



THE
OFFICIAL GAZETTE
OF THE
COLONY AND PROTECTORATE OF KENYA

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TABLE OF CONTENTS.

GOVERNMENT NOTICE No. 564.

ARRIVALS.

Name	Rank	From leave or on 1st Appointment	Date of leaving England.	Date of Embarkation	Date of arrival at Kilindini
J. H. Williams	Chief Computer, Land	Leave	30th Sept., 1927	—	30th Oct., 1927
W. M. Lynde	Asst. Director of Public Works	do	do	—	do
J. C. Hammell	Asst. Conservator of Forests	do	do	9th Oct., 1927 *	do
K. S. J. Chamberlain	Assistant Treasurer	do	do	—	do
G. Kearney	Asst. Superintendent of Police	do	7th Oct., 1927	9th Oct., 1927 *	do
J. D. McKean	Administrative Officer	do	4th Oct., 1927	do	do
D. Stores-Fox	do	do	do	do	do
J. P. Cook	Senior Sanitary Inspector	do	30th Sept., 1927	—	do
Lt. J. R. Kimmitt	3rd King's African Rifles	do	7th Oct., 1927	9th Oct., 1927 *	do
R. Creery	Veterinary Officer	do	30th Sept., 1927	—	do
A. J. Field	Assistant Establishment Officer	do	do	—	do
Miss E. A. Hart	Clerk Secretariat	do	7th Oct., 1927	9th Oct., 1927 *	do
Miss H. E. Bassett	Clerk, Post and Telegraphs	do	30th Sept., 1927	—	do
S. S. Engeland	Linotype Operator	do	do	—	do
J. W. Nicholson	Forest Adviser	1st Appointment	do	—	do
H. R. H. Edgecombe	Forester	do	—	13th Oct., 1927	do
H. J. Galt	Head Gardener, Govt. House	Leave	—	do	do
Miss P. Somen	Clerk, Education Department	do	19th Aug., 1927	26th Oct., 1927 †	1st Nov., 1927
W. D. Arnot	Operator, Timber Seasoning Plant, Public Work Dept.	1st. Appointment	25th Aug., 1927	do	do
J. E. M. Noad	Asst. Engineer, K. & U. Rly.	Leave	30th Sept., 1927	8th Oct., 1927 *	30th Oct., 1927
A. A. Conn	2nd Engineer, Lake Steamers, Kenya and Uganda Railway	do	do	—	do
Miss M. G. Colman Brown	Clerk 3rd grade, K. & U. Rly.	do	do	8th Oct., 1927 *	do
R. C. Wontner	Jr. Draughtsman, K. & U. Rly.	do	do	—	do

* Date of leaving Marseilles

† Date of leaving Lorento Marques.

DEPARTURES.

Name	Rank	On leave or termination of appointment.	Date of Departure
C. B. Jolley	Stock Inspector, Veterinary Department	Leave	29th October, 1927
H. Martin	Sanitary Inspector, Medical Department	do	do
T. A. Angus	Forest r	do	do
C. F. G. Doran	Crown Counsel	do	do
F. C. Kelly	Chemical Officer, Medical Department	do	do
H. Blackwell	Assistant Inspector, Police	do	do
Miss J. E. Lamont	Postal Clerk a d Telegraphist	do	do
H. E. Bader	District Officer	do	do
Justice J. E. R. Stephens	Puisne Judge	do	do
Capt. E. W. P. Haymen	Subaltern, 3rd King's African Rifles	do	do
Mrs E. O. Milne	Clerk, Education	do	do
Lt. C. A. Cornell	District Officer	do	do
Major A. T. Miles	H. M's. British Consul for Southern Abyssinia	Duty to Somaliland	27th October, 1927 5th November, 1927
V. G. Glenday	District Officer	Leave	do
J. A. Hoogterp	Architect, P. W. D.	do	do
E. J. B. Gahan	Assistant Engineer, Kenya & U. Rly.	Leave	30th October, 1927
W. Wylde	Driver, Kenya and Uganda Railway	do	do
G. T. Potts	Inspector of Works, Kenya & U. Rly.	do	do
L. B. Watts	Chief Officer, Lake Steamers, Kenya and Uganda Railway	do	do
E. V. Jones	Pier Master, Kenya and Uganda Rly.	Leave	do
E. A. Giles	Asst. Traffic Inspector, K. & U. Rly.	do	do

APPOINTMENTS.

S. 20064/24.

WILLIAM MAYBURY KEATINGE, to be Controller, Local Clearing
Office, Custodian of Enemy Property and Liquidator of
Enemy Firms, with effect from the 11th June, 1924.

CHARLES ALBERT CORNELL, to be Assistant District Com-
missioner, Garba Tulla District, Northern Frontier
Province, with effect from 3rd October, 1927.

SWAHILI EXAMINATION.

LOWER STANDARD—PASS.

L. W. MACDONALD, Foreman, Public Works Department.

J. E. S. MERRICK,
for Colonial Secretary.

Colony and Protectorate of Kenya.

GOVERNMENT NOTICE NO. 565.

OBITUARY.

HIS Excellency the Governor regrets to announce the death of MR. HORACE LEONARD DONALDSON, Telegraph Inspector, on the 27th October, 1927, whilst on leave in England.

MR. DONALDSON entered the Colonial Service from the British Post Office on the 31st December, 1920, and by his death the service has lost an experienced and valued officer.

AN ORDINANCE.

NO 15 OF 1927.

Assented to in His Majesty's name this twenty-second day of October, 1927..

EDWARD GRIGG,
Governor.

[22ND OCTOBER, 1927.] Date of Assent.

An Ordinance to Provide for the Regulation, Control and Management of Railways and Steamer Services in the Colony and Protectorate of Kenya, and for matters incidental thereto.

By PROCLAMATION.

Date of commencement.

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

PRELIMINARY.

1. This Ordinance may be cited as "The Kenya and Uganda Railway Ordinance, 1927," and shall come into force on such date as the Governor shall by proclamation in the Gazette appoint. Short title and commencement.

Interpretation.

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

“ Animals ” includes animate things of every kind except human beings.

“ Fare ” includes all sums received or receivable, charged or chargeable, for conveyance of passengers upon or along the railways or on any ship.

“ Firebreak ” means a strip of land cleared and maintained in a clean state by burning, ploughing or any similar or other method.

“ Free pass ” means an authority in writing given to any person to travel as a passenger on the railways or on any ship without the payment of any fare.

“ Freight ” includes all sums received or receivable, charged or chargeable, for the transport of goods.

“ General Manager ” means the officer appointed by the High Commissioner as such pursuant to the provisions of the Order in Council.

“ Goods ” means goods, luggage, or other movable property of any description, and includes animals and birds, whether alive or dead.

“ Harbours ” means and includes all the ports on the lakes of the Colony, and also includes the relative areas thereto, together with the wharves, slips, docks, and breakwaters, and the machinery, plant, tools, and other property appertaining thereto.

“ High Commissioner ” means the High Commissioner for Transport established by the Order in Council.

“ Imprisonment ” means imprisonment of either description.

“ Luggage ” means such articles of necessity of personal use and convenience as, being enveloped in some kind of package, are usually carried by passengers for their personal use, but does not include merchandise or other valuables which, though carried in the trunks of passengers or otherwise, are not designed for any such use, but are for sale or other like purposes.

“ Master ” in relation to a ship, means any person (other than a pilot) having charge of that ship.

“ Order in Council ” means the Kenya and Uganda (Transport) Order in Council, 1925.

“ Perishable goods ” means goods liable to rapid deterioration, and includes fish, fruit, vegetables, potatoes, plants, bread, meat, game, butter, eggs, milk, cheese, dogs, small animals, birds, poultry, and any other thing which may hereafter be declared by the High Commissioner by proclamation in the Gazette to be perishable goods.

" Police officer " includes any member of the Police Force.

" Railway " means the whole or any portion of the railways.

" Railway Advisory Council " means the Kenya and Uganda Railway Advisory Council established by the Order in Council.

" Railways " means and includes all lines of railway of which the High Commissioner has the control, working and management, and all lands, stations, sidings, buildings, plant, machinery, rolling-stock, and all other movable and immovable property used in connection therewith.

" Railway and Harbour Fund " means the fund established by the Order in Council.

" Regulation " means any regulation made and in force in accordance with this Ordinance.

" Rolling-stock " means locomotive engines, tenders, motors, coaches, wagons, trucks and trolleys of all kinds.

" Servant " means any person employed in the Services.

" Services " means the Services as defined in the Order in Council.

" Ship " includes any ship, vessel, tug, lighter or boat of any kind whatsoever used by the Services, whether propelled by steam or otherwise, or towed.

" Traffic " includes not only passengers and their luggage and goods conveyed by the High Commissioner, but also rolling-stock.

" Train " means a locomotive engine or motor by itself, or any rolling-stock that is drawn or propelled along a railway or is in course of being drawn or propelled along a railway by a locomotive engine or motor.

" Ticket " includes a single ticket, a return ticket, a season ticket, a trip-bearer ticket (when date-stamped at a booking office) and any other written authority (not being a free pass) for a person to travel as a passenger on the railways.

" Warehouse " means any building or place provided or used by the High Commissioner or by any railway servant in charge of a station for the purpose of storing or depositing goods. Where it is more convenient to the High Commissioner that the goods to be warehoused shall remain in trucks, those trucks when placed in a siding shall, for the purposes of this Ordinance, be deemed a warehouse.

CHAPTER I.

POWERS OF THE HIGH COMMISSIONER.

Powers of High Commissioner.

3. In addition to the powers conferred on him by the Order in Council, the High Commissioner shall have power as follows :—

- (a) In so far as is not inconsistent with the provisions of any law to acquire, take, use, hire, purchase, work, sell, lease, deliver, transfer, or otherwise lawfully dispose of property, whether movable or immovable, including water, ships, and other rights for railway or harbour purposes, and turn the same to account;
- (b) To enter into agreements with any person whether in the Colony or elsewhere in connection with matters affecting or incidental to the control, working and management of the Services, including contracts for the supply of water or electric energy to ships or to persons; and to grant powers of attorney and like authorities;
- (c) To construct any lines of railway or any roads or any other works whatever, or to negotiate with any person for the construction of lines of railway, roads or works of any kind, and to complete agreements concerning the same. No railway for the conveyance of public traffic and no harbour or similar work shall be constructed without the sanction of the Legislative Council, and no such sanction shall be given without a prior report thereon or on any alternative railway line or harbour by the Railway Advisory Council, but the sanction of the Legislative Council shall not be necessary for the construction of sidings or short branch lines to mines, stores, warehouses, or other works or premises, or for other purposes;
- (d) To erect, maintain and regulate lighthouses, beacons, port lights and signal stations within his jurisdiction, and to provide the necessary staffs for the same;
- (e) To establish and maintain lifeboats, life-saving apparatus and such other works, institutions or appliances as may be necessary for the requirements of any harbour or other place;
- (f) To transport and convey upon the railways and ships or upon any road all such traffic as may be offered to him for transport and conveyance, but subject to the rules or by-laws of any local authority having control of the roads over which such traffic is transported or conveyed;
- (g) To delegate to the General Manager any of the powers conferred upon him by this Ordinance;
- (h) Generally to execute and do all such acts, deeds and things as may be necessary for the control, working, management and construction of railways, harbours and ships.

Authority of
the High
Commissioner to
execute all
necessary works.

4. (1) Subject to the provisions of this Ordinance and, in the case of immovable property, to the provisions of any enactment for the time being in force for the acquisition or resumption of land for public purposes the High Commissioner may, for the purpose of constructing a railway or the accommodation or other works connected therewith, and notwithstanding anything in any other enactment for the time being in force :—

(a) Make or construct in, upon, across or over any lands, or any streets, roads, railways, tramways, or any rivers, canals, streams, or other waters, or any drain-pipes, water-pipes, gas-pipes, or telegraph or electric power lines, such temporary or permanent arches, tunnels, culverts, embankments, aqueducts, bridges, roads, lines of railway, ways, passages, conduits, drains, piers, cuttings and fences as the High Commissioner may think proper;

(b) Alter the course of any rivers, streams, or water-courses, for the purpose of constructing and maintaining tunnels, bridges, passages or other works over and under them, and divert or alter, as well temporarily as permanently, the course of any rivers, streams or water courses, or any roads, streets, or ways, or raise or sink the level thereof, in order the more conveniently to carry them over or under or by the side of the railway, as the High Commissioner may think proper;

(c) Make, alter or repair drains or conduits into, through or under any lands for the purpose of conveying water from or to the railway;

(d) Erect and construct such houses, warehouses, offices and other buildings, and such yards, stations, engines, machinery, apparatus, and other works and conveniences as the High Commissioner may think proper;

(e) Alter, repair or discontinue such buildings, works, and conveniences as aforesaid or any of them, and substitute others in their stead;

(f) Take, carry away and use any earth, stone, timber, gravel or sand, or any other materials or things out of any land contiguous to such railway and other works and which may be proper or necessary for making, maintaining, altering, repairing, or using such railway or works;

(g) Sink wells, construct dams and all other works necessary for providing a water supply; and

(h) Do all other acts necessary for making, maintaining, altering or repairing and using the railway.

(2) The exercise of the powers conferred on the High Commissioner by sub-section (1) shall be subject to the control of the Governor in Council.

5. The High Commissioner may, for the purpose of exercising the powers conferred upon him by this Ordinance, alter the position of any pipe for the supply of gas, water, or compressed air, or the position of any electric wire, or of any drain not being a main drain:

Provided that—

(a) When the High Commissioner desires to alter the position of any such pipe, wire or drain, he shall give reasonable notice of his intention to do so, and of the time at which he will begin to do so, to the local authority or company having control over the pipe, wire or drain, or, when the pipe, wire or drain is not under the control of a local authority or company, to the person under whose control the pipe, wire or drain is;

(b) A local authority, company or person receiving notice under proviso (a) may send a person to superintend the work, and the High Commissioner shall execute the work to the reasonable satisfaction of the person so sent, and shall make arrangements for continuing during the execution of the work the supply of gas, water, compressed air, or electricity, or the maintenance of the drainage, as the case may be.

Powers in case of accident.

6. It shall be lawful for the High Commissioner or any person authorised by him, in case of any accident from whatever cause happening or being apprehended to any cutting or embankment or other works connected with any railway, to enter upon any land adjoining such railway for the purpose of repairing any damage caused by such accident or of guarding against any apprehended accident and to do such work as may be necessary for the purpose.

Power of High Commissioner to take water for railway purposes.

7. Subject to the control of the Governor in Council, the High Commissioner may take, or cause to be taken, water for the purposes of the Services :—

(a) From any river, stream, pan or other natural source ;

(b) From any dam, furrow or artificial works used for the storage or distribution of water upon payment of compensation to the owner of such dam or furrow or artificial works : Provided that a sufficient supply be left to the owners or occupiers of land entitled to the use of such water for household and agricultural purposes and for watering their stock.

Payment of compensation.

8. (1) The High Commissioner shall do as little damage as possible in the exercise of the powers conferred by sections 4, 5, 6 and 7, and compensation shall be paid for any damage caused by the exercise thereof.

(2) A suit shall not lie to recover such compensation or any compensation payable under section 7 (b), but in case of dispute the amount thereof shall be determined and paid in accordance, so far as may be, with the provisions of sections 11 to 15 both inclusive, sections 18 to 34 both inclusive, and sections 53 and 54 of the Indian Land Acquisition Act, 1894, and the provisions of sections 51 and 52 of that Act shall apply to the award of compensation.

Accommodation works.

9. (1) The High Commissioner shall make and maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway, namely :—

(a) Such and so many convenient crossings, bridges, arches, culverts and passages over, under or by the sides of, or leading to or from the railway, as may, in the opinion of the High Commissioner, be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway is made ; and

(b) All necessary arches, tunnels, culverts, drains, water courses or other passages, over or under or by the sides of the railway of such dimensions as will, in the opinion of the High Commissioner, be sufficient at all times to convey water as freely from or to the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be.

(2) Subject to the other provisions of this Ordinance the works specified in paragraphs (a) and (b) of sub-section (1) shall be made during or immediately after the laying out or formation of the railway over the lands traversed thereby and in such manner as to cause as little damage or inconvenience as possible to persons interested in the lands or affected by the works.

(3) The foregoing provisions of this section are subject to the following provisos, namely :—

(a) There shall be no obligation on the High Commissioner to make any accommodation works in such a manner as would prevent or obstruct the working or using of the railway, or to make any accommodation works with respect to which the owners and occupiers of the lands have agreed to receive and have been paid compensation in consideration of their not requiring the works to be made;

(b) Save as hereinafter in this chapter provided, there shall be no obligation on the High Commissioner to defray the cost of executing any further or additional accommodation works for the use of the owners or occupiers of the lands after the expiration of ten years from the date on which the railway passing through the lands was first opened for public traffic;

(c) Where the High Commissioner has provided suitable accommodation for the crossing of a road or stream and the road or stream is afterwards diverted by the act or neglect of the person having the control thereof, there shall be no obligation on the High Commissioner to provide other accommodation for the crossing of the road or stream.

10. If an owner or occupier of any land affected by a railway considers the works made under the last foregoing section to be insufficient for the commodious use of the land, or if the Government or a local authority desires to construct a public road or other work across, under or over a railway, he or it, as the case may be, may at any time require the High Commissioner to make at his or its expense such further accommodation works as he or it thinks necessary and are agreed to by the High Commissioner, or as, in the case of difference of opinion, may be agreed upon by the Governor in Council and the High Commissioner.

Power for
owner, occupier
or local
authority to
cause additional
accommodation
works to be
made.

11. (1) Where it is proposed to construct a railway across a public road, the Governor in Council may require the High Commissioner either to carry the railway across such road on the level or to carry the railway over or under such road by means of a bridge or arch with convenient ascents and descents and other convenient approaches, and to execute such other works as, in the circumstances of the case, may appear to the Governor in Council to be necessary for the public safety and convenience.

Crossing of
public roads.

(2) Where a railway has been constructed across a public road on the level, the Governor in Council may at any time, if it appears to him necessary for the public safety and convenience, require the High Commissioner to carry the road either under or over the railway by means of a bridge or arch, with convenient ascents and descents and other convenient approaches, instead of crossing the road on the level, and to execute such other works as, in the circumstances of the case, may appear to the Governor in Council to be best adapted for removing or diminishing the danger arising from the level crossing and for meeting the convenience of the public.

(3) Provided that before requiring the High Commissioner to execute any works under this section, the Governor in Council shall communicate with the High Commissioner and with the authority responsible for the maintenance of such public road, and shall take into consideration any representations made by the High Commissioner and such authority respectively.

(4) The manner of construction and the apportionment of cost (both construction and maintenance) of any works executed under this section shall be determined by agreement between the High Commissioner and the authority, and in the absence of such agreement shall be determined in such manner as may be agreed upon by the Governor in Council and the High Commissioner.

Removal of trees dangerous to or obstructing the working of a railway.

12. In either of the following cases, namely :—

(a) Where there is danger that a tree standing near a railway may fall on the railway so as to obstruct traffic;

(b) When a tree obstructs the view of any fixed signal,

the High Commissioner may cause the tree to be cut down or deal with it in such other manner as will, in his opinion, avert the danger or remove the obstruction, as the case may be.

CHAPTER II.

WORKING OF THE SERVICES.

General policy as to working of Services.

Appropriation of earnings.

13. The Services shall be administered on business principles, due regard being had to agricultural and industrial development in Kenya and Uganda by means of cheap transport. So far as may be, subject to such provisions as may be considered necessary to meet contingencies, the total earnings of the Services shall not be more than sufficient to meet :—

(a) The necessary outlays for working and maintenance;

(b) Contributions to reserve funds for renewals, betterments, stores and other purposes proper to the Services;

(c) Interest and sinking fund charges due on capital not being capital contributed out of railway or harbour revenue;

(d) Such costs, compensation or damages as may be awarded against the High Commissioner.

Conveyance of Passengers.

Time-tables and fares to be posted up.

14. A copy of the time-table and of the fares and conditions for the time being in force relating to the conveyance of passengers shall be posted up in a conspicuous place at each railway station so as to be visible and accessible.

Conditions upon which tickets are issued.

15. (1) Fares shall be deemed to be accepted and tickets to be issued subject to the condition of there being room available in the train or ship, and, on the train, in a compartment of the class for which the tickets are issued.

(2) A person to whom a ticket has been issued and for whom there is no room available in the train or ship for which the ticket was issued, shall, upon returning the ticket at the earliest opportunity, have his fare refunded.

(3) A person for whom there is no room available in any compartment of a train or in that portion of a ship of the class for which he has purchased a ticket and who elects to travel in a compartment of the train or portion of the ship of a lower class shall, on delivering up his ticket and receiving the certificate hereinafter in this section referred to, be entitled to a refund of the difference between the fare paid by him and the fare payable in respect of the class of compartment of the train or portion of the ship in which he has travelled: Provided that a refund shall only be made if at the first opportunity the passenger so travelling has called the attention of the servant in charge of the train or ship to the fact that he is obliged to travel in a compartment of the train or portion of the ship of a class inferior to that mentioned on his ticket, and has received from the servant a certificate showing that he is entitled to the refund.

(4) A servant in charge of a train or ship may, for the purpose of better utilising the accommodation on such train or ship, require a passenger to move from one compartment or cabin to another compartment or cabin of the same class.

(5) The class of coach or compartment shall be from time to time fixed by the High Commissioner, and shall be legibly marked on the outside of each coach or compartment.

(6) Subject to the provisions of this Ordinance or any other law or any regulation, the High Commissioner shall not refuse to carry a passenger who has tendered the proper fare for the journey which he desires to make and the class in which he desires to travel.

(7) The provisions of sub-sections (2) and (3) shall not apply to season tickets.

16. The High Commissioner may refuse to carry, except in accordance with the regulations, a person who appears to be a lunatic or suffering from any contagious or infectious disease, or who appears to be under the influence of liquor, whether or not such person has a ticket or free pass.

Conveyance of
lunatics or
infectious
persons.

17. No person shall enter any coach on a railway or upon any ship for the purpose of travelling therein as a passenger unless he has with him an available free pass or ticket.

Travelling
without a free
pass or ticket
prohibited.

18. (1) If a passenger travels in a train or ship without having an available free pass or ticket with him, or being in or having alighted from a train or ship fails or refuses to present for examination or to deliver up his free pass or ticket immediately on requisition being made therefor, he shall be liable to pay, on the demand of any authorised servant, the excess charge hereinafter in this section mentioned in addition to the ordinary fare for the distance which he has travelled or is travelling, or, if there be any doubt as to the station or harbour from which he originally started, the fare from the station or harbour from which the train or ship originally started, or, if the tickets of passengers have been examined since the original starting of the train or ship, the ordinary fare from the place where the tickets were examined, or, if they have been examined more than once, the place where they were last examined.

Travelling
without free
pass or ticket or
with insufficient
pass or ticket or
beyond
authorised
distance.

(2) If a passenger travels or attempts to travel in a compartment of a train or portion of a ship of a higher class than that for which he has obtained a free pass or ticket, or travels in a train or ship beyond the place authorised by his free

pass or ticket, he shall be liable to pay, on the demand of any authorised servant, the excess charge mentioned in sub-section (3), in addition to any difference between any fare paid by him and the fare in respect of such journey as he has made.

(3) The excess charge referred to in sub-sections (1) and (2) shall be :—

(a) Where the passenger has, immediately after incurring the charge and before being requested to produce his free pass or ticket as aforesaid, notified to a servant on duty with the train or ship the fact of the charge having been incurred, two shillings, one shilling, or twenty cents, according as the passenger is travelling or has travelled or has attempted to travel in a compartment of a train or a portion of a ship of the first class, or in a compartment of a train or a portion of a ship of the second class, or in a compartment or carriage of a train or a portion of a ship of any other kind or class; and

(b) In any other case twelve shillings, six shillings, or two shillings, according as the passenger is travelling or has travelled or has attempted to travel in a compartment of a train or a portion of a ship of the first class, or in a compartment of a train or a portion of a ship of the second class, or in a compartment or carriage of a train or a portion of a ship of any other class or kind :

Provided that the excess charge shall in no case exceed :—

(i) If the liability to pay it arises under sub-section (1), the amount of the ordinary single fare which the passenger incurring the charge is liable to pay under that sub-section; or

(ii) If the liability to pay arises under sub-section (2), the amount of the difference between the fare paid by the passenger incurring the charge and the fare payable in respect of such journey as he has made.

(4) If any person wilfully refuses to pay the amounts due by him under this section to any servant demanding the same, it shall be lawful for any station-master or other authorised servant or police officer to arrest that person without warrant and detain him in custody and bring him as speedily as possible before a court having jurisdiction to be dealt with according to law on a charge of such wilful refusal; and he shall be liable to a fine not exceeding five pounds or to imprisonment for a period not exceeding one month or to both such fine and imprisonment: Provided that no person shall be arrested or detained without warrant unless there shall exist reasonable ground for believing that except by the arrest of the person offending he could not be found or made answerable to justice without delay, trouble or expense.

(5) Any fare or excess charge payable by a passenger under this section shall, on application made to any magistrate by any servant appointed by the High Commissioner in this behalf, be recoverable by the magistrate from the passenger as if it were a further fine imposed on the passenger by the magistrate.

19. (1) If a passenger wilfully alters, obliterates, or defaces, or attempts to alter, obliterate or deface a free pass or ticket with intent to render the date, number or any material portion thereof illegible, he shall be liable to a fine not exceeding ten pounds, or to imprisonment for a period not exceeding one month, or to both such fine and imprisonment, and shall in addition be liable to a further fine equal to the amount of a single ticket for the journey performed by the class in which he was travelling: and any such altered, obliterated, or defaced free pass or ticket shall be confiscated.

Altering or
defacing free
pass or ticket.

(2) Any person who obtains by false pretences or other fraudulent means or who counterfeits, forges, or alters any ticket, order, receipt for fare or free pass issued by the High Commissioner designed to entitle the holder to travel in the trains or ships of the High Commissioner, or who utters, publishes, or puts into circulation any counterfeit or false ticket, order, receipt for fare or free pass, with intent to defraud the High Commissioner or any other person, or any person who attempts to do any of the foregoing acts, shall be liable to a fine not exceeding one hundred pounds, or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

20. If a person sells, or attempts to sell, or parts or attempts to part with the possession of a season ticket, free pass or any half of a return ticket in order to enable any other person to travel therewith, or purchases or receives a season ticket, free pass or half of a return ticket so sold or parted with, he shall be liable to a fine not exceeding ten pounds, or in default of payment, to imprisonment for a period not exceeding one month, and if the purchaser or receiver of the season ticket, free pass or half of a return ticket travels or attempts to travel therewith, he shall be liable to a further fine not exceeding the amount of the single fare for the journey authorised by the ticket.

Transferring
season ticket or
any half of
return ticket.

21. If a person, with intent to defraud the High Commissioner :—

Fraudulent
travelling or
attempting to
travel.

(a) Enters any coach or other rolling-stock on a railway or any ship; or

(b) Uses or attempts to use a single free pass or single ticket which has already been used on a previous journey, or, in the case of a return ticket or pass, a half thereof which has already been so used,

he shall be liable to a fine not exceeding ten pounds or to imprisonment for a period not exceeding one month, in addition to the amount of the single fare for any distance he may have travelled, together with the excess charge or booking fee described in sub-section (3) of section 18.

22. Any further fine or amount recovered under sections 18 to 21, inclusive, shall be paid to the High Commissioner.

Appropriation
of certain fines.

Passengers' Luggage.

23. The High Commissioner shall convey without charge such amount of luggage as may be prescribed by regulation or by public notice for each class of passenger.

Conveyance of
passengers'
luggage.

Registration
of luggage.

24. (1) When passengers' luggage is handed to a servant for conveyance in the luggage van of a train or hold of a ship he shall cause the same to be registered and shall affix to every package a registered number and shall give to the passenger a duplicate of that number: Provided that the High Commissioner shall not be liable for luggage left with a servant or otherwise disposed of on any railway or harbour premises unless such luggage is registered as in this sub-section provided or is deposited in a cloakroom.

(2) Whenever a passenger fails to have his luggage so registered and conveyed in the luggage van of a train or hold of a ship, it is carried at his own risk.

(3) Cloakrooms provided by the High Commissioner shall be deemed to be warehouses established for the sole convenience of passengers and the public.

(4) The High Commissioner shall not be liable for the loss, misdelivery or detention of or damage to any article or package deposited in a cloakroom which exceeds in value the sum of five pounds unless at the time of deposit the value of the article be declared and an additional charge paid for excess value in accordance with the regulations.

Lien on
luggage.

25. The High Commissioner shall have a lien upon the luggage of a passenger for the payment of any fare or other charge to which he is entitled from him.

*Conveyance of Goods.*Maximum load
for wagons.

26. (1) The High Commissioner shall determine the maximum load for every wagon or truck in his possession, and shall exhibit the words or figures representing the load so determined in a conspicuous manner on the outside of every wagon or truck.

(2) The gross weight of any such wagon or truck bearing on the axles when the wagon or truck is loaded to such maximum load shall not exceed such limit as may be fixed by the High Commissioner for the class of axle under the wagon or truck.

Power for the
High Com-
missioner to
impose rates
and conditions
for working
traffic.

27. (1) The High Commissioner may, from time to time, fix rates, classify animals and goods, and impose conditions, not inconsistent with this Ordinance or with any regulation with respect to the receiving, forwarding or delivering of any goods.

(2) A copy of the conditions and rates for the time being in force under this section shall be kept at every station, traffic depot or harbour, and the servant appointed by the High Commissioner to quote the rate shall, at the request of any person, show to him at all reasonable times, and without payment of any fee, the rate-books or other documents in which the conditions and rates are authorised by the High Commissioner.

(3) The High Commissioner shall not be bound to carry any animal suffering from any infectious or contagious disorder.

28. (1) If a person fails to pay on demand made by or on behalf of the High Commissioner any rate, terminal or other charge due from him in respect of any goods, the High Commissioner may detain the whole or any of the goods, or, if they have been removed from the railway or from any ship or harbour, any other goods of such person then being in or thereafter coming into his possession.

(2) When any goods have been detained under sub-section (1), the High Commissioner may sell by public auction, in case of perishable goods at once, and in the case of other goods on the expiration of at least fifteen days' notice of the intended auction, published in one or more of the local newspapers, sufficient of such goods to produce a sum equal to the charge, and all expenses of such detention, notice and sale, including, in the case of animals, the expenses of the feeding, watering and tending thereof.

(3) Out of the proceeds of the sale the High Commissioner may retain a sum equal to the charge and the expenses aforesaid, rendering the surplus, if any, of the proceeds, and such of the goods, if any, as remain unsold, to the person entitled thereto.

(4) If a person on whom a demand for any rate, terminal or other charge due from him has been made fails to remove from railway or harbour premises within a reasonable time any goods which have been detained under sub-section (1) or any goods which have remained unsold after a sale under sub-section (2), the High Commissioner may sell the whole of them and dispose of the proceeds of the sale as nearly as may be under the provisions of sub-section (3).

(5) Notwithstanding anything in the preceding sub-sections, the High Commissioner may recover by suit any such rate, terminal or other charge as aforesaid or balance thereof.

29. (1) When any goods have come into the possession of the High Commissioner for carriage or otherwise and are not claimed by the owner or other person appearing to the High Commissioner to be entitled thereto, the High Commissioner shall, if such owner or person is known, cause a notice to be served upon him requiring him to remove the goods.

(2) If such owner or person is not known, or the notice cannot be served upon him, or he does not comply with the requisition in the notice, the High Commissioner may, within a reasonable time, sell the goods as nearly as may be under the provisions of the last preceding section, rendering the surplus, if any, of the proceeds of the sale to any person entitled thereto.

30. Where any goods or sale-proceeds in the possession of the High Commissioner are claimed by two or more persons, or the ticket or receipt given for the goods is not forthcoming, the High Commissioner may withhold delivery of the goods or sale-proceeds until the person entitled in his opinion to receive them has given an indemnity, to the satisfaction of the High Commissioner, against the claims of any other person with respect to the goods or sale-proceeds.

Power for the
High
Commissioner
to require
indemnity on
delivery of
goods in
certain cases.

Lien for rates,
terminals and
other charges.

Requisition for written accounts of description of goods.

31. (1) The owner or person having charge of any goods which are delivered to the High Commissioner for the purpose of being transported, and the consignee of any goods which have been transported, shall, on the request of any servant appointed in this behalf by the High Commissioner, deliver to such servant an account in writing signed by such owner or person, or by such consignee, as the case may be, and containing such a description of the goods as may be sufficient to determine the rate which the High Commissioner is entitled to charge in respect thereof.

(2) If such owner, person or consignee refuses or neglects to give such an account, and refuses to open the parcel or package containing the goods in order that their description may be ascertained, the High Commissioner may (a) in respect of goods which have been brought for the purpose of being transported, refuse to carry the goods unless in respect thereof a rate is paid not exceeding the highest rate which may be in force at the time for any class of goods, or (b) in respect of goods which have been transported, charge a rate not exceeding such highest rate.

(3) If an account delivered under sub-section (1) is materially false with respect to the description of any goods to which it purports to relate, and which have been transported, the High Commissioner may charge in respect of the carriage of the goods a rate not exceeding double the highest rate which may be in force at the time for that or any other class of goods.

(4) If any difference arises between a servant and the owner or person having charge, or the consignee, of any goods which have been delivered for transport, or have been transported, respecting the description of goods of which an account has been delivered under this section, the servant may detain and examine the goods.

(5) If it appears from the examination that the description of the goods is different from that stated in an account delivered under sub-section (1), the person who delivered the account, or if that person is not the owner of the goods, then that person and the owner jointly and severally, shall be liable to pay to the High Commissioner the cost of the detention and examination of the goods, and the High Commissioner shall be exonerated from all responsibility for any loss which may have been caused by the detention or examination thereof.

(6) If it appears that the description of the goods is not different from that stated in an account delivered under sub-section (1), the High Commissioner shall pay the cost of the detention and examination and be responsible to the owner of the goods for any such loss as aforesaid.

Dangerous or offensive goods.

32. (1) No person shall be entitled to take with him, or to require the High Commissioner to carry, any dangerous or offensive goods on a train or ship.

(2) No person shall take any such goods with him upon a train or ship without giving notice of their nature to the servant in charge of the place where he brings the goods upon the train or ship; or shall tender or deliver any such goods for carriage upon a train or ship without distinctly marking their nature on the outside of the package containing them or otherwise giving notice in writing of their nature to the servant to whom he tenders or delivers them.

(3) Any servant may refuse to receive such goods for carriage, and, when such goods have been so received without such notice as is mentioned in sub-section (2) having to his knowledge been given, may refuse to carry them or may stop their transit.

(4) If any servant has reason to believe any such goods to be contained in a package with respect to the contents whereof such notice as is mentioned in sub-section (2) has not to his knowledge been given, he may cause the package to be opened for the purpose of ascertaining its contents.

(5) Nothing in this section shall be construed to derogate from any law in force in the Colony relating to the possession or transport of explosives, and nothing in sub-sections (1), (3) and (4) shall be construed to apply to any goods tendered for carriage by order or on behalf of the Government or to any goods which a member of His Majesty's naval, military or air forces, or a member of any force established by Ordinance for the defence of the Colony, or a police officer or a person enrolled as a volunteer or volunteer reservist may take with him upon a railway in the course of his employment or duty as such.

CHAPTER III.

RESPONSIBILITY OF THE HIGH COMMISSIONER AS CARRIER.

33. (1) The High Commissioner shall, according to his powers, afford all reasonable facilities for the receiving, forwarding and delivery of traffic on the Services. Traffic facilities.

(2) The High Commissioner shall not make or give any undue or unreasonable preference or advantage to or in favour of any particular person in any respect whatsoever, or subject any particular person to any undue or unreasonable prejudice or disadvantage in any respect whatsoever. No undue preference.

34. (1) The High Commissioner shall only be liable for loss of life of or personal injury to any passenger when the loss of life or personal injury is caused by the want of ordinary care, diligence or skill on the part of the High Commissioner or of his servants; and shall in no case be liable for loss of life of, or personal injury to, a passenger who is travelling by special permission, whether verbal or written, in any part of a train other than in a passenger coach; or who is travelling on a free pass; or a passenger who is travelling by permission of the Resident Engineer, or any person appointed by him, over any construction line. Liability in respect of loss of life of or personal injury to passenger.

(2) For the purposes of this section the term "passenger" shall include every person, other than a servant on duty, lawfully travelling upon a train or ship.

35. (1) Unless the owner or consignor or his representative accompanies the goods and retains control therof, the High Commissioner shall, subject to the provisions of this Ordinance, be liable for loss of or injury to goods from any cause whatsoever from the time the goods are accepted in accordance with the regulations until delivery of the goods to the consignee or his representative or until the same are placed in a warehouse at the place of destination pursuant to this Ordinance or the regulations, except in the case of— Measure of general responsibility of the High Commissioner as a carrier of animals and goods.

- (a) an inherent defect, vice or weakness, or some action of the property itself;
- (b) the act of God;
- (c) inevitable accident;
- (d) the act of the King's enemies or any inevitable superior force;
- (e) the act of the law.

(2) The High Commissioner shall be liable even in the cases excepted by sub-section (1), if the negligence of his servants exposes the property to the cause of the loss.

(3) The High Commissioner shall be liable for loss arising from delay only when it is caused by want of ordinary care and diligence.

Limitation of liability.

36. (1) The liabilities and obligations of the High Commissioner shall not be limited by general notice but may be limited by special contract.

(2) An agreement purporting to limit that responsibility shall, in so far as it purports to effect such limitation, be void unless it—

(a) is in writing signed by or on behalf of the person sending or delivery to the High Commissioner the goods, and

(b) is otherwise in a form approved by the Governor in Council :

Provided that nothing in this sub-section contained shall be deemed to apply to any condition, expressed in a contract of carriage, regarding the responsibility of the High Commissioner in respect of any loss, destruction or deterioration of goods which may happen during carriage by ship.

(3) Nothing in the common or statute law of England, regarding the responsibility of common carriers with respect to the carriage of goods, shall affect the responsibility of the High Commissioner as defined in the last preceding section.

Further provision with respect to the liability of the High Commissioner as a carrier of animals.

37. (1) The responsibility of the High Commissioner under the two last preceding sections for the loss, destruction or deterioration of animals delivered to the High Commissioner for the purpose of being transported shall not in any case exceed, in the case of horses, fifty pounds a head, or, in the case of mules, twenty pounds, or, in the case of ostriches, camels, or horned cattle, five pounds a head, or, in the case of donkeys, sheep, goats, dogs, or other animals, one pound a head, unless the person sending or delivering them to the High Commissioner caused them to be declared or declared them, at the time of their delivery for transport, to be respectively of higher value than fifty pounds, twenty pounds, five pounds or one pound a head, as the case may be.

(2) Where such higher value has been declared, the High Commissioner may charge, in respect of the increased risk, a percentage upon the excess of the value so declared over the respective sums aforesaid.

(3) In every proceeding against the High Commissioner for the recovery of compensation for the loss, destruction, or deterioration of any animal, the burden of proving the value of the animal, and, where the animal has been injured, the extent of the injury, shall lie upon the person claiming the compensation.

38. The High Commissioner shall not be responsible for the loss, destruction or deterioration of any parcels, luggage or goods unless they shall have been accepted, booked and a receipt granted therefor by a servant.

Further provision with respect to the liability of the High Commissioner as a carrier of luggage, etc.

39. (1) When any articles mentioned in the Schedule are contained in any parcel or package delivered to the High Commissioner for transport, and the value of such articles in the parcel or package exceeds ten pounds, the High Commissioner shall not be responsible for the loss, destruction or deterioration of the parcel or package unless the person sending or delivering the parcel or package to the High Commissioner caused its value and contents to be declared or declared them at the time of the delivery of the parcel or package for transport, and, if so required by the High Commissioner, paid or engaged to pay a percentage on the value so declared by way of compensation for increased risk.

Further provision with respect to the liability of the High Commissioner as a carrier of articles of special value.

(2) When any parcel or package of which the value has been declared under sub-section (1) has been lost or destroyed or has deteriorated, the compensation recoverable in respect of such loss, destruction or deterioration shall not exceed the value so declared, and the burden of proving the value so declared to have been the true value shall, notwithstanding anything in the declaration, lie on the person claiming the compensation.

(3) The High Commissioner may make it a condition of carrying a parcel declared to contain any article mentioned in the Schedule that a servant authorised in this behalf has been satisfied by examination or otherwise that the parcel actually contains the article declared to be therein.

40. In any suit against the High Commissioner for compensation for loss, destruction or deterioration of goods delivered to the High Commissioner for transport, it shall not be necessary for the plaintiff to prove how the loss, destruction or deterioration was caused.

Burden of proof in suits in respect of loss of goods.

41. (1) A person shall not be entitled to a refund of an overcharge in respect of passengers or goods transported or to compensation for the loss of goods delivered to be transported, unless his claim to the refund or compensation has been preferred in writing by him or on his behalf to the High Commissioner within six months from the date of the carriage of the passenger or the delivery of the goods for transport.

Notification of claims to refunds of over-charges and to compensation for losses.

(2) A person shall not be entitled to compensation for damage to or the deterioration of goods delivered to be transported unless his claim has been preferred in writing by him or on his behalf to the High Commissioner within one month from the date of the delivery of the goods to the consignee.

Exoneration from responsibility in case of goods falsely described or wrongly addressed.

42. Notwithstanding anything in the foregoing provisions of this chapter, the High Commissioner shall not be responsible for the loss, destruction or deterioration of any goods with respect to the description of which an account materially false has been delivered under sub-section (1) of section 31 or in respect of which a wrong or improper or insufficient address for delivery has been given, if the loss, destruction, or deterioration is in any way brought about by the false account or by giving a wrong or improper or insufficient address, nor in any case for an amount exceeding the value of the goods if such value were calculated in accordance with the description contained in the false account.

Suits for compensation for injury to through booked traffic.

43. Notwithstanding anything in any agreement purporting to limit the liability of the High Commissioner with respect to traffic while on a railway not included in the Services, a suit for compensation for loss of life of, or personal injury to, a passenger, or for loss, destruction or deterioration of goods, may be brought against the High Commissioner where the passenger was or the goods were booked through by the High Commissioner over a railway not included in the Services.

Limitation of liability of the High Commissioner in respect of accidents on ship.

44. (1) When the High Commissioner contracts to carry passengers or goods solely by ship or partly by train and partly by ship, a condition exempting the High Commissioner from responsibility for any loss of life, personal injury or loss of or damage to goods which may happen during the carriage by ship from the act of God, the King's enemies, fire, accidents from machinery, boilers, and steam and all and every other dangers and accidents of the seas, lakes, rivers, and navigation of whatsoever nature and kind shall, without being expressed, be deemed to be part of the contract, and, subject to that condition and to any conditions expressed in the contract of carriage, the High Commissioner shall, irrespective of the nationality or ownership of the ship, be responsible for any loss of life, personal injury or loss of or damage to goods which may happen during the carriage by ship, to the extent to which he would be responsible under the Merchant Shipping Act, 1894, if the ship were registered under that Act and the High Commissioner were owner of the ship, and not to any greater extent.

(2) The burden of proving that any such loss, injury or damage as is mentioned in sub-section (1) happened during the carriage by ship shall lie on the High Commissioner.

CHAPTER IV.

ACCIDENTS.

Report of railway accidents.

45. When any of the following accidents occurs in the course of working a railway or in a harbour or ship, namely :—

(a) Any accident attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code or with serious injury to property;

(b) Any collision between trains or ships of which one is a train or ship carrying passengers;

(c) The derailment of any train carrying passengers or of any part of such a train;

(d) Any accident of a description usually attended with loss of human life or with such grievous hurt as aforesaid or with serious injury to property;

(e) Any accident of any other description which the Governor may notify in this behalf in the Gazette,

the General Manager shall, without unnecessary delay, send notice of the accident to the Governor, and the station-master or pier-master nearest to the place at which the accident occurred, or, where there is no station-master or pier-master, the railway servant in charge of the section of the railway, or, in the case of a ship, the master of such ship on which the accident occurred shall, without unnecessary delay, give notice of the accident to the magistrate of the district in which the accident occurred, and to the officer in charge of the police station within the local limits of which it occurred, or to such other magistrate and police officer as the Governor appoints in this behalf.

46. The Governor may make rules consistent with this Ordinance and any other enactment for the time being in force for all or any of the following purposes, namely :—

Power to make rules regarding notices of and inquiries into accidents.

(a) For prescribing the forms of the notices mentioned in the last preceding section, and the particulars of the accident which those notices are to contain;

(b) For prescribing the class of accidents of which notice is to be sent by telegraph immediately after the accident has occurred;

(c) For prescribing the duties of servants, police officers, inspectors and magistrates on the occurrence of an accident.

47. The General Manager shall send to the Governor a return of accidents occurring upon the railways or ships or at the harbours, whether attended with personal injury or not, in such form and manner and at such intervals of time as the Governor directs.

Submission of return of accidents.

48. Whenever any person injured by an accident on a railway or ship or at the harbours claims compensation on account of the injury, any court or person having by law or consent of parties authority to determine the claim may order that the person injured be examined by some duly qualified medical practitioner named in the order and not being a witness on either side, and may make such order with respect to the cost of the examination as it or he thinks fit.

Provision for compulsory medical examination of person injured in accident.

CHAPTER V.

GENERAL OFFENCES IN RESPECT OF RAILWAYS, HARBOURS AND SHIPS AND BY SERVANTS.

49. Any person who does or causes or procures to be done any of the following acts, namely, who—

Penalties for certain classes of offences.

(a) Trespasses upon a railway or upon any harbour or ship and refuses to leave after being warned to leave by any servant;

(b) Wilfully gives a false name or address to a servant or police officer for the purpose of avoiding prosecution;

(c) Is in a state of intoxication or behaves in a violent or offensive manner to the annoyance of others on the railways or upon any harbour or ship;

(d) Does or attempts to do anything which may cause injury to persons employed or travelling on the railways or upon any ship;

(e) Commits any nuisance or act of indecency or uses profane, obscene, indecent or abusive language on the railways or upon any harbour or ship;

(f) Writes, draws, or affixes any profane, obscene, indecent or abusive word, matter, representation, or character upon the railways or upon any harbour or ship;

(g) Wilfully and without lawful excuse interferes with the comfort of any passenger, or extinguishes any lamp or light upon the railways or upon any harbour or ship;

(h) Defaces the writing on any board or any notice authorised to be maintained upon the railways or upon any harbour or ship;

(i) Damages or attempts to damage any railway rolling-stock or any material used upon or belonging to any railway;

(j) Being a passenger, enters a coach or a compartment of a train or a cabin of a ship which is reserved by the High Commissioner for the use of another passenger or which already contains the maximum number of passengers authorised to be carried therein, and refuses to leave it when required to do so by a servant;

(k) Being a passenger, resists the lawful entry of another passenger into a coach or a compartment not reserved by the High Commissioner for the use of the passenger resisting, or not already containing the maximum number of passengers to be carried therein or thereon;

(l) Being a passenger, refuses or neglects to obey the lawful request of a servant, acting under sub-section (4) of section 15, within a reasonable time;

(m) After having been refused admission to a ship by a servant on account of the ship being full, and having had the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the ship;

(n) Having gone on board a ship at any place, and having been requested on account of the ship being full by a servant to leave the ship before it has quitted that place and had the amount of his fare (if he has paid it) returned or tendered to him, does not comply with that request;

(o) Smokes in any part of any ship or any compartment or other part of a coach on a train when smoking is prohibited in that compartment or part;

(p) Enters or attempts to enter or leaves or attempts to leave any coach on a train while it is in motion, or elsewhere than at the side of the coach adjoining the platform or other place appointed by the High Commissioner for passengers to enter or leave the coach, or opens any outer door of any coach on a train while it is in motion;

(q) Travels or attempts to travel on or in any part of a train not intended for the use of passengers;

(r) In the absence of a gatekeeper, omits to shut and fasten any gate on the railway so soon as such person and the animal, vehicle or other things (if any) under his charge have passed through the gate: Provided that the gate is furnished with an efficient latch or fastening easily applied;

(s) Being a driver or conductor of a tramcar, omnibus, carriage or other vehicle, disobeys, while upon the premises of the railways, the reasonable directions of a servant or police officer,

shall be liable to a fine not exceeding ten pounds, or to imprisonment for a period not exceeding one month, or to both such fine and imprisonment.

50. Any person who does or causes or procures to be done any of the following acts, namely, who—

Penalties for
certain other
classes of
offences.

(a) Being a passenger, without reasonable and sufficient cause, makes use of or interferes with any means provided by the High Commissioner for communication between passengers and a servant in charge of or concerned in the running of a train;

(b) Knowing or being in a position to know that a coach, compartment, or other place is reserved for the exclusive use of males or females, or persons of particular races, or different classes of persons, or natives, enters that coach, compartment or other place in contravention of a regulation and without lawful excuse, or having so entered it remains therein after having been desired by a servant to leave it;

(c) Knowing or having reason to believe that an engine or train is approaching along a railway, opens or attempts to open any gate, chain or bar set up on either side of the railway across a road, or passes or attempts to pass, or drives or takes or attempts to drive or take any animal, vehicle or other thing, across the railway;

(d) Pulls down or attempts to pull down or wilfully injures or attempts to injure any board or document set up or posted by order of the High Commissioner on a railway or ship or on any rolling-stock;

(e) Gives or offers to a servant any money or anything of value for the purpose of evading payment of any sum due under this Ordinance;

(f) Being a passenger who to his knowledge is suffering from an infectious or contagious disease, enters or travels upon a railway or ship in contravention of the regulations;

- (g) Being a servant and knowing that a person is a lunatic or suffering from an infectious or contagious disease, wilfully causes that person to travel upon a railway or ship without arranging for his separation from other passengers;
- (h) Fails to deliver at the earliest possible opportunity to a servant any property found on any railway, harbour or ship, or removes from a railway, harbour or ship any property so found;
- (i) Wilfully obstructs or impedes a servant in the discharge of his duty;
- (j) Discharges any firearm, or throws stones, metal, bricks, gravel, timber, glass, bottles, or other articles likely to obstruct or injure anyone engaged in working on or near the railway or harbour, or discharges any firearm from a ship, or attempts to do any of the foregoing acts;
- (k) Removes or attempts to remove from a railway or ship or any railway premises any rolling-stock, tarpaulins, tools, appliances, or property of any kind, or permits any such rolling-stock, tarpaulins, tools, appliances, or property to be unlawfully in his possession or on his premises;
- (l) Permits or allows any animal to stray on a railway provided with fences, subject to such fences being in a proper state of repair;
- (m) Drives or knowingly permits any animal to be on any railway otherwise than for the purpose of lawfully crossing the railway, whether he be the owner of the animal or only in charge thereof, provided that such railway be properly fenced,

shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

Penalties for grave offences.

51. Any person who does or causes or procures to be done any of the following acts, namely, who—

- (a) Does any act which obstructs or might obstruct the working of a railway or ship or endangers or might endanger the lives of persons travelling thereon;
- (b) Without lawful authority, moves any part of the rolling-stock on a railway or leaves the same on any part of a railway;
- (c) Without lawful authority, moves any signals, points, wires, sleepers, rails, stop-blocks, or machinery on a railway, or shows any signal likely to mislead;
- (d) Damages, removes, or in any other way interferes with any lighthouse, buoy, mark or beacon, sets adrift or otherwise causes damage to any ship, or causes any damage to sheds or piers;
- (e) Without lawful authority, cuts down, breaks, removes, destroys or injures any fence, building or bridge, or other property in or upon any railway;
- (f) Attempts or counsels the doing of, or assists or aids in doing, any of the acts mentioned in this section, shall be liable to imprisonment for a period not exceeding ten years.

52. If a person unlawfully throws or causes to fall or strike at, against, into or upon any rolling stock forming part of a train or any part of a ship any wood, stone or other matter or thing with intent, or with knowledge that he is likely, to endanger the safety of any person being in or upon such rolling stock or in or upon any other rolling stock forming part of the same train or in or upon such ship, he shall be liable to imprisonment for a period not exceeding ten years.

Endangering safety of persons travelling by railway or ship.

53. (1) If a minor under the age of sixteen years is, with respect to a railway or ship, guilty of any of the acts mentioned or referred to in any of the four last preceding sections, he shall be deemed, notwithstanding anything in section 82 or section 83 of the Indian Penal Code, to have committed an offence, and the Court convicting him may, if it thinks fit, direct that the minor, if a male, shall be punished with whipping not exceeding sixteen strokes with a light cane, or may require the father or guardian of the minor to execute, within such time as the Court may fix, a bond binding himself, in such penalty as the Court directs, to prevent the minor from being again guilty of any of those acts.

Special provision with respect to the commission by children of acts endangering safety of persons travelling by railway or ship.

(2) The amount of the bond, if forfeited, shall be recoverable by the Court as a fine.

(3) If a father or guardian fails to execute a bond under sub-section (1) within the time fixed by the Court, he shall be liable to a fine not exceeding five pounds.

54. If any return which is required by this Ordinance is false in any particular to the knowledge of any person who signs it, that person shall be liable to a fine not exceeding fifty pounds, or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

55. If a person requested under section 31 to give an account with respect to any goods wilfully gives an account which is materially false, he shall be liable to a fine not exceeding seventy-five pounds, and the fine shall be in addition to any rate or other charge to which the goods may be liable.

Giving false account of goods.

56. If in contravention of section 32 a person takes with him any dangerous or offensive goods upon a railway or ship, or tenders or delivers any such goods for transport, he shall be liable to a fine not exceeding fifty pounds and shall also be responsible for any loss, injury or damage which may be caused by reason of such goods having been so brought upon the railway or ship.

Unlawfully bringing dangerous or offensive goods upon a railway.

Offences by Servants.

57. If a servant whose duty it is to comply with the provisions of sub-section (2) of section 27 negligently or wilfully omits to comply therewith, he shall be liable to a fine not exceeding two pounds.

Breach of duty imposed by section 27.

58. If a servant is in a state of intoxication while on duty he shall be liable to a fine not exceeding five pounds, or, where the improper performance of the duty would be likely to endanger the safety of any person travelling or being upon a railway or ship, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three years, or to both such fine and imprisonment.

Drunkenness.

**Endangering
the safety of
persons.**

59. If a servant, when on duty, endangers the safety of any person—

(a) by disobeying any regulation made, sanctioned published and notified under this Ordinance; or

(b) by disobeying any rule or order which is not inconsistent with any such regulation, and which such servant was bound by the terms of his employment to obey, and of which he had notice; or

(c) by any rash or negligent act or omission,

he shall be liable to a fine not exceeding fifty pounds, or to imprisonment for a period not exceeding three years, or to both such fine and imprisonment.

**Omission to give
notice of
accidents.**

60. If a station master or a servant in charge of a section of a railway omits to give such notice of an accident as is required by this Ordinance he shall be liable to a fine not exceeding five pounds.

**Obstructing
level crossings.**

61. If a servant unnecessarily—

(a) allows any rolling-stock to stand across a place where the railway crosses a public road on the level; or

(b) keeps a level-crossing closed against the public, he shall be liable to a fine not exceeding two pounds.

**Leaving service
without having
given the
requisite notice.**

62. (1) If a servant before leaving the Services shall fail to give to the High Commissioner the notice specified in his agreement (if any) or provided by any regulation under this Ordinance or under the Order in Council, he shall forfeit a sum not exceeding one month's pay, which sum may be deducted by the High Commissioner from his pay, and shall in addition be liable to a fine not exceeding fifteen pounds.

(2) Whenever a servant, being a member of the crew of any ship, is guilty of the offence of leaving the service without having given the notice specified in the preceding sub-section, or of absence without leave, he may be arrested by any police officer without warrant, or the master or any officer may, with or without the assistance of the police, convey him on board the ship.

Cap. 139.

(3) Nothing in this or the preceding sections contained shall be deemed to exempt a servant, if a native or Arab, from punishment under the Employment of Natives Ordinance or any Ordinance amending or substituted for the same.

**Penalty for
demanding
more than is
due.**

63. Any servant who, with intent to defraud, asks or receives a greater sum or a lesser sum than is allowed by law and is provided by the tariff then in force for the conveyance of passengers or transport of goods or for any other services rendered or goods supplied, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

Procedure.

64. (1) If a person commits any offence mentioned in sections 49, 50, 51, 52, 58, 59 and 61, he may be arrested without warrant or other written authority by any servant or police officer or by any other person whom such servant or police officer may call to his aid.

Arrest for
offences against
certain sections

(2) A person so arrested shall, with the least possible delay, be taken before a magistrate having authority to try him or commit him for trial.

65.(1) If a person commits any offence under this Ordinance, other than an offence mentioned in the last preceding section, and there is reason to believe that he will abscond, or his name and address are unknown, and he refuses on demand to give his name and address, or there is reason to believe that the name or address given by him is incorrect, any servant or police officer or any other person whom such servant or police officer may call to his aid may, without warrant or other written authority, arrest him.

Arrest of
persons likely
to abscond or
unknown.

(2) The person arrested shall be released on his giving bail, or, if his true name and address are ascertained, on his executing a bond, without sureties, for his appearance before a magistrate when required.

(3) If the person cannot give bail and his true name and address are not ascertained, he shall with the least possible delay be taken before the nearest magistrate having jurisdiction.

66. The High Commissioner may appoint so many persons as may be deemed necessary for the duty of maintaining order upon the railways and at the harbours, and when any such person so appointed is carrying out that duty he shall be capable of exercising all such powers and shall perform all such functions as are by law conferred on or are to be performed by a police officer, and shall be liable in respect of acts done or omitted to be done to the same extent as he would have been liable in like circumstances if he were a member of the police force of the Colony, and shall have the benefits of all the indemnities to which a member of the police force would in like circumstances be entitled.

Appointment of
persons to
maintain order
upon the rail-
ways and at
the harbours.

67. (1) Any person committing any offence against this Ordinance shall be triable for such offence in any place in which he may be, or which the Governor may notify in this behalf, as well as in any other place in which he might be tried under any law for the time being in force.

Place of trial.

(2) Every notification under sub-section (1) shall be published in the Gazette, and a copy thereof shall be exhibited for the information of the public in some conspicuous place at each of such railway stations or harbours as the Governor may direct.

68. When any act or omission punishable under this Ordinance is also punishable under any other law for the time being in force the offender shall be liable to be prosecuted and punished either under this Ordinance or under such other law but shall not be liable to be punished twice for the same offence.

Provision as to
offences under
this Ordinance
and any other
law.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Taxation of
railways by
local
authorities.

69. Notwithstanding anything to the contrary in any enactment, or in any agreement or award based on any enactment, the following rules shall regulate the levy of taxes in respect of the railways and harbours in aid of the funds of local authorities, namely :—

(1) The High Commissioner shall not be liable to pay any tax in aid of the funds of any local authority unless the Governor in Council has by notification in the Gazette declared the High Commissioner to be liable to pay the tax.

(2) While a notification of the Governor in Council under paragraph (1) of this section is in force the High Commissioner shall be liable to pay to the local authority either the tax mentioned in the notification, or, in lieu thereof, such sum, if any, as an officer appointed in this behalf by the Governor in Council may, having regard to all the circumstances of the case, from time to time determine to be fair and reasonable.

(3) The Governor in Council may at any time revoke or vary a notification under paragraph (1) of this section.

(4) Nothing in this section is to be construed as debarring the High Commissioner from entering into a contract with any local authority for the supply of water or light, or for the scavenging of railway premises, or for any other service which the local authority may be rendering or be prepared to render within any part of the local area under its control.

(5) "Local authority" in this section means a municipal corporation or committee, district board or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or other fund.

Restriction of
liability for
compensation
for fires caused
by sparks from
locomotives.

70. No compensation shall be payable by the High Commissioner to any owner or occupier of any land contiguous to railway land adjoining a railway in respect of fires caused by sparks from locomotives to the land of such owner or occupier or to any property thereon unless he shall within fourteen days of such fire give notice to the High Commissioner in writing of his intention to make a claim in respect thereof and unless he shall prove that :—

(a) Prior to such fire he had on his land, contiguous to railway land adjoining a railway, a firebreak not less than ten feet wide;

(b) At the time such fire originated he had such firebreak in good condition;

(c) Not less than two months prior to such fire he had notified the High Commissioner to construct a similar firebreak on railway land and contiguous to his firebreak;

(d) In the case of a building and any property therein damaged or destroyed by fire, such building was not within a distance of two hundred feet from the railway.

71. None of the rolling-stock, ships, machinery, plant, tools, fittings, materials or effects used or provided by the High Commissioner and which are necessary for the maintenance of the traffic on the railways and ships or of the stations, harbours or workshops, shall be liable to be taken in execution of any decree or order of any court, or of any local authority or person having by law power to attach or distrain property or otherwise to cause property to be taken in execution, without the previous sanction of the High Commissioner.

72. (1) Every servant shall be deemed to be a public servant for the purposes of Chapter IX of the Indian Penal Code.

(2) A servant shall not—

(a) purchase or bid for, either in person or by agent in his own name or in that of another, or jointly or in shares with others, any property put up to auction under section 28 or section 29; or

(b) in contravention of any direction of the High Commissioner in this behalf, engage in trade.

73. If a servant be dismissed from the service for fraud, dishonesty or misconduct, or retire from the service in order to avoid dismissal, or be ordered to resign on account of misconduct, he shall be refunded the amount of his own contributions only to any provident, pension or superannuation fund controlled by the High Commissioner, to which he may have contributed: Provided that, in case of a servant dismissed for fraud or dishonesty, the High Commissioner may deduct from any sums payable to such servant under this section the amount of any loss which the High Commissioner may have sustained by reason of such fraud or dishonesty.

74. (1) When the immediate arrest of a servant, either with or without warrant, would be likely to endanger the safety of any person travelling or being upon any railway or ship, or to cause serious inconvenience to the High Commissioner, the police officer whose duty it is to make such arrest shall at once apply to the head of the department to which the servant belongs to relieve such servant, and shall arrange so to watch him that he does not escape, and on such servant being relieved such police officer shall arrest him and proceed according to law.

(2) The relief of a servant under the preceding sub-section shall be effected with the least possible delay.

75. If a servant is discharged or suspended from his office, or dies, absconds or absents himself, and he or his wife or widow or any of his family or representatives refuses or neglects, after notice in writing for that purpose, to deliver up to the High Commissioner, or to a person appointed by the High Commissioner in this behalf, any station, dwelling-house, office or other building with its appurtenances, or any books, papers or other matters, belonging to the High Commissioner and in the possession or custody of such servant at the occurrence of any such event as aforesaid, any magistrate may, on application made by or on behalf of the High Commissioner, order any police officer with proper assistance to enter upon the building and remove any such person found therein and take possession thereof, or to take possession of the books, papers, or other matters, and to deliver the same to the High Commissioner or a person appointed by the High Commissioner in that behalf.

Restriction on
execution
against railway
property.

Railway
servants to be
public servants.

Disposal of
provident fund
contributions in
event of
dismissal
from the
Services.

Arrest of rail-
way servant.

Procedure for
summary
delivery to
High Commis-
sioner of
property
detained by
railway
servant.

Mode of signifying communications from the High Commissioner.

76. Any notice, determination, direction, requisition, appointment, expression of opinion, approval or sanction to be given or signified on the part of the High Commissioner for any of the purposes of, or in relation to, this Ordinance or any of the powers or provisions therein contained, shall be sufficient and binding if in writing signed by the officer or servant deputed by the High Commissioner to communicate his directions in respect of the matters to which the same may relate, and the High Commissioner shall not in any case be bound in respect of any of the matters aforesaid unless by some writing signed in manner aforesaid.

Service of notices on the High Commissioner.

77. Any notice or other document required or authorised by this Ordinance to be served on the High Commissioner may be served on the General Manager—

- (a) by delivering the notice or other document to the General Manager or agent; or
- (b) by leaving it at his office; or
- (c) by forwarding it by post in a prepaid registered letter addressed to the General Manager or agent at his office.

Service of notices by the High Commissioner.

78. Any notice or other document required or authorised by this Ordinance to be served on any person by the High Commissioner may be served—

- (a) by delivering it to the person; or
- (b) by leaving it at the usual or last known place of abode of the person; or
- (c) by forwarding it by post in a prepaid registered letter addressed to the person at his usual or last known place of abode.

Presumption where notice is served by post.

79. Where a notice or other document is served by post, it shall be deemed to have been served at the time when the letter containing it would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice or other documents was properly addressed and registered.

Limitation of actions.

80. (1) No action the cause of which shall have arisen after the commencement of this Ordinance shall be brought against the High Commissioner unless the same be commenced within twelve months after the cause of the action arose.

(2) No action shall be commenced against the High Commissioner until one month at least after written notice of intention to commence the action has been served upon the High Commissioner by the plaintiff or by his attorney or agent. In that notice the cause of action and details of the claim shall be clearly and explicitly stated.

(3) In any action against the High Commissioner no execution or attachment or process in the nature thereof shall be issued against the High Commissioner or against any property of His Majesty, but the General Manager shall pay out of the Railway and Harbour Fund such sums of money as shall by the judgment of the court be awarded to the plaintiff.

81. (1) The High Commissioner may authorise the General Manager to act for or represent him, or to appoint any other person to act for or represent him, in any proceeding before any civil, criminal or other court.

(2) The General Manager, or any person appointed by him to conduct prosecutions, shall be entitled to conduct such prosecutions without the permission of the magistrate.

CHAPTER VII.

REGULATIONS AND REPEAL.

82. The High Commissioner may, in addition to the powers conferred upon him by the Order in Council, make, vary or revoke regulations, not inconsistent with this Ordinance with respect to any of the following matters, that is to say, with respect to :—

(1) The mode in which and the speed at which trains are to be propelled or moved, and the times of arrival and departure of any trains or ships or other conveyances, as also the duties of servants in connection with the working of trains and ships;

(2) The loading or unloading of rolling-stock and the weights or dimensions of goods to be transported on any rolling-stock;

(3) The collection, receipt, cartage, and delivery of goods transported or to be transported by rail, ships or road or at the harbours;

(4) The accommodation and convenience of passengers, the manner in which they shall travel, the exclusion of short-distance passengers from long-distance or express trains, the manner of conveying the luggage of passengers, the use of bedding, lavatory accommodation, urinals, and other like conveniences on the trains, ships, or at stations, and the charges which may be fixed for the conveyance of luggage;

(5) Fares, freight, or other charges, the amount thereof, and the time when and the place where they shall be paid;

(6) The reservation of railway premises (including conveniences), or of any railway coach or ship or of any portion thereof, for the exclusive use of males or females, or of persons of particular races, or of different classes of persons, and the restriction accordingly of the use of the premises, coach, ship, or portion thereof so reserved;

(7) The proper control and management of any anchorage, dock, basin or harbour within his jurisdiction, and the entrance thereto, the removal of any obstruction therein, and the preservation from injury of any works, buoys, dredgers, ships or other property connected therewith;

(8) The erection of buildings or other structures, or the planting of posts or poles that may interfere with the proper working of any harbour or the signals or beacons thereto;

(9) The licensing or other authorisation of admission on to any trains, ships, or railway premises at any special times of any hotel representatives, or other persons soliciting patronage from passengers, at any railway station or railway premises;

(10) The prohibition of smoking in or on wharves, jetties, quays, buildings or rolling-stock;

(11) The prevention of obstructions and the preservation of good order on railway premises, wharves, jetties, landing places, breakwaters, and other works within his jurisdiction, or the approaches to the same;

(12) The duties and conduct of carmen, draymen, carriers and persons, other than servants, who ply for hire to or from any station, building, or other place which is under the control of the High Commissioner;

(13) The admission of the public to, or their exclusion from, any of the railways, harbours, docks, wharves, jetties and landing places and the charges (if any) to be made for admission, and the closing to the public for such period as the High Commissioner may think fit of any stations, harbours, docks, wharves, jetties, sheds, roads, or landing places under his jurisdiction;

(14) The prevention of damage or injury to any railway station, harbour, dock, slip, wharf, jetty, landing place or other works and premises, ships, railways, rolling-stock, or any property whatever;

(15) The prevention of the commission of any nuisance in or upon the railways, harbours, docks, wharves, jetties or landing places, and generally the promotion and ensuring of good sanitation, cleanliness and decency;

(16) The charges to be made for warehousing goods and for their care or custody, and the terms and conditions upon which they shall be received, and provision for the disposal of unclaimed goods;

(17) The issue of free passes and concession tickets and the prevention of abuse thereof;

(18) The definition for the purposes of this Ordinance of dangerous or offensive goods and the conditions under which and the times when those classes of goods shall be transported, and the prohibition of the transport of those classes of goods, and provision for or sanctioning of the removal or destruction of the same;

(19) The use of railways or railway or harbour land for coal stands, depositing or forwarding sites, pipe lines, power lines and the like, and whether the same shall be overhead or underground;

(20) The crossing and the manner of approaching any street, road or thoroughfare by a train;

(21) The construction, use, and maintenance of private sidings and branch lines connected with the railways, and the construction, opening and inspection of new railways, sidings, or branch lines within his jurisdiction;

(22) Advertising, and bookstalls on the railway and at the harbours, and the fixing of the hours and days during which any such bookstall may remain open for the use of the public;

(23) The use of stamps as prepayment upon parcels or goods;

(24) The insurance of persons travelling on the railways;

(25) The sale of liquors and refreshments in refreshment rooms at railway stations and in refreshment cars and on ships;

and generally with respect to the travelling or traffic upon or the use or working of the railways, ships or harbours and for the good government thereof, and the maintenance of order thereon and therein.

The regulations may provide penalties for any contravention thereof or failure to comply therewith, and may also impose different penalties in case of a second or subsequent contravention or non-compliance, but no such penalty shall exceed a fine of fifty pounds or imprisonment for a period of six months, or both such fine and imprisonment.

As often as the contravention of or failure to comply with any such regulation causes damage to any property under the management or control of the High Commissioner, the person causing the damage shall, in addition to any penalty which may be imposed under the regulation, be liable to make good the same.

A copy of all regulations for the time being in force shall be kept at each station on the railways and at the principal office at each harbour, and any person shall be allowed to inspect the same free of charge.

83. (1) The East Africa Railways Ordinance (Chapter Repeal 115 of the Revised Edition) is hereby repealed :

Provided that all rules, regulations, declarations, and appointments made, sanctions and directions given, forms approved, powers conferred and notifications published under the said Ordinance or under any other Ordinance or Order in Council relating to Railways shall, so far as they are consistent with this Ordinance, be deemed to have been respectively made, given, approved, conferred and published under this Ordinance.

(2) All references in any enactment or document to the Ordinance hereby repealed shall be construed as references to this Ordinance.

THE SCHEDULE.

ARTICLES TO BE DECLARED AND INSURED.

(See Section 39.)

(a) Gold and silver, coined or uncoined, manufactured or unmanufactured ;

(b) Plated articles, coins ;

- (c) Cloths and tissue and lace of which gold or silver forms part, not being the uniform or part of the uniform of an officer, soldier, sailor, police officer, or person enrolled as a volunteer or of any public officer, British or foreign, entitled to wear uniform;
- (d) Amber, pearls, precious stones, jewellery and trinkets;
- (e) Watches, clocks and timepieces of any description;
- (f) Government securities;
- (g) Stamps;
- (h) Bills of exchange, promissory notes, bank notes and orders or other securities for payment of money;
- (i) Maps, plans, writings and title-deeds;
- (j) Paintings, engravings, lithographs, pictures, photographs, carvings, statuary, sculpture and other works of art;
- (k) Art pottery, glass, china and marble;
- (l) Silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials;
- (m) Cameras and cinematograph apparatus (including films);
- (n) Lace, furs and feathers;
- (o) Opium and narcotic preparations;
- (p) Ivory, ebony and sandalwood;
- (q) Musk, sandalwood oil and other essential oils used in the preparation of perfumes;
- (r) Musical and scientific instruments;
- (s) Any article of special value which the High Commissioner may by notification in the Gazette add to this schedule.

AN ORDINANCE

No. 16 OF 1927.

Assented to in His Majesty's name this twenty-second day of October, 1927.

EDWARD GRIGG,
Governor.

Date of Assent.

[22ND OCTOBER, 1927.]

An Ordinance to Supply a Further Sum of Money for the Service of the Year Ended 31st December, 1926.

Date of commencement.

22nd October, 1927.

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

Short title.

1. This Ordinance may be cited as "the Supplementary Appropriation Ordinance, 1927."

Public Revenue charged.

2. The Public Revenue for the period 1st January to 31st December, 1926, and other funds of the Colony and Protectorate of Kenya are hereby charged towards the service of the period 1st January to 31st December, 1926, with a further sum of one hundred and nineteen thousand five hundred and ninety-seven pounds, five shillings and twenty-four cents, in addition to the sums provided by the Appropriation Ordinance, 1925.

(2 of 1926.)

Application
of money
granted.

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

Treasurer's
authority
for payment.

4. The Treasurer of the Colony and Protectorate of Kenya is hereby given authority for having paid out of the Revenue and other funds of the Colony and Protectorate of Kenya, for the several services specified in the Schedule, the said sum of one hundred and nineteen thousand five hundred and ninety-seven pounds, five shillings and twenty-four cents, which have come in course of payment during the period 1st January to 31st December, 1926.

No. of Head.	SCHEDULE.	£	s.	c.
III.	Pension and Gratuities ...	266	07	39
IV.	His Excellency the Governor...	3,113	07	35
	Conference of East African Governors	2,576	07	22
V.	Secretariat	658	13	98
VI.	Official Gazette and Printing ...	2,847	13	17
VIIa.	Administration Extraordinary	877	15	19
VIII.	Treasury	1,017	02	87
Xa.	Port and Marine Departments Extraordinary	5,631	03	72
XIII.	Registrar General Department	16	01	38
XIV.	Legal Department	353	15	40
XV.	Police	3,778	10	12
XVIII.	Education	7,730	19	40
XVIIIa.	Education Extraordinary ...	492	06	24
XIX.	Military	802	01	94
XIXa.	Military Extraordinary ...	1,809	16	53
XX.	Post Office and Telegraphs ...	477	19	72
XXa.	Post Office and Telegraphs Extraordinary	495	01	49
XXIa.	Agriculture Department Extraordinary	2,312	01	84
XXV.	Miscellaneous Services ...	32,142	11	76
XXVII.	Public Works Department ...	2,817	19	27
XXVIII.	Public Works Recurrent ...	29,018	05	21
XXIX.	Public Works Extraordinary ...	20,361	04	05
		£119,597	05	24

AN ORDINANCE

No. 17 OF 1927.

Assented to in His Majesty's name this twenty-second day of October, 1927.

EDWARD GRIGG,
Governor.

Date of Assent.

[22ND OCTOBER, 1927.]

An Ordinance to Provide for the Preservation of Ancient Monuments and Objects of Archaeological, Historical or Artistic Interest.

Date of commencement.

22nd October, 1927.

WHEREAS it is expedient to provide for the preservation of ancient monuments and antiquities, for the exercise of control over excavations in certain places, and for the protection and acquisition of ancient monuments and antiquities and of objects of archaeological, historical or artistic interest :

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

Short title

1. This Ordinance may be cited as "the Ancient Monuments Preservation Ordinance, 1927."

Interpretation

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

"Monument" means any structure, erection or memorial, or any tumulus or place of interment, or any cave, rock-sculpture, inscription of monolith, which is of archaeological, historical or artistic interest, or any remains thereof, and includes—

- (a) the site of monument;
- (b) such portion of land adjoining the site of monument as may be required for fencing or covering in or otherwise preserving such monument; and
- (c) the means of access to and convenient inspection of monument;

"Antiquity" includes any movable object which the Governor, by reason of its archaeological or historical associations, may think it necessary to protect against injury, removal or dispersion;

"Authority" includes all Senior Commissioners and any person or body of persons authorised by the Governor to perform the duties of an Authority under this Ordinance;

"Maintain" and "maintenance" include the fencing, covering in, repairing, restoring and cleansing of a protected monument or antiquity, and the doing of any act which may be necessary for the purpose of maintaining a protected monument or antiquity or of securing convenient access thereto;

"Owner" includes a joint owner invested with powers of management on behalf of himself and other joint owners, and any agent or trustee exercising powers of management over a monument or antiquity, and the successor in title of any such owner and the successor in office of any such agent or trustee.

Provided that nothing in this Ordinance shall be deemed to extend the powers which may lawfully be exercised by such manager or trustee.

3. (1) The Governor may, by notice in the Gazette, declare any monument or antiquity to be a protected monument or antiquity within the meaning of this Ordinance. Such notice shall state that objections to the declaration of the monument or antiquity as a protected monument or antiquity may be lodged with the Colonial Secretary within two months from the date of the publication of the notice. Protected monuments and antiquities.

(2) A copy of every notice published under sub-section (1) of this section shall forthwith be posted in a conspicuous place on or near the monument or antiquity to which it relates.

(3) On the expiration of the said period of two months, the Governor, after considering the objections, if any, shall confirm or withdraw the notice.

(4) A notice published under this section shall, unless and until it is withdrawn, be conclusive evidence of the fact that the monument or antiquity to which it relates is a protected monument or antiquity within the meaning of this Ordinance.

ANCIENT MONUMENTS.

4. (1) An Authority may, with the sanction of the Governor, purchase or take a lease of any protected monument or antiquity. Acquisition of rights in or guardianship over monuments and antiquities.

(2) An Authority may, with the like sanction, accept a gift or bequest of any protected monument or antiquity.

(3) The owner of any protected monument or antiquity may by written instrument constitute an Authority the guardian of such monument or antiquity, and an Authority may, with the sanction of the Governor, accept such guardianship.

(4) When an Authority has accepted the guardianship of a monument or antiquity under sub-section (3) of this section the owner shall, except as expressly provided in this Ordinance, have the same estate, right, title and interest in and to the monument or antiquity as if the Authority had not been constituted guardian thereof.

(5) When an Authority has accepted the guardianship of a monument or antiquity under sub-section (3) of this section the provisions of this Ordinance relating to agreements executed under section 5 shall apply to the written instrument executed under the said sub-section.

(6) Where a protected monument or antiquity is without an owner, an Authority may, with the sanction of the Governor, assume the guardianship of such monument or antiquity.

**Preservation of
monuments and
antiquities by
agreement.**

5. (1) An Authority may, with the sanction of the Governor, enter into a written agreement with the owner of any protected monument or antiquity for the protection or preservation of such monument or antiquity.

(2) An agreement under this section may provide for all or any of the following matters :—

- (a) The maintenance of the monument or antiquity ;
- (b) The custody of the monument or antiquity, and the duties of any person who may be employed in connection therewith ;
- (c) The restrictions of the owner's right to **destroy, remove, alter or deface** the monument or antiquity or to build on or near the site of the monument or antiquity ;
- (d) The facilities of access to be permitted to the public or to any portion of the public and to persons deputed by the owner or the Authority to inspect or to maintain the monument or antiquity ;
- (e) The notice to be given to the Authority in case the land on which the monument or antiquity is situated is offered for sale by the owner, and the right to be reserved to the Authority to purchase such land or any specified portion of such land at its market value ;
- (f) The payment of any expenses incurred by the owner or by the Authority in connection with the protection or preservation of the monument or antiquity ;
- (g) The procedure relating to the settlement of any dispute arising out of the agreement ; and
- (h) Any matter connected with the preservation of the monument or antiquity which is a proper subject of agreement between the owner and the Authority.

(3) The terms of an agreement under this section may be altered from time to time with the sanction of the Governor and with the consent of the owner.

(4) Subject to the sanction of the Governor, an Authority may terminate an agreement under this section on giving six months' notice in writing to the owner.

(5) The owner may terminate an agreement under this section on giving six months' notice to the Authority.

(6) An agreement under this section shall be binding on any person claiming to be owner of the monument or antiquity to which it relates, through or under a party by whom or on whose behalf the agreement was executed.

(7) Any rights acquired by the Authority in respect of expenses incurred in protecting or preserving a monument or antiquity shall not be affected by the termination of an agreement under this section.

**Owners under
disability.**

6. If the owner is unable, by reason of infancy or other disability, to act for himself, the person legally competent to act on his behalf may exercise the powers conferred upon an owner by the last preceding section.

7. (1) If an Authority apprehends that the owner or occupier of a monument or antiquity intends to build on or near the site of any protected monument or antiquity in contravention of the terms of an agreement for its protection or preservation under section 5 of this Ordinance, the Authority may make an order prohibiting any such contravention of the agreement. Enforcement of agreement.

(2) If an owner or other person who is bound by an agreement for the protection, preservation or maintenance of a monument or antiquity under section 5 refuses to do any act which is in the opinion of the Authority necessary to such protection, preservation or maintenance, or neglects to do any such act within such reasonable time as may be fixed by the Authority, the Authority may authorise any person to do any such act, and the expense of doing any such act or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner.

(3) A person aggrieved by an order made under this section may appeal to the Governor, who may cancel or modify it and whose decision shall be final.

8. (1) If the Governor apprehends that a protected monument or antiquity is in danger of being destroyed, injured or allowed to fall into decay, the Governor may proceed to acquire such monument or antiquity under the provisions of the Indian Land Acquisition Act, 1894, as if the preservation of a protected monument or antiquity were a "public purpose" within the meaning of that Act. Compulsory purchase of monuments and antiquities.

(2) The powers of compulsory purchase conferred by sub-section (1) of this section shall not be exercised in case of—

- (a) any monument which, or any part of which, is periodically used for religious observances; or
- (b) any monument or antiquity which is the subject of a subsisting agreement executed under section 5 of this Ordinance.

(3) In any case other than the cases referred to in the last preceding sub-section the said powers of compulsory purchase shall not be exercised unless the owner or other person competent to enter into an agreement under section 5 has failed, within such reasonable period as the Governor may fix in this behalf, to enter into an agreement under the said section or has terminated or given notice of his intention to terminate such an agreement.

9. (1) Every monument or antiquity in respect of which an Authority has acquired any of the rights mentioned in section 4 or which has been compulsorily purchased under section 8 shall be maintained by the Authority by which such rights were acquired or by such Authority as may be appointed in that behalf by the Governor, as the case may be. Maintenance of protected monuments and antiquities.

(2) When an Authority has accepted the guardianship of a monument or antiquity under section 4, such Authority shall, for the purpose of maintaining such monument or antiquity, have access to the monument or antiquity at all reasonable times, for the purpose of inspection and for the purpose of bringing such materials and doing such acts as the Authority may consider necessary for the maintenance thereof:

Provided that the right of access conferred on an Authority under this sub-section shall be deemed to extend to the duly authorised agents, inspectors and workmen of such Authority.

Voluntary contributions.

10. An Authority may receive voluntary contributions towards the cost of maintaining a protected monument or antiquity and may, subject to the approval of the Governor, give orders as to the management and application of any funds so received :

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

Protection of places of worship, etc., from misuse, pollution or desecration.

11. (1) A place of worship or tomb maintained by an Authority under this Ordinance shall not be used for any purpose inconsistent with its character.

(2) When an Authority has, under section 4, purchased or taken a lease of any protected monument, or has accepted a gift or bequest thereof, or has accepted the guardianship thereof, and such monument or any part thereof is periodically used for religious worship or observances by any community, the Authority shall make due provision for the protection of such monument or such part thereof from pollution or desecration—

- (a) by prohibiting the entry therein, except in accordance with conditions prescribed with the concurrence of the persons in religious charge of the said monument or part thereof, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used ; or
- (b) by taking such other action as the Authority may think necessary in this behalf.

Relinquishment of rights in a monument or antiquity.

12. Subject to the sanction of the Governor, an Authority may—

- (a) where rights have been acquired by such Authority in respect of any monument or antiquity under this Ordinance by virtue of any sale, lease, gift or will, relinquish the rights so acquired to the person who would for the time being be the owner of the monument or antiquity if such rights had not been acquired ; or
- (b) relinquish any guardianship which such Authority has accepted under this Ordinance.

Right of access by public to protected monuments and antiquities.

13. Subject to such rules as may be made by the Governor in Council under section 19, the public shall have a right of access to any monument or antiquity maintained by an Authority under this Ordinance.

14. Any person who destroys, removes, injures, alters, defaces or imperils a protected monument or antiquity, and any owner or occupier who contravenes an order made under subsection (1) of section 7, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred pounds or to imprisonment of either description for any term not exceeding six months or to both such fine and imprisonment. Offences.

EXCAVATIONS.

15. (1) If the Governor in Council is of opinion that excavation within the limits of any area ought to be restricted or regulated for the purpose of protecting or preserving any monument or antiquity, the Governor in Council may make rules— Power of Governor to control excavations.

- (a) fixing the boundaries of the area to which the rules are to apply; and
- (b) prescribing the Authority by which, and the terms upon which, licences to excavate may be granted.

GENERAL.

16. The market value of any property which the Governor is empowered to purchase at such value under this Ordinance shall, where any dispute arises touching the amount of such market value, be ascertained in the manner provided by the Indian Land Acquisition Act, 1894, sections 3, 8 to 34, 45 to 47, 51 and 52, so far as they can be made applicable. Assessment of market value.

17. Any instrument executed under section 4 or section 5 of this Ordinance shall be exempt from stamp duty. Exemption from stamp duty.

18. No suit for compensation and no criminal proceedings shall lie against any public servant or Authority in respect of any act done, or in good faith intended to be done, in the exercise of any power conferred by this Ordinance. Protection of public servants acting under the Ordinance.

19. The Governor in Council may make rules for carrying out any of the purposes of this Ordinance. Power to make rules.

AN ORDINANCE

No. 18 OF 1927.

Assented to in His Majesty's name this twenty-second day of October, 1927.

EDWARD GRIGG,
Governor.

Date of Assent.

[22ND OCTOBER, 1927.]

An Ordinance relating to the Execution of Crown Grants and other Dispositions of Lands.commencement.
Date of

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

Short title.

1. This Ordinance may be cited as "the Crown Grants (Execution) Ordinance, 1927."

Execution of
Crown grants,
etc., by
Commissioner
of Lands.
Cap. 140.
Cap. 142.

2. Notwithstanding anything contained in the Crown Lands Ordinance or the Registration of Titles Ordinance or any Ordinance amending or in substitution for such Ordinances or either of them all grants, conveyances, leases, licences, assignments and all other instruments issued under or relating to the aforesaid Ordinances which are required to be in writing and signed by the Governor shall be deemed to be duly and validly executed if they are signed by the Commissioner of Lands and purport to be so signed by order of the Governor.

AN ORDINANCE

No. 19 OF 1927.

Assented to in His Majesty's name this twenty-second day of October, 1927.

EDWARD GRIGG,
Governor.

Date of Assent.

[22ND OCTOBER, 1927.]

An Ordinance to Amend the Native Liquor Ordinance.Date of
commencement.

22nd October, 1927.

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

Short title.

1. This Ordinance may be cited as "the Native Liquor (Amendment) Ordinance, 1927," and shall be read as one with the Native Liquor Ordinance (Chapter 133 of the Revised Edition), hereinafter referred to as "the Principal Ordinance."

Interpretation.

2. Section 2 of the Principal Ordinance is hereby amended as follows :—

(1) By the deletion of the definitions of "Native intoxicating liquor" and of "sale";

(2) By the insertion of the following definitions :—

“ Native intoxicating liquor ” includes palm wine, pombe, fermented asali, and all liquors such as are prepared by natives which contain more than one per centum by weight of absolute alcohol ;

“ Palm wine ” includes tembo tamu, tembo kali, and the juice of the Mkoma Palm (*Hyphaene cortacia*) ;

“ Farm ” means any area of land, not being land in a township or municipality or in a native reserve or a gazetted trading centre ;

“ Occupier ” means the owner or lessee of a farm and includes a duly authorised agent of such owner or lessee :

Provided that in the case of unalienated Crown land and Forest Reserves the Commissioner of Lands and Assistant Land Officers and the Conservator and Assistant Conservators of Forests shall respectively be deemed to be occupiers for the purposes of this Ordinance ;

“ Sale ” includes barter and the giving of native intoxicating liquor to a native in lieu of or as part of wages or gratuitously as an inducement to work.

3. Sub-section (1) of section 8 of the Principal Ordinance is hereby repealed and in lieu thereof shall be read the following :—

Amendment of
section 8 (1) of
Principal
Ordinance.

“ (1) No person unless he holds a licence issued to him under this Ordinance shall manufacture for the purpose of sale or shall sell native intoxicating liquor, or shall, in a township, municipality or trading centre, manufacture or use any process for the manufacture of native intoxicating liquor, whether such liquor is for his own use or otherwise.”

4. The following shall be inserted as section 8A of the Principal Ordinance :—

Manufacture or
possession of
intoxicating
liquor on farms.

“ 8A. (1) Notwithstanding anything contained in this Ordinance, no person, whether licensed under this Ordinance or not, shall manufacture or be in possession of native intoxicating liquor on any farm without a permit in writing from the occupier of such farm. Such permit shall be in addition to and not in lieu of any licence required under this Ordinance.

(2) It shall not be lawful for any occupier to issue a permit under this section without a general or special authority in writing from the District Commissioner for the district in which the farm is situated.

(3) The District Commissioner in granting any such authority may impose such conditions as he may consider necessary for the purpose of guarding against excessive manufacture or consumption of native intoxicating liquor

or of preventing a breach of the peace or disorder, and no permit shall be issued by an occupier which contravenes any of such conditions.

(4) If any person is found in possession of native intoxicating liquor on any farm such person shall be deemed to be guilty of an offence under this Ordinance, unless he shall prove that such possession was covered by a permit as prescribed by this section."

**Amendment to
section 11 of
Principal
Ordinance.**

5. Section 11 of the Principal Ordinance is hereby amended by deleting the proviso thereto and by inserting the following in lieu thereof :—

"Provided that it shall be lawful for any person licensed to sell native intoxicating liquor in a township, municipality or trading centre to supply any adult male native for consumption off the licensed premises any quantity of native intoxicating liquor not exceeding one Imperial quart if such liquor is contained in a quart vessel :

Provided also that in the Coast Province any native desiring to purchase native intoxicating liquor for consumption in any place other than on the licensed premises from which it has been purchased shall obtain a permit to possess and transport such liquor from the place of purchase to the intended place of consumption. Such permit shall be in writing and shall be obtained from the District Commissioner of the district in which the licensed premises are situated, who shall have absolute discretion to refuse its issue. There shall be stated on the permit the date of issue, the date of expiration and the quantity of liquor so to be possessed and transported."

**Sale on
unlicensed
premises and
manufacture in
township.**

6. Section 13 of the Principal Ordinance is hereby repealed and in lieu thereof shall be read the following :—

"13. (1) Any unlicensed person who shall manufacture for the purpose of sale or shall sell native intoxicating liquor, or who in a township, municipality or trading centre shall manufacture or use any process for the manufacture of native intoxicating liquor whether such liquor is for his own use or otherwise, and any licensed person who shall manufacture for the purpose of sale or shall sell native intoxicating liquor on premises other than those authorised by his licence, shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment of either description for a period not exceeding twelve months or to both such fine and imprisonment.

(2) On conviction of any person of an offence under this section the Court may, in addition to any other punishment which it may impose, order the forfeiture and cancellation of any licence issued to such person under this Ordinance, and shall order the confiscation of all native intoxicating liquor found on the premises or in the possession of such person whether in the course of manufacture or not."

AN ORDINANCE

No. 21 OF 1927.

Assented to in His Majesty's name this seventh day of November, 1927.

EDWARD GRIGG,
Governor.

[7TH NOVEMBER, 1927.] Date of Assent.

An Ordinance Relating to the Employment of Natives.

7th November, 1927.

Date of commencement.

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

1. This Ordinance may be cited as "the Employment **Short title.** of Natives Ordinance, 1927."
2. Section 47 of the Employment of Natives Ordinance **Offences by natives.** as set out in Chapter 139 of the Revised Edition of the Laws of Kenya is hereby declared to be law and to have been law as from the first day of July, 1926.

AN ORDINANCE

No. 22 OF 1927.

Assented to in His Majesty's name this third day of November, 1927.

[3RD NOVEMBER, 1927.] Date of Assent.

An Ordinance to Make Provision for Raising of a Loan of Eight Million Three Hundred and Fifty-Three Thousand Six Hundred and Eleven Pounds Sterling for the Construction of Certain Public Works and Other Purposes.

3rd November, 1927.

Date of commencement.

WHEREAS it is expedient to raise a loan of Eight Million Three Hundred and Fifty-Three Thousand Six Hundred and Eleven Pounds Sterling for the purposes specified in the Schedule hereto:

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

Ordinance may be cited as "the S

Authority to Governor to borrow by sale of debentures or inscribed stock.
Cap. 46.

2. The Governor is hereby authorised to issue debentures or stock or both under the provisions of the General Loan and Inscribed Stock Ordinance to an amount sufficient to produce as nearly as may be the sum of eight million three hundred and fifty-three thousand six hundred and eleven pounds sterling, and such further sum as may be necessary to defray the expenses of issue.

Application of loan.

3. The money to be borrowed under the authority of this Ordinance shall be appropriated and applied to the purposes specified in the Schedule hereto:

Provided that it shall be lawful for the Governor, with the sanction of the Secretary of State, to utilise any money not spent upon any item in the said Schedule to cover any excess of expenditure in respect of any other item.

Commencement of contribution to Sinking Fund.

4. Contribution to Sinking Fund, as contemplated by the provisions of sections 14 and 28 of the General Loan and Inscribed Stock Ordinance, shall commence after the expiration of three years from the date of the first issue of debentures or stock to be issued under this Ordinance.

Power to issue Treasury Bills.

5. Pending the issue of the whole or any portion of the loan hereby authorised the Governor may, if necessary, raise instalments of the money as required by the issue of Treasury Bills under the Colonial Treasury Bills Ordinance.

Cap. 49.

6. The Specific Loan Ordinance (number two) (Chapter 48 of the Revised Edition) is hereby repealed.

SCHEDULE.

I. COLONIAL DEVELOPMENT.

	£	£
(a) Public Buildings	304,342	
(b) Municipal Requirements ...	275,269	
(c) Roads and Bridges	88,000	667,611

II.—KENYA AND UGANDA RAILWAYS AND HARBOURS.

(a) Construction of Nyeri, Kitale and Solai Branch Railways, and completion of Uasin Gishu Railway	1,445,000
(b) General improvements on main line and additional equipment	300,000
(c) Purchase and re-conditioning of Voi-Kahe Branch Railway ...	100,000
(d) Purchase of site for new Railway Station, Mombasa ...	55,000
(e) Additional locomotives and rolling stock	1,031,000
(f) General Port development at Mombasa, including completion of first two deep-water berths and construction of additional deep-water berths	1,200,000
(g) Interest out of capital during construction period—Items (a) and (b)	55,000

4,186,000

III. Repayment of loan of £3,500,000 raised under the authority of the Imperial Loan Ordinance,

~ 29 of 1924 ...

Legislative
Ordinance, This Or. 77, 1927.

PROTECTORATE OF KENYA.

THE KENYA AND UGANDA RAILWAY
ORDINANCE, 1927.

PROCLAMATION.

EDWARD GRIGG.

(L.S.)

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

IN EXERCISE of the powers conferred upon me by section 1 of the Kenya and Uganda Railway Ordinance, 1927, I do hereby appoint that the said Ordinance shall come into force on the 15th day of November, 1927.

GOD SAVE THE KING.

Given under my hand and the public seal of the Colony at Nairobi this 7th day of November, 1927.

By command of His Excellency the Governor.

EDWARD DENHAM,
Colonial Secretary.

PROCLAMATION NO. 78.

COLONY AND PROTECTORATE OF KENYA.



THE FOREST ORDINANCE.

(Chapter 149 of the Revised Edition).

EDWARD GRIGG.

(L.S.)

BY His Excellency Sir Edward William Macleay Grigg, Knight Commander of the Royal Victorian Order, Companion of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order, upon whom His Majesty has

conferred the decoration of the Military Cross, Lieutenant Colonel in His Majesty's Army, (retired), Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by section 3 of the Forest Ordinance (Chapter 149 of the Revised Edition), I hereby declare the area described in the Schedule hereto to be a Forest Area within the meaning of the aforementioned Ordinance.

GOD SAVE THE KING.

Given under my hand and the public seal of the Colony at Nairobi this 10th day of November, 1927.

By command of His Excellency the Governor.

W. M. LOGAN,
for Colonial Secretary.

SCHEDULE.

BOUNDARIES OF THE MERU NATIVE FOREST RESERVE.

The boundaries of this Forest Reserve, which lies within the Meru Native Reserve, are delineated and coloured red of Sheets 12 and 13 of the Land Surveys Boundary Plan No. 39, deposited at the office of the Land Surveys Department, Nairobi, a copy whereof is on record at the office of the Forest Department, Nairobi.

The general description of these boundaries is as follows :—

Commencing on the eastern Marania (or Lukululu) River at a point about one mile and a tenth up-stream from the south-eastern corner of L.O. No. 4634;

thence bounded by a cut line easterly and north-easterly to the southern edge of the P.W.D., Nanyuki-Meru Main Road;

thence by that southern edge north-easterly for about three miles to its intersection with a cut line, at a point about one mile north-north-easterly of the summit of Goriga Hill;

thence by that cut line in a generally southerly direction to its intersection with the old Nanyuki-Meru Road;

thence by the southern edge of that road for about two miles and a quarter to its intersection with a cut line;

thence by that cut line north-easterly, easterly and north-westerly to its intersection with the Meru Native Water Furrow;

thence by the right or southern bank of that furrow down-stream or north-easterly for about four miles and two-thirds, to its intersection with a cut line;

thence by that cut line easterly to its intersection with the Meru-Archer's Post Road;

thence by the western edge of that road, southerly, for about two miles and a third to its intersection with a cut line;

GENERAL NOTICE NO. 1114

THE CROWN LANDS ORDINANCE, 1915.

NOTICE.

Nakuru Township Plots.

NOTICE is hereby given that grants in respect of the plots at Nakuru, specified in the Schedules hereto, will be sold by auction at the Railway Institute, Nakuru, on Saturday, the 17th December, 1927, commencing at 10 a.m.

Plans of the plots may be seen at the office of the Department of Lands, Nairobi, and at the office of the Resident Commissioner at Nakuru, or may be had on application to the Department of Lands on payment of Shs. 5, post free.

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

GENERAL CONDITIONS OF SALE.

1. Each plot will be auctioned separately.
2. The amount of the advance of each bid will be regulated by the auctioneer and no bidding shall be retracted.
3. The highest bidder will be the purchaser, but if any dispute arise as to any bid, the plot will be reoffered at the last undisputed bid.
4. Each purchaser shall pay to the auctioneer immediately on the fall of the hammer a deposit of 25% of the purchase money. In default of such payment the plot may be immediately reoffered for sale and any subsequent bid by the person who has made default may be ignored or refused.
5. Each purchaser shall on paying the deposit inform the auctioneer of the name or names of the person or persons on whose behalf the plot is purchased; the grant will be issued in accordance with this information.
6. The balance of the purchase money, together with the survey fees, the fees payable for the preparation and registration of the grant (Shs. 110), and the stamp duty payable in respect of the grant and all other expenses, if any, shall be paid to the Commissioner of Lands, Nairobi, within seven days from the date of the sale, and upon such payments being duly made the purchaser shall, subject to the provisions of the Crown Lands Ordinance, 1915, and if the conditions of sale have been complied with, be entitled to a grant of the plot, which grant shall be presented to him duly executed as soon as conveniently may be. Provided that the balance of the purchase money shall not be payable within the time stated or thereafter unless and until the Commissioner of Lands can present to the purchaser the grant of the plot duly executed.
7. Subject to the proviso contained in Condition No. 6 if the amounts therein mentioned are not paid to the Commissioner of Lands, at the Land Department, Nairobi, within seven days from the date of sale, the Commissioner of Lands may order the deposit made by the purchaser to be forfeited and the purchaser shall have no further claim to a grant of the plot.
8. The Government or such person or authority as may be appointed for the purpose shall have the right to enter upon any plot and lay and have access to water mains, service pipes, telegraph or telephone wires, and electric mains of all descriptions whether overhead or underground, and the grantees shall not erect any building in such a way as to cover or interfere with any existing routes, main or service pipes or the telegraph or telephone wires and electric mains aforementioned.
9. No building shall be erected on any plot unless plans (including block plan showing the position of the buildings) drawings, elevations and specifications thereof shall have been previously approved by the Commissioner of Lands or such other person as he may appoint. Such plans, etc., shall be submitted in triplicate to the Resident Commissioner for necessary action.
10. Each grantee will be responsible for the proportionate cost of roads and drains when construction is complete.
11. The term of each grant will be 99 years from the 1st day of January, 1928.

SPECIAL CONDITIONS IN RESPECT OF BUSINESS PLOTS.

1. In these special conditions the term "Building Authority" means the Resident Commissioner of the district or area in which the plot is situated or such other Municipal Authority as may be hereafter established by law.
2. The plots enumerated in Schedules Nos. 1 and 2 may be used for the combined purpose of business and residence.
3. Not more than one-half of the area of any plot shall be built upon.
4. Each purchaser of a plot in Schedule No. 1 shall erect within two years of the commencement of his grant a building of approved design constructed of stone, burnt brick, or concrete, on proper foundations.
5. Each purchaser of a plot in Schedule No. 2 shall erect within two years of the commencement of his grant a building of approved design constructed of stone, burnt brick, concrete, asbestos, wood or iron, on proper foundations.
6. The grantee shall not at any time subdivide the plot, or assign or sublet any portion of the plot without the consent of the Governor.
7. At no time during the term of the grant shall any plot or any portion thereof or any building erected on the plot be used for the purpose of carrying on any of the following trades:—

Blood-boiler, bone-boiler, fellmonger, soap-boiler, tallow-melter, tripe-boiler, blood-drier, leather-dresser, tanner, fat-melter or extractor, glue-maker, size-scraper, gut-scrapers, knacker, slaughterer of animals, storage of hides, bacon-curing, artificial manure-making, oilcloth and linoleum making, india-rubber-making, varnish-making, and oil-boiling, paper-making, manufacture of alkali, trades associated with the generation of irrespirable gases, manufacture of horse-hair, wool-sorting, trades associated with the use of poisonous metals, or any other trade or business which may be declared to be dangerous or offensive by notice in the Official Gazette.

UNCLAIMED BAGGAGE LYING IN THE KING'S WAREHOUSE, KILINDINI, OVER THREE MONTHS.

FOR SALE ON 3RD JANUARY, 1928.

Date.	Steamer.	Mark and Number	No. & Description of packages
1927			
27th Aug	Karagola, Bombay	Nil	2 baskets merchandise
		Nil	3 bags merchandise
27th Aug.	Unknown	Nil	1 chair frame
		Cripweel	1 chair
		Nil	1 bundle chair
		Nil	1 tin
		F. (Esnouf)	1 chair
		Nil	1 chair
9th Sept.	Ussukuma	Nil	1 bale chair

UNCLAIMED CARGO LYING IN THE KING'S WAREHOUSE, KILINDINI, OVER THREE MONTHS

FOR SALE ON 3RD JANUARY, 1928

Date.	Steamer.	Marks and Number.	No. & Description of packages
1927			
27th June	Dhow, Sitara V 1, Vanga	Nil	10 pieces Mgamba planks

UNCLAIMED BAGGAGE LYING IN THE KING'S WAREHOUSE, MOMBASA, OVER THREE MONTHS.

FOR SALE ON 3RD JANUARY, 1928.

Date	Steamer.	Mark and Numbers.	No & Description of Goods.
1927			
8th April	Dhow Unknown	Nil	1 load ctg. 9 packets snuff
	do do	Nil	1 case merchandise

GENERAL NOTICE NO. 1167

NOTICE.

NOTICE is hereby given that the undermentioned goods will be sold by public auction in Godown No. 2, Mombasa Old Port, on 3rd January, 1928, if not cleared before that date and the proceeds will be applied as follows:—

Firstly, in the payment of expenses of the sale;

Secondly, in payment of the duty;

Thirdly, in the payment of the warehouse rent and charges;

Fourthly, in the payment of the freight, if any, due upon the goods if written notice of such freight shall have been given to the Collector

The surplus, if any, will be paid to the proprietor of the goods on his application in writing for the same within six months from the date of sale, but if on expiration of that date no such application shall have been received the surplus will be forfeited and shall be applied as if it had originally been paid as duty due and payable.

Custom House,
Mombasa, 21st November, 1927

G. WALSH,
Commissioner of Customs, Kenya and Uganda

UNCLAIMED CARGO LYING IN THE KING'S WAREHOUSE, KILINDINI, OVER THREE MONTHS.

FOR SALE ON 3RD JANUARY, 1928.

Under Section 106 of the Customs Management Ordinance, 1926.

Date	Steamer	Marks and Numbers.	No. & Description of Packages.
1927 26th Aug.	City of Durham, Europe	A. H. S. Arusha Tanga via Mombasa } D W A Nil Nil or K U.R.	10 cases whisky 1 cask empty 5 loose galvanised pipes 8 firebricks (broken into pieces)
27th Aug.	Karagola, Bombay	Robert Stewart Esq., P. Box 1 Nakuru, C/o M.B.W/H Co. Ltd. }	1 case merchandise
2nd Sept.	Matiana, Europe	Nil Gailey 877 Nairobi Kilindini	7 casks empty
4th Sept.	Crawford Castle, Europe	H. R. 3/4 Nil	1 package iron 2 cases merchandise 1 cask empty
5th Sept.	Giuseppe Mazzini, Europe	SABAP 543 Mombasa	1 case merchandise
6th Sept.	Randfontein, Europe	H & C or Nil Nil Both ends red or nil	144 bags rock salt 1 parcel samples 2 loose flat iron

GENERAL NOTICE NO. 1160

LONDIANI FARMS, LIMITED.

(IN LIQUIDATION).

PURSUANT TO SECTION 206 OF THE COMPANIES ORDINANCE, 1921.

AT an extraordinary general meeting of the members of the above Company duly convened and held at the offices of Dalgety & Co., Ltd., Sixth Avenue, Nairobi, on Thursday, the 27th October, 1927, the following extraordinary resolution was duly passed, and at a second extraordinary general meeting duly convened and held at the same place on Monday, the 14th November, 1927, the same was duly confirmed as a special resolution.

"That the Company be wound up voluntarily, and that Mr. W. C. Hunter, of Sixth Avenue, Nairobi, be appointed liquidator, for the purpose of such winding up."

Nairobi,
19th November, 1927.

W. C. HUNTER,
Liquidator.

GENERAL NOTICE NO. 1161.

LONDIANI FARMS, LIMITED.

(IN LIQUIDATION).

NOTICE is hereby given that pursuant to section 205 of the Companies Ordinance, 1921, a meeting of creditors of Londiani Farms, Limited, will be held at the offices of Dalgety & Co., Ltd., Sixth Avenue, Nairobi, on Monday, the 12th December, 1927, at 2 p.m., for the purposes provided in the said section.

Nairobi,
19th November, 1927.

W. C. HUNTER,
Liquidator.

GENERAL NOTICE NO. 1162.

NOTICE.

To all whom it may concern.

NOTICE is hereby given that Mr. Puranchand s/o Munshiram has retired from the business of Building and Trading Company, Eldoret, and Mr. Darbarilal s/o Anantram has taken over his share of the assets and liabilities in the said business as from the 21st day of July, 1927.

Nairobi,
23rd November, 1927.

SHAPLEY & SCHWARTZE,
Advocates and Solicitors for the Parties.

GENERAL NOTICE NO. 1163.

NOTICE.

NOTICE is hereby given to all persons concerned that on the 1st day of November, 1927, Devchand Ramji has retired from the partnership business heretofore carried on at Karatina under the name and style of Jivraj Kachra, and that Premchand Bhoja and Jivraj Kachra the remaining partners have taken over all the partnership assets and liabilities as and from the said date, and they would hereafter carry on the business aforesaid under the same name and style.

Nairobi,
Dated 22nd day of November, 1927.

JIVRAJ KACHRA.
PREMCHAND BHOJA.
DEVCHAND RAMJI.

GENERAL NOTICE NO. 1164.

NOTICE.

NOTICE is hereby given that the partnership formerly subsisting between George Roy Nevill Morrison and John Watts Ratcliffe, carrying on business as farmers in the Nakuru District, was dissolved by mutual consent on May 25th, 1927. J. W. Ratcliffe accepts liability for all outstanding accounts of the partnership.

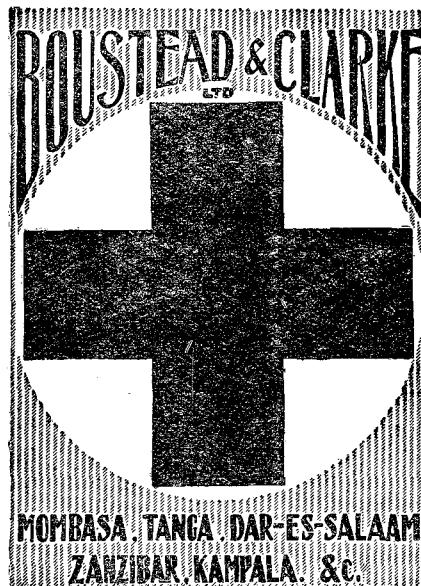
Rongai,
24th November, 1927.

G. R. N. MORRISON.
J. W. RATCLIFFE.

GENERAL NOTICE NO. 1165

THE REGISTRATION OF TRADE MARKS ORDINANCE.

APPLICATION No. 90/27.



To all whom it may concern.

TAKE NOTICE that an application for the registration of the Trade Mark shown above in Class 29 of Part III of the Schedule to the above-mentioned Ordinance, in respect of jute yarns and tissues and other articles made of jute not included in Class 50, has been lodged by Boustead and Clarke, Limited, of Mombasa; Merchants.

Registration is not claimed under the special provisions of paragraph 5 of section 7 of the said Ordinance in regard to names, signatures or words.

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

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

(To be associated, sec: 25.)

Nairobi,
13th September, 1927.

W. M. KEATINGE,
Registrar of Trade Marks

GENERAL NOTICE NO. 1166.

POST OFFICE NOTICE.

ARRIVAL OF KENYA MAILS IN ENGLAND.

IT is notified for general information that the mails despatched from Mombasa on the undermentioned dates arrived in England as stated:—

Date of despatch from Mombasa	Name of vessel by which despatched	Date of arrival in England.
1st Nov., 1927	S. S. "Mazzini"	19th Nov., 1927
5th Nov., 1927	S. S. "Gen. Duchesne"	24th Nov., 1927

General Post Office,

Nairobi,

26th November, 1927.

D. GORMACK,
for Postmaster General,

GENERAL NOTICE NO. 1152.

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT NAIROBI.
INSOLVENCY JURISDICTION.
CAUSE No. 48 OF 1922.

IN THE MATTER OF RAMBHAI DAHYABHAI & CO., INSOLVENTS.
To all whom it may concern.

TAKE NOTICE that the Court has fixed the 15th day of December, 1927, at 10-30 a.m. for the consideration of scheme of arrangements submitted by the insolvents in the above cause.

Dated this 23rd day of November, 1927.

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

GENERAL NOTICE NO. 1153

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT MOMBASA.
INSOLVENCY JURISDICTION.
CAUSE No. 20 OF 1925.

IN THE MATTER OF DESAIBHAI JAVERBHAJ PATEL, INSOLVENT.
To all whom it may concern.

ON the application of Desaibhai Javerbhai Patel, the above-named insolvent, filed on the 1st day of October, 1927, and on hearing T. J. Inamdar, Esq., Advocate for the insolvent, and J. A. C. Burke, Esq., Advocate for Ashabhai Vaghjibhai Patel, one of the creditors, it is ordered that the said insolvent be and he is hereby granted an absolute discharge forthwith.

Gives under my hand and the seal of the Court this 15th day of November, 1927.

ERIC T. JOHNSON,
Acting Judge,
Supreme Court of Kenya.

GENERAL NOTICE NO. 1154

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT MOMBASA.
CAUSE No. 45 OF 1927.

IN THE MATTER OF THE ESTATE OF BITAMU BINTI JUMA,
EL JOMVIYATI, OF JOMVU, DECEASED.

NOTICE is hereby given that on the 14th day of December, 1927, I purpose to appoint Shaibo bin Shallo, El Somali, of Mombasa, to be the wasi of the estate of the late Bitamu binti Juma, El-Jomviyati, of Jomvu.

If any person objects to the proposed appointment he must give me notice of his objection before the expiration of this notice.

Mombasa,

21st November, 1927.

G. H. PICKERING,
Judge,
H. M. Supreme Court.

GENERAL NOTICE NO. 1155.

PROBATE AND ADMINISTRATION.
SUPREME COURT CAUSE NO. 91 OF 1927.
PUBLIC TRUSTEE'S CAUSE NO. 80 OF 1927.

IN THE MATTER OF ARTHUR HENRY MARTIN, DECEASED.
To all whom it may concern.

PURSUANT to an order of the Supreme Court of Kenya, dated the 22nd day of November, 1927, by which the undersigned was appointed administrator of the estate of the late Arthur Henry Martin, who died on the 3rd day of February, 1927.

TAKE NOTICE that all persons having any claims against the estate of the said Arthur Henry Martin are required to lodge and prove such claims before me the undersigned on or before the 29th day of January, 1928, after which date only the claims so proved will be paid and the estate distributed according to law.

Nairobi,
24th November, 1927.

W. M. KEATINGE,
Public Trustee.

GENERAL NOTICE NO. 1156.

PROBATE AND ADMINISTRATION.
PUBLIC TRUSTEE'S CAUSE NO. 112 OF 1927.

IN THE MATTER OF WILLIAM WALTER RUSSELL, DECEASED.
To all whom it may concern.

TAKE NOTICE that on or after the 13th day of December, 1927, I intend to apply to the Supreme Court of Kenya at Nairobi, for an order to administer the estate of the above-named William Walter Russell, who died at Nairobi on the 25th day of October, 1927.

Nairobi,
24th November, 1927.

W. M. KEATINGE,
Public Trustee.

GENERAL NOTICE NO. 1157.

PROBATE AND ADMINISTRATION.
PUBLIC TRUSTEE'S CAUSE NO. 118 OF 1927.

IN THE MATTER OF WILLOUGHBY EDWARDS DALGAIRNS,
DECEASED.

To all whom it may concern.

TAKE NOTICE that on or after the 13th day of December, 1927, I intend to apply to the Supreme Court of Kenya at Nairobi, for an order to administer the estate of the above-named Willoughby Edwards Dalgairns, who died at Nairobi on the 6th day of November, 1927.

Nairobi,
22nd November, 1927.

W. M. KEATINGE,
Public Trustee.

GENERAL NOTICE NO. 1158

THE REGISTRATION OF TRADE MARKS
ORDINANCE.
APPLICATION No. 138/27.

AS-BES-TUBES

To all whom it may concern.

TAKE NOTICE that an application for the registration of the Trade Mark shown above in Class 17 of Part III of the Schedule to the above-mentioned Ordinance, in respect of pipes made of asbestos and cement the cement predominating, has been lodged by Asbestos-Cement Pipes, Limited, of 1 to 3, Creech Lane, London, England; Manufacturers, whose address for service in the Colony is Messrs. Atkinson, Wright and Bown, Advocates, Mombasa.

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

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

Nairobi,
24th November, 1927.

W. M. KEATINGE,
Registrar of Trade Marks.

GENERAL NOTICE NO. 1159.

DISSOLUTION OF PARTNERSHIP.

To all whom it may concern.

NOTICE is hereby given that the partnership heretofore subsisting between Dhanji Mawji, Purshottam Mawji, Meghji Hirji and Khanshi Dharamshi, carrying on business in the name of Dhanji Mawji and Company at Nakuru, has been dissolved by mutual consent as from the 16th day of October, 1927, so far as concerns the said Khanji Dharamshi, who retires from the said firm. All debts due to and owing by the said late firm will be received and paid by the remaining partners, who will continue to carry on business under the same style or firm of Dhanji Mawji and Company.

DHANJI MAWJI.
PURSHOTTAM MAWJI.
MEGHJI HIRJI.
KHANJI DHARAMSHI.

Dated at Nakuru this 16th day of November, 1927.

MORRISON & ALLAN,
Solicitors for the Parties.

GENERAL NOTICE NO 847.

HIS MAJESTY'S COURT OF APPEAL FOR
EASTERN AFRICA.

THE next Sessions of His Majesty's Court of Appeal for Eastern Africa have been fixed to be held at Nairobi and to commence on Monday, the 5th day of December, 1927, at 10 a.m. or as soon thereafter as cases can be heard.

To ensure cases being set down for hearing at these sessions, the records should be received by the Registrar, His Majesty's Court of Appeal for Eastern Africa at Nairobi, on or before the 10th day of November, 1927.

Nairobi,
15th Setember, 1927.

D. EDWARDS,
Registrar,
H. M. Court of Appeal for E.A.

CAUSE LIST

FOR HEARING ON THE 5TH DAY OF DECEMBER 1927, AT NAIROBI.

Appeal No.	Civil or Criminal	Appellant.	Respondent	Original No. of Case.	Appeal from
19 of 1927	Criminal	Daudi s/o Watoka	Rex.	Criminal Case No 92/27	H. M Supreme Court of Kenya, at Nairobi
20 of 1927	"	Tuboo bin Ndoro	Rex	Criminal Case No 107/27	H. M. Supreme Court of Kenya, at Mombasa
21 of 1927	"	Bhaiyalbhai Pragjibhai Amin	Rex.	Criminal Case No. 3/27	H. M. High Court of Uganda in the D. R. at Kampala.
22 of 1927	"	Otideli s/o Ikitai	Rex	Criminal Case No. 12/27	H. M. High Court of Uganda Sittings held at Soroti
13 of 1927	Civil	Frank Ernest Bowman	Abdul Roman	Civil Case No. 1/27	H. M. Supreme Court of Kenya, in D. R. at Eldoret.
16 of 1927	"	Dalip Singh	Hakam Singh	Civil Case No. 9/27	H. M. High Court of Uganda, in D. R. at Kampala.
19 of 1927	"	Lekhram Dalpatrai	Mayawanti	P & A Cause No 1/27	H. M. High Court of Uganda, at Entebbe. (Application for leave to appeal)
20 of 1927	"	Jiwa Mulji	The Official Receiver of the Bankrupt Estate of Kankubai Allidina Giga trading as A E Jiwa & Co	Bankruptcy Cause No. 1/26	H M. High Court of Tanganyika in the District Registry at Tanga.
21 of 1927	"	Khoja Alibhai Kanji	Mahomed Premji	Civil Case No 271/21	H M Supreme Court of Kenya, at Mombasa.
22 of 1927	"	A. V. Cotta	Serrano G D'Souza	Civil Case No. 75/27	H. M. High Court of Uganda in D. R. at Kampala.
23 of 1927	"	Hassanali Valli Dharsi & Company	Salam bin Mohamed el Mameri	Civil Case No. 52/27	H. B. M. High Court of Zanzibar, at Zanzibar.
24 of 1927	"	Rajaballi Virji Khoja	Mariam binti Hussein	Civil Case No. 109/27	H. B. M. High Court of Zanzibar at Zanzibar.
25 of 1927	"	C. Parekh & Co.	The Uganda Commercial Co., (Kampala) Ltd.	Civil Case No. 74/1927	H M. High Court of Uganda in the D. R. at Kampala.

GENERAL NOTICE No. 1149.

NOTICE.

REGISTRATION OF TITLES ORDINANCE.
(*Chapter 141 of the Revised Edition*).

Section 69.

WHEREAS Alli Naji, Arab, of Kisumu, is the grantee of Plot No. 17, Section XXIX, Kisumu Township by virtue of Grant No. I.R. 1765, and whereas sufficient evidence having been adduced to show that the said grant has been lost, notice is hereby given that after the expiration of 90 days from the date hereof I shall issue a provisional certificate.

Nairobi,

21st November, 1927.

G. J. ROBBINS,
Registrar of Titles.

GENERAL NOTICE No. 150

LEASE OF FERRIES.

TENDERS are invited for the lease of the ferries specified below for the period from the 1st of January to the 31st of December, 1928, viz:—

Kilifi.

Takaungu.

Shimo-la-Tewa (Mtwapa).

Mtongwe.

A form of lease setting out the conditions, together with a Schedule of tolls and a draft copy of the bond referred to in the form of lease, can be obtained on application from the General Manager, Kenya and Uganda Railways and Harbours, Nairobi, or from the Port Manager, Mombasa. Tenders should be marked "Ferries," and should reach the office of the Port Manager, Kenya and Uganda Railways and Harbours, Mombasa, not later than 12 noon on the 8th of December, 1927.

Headquarter Offices,

Nairobi, 24th November, 1927.

C. L. N. FELLING,
General Manager.

GENERAL NOTICE NO 1151

PASSPORTS.

NOTICE.

Visas to India.

ALL persons travelling to India are warned to make certain that their passports bear a British Empire visa or a British India visa.

This visa can be obtained at the Mombasa Passport Office before embarking or at the Passport Control Office, Nairobi.

Failure to obtain this visa will prohibit landing in British India.

Passport Control Office.

Nairobi, 24th November, 1927.

B. GRENFELL HICKS,
Passport Control Officer.

GENERAL NOTICE No. 928.

WILD FIBRE CUTTING CONCESSIONS.

NOTICE.

UNDER THE CROWN LANDS ORDINANCE, 1915.

TENDERS are invited for the rights to cut wild fibre (*Sansevieria*) over area where such fibre is to be found.

2. Tenderers will be required to submit plans showing the area over which they desire such rights, the basis of tender to be a royalty per ton on all fibre produced.

3. The concession will be for the period of five years and in addition to the fibre cutting rights, will carry the right to construct such roads and milling stations as are necessary. Rent at the rate of cents five per acre per annum will be charged.

4. The Government reserves the right to alienate the land during the currency of the concession but any such alienation would be subject to the concession.

5. The right to use a reasonable quantity of water sufficient for domestic and other ordinary purposes will be granted if such water be available, but no guarantee can be given that the use of water for decorticating and fibre washing purposes will be permitted. The right to the use of water for any purpose will be subject to previous application having been made to and any necessary permit having been obtained from the Director of Public Works by the concessionaire.

6. Sealed tenders marked "Tender for Fibre Concession" should be deposited with the Commissioner of Lands by noon on the 31st day of December, 1927.

7. Any tender will not necessarily be accepted.

Nairobi,

26th September, 1927.

A. LINDSAY BASFORD,
for Commissioner of Lands.

GENERAL NOTICE No. 1122.

NOTICE.

IN view of the close of the financial year on the 31st December, 1927, it is requested that all merchants and others having any claims against the Government of the Colony and Protectorate of Kenya will render them to the department concerned before the 22nd December, 1927.

The Treasury,
Nairobi,

15th November, 1927.

R. CLIFTON GRANNUM,
Treasurer.

GOVERNMENT NOTICE NO. 584.

NON-EUROPEAN CLERICAL STAFF.

CONFIRMATION EXAMINATION.

THE following obtained a Pass at the confirmation examination held in March, 1927:—

P. J. D'Souza, Public Works Department.

The Secretariat,
Nairobi, 23rd November, 1927.

J. E. S. MERRICK,
for Colonial Secretary.

GOVERNMENT NOTICE NO. 585.

NON-EUROPEAN CLERICAL STAFF.

CONFIRMATION EXAMINATION.

THE following obtained a Pass at the confirmation examination held in September, 1927:—

T. B. Patel, Government Coast Agency.
J. F. E. Lobo, Public Works Department.
K. V. Patel, Post and Telegraphs.
Gurchan Dass, Post and Telegraphs.
R. J. Rodrigues, Port and Marine.
J. J. Patel, Treasury.
P. J. Patel, Treasury.
A. S. B. Misquith, Police.
A. P. Patel, Police.
L. M. Vyas, Judicial.
A. Homem, Customs.
M. I. Purohit, Customs.
P. J. X. Cordeiro, Customs.
K. S. Atwal, Customs.
S. R. P. R. Almeida, Customs.
J. A. Coelho, Customs.
J. V. Carvalho, Customs.
R. R. Faria, Customs.
C. J. R. D'Costa, Customs.
B. G. Gore, Customs.
M. B. Patel, Customs.
Amar Singh Mahal, Customs.
T. K. Nayar, Customs.
M. V. Patel, Customs.
L. Barreto, Customs.
D. F. Shastri, Customs.
M. S. Saldhana, Medical.
L. M. C. D'Souza, Provincial Administration.
O. Taylor, Provincial Administration.
G. A. Jeevanjee, Post and Telegraphs.
R. B. Patel, Post and Telegraphs.
J. J. Mascarenhas, Immigration.
S. J. P. Dias, Audit.

The Secretariat,
Nairobi, 23rd November, 1927.

J. E. S. MERRICK,
for Colonial Secretary.

GENERAL NOTICE NO. 1147.

NOTICE.

UNDER THE DRUGS AND POISONS ORDINANCE, 1909.

(Chapter 120, Revised Edition).

THE unheralded has been issued with a Druggists' licence for the year 1927, in accordance with the provisions of the Drugs and Poisons Ordinance (Chapter 120 of the Revised Edition).

Lawrence Charles Stuart Edwards.

Nairobi,
19th November, 1927.

JOHN L. GILKS,
Registrar.

GENERAL NOTICE NO. 1148.

KENYA AND UGANDA RAILWAY.

TENDER FOR LOGS AND/OR FLITCHES.

1. Tenders are invited for the supply of the following logs and/or flitches f.o.r. at any Kenya and Uganda Railway Station:—

	Tons.
Podo Gracillior Logs 700
Cedar Logs 200
or	
Podo Gracillior Flitches 400
Cedar Flitches 200

2. The logs and flitches must be in accordance with the Railway's specification, particulars of which may be obtained on application to the Acting Chief Storekeeper.

3. Tenders for part or the whole of the above quantities will be considered.

4. Tenders must state the quantity they are prepared to deliver monthly, and the date of first delivery.

5. The price to be f.o.r per ton of 50 cubic feet and in the case of logs these will be measured by the quarter girth system under the bark.

6. Logs and/or flitches will be inspected by the Railway before loading into trucks, and payment will be made on or before the 15th of the month following the receipt of the logs in the Railway Workshops, Nairobi, and after final acceptance by the Chief Storekeeper.

7. Tenders in sealed envelopes marked "Tender for Logs" should reach the Acting Chief Storekeeper, Kenya and Uganda Railway, Post Box 40, Nairobi, on or before the 12th December, 1927. Tenders received after that date will not be considered.

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

Nairobi,
19th November, 1927.

C. L. N. FELLING,
General Manager,
Kenya and Uganda Railway.

GOVERNMENT NOTICE NO. 583

THE INDIAN TELEGRAPH ACT, 1885.

RULES.

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

1. These Rules may be cited as "the Telegraph Rules (No. 2), 1927," and shall be read as one with the Telegraph Rules (No. 5), 1924, hereinafter called "the Principal Rules."

2. The following shall be inserted as Rule 6 of the Principal Rules :—

"6. When such telegrams contain only conventional Christmas or New Year greetings, the minimum charge shall be reduced to the charge for ten words. Provided that the charge for such Christmas or New Year greeting telegrams to Great Britain and Northern Ireland, the Irish Free State, Gibraltar and Malta shall be a minimum charge of three shillings for ten words and thirty-three cents for each additional word in excess of ten words. Provided further that such Christmas or New Year greeting telegrams will be accepted only between the 15th day of December and the 31st day of December in each year."

3. The Telegraph Rules (No. 5), 1926, are hereby cancelled.

By command of His Excellency the Governor in Council.

Nairobi,

Dated this 26th day of November, 1927.

J. E. S. MERRICK,
Clerk to the Executive Council.

GOVERNMENT NOTICE No. 582

THE ASIATIC EDUCATION TAX
ORDINANCE, 1926.

RULES.

IN EXERCISE of the powers conferred upon him by section 17 of the Asiatic Education Tax Ordinance, 1926, His Excellency the Governor has been pleased to make the following rules :—

1. These Rules may be cited as "the Asiatic Education Tax Rules, 1927."

2. The Court costs and expenses set forth in the Schedule hereto, and fixed by the Governor for the purposes of section 10 of the Asiatic Education Tax Ordinance, 1926, shall be paid by the person summoned.

3. The Magistrate issuing a summons under section 9 of the said Ordinance shall cause to be endorsed thereon the sum to be paid by the person summoned for the summons and service thereof in accordance with the scale in the Schedule hereto.

4. Any person summoned as aforesaid, who shall, before 12 o'clock noon of the day previous to the date fixed by the summons for his attendance before the Magistrate, pay into the Court of the Magistrate the amount of the tax payable by him together with the sum to be paid for the summons and service thereof, shall be excused from attending before the Magistrate and no order shall be made against him under section 10 of the said Ordinance.

5. Section 12 of the said Ordinance shall apply in the case of the payment of the tax and costs in accordance with the last preceding rule, as if such payment had been made in compliance with an order under section 10 of the Ordinance.

By command of His Excellency the Governor.

Nairobi,

This 15th day of November, 1927.

J. E. S. MERRICK,
for Colonial Secretary.

SCHEDULE.

Court costs and expenses fixed by the Governor for the purposes of section 10 to be paid by the person summoned.

	Shs. Cts.
1. For a summons issued under section 9	... 4 00
2. For service of a summons—	
(a) within 2 miles of the Court issuing the same 2 00
(b) beyond that distance	(Such fee as will cover the cost of service but not less than Shs. 4).
3. On hearing unless specially directed by the Court to be free 4 00
4. On order of adjournment rendered necessary by the default of the person summoned	... 4 00
5. For an order under section 10 unless specially directed by the Court to be free 2 00

GOVERNMENT NOTICE NO. 581.

THE EUROPEAN EDUCATION TAX
ORDINANCE, 1926.

RULES.

IN EXERCISE of the powers conferred upon him by section 17 of the European Education Tax Ordinance, 1926, His Excellency the Governor has been pleased to make the following rules :—

1. These Rules may be cited as "the European Education Tax Rules, 1927."
2. The Court costs and expenses set forth in the Schedule hereto, and fixed by the Governor for the purposes of section 10 of the European Education Tax Ordinance, 1926, shall be paid by the person summoned.
3. The Magistrate issuing a summons under section 9 of the said Ordinance shall cause to be endorsed thereon the sum to be paid by the person summoned for the summons and service thereof in accordance with the scale in the Schedule hereto.
4. Any person summoned as aforesaid, who shall, before 12 o'clock noon of the day previous to the date fixed by the summons for his attendance before the Magistrate, pay into the Court of the Magistrate the amount of the tax payable by him together with the sum to be paid for the summons and service thereof, shall be excused from attending before the Magistrate and no order shall be made against him under section 10 of the said Ordinance.
5. Section 12 of the said Ordinance shall apply in the case of the payment of the tax and costs in accordance with the last preceding rule, as if such payment had been made in compliance with an order under section 10 of the said Ordinance.

By command of His Excellency the Governor.

Nairobi,

This 15th day of November, 1927.

J. E. S. MERRICK,
for Colonial Secretary.

SCHEDULE.

Court costs and expenses fixed by the Governor for the purposes of section 10 to be paid by the person summoned.

	Shs. Cts.
1. For a summons issued under section 9	... 4 00
2. For service of a summons—	
(a) within 2 miles of the Court issuing the same 2 00
(b) beyond that distance	(Such fee as will cover the cost of service but not less than Shs. 4).
3. On hearing unless specially directed by the Court to be free 4 00
4. On order of adjournment rendered necessary by the default of the person summoned	... 4 00
5. For an order under section 10 unless specially directed by the Court to be free	... 2 00

(b) *Utwani Forest.* Commencing at the south-west corner of the Gongoni Forest, the forest is bounded by a beaconed line in a generally northerly and north-easterly direction (passing south-east of Takutaku Village and through the Ziwa la Mwa-jale);

thence easterly and southerly by beaconed lines (passing to the east of, and including, the Ziwa la Nyati) to the south-east corner of the forest about a furlong north of the Witu-Momba Sasa-Mkonumbi Road and about one mile and a half east of Momba Sasa;

thence by a beaconed line westerly following the general direction of a the road to a point about a mile west of Momba Sasa;

thence north-westerly by a beaconed line to the point of commencement.

The foregoing boundary being more particularly delineated and edged green on the aforesaid plan.

PROCLAMATION NO. 83.

COLONY AND PROTECTORATE OF KENYA.

THE PUBLIC HOLIDAYS ORDINANCE.

(Chapter 30 of the Revised Edition).

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by section 3 of the Public Holidays Ordinance (Chapter 30 of the Revised Edition), I, Edward William Macleay Grigg, Knight Commander of the Royal Victorian Order, Companion of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order, upon whom His Majesty has conferred the decoration of the Military Cross, Lieutenant Colonel in His Majesty's Army (retired), Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, hereby proclaim Tuesday, the 27th day of December, 1927, to be observed as a public holiday.

Given under my hand at Nairobi this 24th day of November, 1927.

EDWARD GRIGG,
Governor.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 580

THE PUBLIC HOLIDAYS ORDINANCE.

(Chapter 30 of the Revised Edition).

IT is notified for public information that in accordance with the provisions of section 4 of the Public Holidays Ordinance (Chapter 30 of the Revised Edition), Monday, January the 2nd, 1928, will be kept as a public holiday.

Nairobi,
24th November, 1927.

J. E. S. MERRICK,
for Colonial Secretary.

PROCLAMATION NO. 82.

COLONY AND PROTECTORATE OF KENYA.



THE FOREST ORDINANCE.

PROCLAMATION.

L.S.

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

IN EXERCISE of the powers conferred upon me by section 3 of the Forest Ordinance (Chapter 149 of the Revised Edition), I hereby declare the area described in the Schedule hereto to be a Forest Area within the meaning of the aforementioned Ordinance.

GOD SAVE THE KING.

Given under my hand and the public seal of the Colony at Nairobi this 25th day of November, 1927.

By command of His Excellency the Governor.

W. M. LOGAN,
for Colonial Secretary.

SCHEDULE.

DESCRIPTION OF BOUNDARIES OF WITU FOREST RESERVE.

This reserve consists of two sections, viz., Gongoni Forest (about 385 acres) and Utwani Forest (about 3,165 acres) whose boundaries are as follows :—

(a) *Gongoni Forest.* Commencing at a beacon on the southern boundary of L.O. No. 4584 about 1,707 feet from its south-west corner;

thence bounded by part of that southern boundary easterly to the south-east corner of that portion;

thence by a beacons line southerly to a beacon on the western boundary of the Utwani Forest;

thence by a beacons line westerly, south-westerly and north-westerly to the point of commencement;

the foregoing boundary being more particularly delineated and edged green on Land Surveys Boundary Plan No. 47 deposited at the Land Survey Office, Nairobi, a copy of which is on record at the Forest Department, Nairobi.

Colony and Protectorate of Kenya.

GOVERNMENT NOTICE No. 579.

HIS EXCELLENCY the Governor has approved of the following Bill being introduced into the Legislative Council :—

G. R. SANDFORD,
Clerk to the Legislative Council.

A Bill to Amend the General Loan and Inscribed Stock Ordinance.

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

1. This Ordinance may be cited as “ the General Loan Short title.
and Inscribed Stock (Amendment) Ordinance, 1927,” and shall
be read as one with the General Loan and Inscribed Stock
Ordinance (Chapter 46 of the Revised Edition), hereinafter
5 referred to as “ the Principal Ordinance.”
2. Notwithstanding anything to the contrary contained in the Principal Ordinance, if at any time the trustees of the sinking fund of any loan issued or to be issued under the provision of the said Ordinance (other than a debenture loan
10 redeemable by annual drawings or by purchase in the market) are satisfied that the value of the fund will be sufficient with further accumulations of interest but without further payments of contributions to enable the loan to be redeemed out of the
proceeds of the sinking fund when the same shall fall due to
15 be redeemed, the Governor may with the approval of the Secretary of State suspend further payments of contributions to the said sinking fund : Provided always that contributions to the sinking fund shall be recommenced if the trustees shall at any time inform the Governor that it is necessary.Cesser of
sinking fund
contributions.

OBJECTS AND REASONS.

The Bill has been prepared at the instance of the Secretary of State to give effect to his suggestion that when a sinking fund of any loan issued or to be issued becomes “ potentially full ” before the due date for the repayment power should be taken to discontinue contributions to the sinking fund.

Clause 2 of the Bill shows clearly what is meant by the term “ potentially full ”.

GOVERNMENT NOTICE No. 578.

ARRIVAL

Name	Rank.	From leave or on 1st Appointment.	Date of leaving England.	Date of Embarkation.	Date of arrival at Kilindini
N. Hewgill	Artizan 1st Class, K & U. Rly.	1st Appointment	26th Oct., 1927	27th Oct., 1927 *	13th Nov., 1927

* Date of leaving Marseilles.

DEPARTURE.

Name	Rank.	On leave or termination of appointment.	Date of Departure.
J. White	Clerk, Kenya and Uganda Railway	On Leave	11th November, 1927.

APPOINTMENTS.

S. 20064/15.

REGINALD CECIL MERVYN Wood, to be Acting Establishment Officer, Secretariat, with effect from the 24th November, 1927.

K. S. J. CHAMBERLAIN, to be an Assistant Treasurer, with effect from the 8th of July, 1927.

SWAHILI EXAMINATION.

LOWER STANDARD—PASS.

F. V. PRESTON, Clerk, Secretariat.

H. R. CARVER, Administrative Cadet, Kitui.

F. LYONS, Laboratory Assistant, Veterinary Research Laboratory, Kabete.

E. J. HALL, Laboratory Assistant, Veterinary Research Laboratory, Kabete.

POLICE PASSED QUALIFYING EXAMINATION FOR PROMOTION.

D. M. STEPHENS, Acting Inspector of C.I.D., Nairobi.

POLICE PASSED FOR PROMOTION TO 1ST GRADE SUB-INSPECTOR.

G. SHARMAN, 1st Grade Assistant Sub-Inspector, Police, Nairobi.

S. M. NURULLAH, 1st Grade Assistant Sub-Inspector, Police, Nairobi.

J. E. S. MERRICK,
for Colonial Secretary.