBLIC notice is hereby given that the present running of the Lake Steamers will be continued according to the approximate Time Table given below:

SOUTHERN ROUTE (Via SOUTH LAKE PORTS.)

PORT FLORENCE.	KARUNGU.		SHIRATI.		MWANZA.		BUKOBA		BUKAKATA.		ENTEBBE.		JINJA		PORT FLORENCE.
	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Arr.
Voyage.															
(57.)	Thur. 19th Nov. '08...	Fri. 20 Nov.	Fri. 20 Nov.	Fri. 20 Nov.	Sat. 21 Nov.	Tues. 24 Nov.	Tues. 24 Nov.	Thur. 26 Nov.	Thur. 26 Nov.	Thur. 26 Nov.	Fri. 27 Nov.	Sat. 28 Nov. '08.	
(59.)	Wed. 2nd Dec. '08...	Thur. 3 Dec.	Thur. 3 Dec.	Thur. 3 Dec.	Fri. 4 Dec.	Fri. 4 Dec.	Fri. 4 Dec.	Mon. 7 Dec.	Mon. 7 Dec.	Wed. 9 Dec.	Wed. 9 Dec.	Wed. 9 Dec.	Thur. 10 Dec.	Fri. 11 Dec.	12 Dec. '08.
(61.)	Thur. 17th " '08...	Fri. 18 "	Fri. 18 "	Fri. 18 "	Sat. 19 "	Sat. 19 "	Sat. 19 "	Tues. 22 "	Tues. 22 "	Thur. 24 "	Thur. 24 "	Thur. 24 "	Fri. 25 "	...	" 26 "
(63.)	" 31st " '08...	1 Jan. '09	1 Jan. '09	1 Jan. '09	2 Jan. '09	2 Jan. '09	2 Jan. '09	5 Jan. '09	5 Jan. '09	7 Jan. '09	7 Jan. '09	7 Jan. '09	7 Jan. '09	8 Jan. '09	" 9 Jan. '09.
(65.)	" 14th Jan. '09...	15 "	15 "	15 "	16 "	16 "	16 "	19 "	19 "	21 "	21 "	21 "	21 "	22 "	" 23 "

NORTHERN ROUTE (Via NORTH LAKE PORTS.)

PORT FLORENCE.	JINJA.		ENTEBBE.		BUKAKATA.		BUKOBA.		MWANZA.		SHIRATI.		KARUNGU.		PORT FLORENCE.
	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Arr.
Voyage.															
(56.)	Thur. 12th Nov. '08...	Fri. 13 Nov.	Sat. 14 Nov.	Sat. 14 Nov.	Sun. 15 Nov.	Tues. 17 Nov.	Tues. 17 Nov.	Fri. 20 Nov.	Sat. 21 Nov.	Sat. 21 Nov.	Sat. 21 Nov. Sun. 22 Nov. '08.				
(58.)	" 26th " '08...	27 "	28 "	28 "	29 "	29 "	29 "	29 "	29 "	1 Dec.	1 Dec.	4 Dec.	5 Dec.	5 Dec.	5 Dec. 6 Dec.
(60.)	" 10th Dec. '08...	11 Dec.	12 Dec.	12 Dec.	13 Dec.	15 "	15 "	18 "	19 "	19 "	19 " 20 "				
(62.)	" 24th " "	25 "	26 "	26 "	27 "	27 "	27 "	27 "	27 "	29 "	29 "	1 Jan. '09	2 Jan. '09	2 Jan. '09	2 Jan. '09 3 Jan. '09.
(64.)	" 7th Jan. '09...	8 Jan. '09	9 Jan. '09	9 Jan. '09	10 Jan. '09	10 Jan. '09	10 Jan. '09	10 Jan. '09	10 Jan. '09	12 Jan. '09	12 Jan. '09	15 "	16 "	16 "	16 " 17 "

BY ORDER,

Traffic Manager's Office,

A. E. CRUICKSHANK,

Nairobi 12th November, 1908.

Traffic Manager.