



# THE OFFICIAL GAZETTE OF THE COLONY AND PROTECTORATE OF KENYA

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\* Government Notice No. 920 was published on 17-11-41 in an Extraordinary Gazette, and is reprinted now for inclusion in the Volume of Proclamations, Rules and Regulations, 1941.

# Colony and Protectorate of Kenya

GOVERNMENT NOTICE No. 898

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

R. P. ARMITAGE,  
*Acting Clerk to the Legislative Council.*

## **A Bill to Amend the Registration of Titles Ordinance**

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

Short title.

1. This Ordinance may be cited as the Registration of Titles (Amendment) Ordinance, 1941, and shall be read as one with the Registration of Titles Ordinance (Chapter 142 of the Revised Edition), hereinafter referred to as the Principal Ordinance. 5

Amendment of section 2 of the Principal Ordinance.

2. Section 2 of the Principal Ordinance is hereby amended by inserting therein at the end thereof the following new definition:—

“‘Trust’ and ‘trustees for sale’ shall have the meaning assigned to these expressions by the Trusts of Land Ordinance, 1941, but shall not include a Wakf created under the rules of Mohammedan law or trustees appointed thereunder.” 10

No. . . of 1941.

Amendment of section 23 of the Principal Ordinance.

3. Section 23 of the Principal Ordinance is hereby amended by deleting therefrom the words “subject to the conditions and agreements expressed or implied in the original grant and in any subsequent transfer or transmission thereof” which appear in the sixth, seventh and eighth lines thereof and substituting therefor the words “subject to the encumbrances, easements, restrictions and conditions contained therein or endorsed thereon”. 15 20

Amendment of section 34 of the Principal Ordinance.

4. Section 34 of the Principal Ordinance is hereby amended by deleting therefrom the words “is a minor or of unsound mind, the guardian, next friend or other person appointed by the court to act on behalf of the minor or person of unsound mind in the matter” which appear in the third, fourth, fifth and sixth lines thereof and substituting therefor the words “is of unsound mind, the guardian or other person appointed by the court to act on his behalf in the matter”. 25

Amendment of section 46 of the Principal Ordinance.

5. Section 46 of the Principal Ordinance is hereby amended by deleting therefrom the words “is a minor or of unsound mind the guardian, next friend or other person appointed by the court to act on behalf of the minor or person of unsound mind in the matter” which appear therein and substituting therefor the words “is of unsound mind, the guardian or other person appointed by the court to act on his behalf in the matter”. 30 35

Amendment of section 51 of the Principal Ordinance.

6. Section 51 of the Principal Ordinance is hereby amended—

(a) by deleting therefrom the brackets and words “(and subject to the provisions of the Indian Succession

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Act, 1865, and the Indian Probate and Administration Act, 1881, as applied to the Colony, or any Ordinance or other law substituted for same)" which appear in the third, fourth, fifth and sixth lines thereof; and

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(b) by deleting therefrom the brackets and words "(subject to the provisions of the Indian Succession Act, 1865, and the Indian Probate and Administration Act, 1881, as applied to the Colony, or any Ordinance or other law substituted for the same)" which appear in the seventeenth, eighteenth, nineteenth, twentieth and twenty-first lines thereof.

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7. Section 53 of the Principal Ordinance is hereby amended by deleting therefrom the words "of the Indian Succession Act, 1865, and the Indian Probate and Administration Act, 1881, as applied to the Colony, or any Ordinance or other law in substitution therefor, and" which appear in the seventh, eighth, ninth and tenth lines thereof.

Amendment  
section 53 of  
the Principal  
Ordinance.

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8. Section 57 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and  
replacement of  
section 57 of  
the Principal  
Ordinance.

Attestation of  
signatures.

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"57. (1) Every signature to an instrument requiring to be registered and to a power of attorney whereof a duplicate or an attested copy is required to be deposited with the registrar shall be attested by one of the following persons:—

(a) Within the Colony—

- (i) A judge or magistrate,
- (ii) A registrar of titles,
- (iii) A notary public,
- (iv) An advocate of the Supreme Court,
- (v) A justice of the peace,
- (vi) The Registrar or Deputy Registrar of the Supreme Court,
- (vii) An administrative officer.

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(b) In the United Kingdom or in any part of His Majesty's dominions or in any place under His Majesty's protection or in any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty—

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- (i) A judge or magistrate,
- (ii) A notary public,
- (iii) A commissioner of the Supreme Court of Judicature, empowered to take affidavit in such court,
- (iv) The mayor or recorder or other chief officer of any city or municipal corporation,
- (v) In the Uganda Protectorate or the Tanganyika Territory, an administrative officer.

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(c) In any other place—

- (i) The British consular officer,
- (ii) Any person specially appointed by the Governor in that behalf.

(2) In all cases where an official holding a seal of office shall attest any instrument he shall authenticate his signature by his official seal.

(3) The provisions of this section shall not apply to any instrument executed by the Governor, or any duly registered company by means of its common seal affixed in accordance with the memorandum and articles of association."

Amendment of  
the Principal  
Ordinance.

9. The Principal Ordinance is hereby amended by inserting therein immediately next after section 79 thereof 10 the following new section:—

Rules.

"80. The Governor in Council shall have power from time to time to make Rules for the purposes of regulating any matter or thing to be done under this Ordinance including the prescribing of forms and of fees either in lieu of or in addition to those prescribed in the First and Second Schedules and generally for the better carrying out of the provisions of this Ordinance."

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Registrar or  
person dealing  
with land  
registered not to  
be affected, with  
notice of a trust.

### TRUSTS

10. Subject to the provisions hereinafter contained as to 20 land held upon trust for sale and as to registration of caveats neither the registrar nor in the absence of actual fraud any other person dealing with land registered subject to the Principal Ordinance shall be affected with notice of a trust express implied or constructive and the registrar shall not enter in the 25 register particulars of any such trust or register any instrument setting out the terms of a trust. Mere knowledge that any such trust is in existence shall not of itself be imputed as fraud.

Registration of  
land subject to a  
trust for sale.

11. (1) Where land registered under the Principal Ordinance is subject to a trust for sale express or implied whether or not there is a power to postpone the sale the land shall 30 be registered in the names of the trustees for sale.

(2) Where by virtue of any Ordinance land registered under the Principal Ordinance is made subject to a trust for 35 sale the land shall be transferred in Form F of the First Schedule to the Principal Ordinance to the trustees for sale (unless already registered as proprietors) and in the event of the registered proprietor refusing to execute a transfer or his execution of a transfer being unobtainable or only obtainable 40 after undue delay or expense the trustees for sale shall apply to the registrar in writing signed by themselves or by their advocate for registration as proprietors.

(3) Where an application is made under the provisions of the last preceding sub-section the registrar may— 45

- (a) after due notice under this sub-section to the registered proprietors;
- (b) on production of the grant or certificate of title unless the registrar dispenses with its production; and
- (c) on such other evidence as he may deem sufficient that 50 the land is by virtue of a specified Ordinance made subject to a trust for sale and that the applicants are the trustees thereof,

make such entry in or correction of the register as under the circumstances he shall deem fit for the purpose of vesting the 55 registered land in such trustees for sale.

(4) Where upon any such application as aforesaid the registrar refuses to make such entry in or correction of the register the person claiming to be trustee for sale may apply to the court by originating summons or by plaint for a vesting order to be made accordingly: Provided that any costs and expenses incurred by such application to the court shall not be given against the registrar.

**12.** (1) Where the registered proprietor of any land made or about to be made subject to a trust for sale desires to place restrictions on transferring or charging the land or on disposing of or dealing with the land in any manner in which he is authorized to dispose of or deal with it or on the deposit by way of charge of any documents of title to the land the registered proprietor may apply in Form W of the First Schedule to the Principal Ordinance as amended by this Ordinance to the registrar to make an entry in the register that no dealing to which the application relates shall be effected unless the following things or such of them as the registered proprietor may determine are done that is to say—

Mode of placing restrictions on transferring, charging or disposing of land subject to a trust.

- (a) unless notice of any application for the dealing is transmitted by post to such address as he may specify to the registrar;
- (b) unless the consent of some person or persons to be named by the registered proprietor is given to the dealing; and
- (c) unless some other matter or thing is done as may be required by the applicant and approved by the registrar.

(2) The registrar shall thereupon if satisfied of the right of the applicant to give the directions and upon payment of the prescribed fee and production of the grant or certificate of title for endorsement enter the requisite restriction on the register and no dealing to which the restriction relates shall be effected except in conformity therewith but it shall not be the duty of the registrar to enter any restriction that the registrar may deem unreasonable or calculated to cause inconvenience.

(3) In the case of there being more than one registered proprietor the restriction may be to the effect that when the number of registered proprietors is reduced below a certain specified number no dealing shall be registered except under an order of the court.

(4) Any such restrictions except such as are provided for under sub-section (3) of this section may at any time be withdrawn or modified in Form X of the First Schedule to the Principal Ordinance as amended by this Ordinance at the instance of all persons for the time being appearing by the register to be interested in such restrictions and shall also be liable to be set aside by an order of the court.

(5) Nothing in this section contained shall in anywise affect or derogate from the general right of registration of caveats otherwise conferred by the Principal Ordinance.

**13.** The First Schedule to the Principal Ordinance is hereby amended by adding thereto the following forms after Form V thereof:—

Amendment of First Schedule to the Principal Ordinance.



**"FORM W"***Application to Register a Restriction under Section 12 of  
the Registration of Titles (Amendment)  
Ordinance, 1941*

To the Registrar of Titles.

5

Take notice that I (the registered proprietor) of .....  
..... hereby apply to enter the following  
restriction against Title No. ....

## Restriction:

Dated the ..... day of ..... 19..... 10

Signed in the presence of:

.....

*Signature***FORM X***Application to Withdraw or Modify a Restriction*

To the Registrar of Titles.

15

Take notice that I (A, B, etc.) of .....  
hereby apply to withdraw (or modify) the restriction registered  
on (date) against Title No. .... 20

Dated the ..... day of ..... 19.....

Signed in the presence of:

.....

*Signature"*

25

Amendment of  
Second Schedule  
to the Principal  
Ordinance.

**14.** The Second Schedule to the Principal Ordinance is  
hereby amended—

(a) by deleting therefrom items 3, 12, 16 and 20 thereof  
and substituting therefor respectively the following  
items:—

Sh. 30

"3. Registering transfer or charge: ... ... 20

Provided that—

(a) where the consideration is less than

£100 but not less than £25 ... ... 6

(b) where the consideration is less than

£25 ... ... ... ... 3

12. For every search ... ... ... ... 2

16. For entering notice, writ or order of court 10

20. When any instrument purports to deal

with land included in more than one

grant or certificate, for each registration

memorial after the first ... ... ... 40

6";

(b) by adding thereto the following items after item 21  
thereof:—

Sh.

"22. For making entry in or correction of the  
register under section 11 (3) of the Regis-  
stration of Titles (Amendment) Ordin-  
ance, 1941 ... ... ... 20

23. For entering restriction under section  
12 (2) of the Registration of Titles  
(Amendment) Ordinance, 1941 ... 50

24. For entering withdrawal or modification  
of restriction under section 12 (4) of the  
Registration of Titles (Amendment)  
Ordinance, 1941 ... ... ... 6 55

25. For photostat copy of any instrument, per  
folio of 250 words ... ... ... 1

26. For preparation of Certificate of Title ... 20".

## OBJECTS AND REASONS

This Bill is complementary to the Trusts of Land Bill and provides for the registration of trusts of land under the Registration of Titles Ordinance (Chapter 142 of the Revised Edition).

Opportunity has been taken to amend the Principal Ordinance in certain other respects which experience has shown to be necessary.

Clause 2: As Wakfs are excluded from the Trusts of Land Bill, a similar provision is necessary in this Bill.

Clause 3: Doubts have arisen as to the interpretation of section 23 of the Principal Ordinance. The object of this amendment is to make it clear to what extent a certificate of title is indefeasible.

Clauses 4 and 5: These amendments are necessitated in view of the provisions of the Trusts of Land Bill, which make a minor's interest in land subject to a trust for sale.

Clauses 6 and 7: These amendments are necessary in consequence of the provisions of the Trusts of Land Bill.

Clause 8: The object of this clause is to increase the classes of persons who may attest signatures under the Principal Ordinance, and to make provision for the execution of instruments by companies.

Clause 9: The Principal Ordinance contains no rule-making power. This causes inconvenience when small amendments to procedure or to forms or to the fees are required.

Clause 14: Opportunity has been taken to amend the Schedule of Fees in certain respects.

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

## GOVERNMENT NOTICE No. 899

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

R. P. ARMITAGE,  
*Acting Clerk to the Legislative Council.*

**A Bill relating to Trusts of Land in the Colony**

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

**PART I****PRELIMINARY**

Short title.

**1.** This Ordinance may be cited as the Trusts of Land Ordinance, 1941.

Definitions.

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

“building purposes” includes the erecting and the improving of, and the adding to, and the repairing of buildings; and a “building lease” is a lease for any building purpose or purposes connected therewith; 5

“Court” means His Majesty’s Supreme Court of Kenya;

No. 13 of 1926.

“death duty” means duty leviable or payable on death 10 under the provisions of the Estate Duty (Consolidation) Ordinance, 1926, or any Ordinance amending or replacing the same;

“disposition” and “conveyance” include a mortgage, charge, deposit of title deeds or other documents by way of security, lease, assent, disclaimer, release, and every other assurance or act or thing taking effect as an assurance of land or of an interest therein by any instrument, except a will; and “dispose of” and “convey” have corresponding meanings; 15

“instrument” does not include any Ordinance or Statute 20 unless such Ordinance or Statute creates a settlement within the meaning of Part III of this Ordinance;

“land” includes land of any tenure, and mines and minerals, whether or not held apart from the surface, buildings (whether the division is horizontal, vertical, or made in any other way) and other immovable property; also a rent, easement, right, privilege, or benefit in, over or derived from land, and any estate or interest in land; 25

“lease” includes an agreement for a lease;

“limitation” includes a trust; and “trust” includes an implied or constructive trust; 30

“mines and minerals” mean mines and minerals whether already opened or in work or not, and include all minerals and substances in, on, or under the land, obtainable by underground or by surface working; and “mining purposes” include the sinking and searching for, winning, working, getting, making merchantable, smelting or otherwise converting or working for the purposes of any manufacture, carrying away, 35

and disposing of mines and minerals, and the erection of buildings, and the execution of engineering and other works suitable for those purposes; and a "mining lease" is a lease for any mining purposes or purposes connected therewith, and includes 5 a grant or licence for any mining purposes;

"mortgage" includes any charge or lien on any land for securing money or money's worth; and "mortgage money" means money or money's worth secured by a mortgage;

"movables" includes all property other than land;

**10** "personal representative" means the executor or administrator for the time being of a deceased person, and where there are special personal representatives for any purpose means for such purpose those personal representatives;

"possession" includes receipt of rents and profits or the 15 right to receive the same, if any; and "income" includes rents and profits;

"property" includes any thing in action, and any interest in property, movable or immovable;

"purchaser" means a purchaser in good faith for valuable 20 consideration and includes a lessee, mortgagee or other person who for valuable consideration acquires an interest in property except that in Part I of this Ordinance and elsewhere where so expressly provided "purchaser" only means a person who acquires an interest in or charge on property for money 25 or money's worth; and in reference to a legal estate includes a chargee by way of legal mortgage; and where the context so requires "purchaser" includes an intending purchaser; "purchase" has a meaning corresponding with that of "purchaser"; and "valuable consideration" includes marriage but does not 30 include a nominal consideration in money;

"rent" includes yearly or other rent, and toll, duty, royalty, or other reservation, by the acre, or the ton, or otherwise; and, in relation to rent, "payment" includes delivery; and "fine" includes premium or fore-gift, and any payment, 35 consideration, or benefit in the nature of a fine, premium, or fore-gift;

"securities" include stocks, funds, and shares;

"trust corporation" includes the Public Trustee, and any other person holding any other official position prescribed 40 by the Governor, and any corporation appointed by the Court in any particular case to be a trustee or which is for the time being a trust corporation within the meaning of the Corporations (Probate and Administration) Ordinance, 1931, as amended by the Corporations (Probate and Administration) 45 (Amendment) Ordinance, 1931, and, in relation to the property of a bankrupt and property subject to a deed or arrangement, includes the trustee in bankruptcy and the trustee under the deed respectively, and, in relation to charitable ecclesiastical and public trusts, also includes any local or public authority 50 so prescribed, and any other corporation constituted under the laws of the Colony which satisfies the Governor that it undertakes the administration of any such trusts without remuneration, or that by its constitution it is required to apply the whole of its net income after payment of outgoings for charitable 55 ecclesiastical or public purposes, and is prohibited from distributing, directly or indirectly, any part thereof by way of profits among any of its members, and is authorized by him to act in relation to such trusts as a trust corporation;

No. 14 of 1931.  
No. 40 of 1931.

"trust for sale", in relation to land, means an immediate binding trust for sale, whether or not exercisable at the request or with the consent of any person, and with or without a power at discretion to postpone the sale; "trustees for sale" mean the persons (including a personal representative) holding land on trust for sale; and "power to postpone a sale" means power to postpone in the exercise of a discretion;

"will" includes a codicil.

Power to postpone sale.

3. (1) A power to postpone sale shall, in the case of every trust for sale of land, be implied unless a contrary intention appears.

(2) Where there is a power to postpone the sale, then (subject to any express direction to the contrary in the instrument, if any, creating the trust for sale) the trustees for sale shall not be liable in any way for postponing the sale, in the exercise of their discretion, for any indefinite period; nor shall a purchaser be concerned in any case with any directions respecting the postponement of a sale.

(3) The foregoing provisions of this section apply whether the trust for sale is created before or after the commencement or by virtue of this Ordinance.

(4) Where a disposition or settlement coming into operation after the commencement of this Ordinance contains a trust either to retain or to sell land the same shall be construed as a trust to sell the land with power to postpone the sale.

Duration of trusts for sale.

4. (1) Where land has, either before or after the commencement or by virtue of this Ordinance, become subject to an express or implied or statutory trust for sale, such trust shall, so far as regards the safety and protection of any purchaser thereunder, be deemed to be subsisting until the land has been conveyed to or under the direction of the persons interested in the proceeds of sale.

(2) This section applies to sales whether made before or after the commencement of this Ordinance, but operates without prejudice to an order of any court restraining a sale.

Appointment of new trustees for sale of land.

5. (1) The persons having power to appoint new trustees of land held upon trust for sale shall be bound to appoint the same persons (if any) who are for the time being trustees of the settlement of the proceeds of sale, but a purchaser shall not be concerned to see whether the proper persons are appointed to be trustees of such land.

(2) This section applies whether the trust for sale or the settlement of the proceeds of sale comes into operation before or after the commencement or by virtue of this Ordinance.

Consents to the execution of a trust for sale.

6. (1) If the consent of more than two persons is by the disposition made requisite to the execution of a trust for sale of land, then, in favour of a purchaser, the consent of any two of such persons to the execution of the trust or to the exercise of any statutory or other powers vested in the trustees for sale shall be deemed sufficient.

(2) Where the person whose consent to the execution of any such trust or power is expressed to be required in a disposition is not *sui juris* or becomes subject to disability, his consent shall not, in favour of a purchaser, be deemed to be requisite to the execution of the trust or the exercise of the power; but the trustees shall, in any such case, obtain the separate consent of the parental or testamentary or other

guardian of an infant or of the person (if any) legally entrusted with the custody or curatorship of the property and affairs of a lunatic.

(3) The trustees for sale shall, as far as practicable, give effect to the wishes of the persons of full age for the time being beneficially interested in possession in the rents and profits of the land until sale, or, in case of dispute, of the majority (according to the value of their combined interests) of such persons, but a purchaser shall not be concerned to see that such wishes are complied with.

7. (1) A purchaser of land from trustees for sale shall not be concerned with the trusts affecting the proceeds of sale of such land (whether made to attach to such proceeds by virtue of this Ordinance or otherwise), or affecting the rents and profits of such land until sale, whether or not those trusts are declared by the same instrument by or which, or by any instrument consequent upon which, the trust for sale is created.

(2) Notwithstanding anything to the contrary in the instrument (if any) by or consequent upon which a trust for sale of land is created or in the settlement of the net proceeds, the proceeds of sale or other capital money shall not be paid to or applied by the direction of fewer than two persons as trustees for sale, except where the trustee is a trust corporation, but this sub-section does not affect the right of a sole personal representative as such to give valid receipts for, or direct the application of, proceeds of sale or other capital money, nor, except where capital money arises on the transaction, render it necessary to have more than one trustee.

Purchaser not concerned with trusts of proceeds of sale if paid to two or more trustees or to a trust corporation.

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## PART II

### IMPLIED TRUSTS FOR SALE

8. (1) Where any land, vested in trustees by way of security, becomes, by virtue of any Ordinance relating to limitation of suits, or of an order for foreclosure, or of a purchase from or release by the person for the time being having the right of redemption, or otherwise, discharged from the right of redemption, it shall be held by them upon trust for sale.

Trust for sale of mortgaged property where right of redemption is barred.

(2) The net proceeds of sale, after payment of costs and expenses, shall be applied in like manner as the mortgage debt, if received, would have been applicable, and the income of the property until sale shall be applied in like manner as the interest, if received, would have been applicable; but this sub-section operates without prejudice to any rule of law relating to the apportionment of capital and income between tenant for life and remainderman.

(3) This section does not affect the right of any person to require that, instead of a sale, the property shall be conveyed to him or in accordance with his directions.

50 (4) This section applies whether the right of redemption was discharged before or after the commencement of this Ordinance, but has effect without prejudice to any dealings or arrangements made before such commencement.

9. (1) Where a settlement of movable property or of land held upon trust for sale contains a power, or where the trustees of any such settlement are empowered by law, to invest money in the purchase of land, such land shall be held by the trustees

Trust for sale in settlement of movables.

upon trust for sale; and the net rents and profits until sale, after keeping down costs of repairs and insurance and other outgoings, shall be paid or applied in like manner as the income of investments representing the purchase-money would be payable or applicable if a sale had been made and the proceeds had been duly invested in movable property. 5

(2) This section applies to all settlements (including wills) whether created before or after the commencement of this Ordinance.

### PART III

10

#### STATUTORY TRUSTS FOR SALE

What constitutes settled land.

**10.** Any land which, at the commencement of this Ordinance, stands, or which, after the commencement of this Ordinance, under or by virtue of any deed, will, agreement, Ordinance, or other instrument, or any number of instruments, 15 is or becomes, or purports to be or become—

- (i) limited to or in trust for any persons by way of succession; or
- (ii) limited to or in trust for any person in possession for any estate or interest subject to a limitation, gift, 20 or disposition over on failure of his issue or in any other event; or
- (iii) limited to or in trust for any person for any estate contingent on the happening of any event; or
- (iv) limited to or in trust of any person under the age 25 of majority for any estate; or
- (v) limited to or in trust for a married woman of the age of majority in possession for any estate with a restraint on anticipation; or
- (vi) charged, whether voluntarily or in consideration of 30 marriage or by way of family arrangement, and whether immediately or after an interval, with the payment of any rent charge for the life of any person, or any less period, or of any capital, annual, or periodical sums for the portions, advancement, 35 maintenance, or otherwise for the benefit of any persons, with or without any term of years for securing or raising the same,

shall be deemed to be settled land for the purposes of this Ordinance and the deed, will, agreement, Ordinance, or other 40 instrument or instruments (whether made or passed before or after, or partly before and partly after, the commencement of this Ordinance) under or by virtue of which the same stands or is or becomes or purports to be or become so limited or charged is in this Ordinance referred to as a settlement, or 45 as the settlement, as the same requires.

Transitional provisions converting settlements into trusts for sale.

**11.** (1) Where, at the commencement of this Ordinance, settled land is vested either wholly or partially in any trustee or trustees for all or any of the purposes of the settlement, the same shall, as from the commencement of this Ordinance, 50 vest solely in such trustee or trustees to the exclusion of all others (if not already so vested) and be held by him or them upon trust for sale.

(2) Where, at the commencement of this Ordinance, settled land stands vested in any person or persons solely as 55 beneficiary or beneficiaries under or by virtue of the settlement, and not in any collateral capacity as trustee or trustees for the purposes of the settlement, the same shall, as from the commencement of this Ordinance, vest solely and absolutely in the person, or in all the persons if more than one,

being of the age of majority and having any beneficial interest, whether in possession or in remainder or expectant or contingent, and not being subject to a restraint on anticipation, under or by virtue of the settlement, to the exclusion of all 5 others (if not already so vested) and be held by him or them upon trust for sale.

**12.** (1) Where, by any settlement first taking effect or purporting to take effect after the commencement of this Ordinance, the settled land the subject thereof becomes vested 10 or held, or would but for the provisions of this Ordinance become vested or held, either wholly or partially in or by any trustee or trustees for all or any of the purposes of the settlement, such settled land shall thereupon and thereby vest solely in such trustee or trustees to the exclusion of all others (if not 15 already so vested) and be held by him or them upon trust for sale.

(2) Where, by any settlement first taking effect or purporting to take effect after the commencement of this Ordinance, the settled land the subject thereof becomes vested or 20 held, or would but for the provisions of this Ordinance become vested or held, in or by any person or persons solely as beneficiary or beneficiaries under or by virtue of such settlement, and not in any collateral capacity as trustee or trustees for the purposes of such settlement, such settled land shall there- 25 upon and thereby vest solely and absolutely in the person, or in all the persons if more than one, being of the age of majority and having any beneficial interest, whether in possession or in remainder or expectant or contingent, and not being subject to a restraint on anticipation, under or by virtue of such 30 settlement, to the exclusion of all others (if not already so vested) and be held by him or them upon trust for sale.

**13.** (1) Where, at the commencement of this Ordinance, settled land stands vested solely in one or more persons who is or all of whom either are under the age of majority or, 35 being of the age of majority, hold subject to a restraint on anticipation, the same shall, as from the commencement of this Ordinance, vest solely and absolutely in the Public Trustee and be held by him upon trust for sale.

(2) Where, by any settlement first taking effect or pur- 40 porting to take effect after the commencement of this Ordinance, the settled land the subject thereof would but for the provisions of this Ordinance become vested solely in one or more persons who is or all of whom either are, at the time of such taking effect or purported taking effect, under the age 45 of majority or, being of the age of majority, would hold subject to a restraint on anticipation, such settlement shall not operate in any wise to transfer such settled land, but shall take effect merely as an agreement binding all the parties who are bound by such settlement forthwith to convey, assign or otherwise 50 transfer such settled land to two or more persons of the age of majority upon trust for sale.

**14.** The net rents and profits until sale of any settled land in respect of which a trust for sale is constituted by any of the provisions of this Part, after keeping down costs of 55 repairs and other outgoings, shall be paid or applied in like manner as the same would for the time being have been paid or applied if no such trust for sale had been constituted and all the provisions of the settlement had been permitted to take effect.

Attempted  
settlement  
constitutes trust  
for sale.

Infants cannot  
hold settled  
lands.

Application of  
rents and  
profits pending  
exercise of  
statutory trust  
for sale.

Devolution of  
proceeds of  
statutory trust  
for sale and  
income there-  
from.

**15.** (1) Capital money arising under this Ordinance by exercise of a trust for sale constituted in respect of settled land by any of the provisions of this Part, while remaining uninvested or unapplied, and securities on which an investment of any such capital money is made shall for all purposes of disposition, transmission and devolution be treated as land, and shall be held for and go to the same persons successively, in the same manner and for and on the same estates, interests, and trusts, as the land wherefrom the money arises, would have been held and have gone under the settlement if such settled land had not been disposed of and all the provisions of the settlement had been permitted to take effect. 5

(2) The income of those securities shall be paid or applied as the income of that land, if not disposed of, would have been payable or applicable under the settlement. 15

Extent of  
application of  
this Part.

**16.** (1) The provisions of this Part apply to all settled land, and to every settlement whether made or arising before or after the commencement of this Ordinance.

(2) In case of conflict between the provisions of a settlement and the provisions of this Part or of this Ordinance generally relative to any vesting of the settled land the subject thereof, or to any matter in respect whereof the person or persons in whom for the time being such settled land is vested upon trust for sale under or pursuant to the provisions of this Ordinance exercises or contracts or intends to exercise any power as such under this Ordinance, the provisions of this Part or of this Ordinance generally (as the case may be) shall prevail; and, notwithstanding anything in the settlement, any power (not being merely a power of revocation or appointment) relating to the settled land thereby conferred upon any beneficiary or beneficiaries under the settlement or other persons exercisable for any purpose, whether or not provided for in this Ordinance, shall, after the commencement of this Ordinance, be exercisable by the person or persons in whom for the time being such settled land is vested upon trust for sale as aforesaid, as if it were an additional power conferred on such person or persons and not otherwise. 20  
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## PART IV

### POWERS OF TRUSTEES FOR SALE

Powers of sale  
and exchange

**17.** Trustees for sale of land— 40

(i) may sell such land or any part thereof or any easement right or privilege over or in relation to such land; and

(ii) may make an exchange of such land, or any part thereof, or of any easement, right, or privilege of any kind, whether or not newly created, over or in relation to such land, or any part thereof, for other land, or for any easement, right or privilege of any kind, whether or not newly created, over or in relation to other land, including an exchange in consideration of money paid for equality of exchange: 45  
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Provided that—

(a) every exchange shall be made for the best consideration in land or in land and money that can reasonably be obtained; and 55

(b) an exchange may be made subject to any stipulations respecting title, or evidence of title, or other things.

**18.** (1) Trustees for sale of land may lease such land, or any part thereof, or any easement, right, or privilege of any kind over or in relation to the land, for any purpose whatever, whether involving waste or not, provided that save as 5 hereinafter provided every lease—

Leasing powers.

10 (i) shall be by formal lease or demise, and be made to take effect in possession not later than twelve months after its date, or in reversion after an existing lease having not more than seven years to run at the date of the new lease;

15 (ii) shall reserve the best rent that can reasonably be obtained, regard being had to any fine or premium taken, and to any money laid out or to be laid out for the benefit of such land, and generally to the circumstances of the case;

20 (iii) shall contain a covenant or agreement by the lessee for payment of the rent, and a condition of re-entry on the rent not being paid within a time therein specified not exceeding thirty days.

(2) A counterpart of every lease shall be executed by the lessee and delivered to the trustees for sale, of which execution and delivery the execution of the lease by the trustees for sale shall be sufficient evidence.

25 (3) A statement, contained in a lease or in an indorsement thereon, signed by the trustees for sale, respecting any matter of fact or of calculation under this Ordinance in relation to the lease, shall, in favour of the lessee and of those claiming under him, be sufficient evidence of the matter stated.

30 (4) A fine or premium received on the grant of a lease under any power conferred by this Part shall be deemed to be capital money arising by exercise of the trust for sale.

35 (5) A tenancy at the best rent that can reasonably be obtained without fine or premium, and whereby the tenant is not exempted from punishment for waste, may, subject to the provisions of any other law for the time being in force, be granted for a term not exceeding three years from the date of the writing by any writing under hand only containing an agreement instead of a covenant by the tenant for the payment of rent.

40 **19.** The leasing power of trustees for sale extends to the making of—

Leases for special subjects.

45 (i) a lease for giving effect (in such manner and so far as the law permits) to a covenant of renewal, performance whereof could be enforced against the owner for the time being of the land held upon trust for sale; and

50 (ii) a lease for confirming, as far as may be, a previous lease being void or voidable, but so that every lease, as and when confirmed, shall be such a lease as might at the date of the original lease have been lawfully granted under this Ordinance or otherwise, as the case may require.

**20.** (1) On a sale or other disposition or dealing by trustees for sale under the powers conferred by this Part—

Power on dispositions to impose restrictions and make reservations and stipulations.

55 (a) any easement, right, or privilege of any kind may be reserved or granted over or in relation to such land or any part thereof or other land, including the land disposed of, and, in the case of an exchange, the land taken in exchange; and

(b) any restriction with respect to building on or other user of land, or with respect to mines and minerals, or with respect to or for the purpose of the more beneficial working thereof, or with respect to any other thing, may be imposed and made binding, as far as the law permits, by covenant, condition or otherwise, on the trustees for sale and the land held or acquired by them or any part thereof, or on the other party and any land disposed of to him; and

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(c) the whole or any part of any capital or annual sum (and in the case of an annual sum whether temporary or perpetual) charged on or payable out of the land disposed of, or any part thereof, and other land subject to the trust for sale, may as between the trustees for sale and the persons beneficially entitled to the net proceeds (but without prejudice to the rights of the person entitled to such capital or annual sum) be charged exclusively on the land disposed of, or any part thereof, or such other land as aforesaid, or any part thereof, in exoneration of the rest of the land on or out of which such capital or annual sum is charged or payable.

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(2) A sale of land may be made subject to a stipulation that all or any of the timber and other trees, underwood, saplings, and plantations on the land sold or any articles attached to the land shall be taken by the purchaser at a valuation, and the amount of the valuation shall form part of the price of the land, and shall be capital money accordingly.

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Separate dealing  
with surface and  
minerals.

**21.** A sale, exchange, lease or other authorized disposition, may (in such manner and so far as the law permits) be made either of land, with or without an exception or reservation of all or any of the mines and minerals therein, or of any mines and minerals and in any such case with or without a grant or reservation of powers of working, wayleaves or rights of way, rights of water and drainage, and other powers, easements, rights, and privileges for or incident to or connected with mining purposes, in relation to the land held or acquired by the trustees for sale, or any part thereof, or any other land.

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Powers to  
grant options.

**22.** (1) Trustees for sale of land may at any time, either with or without consideration, grant by writing an option to purchase or take a lease of such land, or any part thereof, or any easement, right, or privilege over or in relation to the same at a price or rent either fixed at the time of granting the option, or to be fixed at or before exercise of the option in some manner prescribed at the time of granting the option.

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(2) Every such option shall be made exercisable within an agreed number of years not exceeding ten.

(3) The price or rent shall be the best which, having regard to all the circumstances, can reasonably be obtained.

(4) An option to take a mining lease may be coupled with the grant of a licence to search for and prove any mines or minerals under the land the subject of the trust for sale, or any part thereof, pending the exercise of the option.

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(5) The consideration for the grant of the option shall be deemed to be capital money arising by exercise of the trust for sale.

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Surrenders and  
regrants.

**23.** (1) Trustees for sale of land may accept, with or without consideration, a surrender of any lease of such land, whether made under this Ordinance or not, or a regrant of any land granted in fee simple, whether under this Ordinance

or not, in respect of the whole land leased or granted, or any part thereof, with or without an exception of all or any of the mines or minerals therein, or in respect of mines and minerals, or any of them, and with or without an exception of any easement, right, or privilege of any kind over or in relation to the land surrendered or regranted.

(2) On a surrender of a lease or a regrant of land granted in fee simple in respect of part only of the land or mines and minerals leased or granted the rent or rent charge may be 10 apportioned.

(3) On a surrender or regrant, the trustees for sale may in relation to the land or mines and minerals surrendered or regranted, or of any part thereof, make a new or other lease, or grant in fee simple, or new or other leases, or grants in 15 fee simple, in lots.

(4) A new or other lease, or grant in fee simple, may comprise additional land or mines and minerals, and may reserve any apportioned or other rent, or rent charge.

(5) On a surrender or regrant, and the making of a new 20 or other lease, whether for the same or for any extended or other term, or of a new or other grant in fee simple, and whether or not subject to the same or to any other covenants, provisions, or conditions, the value of the lessee's or grantee's interest in the lease surrendered, or the land regranted, may 25 be taken into account in the determination of the amount of the rent or rent charge to be reserved, and of any fine or consideration in money to be taken, and of the nature of the covenants, provisions, and conditions to be inserted in the new or other lease, or grant in fee simple.

30 (6) Every new or other lease, or grant in fee simple, shall be in conformity with this Ordinance.

(7) All money, not being rent, or a rent charge, received on the exercise by the trustees for sale of the powers conferred by this section, shall, unless the Court, on an application made 25 within six months after the receipt thereof or within such further time as the court may in special circumstances allow, otherwise directs, be deemed to be capital money arising by exercise of the trust for sale.

(8) In this section "land granted in fee simple" means 40 land so granted with or subject to a reservation thereout of a perpetual or terminable rent charge which is or forms part of the land held upon trust for sale, and "grant in fee simple" has a corresponding meaning.

**24.** (1) Trustees for sale of land may accept a lease of 45 any land, or of any mines and minerals, or of any easement, right, or privilege, convenient to be held or worked with or annexed in enjoyment to the land held upon trust for sale, or any part thereof, for such period and upon such terms and conditions, as the trustees for sale think fit:

50 Provided that no fine shall be paid out of capital money in respect of such lease.

(2) The lease may contain an option to purchase the reversion expectant on the term thereby granted.

**25.** (1) Trustees for sale of land may, either with or 55 without giving or taking any consideration in money or otherwise, compromise, compound, abandon, submit to arbitration, or otherwise settle any claim, dispute, or question whatsoever relating to such land, or any part thereof, including in particular claims, disputes or questions as to boundaries, the

Acceptance of leases.

Power to compromise claims and release restrictions.

ownership of mines and minerals, rights and powers of working mines and minerals, local laws and customs relative to the working of mines and minerals and other matters, easements, and restrictive covenants, and for any of those purposes may enter into, give, execute, and do such agreements, assurances, releases, and other things as the trustees for sale may think proper. 5

(2) Trustees for sale of land may, at any time, by deed or writing, either with or without consideration in money or otherwise, release, waive, or modify, or agree to release, waive, or modify any covenant, agreement, or restriction imposed on any other land for the benefit of the land held upon trust for sale, or any part thereof, or release, or agree to release, any other land from any easement, right or privilege, including a right of pre-emption, affecting the same for the 15 benefit of the land held upon trust for sale, or any part thereof.

Power to vary leases and give licences and consents.

26. Trustees for sale of land may at any time, by deed or writing, either with or without consideration in money or otherwise, vary, release, waive, or modify, either absolutely or otherwise, the terms of any lease whenever made of the land 20 held upon trust for sale or any part thereof or any covenants or conditions contained in any grant in fee simple whenever made of land with or subject to a reservation thereout of a rent which is or forms part of the land held upon trust for sale, and in either case in respect of the whole or any part of 25 the land comprised in any such lease or grant but so that every such lease or grant shall, after such variation, release, waiver or modification as aforesaid, be such a lease or grant as might then have been lawfully made under this Ordinance if the lease had been surrendered or the land comprised in the 30 grant had never been so comprised or had been regranted.

Power to apportion rents.

27. (1) Trustees for sale of land may at any time, by deed or writing, either with or without consideration in money or otherwise, agree for the apportionment of any rent reserved or created by any such lease or grant as mentioned in the 35 last preceding section, or any rent being or forming part of the land held upon trust for sale, so that the apportioned parts of such rent shall thenceforth be payable exclusively out of or in respect of such respective portions of the land subject thereto as may be thought proper, and also agree 40 that any covenants, agreements, powers, or remedies for securing such rent and any other covenants or agreements by the lessee or grantee and any conditions shall also be apportioned and made applicable exclusively to the respective portions of the land out of or in respect of which the apportioned parts of such rent shall thenceforth be payable. 45

(2) Where the land held upon trust for sale, or any part thereof, is held or derived under a lease, or under a grant reserving rent, or subject to covenants, agreements or conditions, whether such lease or grant comprises other land or 50 not, the trustees for sale may at any time, by deed or writing, with or without giving or taking any consideration in money or otherwise, procure the variation, release, waiver, or modification, either absolutely or otherwise, of the terms, covenants, agreements, or conditions contained in such lease or grant, 55 in respect of the whole or any part of such land, including the apportionment of any rent, covenants, agreements, conditions, and provisions, reserved, or created by, or contained in, such lease or grant.

(3) This section applies to leases or grants made either before or after the commencement of this Ordinance.

**28.** (1) All money, not being rent, payable by the trustees for sale in respect of any transaction to which any of the three last preceding sections relates shall be paid out of capital money arising by exercise of the trust for sale, or subject to the same trust and all money, not being rent, received on the exercise by the trustees for sale of the powers conferred by any of those sections, shall, unless the Court, on an application made within six months after the receipt thereof or within such further time as the Court may in special circumstances allow, otherwise directs be deemed to be capital money arising by exercise of the trust for sale.

(2) For the purpose of the three last preceding sections 15 "consideration in money or otherwise" means—

- (a) a capital sum of money or a rent;
- (b) land being freehold or leasehold for any term of years whereof not less than forty years shall be unexpired;
- (c) any easement, right or privilege over or in relation to 20 the land held upon trust for sale, or any part thereof, or any other land;
- (d) the benefit of any restrictive covenant or condition; and
- (e) the release of the land held upon trust for sale, or any 25 part thereof, or any other land, from any easement, right or privilege, including a right of pre-emption, or from the burden of any restrictive covenant or condition affecting the same.

**29.** (1) Where there is on any land held upon trust for 30 sale timber ripe and fit for cutting, the trustees for sale may cut and sell that timber, or any part thereof.

(2) Three-fourth parts of the net proceeds of the sale shall be set aside as and be capital money arising by exercise of the trust for sale, and the other fourth part shall go as rents 35 and profits.

**30.** Where there is an incumbrance affecting any part of the land held upon trust for sale (whether capable of being over-reached on the exercise by the trustees for sale of their powers under this Ordinance or not), the trustees for sale, 40 with the consent of the incumbrancer, may charge that incumbrance on any other part of such land, or on all or any part of the capital money or securities representing capital money subject, or to become subject, to the same trusts as capital money arising by exercise of the trust for sale, whether 45 already charged therewith or not, in exoneration of the first mentioned part, and by a legal mortgage, charge, or otherwise, make provision accordingly.

**31.** (1) Where an incumbrance affects any part of the land held upon trust for sale, the trustees for sale may, with 50 the consent of the incumbrancer, vary the rate of interest charged and any of the other provisions of the instrument, if any, creating the incumbrance, and with the like consent charge that incumbrance on any part of such land, whether already charged therewith or not, or on all or any part of the 55 capital money or securities representing capital money subject, or to become subject, to the same trusts as capital money arising by exercise of the trust for sale, by way of additional security, or of consolidation of securities, and by a mortgage charge or otherwise, make provision accordingly.

Provisions as to consideration.

Cutting and sale of timber and capitalization of part of proceeds

Shifting of incumbrances.

Power to vary provision of an incumbrance and to charge by way of additional security.

(2) "Incumbrance" in this section includes any annual sum payable during a life or lives or during a term of years absolute or determinable, but in any such case an additional security shall be effected so as only to create a charge or security similar to the original charge or security. 5

Power to raise  
money by  
mortgage or  
charge.

**32.** (1) Where money is required for any of the following purposes namely—

- (i) discharging an incumbrance on the land held upon trust for sale or part thereof;
- (ii) paying for any improvement authorized by this Ordinance or by the instrument, if any, creating the trust for sale; 10
- (iii) equality of exchange;
- (iv) payment of the costs of any transaction authorized by this section or the last preceding section, 15

the trustees for sale may raise the money so required, on the security of such land or any part thereof, by mortgage or charge, and the money so raised shall be capital money for that purpose, and may be paid or applied accordingly.

(2) "Incumbrance" in this section does not include any annual sum payable only during a life or lives or during a term of years absolute or determinable. 20

General powers  
of management,  
etc.

**33.** Trustees for sale of land may at any time or times, in addition to the special powers by this Part hereinbefore conferred, enter into and continue in possession of such land 25 and manage or superintend the management thereof, with full power— 25

- (a) to fell timber or cut underwood from time to time in the usual course for repairs or otherwise; and
- (b) to erect, pull down, rebuild, and repair houses, and other buildings and erections; and 30
- (c) to cultivate, manure, plant, clean, till, sow, or otherwise farm such land according to the best methods of husbandry practised in the neighbourhood, including power to change the course of husbandry; and 35
- (d) to continue the working of mines, minerals, and quarries which have usually been worked; and
- (e) to drain or otherwise improve such land or any part thereof; and 40
- (f) to make allowances to and arrangements with tenants and others; and
- (g) to determine tenancies, and to accept surrenders of leases and tenancies; and
- (h) to insure against loss or damage by fire or earthquake; and 45
- (i) generally to deal with such land in a proper and due course of management.

(2) Trustees for sale of land may from time to time, out of the income of the land, including the produce of the sale of timber and underwood, notwithstanding that power may be conferred by this Ordinance to apply capital moneys for all or any of such purposes, pay the expenses incurred in the management, or in the exercise of any power conferred by this Part, or otherwise in relation to such land, and all outgoings not payable by any tenant or other person, and shall keep down any annual sum, and the interest of any principal sum, charged on such land. 50 55

**34.** (1) On a sale, exchange, lease, mortgage, charge, or other disposition, trustees for sale of land may, as regards such land sold, given in exchange, leased, mortgaged, charged, or otherwise disposed of, or intended so to be, or, as regards 5 easements or other rights or privileges sold, given in exchange, leased, mortgaged, charged or otherwise disposed of or intended so to be, effect the transaction by deed or writing to the extent of the estate or interest held upon trust for sale or any less estate or interest, in the manner requisite for giving 10 effect to the sale, exchange, lease, mortgage, charge, or other disposition.

Completion of transactions.

(2) Such a deed or writing, as the case may be, to the extent and in the manner to and in which it is expressed or intended to operate and can operate under this Ordinance, 15 is effectual to pass the land conveyed or transferred, or the easements, rights, privileges, or other interests created, discharged from all the limitations, powers, and provisions of the instrument, if any, creating the trust for sale, and from all estates, interests, and charges subsisting or to arise there- 20 under, but subject to and with the exception of—

- (i) all rights, titles, and interests of whatsoever nature or kind having priority to the beneficial interests in the capital money arising by exercise of the trust for sale and the income thereof; and
- 25 (ii) all mortgages, charges and liens which have been created or taken effect for securing money actually raised at the date of such deed or writing; and
- (iii) all leases, all grants of easements, and all other rights or privileges which were before the date of such deed or writing granted or made for value in money or money's worth, or agreed so to be, by the trustees for sale, or are at that date otherwise binding on 30 the successors in title of the trustees for sale.

**35.** (1) The powers of and incidental to leasing, accepting surrenders of leases, and management, conferred on trustees 35 for sale of land, whether by this Ordinance or otherwise, may, until sale of such land, be revocably delegated from time to time by writing, signed by them, to any person of full age (not being merely an annuitant) for the time being beneficiarily entitled in possession to the net rents and profits of such land during his life or for any less period: and in favour of a lessee such writing shall, unless the contrary appears, be sufficient evidence that the person named therein is a person to whom the powers may be delegated, and the production of such writing shall, unless the contrary appears, be sufficient evidence that the delegation has not been revoked.

Delegation of powers by trustees.

(2) Any power so delegated shall be exercised only in the names and on behalf of the trustees for sale delegating the power.

50 (3) The trustees for sale delegating any power under this section shall not, in relation to the exercise or purported exercise of the power, be liable for the acts or defaults of the person to whom the power is delegated, but that person shall, in relation to the exercise of the power by him, be deemed 55 to be in the position and to have the duties and liabilities of a trustee.

**36.** (1) Any transaction affecting or concerning land held upon trust for sale, or any part thereof, or any other land (not being a transaction otherwise authorized by this Ordinance, or by the instrument, if any, creating the trust for sale)

General power to effect any transaction under order of court.

which in the opinion of the Court would be for the benefit of the land held upon trust for sale, or any part thereof, or the persons interested under the trust for sale, may, under an order of the Court, be effected by trustees for sale, if it is one which could have been validly effected by an absolute owner. 5

(2) In this section "transaction" includes any sale, exchange, assurance, grant, mortgage, lien, surrender, reconveyance, release, reservation, or other disposition, and any purchase or other acquisition, and any covenant, contract, or option, and any application of capital money (except as hereinafter mentioned), and any compromise or other dealing, or arrangement; but does not include an application of capital money in payment for any improvement not authorized by this Ordinance, or by the instrument, if any, creating the trust for sale; and "effected" has the meaning appropriate to the 15 particular transaction; and the references to land include references to restrictions and burdens affecting land.

Extent of application of this Part and saving for additional or larger powers.

**37.** (1) The provisions of this Part, other than the last preceding section, apply only if and as far as a contrary intention is not expressed in the instrument, if any, creating the 20 trust for sale, and have effect subject to the terms of that instrument and to the provisions therein contained.

(2) In the case of conflict between the provisions of the last preceding section and the provisions of the instrument, if any, creating the trust for sale, the provisions of the last 25 preceding section shall prevail.

(3) Nothing in this Ordinance shall preclude or affect the conferring on trustees for sale of land by the instrument, if any, creating the trust for sale, or by any supplemental instrument (if and so far as the same might otherwise be effectual) 30 whether made before or after the commencement of this Ordinance of any powers additional to or larger than those conferred by this Ordinance; and any additional or larger powers so conferred shall, as far as may be, notwithstanding anything in this Ordinance, operate and be exercisable in the like 35 manner, and with all the like incidents, effects, and consequences, as if they were conferred by this Ordinance.

## PART V

### INVESTMENT OR OTHER APPLICATION OF CAPITAL MONEY

Mode of investment or application.

**38.** Capital money arising by exercise of a trust for sale 40 of land, subject to payment of claims properly payable thereout and to the application thereof for any special authorized object for which the capital money was raised, shall, when received, be invested or otherwise applied wholly in one, or partly in one and partly in another or others, of the following modes 45 (namely):—

- (i) In investment in securities or other properties or investments in which the trustees for sale are by the instrument, if any, creating the trust for sale or by law authorized to invest moneys arising by 50 exercise of the trust for sale, with power to vary the investment into or for any other such securities, properties or investments.
- (ii) In discharge, purchase, or redemption of incumbrances affecting all or any part of the estate subject 55 to the same trusts as capital money arising by exercise of the trust for sale, or rents, or rent charges, charged on or payable out of such estate, or any part thereof,

- (iii) In payment for any improvement authorized by this Ordinance.
- (iv) In payment for equality of exchange of any land held subject to the trusts for sale.
- 5 (v) In the purchase, with the leave of the Court, of any leasehold interest where the immediate reversion is held subject to the trust for sale, so as to merge the leasehold interest (unless the Court otherwise directs) in the reversion, and notwithstanding that the leasehold interest may have less than forty years to run.
- (vi) In payment of the costs and expenses of all plans, surveys, and schemes, including schemes under the Town Planning and Development Ordinance, 1931, or any similar enactment, made with a view to, or in connexion with the improvement or development of the land held upon trust for sale, or any part thereof, or the exercise of any statutory powers, and of all negotiations entered into by the trustees for sale with a view to the exercise of any of the said powers, notwithstanding that such negotiations may prove abortive, and in payment of the costs and expenses of opposing any such proposed scheme as aforesaid affecting the land held upon trust for sale, whether or not the scheme is made.
- 15 (vii) In payment to a local or other authority of such sum as may be agreed in consideration of such authority taking over and becoming liable to repair a private road on the land held upon trust for sale or a road for maintenance whereof the trustees for sale are liable *ratione tenuræ*, or any sum which may otherwise become lawfully payable by the trustees for sale to such local or other authority in respect of the making up, taking over, or maintenance of any road or street.
- 20 (viii) In financing any person who may have agreed to take a lease or grant for building purposes of the land held upon trust for sale, or any part thereof, by making advances to him in the usual manner upon the security of a legal or equitable mortgage or charge of his building agreement.
- 25 (ix) In payment to any person becoming absolutely entitled or empowered to give an absolute discharge.
- (x) In payment of costs, charges, and expenses of or incidental to the exercise of any of the powers, or the execution of any of the provisions of this Ordinance, including the costs and expenses incidental to any of the matters referred to in this section.
- 30 (xi) In any other mode authorized by the instrument, if any, creating the trust for sale.
- 35 39. Where capital money arising by exercise of a trust for sale of land, or deemed to be capital money so arising, is purchase-money paid in respect of—
- 40 (a) a lease for years; or
- (b) any other estate or interest in land less than the fee simple; or
- 45 (c) a reversion dependent on any such lease, estate, or interest,

No 48 of 1931.

Application of  
money paid for  
lease or  
reversion.

the trustees for sale or the Court, as the case may be, and in the case of the Court on the application of any party

interested in that money, may, notwithstanding anything in this Ordinance, require and cause the same to be laid out, invested, accumulated, and paid in such manner as, in the judgment of the trustees for sale or of the Court, as the case may be, will give to the parties interested in that money the like benefit therefrom as they might lawfully have had from the lease, estate, interest or reversion in respect whereof the money was paid, or as near thereto as may be.

As to money received by way of damages for breach of covenant.

**40.** (1) Money, not being rent, received by way of damages or compensation for breach of any covenant by a lessee or grantee contained in any lease or grant of land held upon trust for sale shall, unless in any case the Court on the application of any party interested otherwise directs, be deemed to be capital money arising by exercise of the trust for sale, and paid to or retained by the trustees for sale, or paid into Court, and invested or applied, accordingly.

(2) In addition to the other modes in which capital money may be applied under this Ordinance or the instrument, if any, creating the trust for sale, money so received as aforesaid or any part thereof may, if the circumstances permit, be applied at any time within twelve months after such receipt, or such extended period as the Court may allow, in or towards payment of the costs of making good in whole or in part the breach of covenant in respect of which it was so received, or the consequences thereof, and the trustees for sale, if they think fit, may cause or require any money so received or any part thereof to be so applied.

(3) In the application of any such money in or towards payment of the cost of making good any such breach or the consequences of any such breach as aforesaid, the work required to be done for the purpose shall be deemed to be an improvement authorized by Part I of the Schedule to this Ordinance.

Application of money in court and derived from compulsorily acquired land.

(4) This section does not apply to money received by way of damages or compensation for the breach of a covenant to repay to the lessor or grantor money laid out or expended by him, or to any case in which if the money received were applied in making good the breach of covenant or the consequences thereof such application would not enure for the benefit of the land held upon trust for sale, or any buildings thereon.

(5) This section does not apply to money received by way of damages or compensation before the commencement of this Ordinance, but it applies whether the lease or grant was made before or after the commencement of this Ordinance.

**41.** Where, under an Ordinance, or under any order or scheme confirmed by or having the force of an Ordinance, relating to the compulsory acquisition of land, or under any Ordinance, whether public or private, money is at the commencement of this Ordinance in any court, or is afterwards paid into any court, and is liable to be laid out in the purchase of land to be made subject to a settlement or trust for sale, then, in addition to any mode of dealing therewith authorized by the Ordinance under which the money is in such court, that money may be invested or applied as capital money arising by exercise of a trust for sale of land, on the like terms, if any, respecting costs and other things, as nearly as circumstances admit, and notwithstanding anything in this Ordinance according to the same procedure, as if the modes

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of investment or application authorized by this Ordinance were authorized by the Ordinance under which the money is in such court.

**42.** Where, under any instrument coming into operation either before or after the commencement of this Ordinance money is in the hands of trustees, and is liable to be laid out in the purchase of land to be made subject to the trusts declared by that instrument, then, in addition to such powers of dealing therewith as the trustees have independently of this Ordinance, they may, at their option, invest or apply the money as if it were capital money arising by exercise of a trust for sale of land.

**43.** (1) Where money or securities or the proceeds of sale of any property is or are by any instrument coming into operation either before or after the commencement of this Ordinance directed to be held on trusts declared by reference to capital money arising by exercise of a trust for sale of land constituted by that instrument or by any other instrument, the money securities or proceeds shall be held on the like trusts as if the same had been or represented money which had actually arisen by exercise of such trust for sale.

(2) Where money or securities or the proceeds of sale of any property is or are by any instrument coming into operation either before or after the commencement of this Ordinance directed to be held on the same trusts as, or on trusts corresponding as nearly as may be with the limitations of land settled or purporting to be settled or made subject to a trust for sale by that instrument or any other instrument, the money, securities or proceeds shall be held on the like trusts as if the same had been or represented capital money arising by exercise of a trust for sale of such land.

(3) Such money, securities, or proceeds of sale shall be paid or transferred to or retained by the trustees for sale of such land, or paid or transferred into court, and invested or applied accordingly.

(4) This section shall operate without prejudice to the rights of any person claiming under a disposition, for valuable consideration, made before the commencement of this Ordinance of any such money, securities or proceeds, as are referred to in this section.

**44.** The provisions of this Part apply only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust for sale, and shall have effect subject to the terms of such instrument, and to any provisions therein contained.

Application of  
money in hands  
of trustees under  
powers of  
settlements.

Provision as to  
movables settled  
by reference to  
capital money  
or on trusts  
corresponding  
with the  
limitations  
of land.

Extent of  
application of  
this Part.

Description of  
improvements  
authorized by  
the Ordinance.

## PART VI

### IMPROVEMENTS

**45.** Improvements authorized by this Ordinance are the making or execution on, or in connexion with, and for the benefit of land held upon trust for sale, of any of the works mentioned in the Schedule to this Ordinance, or of any works for any of the purposes mentioned in that Schedule, and any operations incident to or necessary or proper in the execution or proper in the execution of any of those works or necessary or proper for carrying into effect any of those purposes, or for securing the full benefit of any of those works or purposes.

Mode of  
application of  
capital money.

**46.** (1) Capital money arising by exercise of a trust for sale of land, or deemed to be capital money so arising, may be applied in or towards payment for any improvement authorized by this Ordinance or by the instrument, if any, creating the trust for sale, without any scheme for the execution of the improvement being first submitted for approval to, or approved by, the beneficiaries or any of them, or the Court. 5

(2) Where the capital money to be expended is in the hands of the trustees for sale, they may apply that money in or towards payment for the whole or any part of any work or 10 operation comprised in the improvement, on—

(i) a certificate to be furnished by a competent engineer or able practical surveyor employed independently of the tenant for life, certifying that the work or operation comprised in the improvement or some 15 specific part thereof, has been properly executed, and what amount is properly payable in respect thereof, which certificate shall be conclusive in favour of the trustees for sale as an authority and discharge for any payment made by them in pursuance thereof; or 20

(ii) an order of the Court directing or authorizing the trustees for sale so to apply a specified portion of the capital money:

Provided that:—

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(a) In the case of improvements not authorized by Part I of the Schedule to this Ordinance or by the instrument, if any, creating the trust for sale, the trustees for sale may, if they think fit, and shall if so directed by the Court, before they make any such application 30 of capital money make provision that that money, or any part thereof, shall be repaid to or retained by them out of the income of the land held upon trust for sale by not more than fifty half-yearly instalments, the first of such instalments to be paid 35 or to be deemed to have become payable at the expiration of six months from the date when the work or operation, in payment for which the money is to be applied, was completed.

(b) No capital money shall be applied by the trustees for 40 sale in payment for improvements not authorized by Parts I and II of the Schedule to this Ordinance, or by the instrument, if any, creating the trust for sale, except subject to provision for the repayment or retention thereof being made in manner men- 45 tioned in the preceding paragraph of this proviso.

(3) Where the capital money to be expended is in any court, such court may, if it thinks fit, on a report or certificate of a competent engineer or able practical surveyor approved by such court, or on such other evidence as such court may 50 think sufficient, make such order and give such directions as it thinks fit for the application of the money, or any part thereof, in or towards payment for the whole or any part of any work or operation comprised in the improvement.

(4) Where any court authorizes capital money to be 55 applied in payment for any improvement or intended improvement not authorized by Part I of the Schedule to this Ordinance or by the instrument, if any, creating the trust for sale, such court, as a condition of making the order, may in any case require that the capital money or any part thereof, and

shall as respects an improvement mentioned in Part III of that Schedule (unless the improvement is authorized by the instrument, if any, creating the trust for sale), require that the whole of the capital money shall be repaid to or retained by, the trustees for sale out of the income of the land held upon trust for sale by a fixed number of periodical instalments to be paid or retained at the times appointed by such court, and may require that any incumbrancer of such income shall be served with notice of the proceedings.

**10** (5) All money received by the trustees for sale in respect of any instalments under this section shall be held by them as capital money arising by exercise of the trust for sale, unless the Court otherwise directs.

**47.** The Court may, in any case where it appears proper, make an order directing or authorizing capital money to be applied in or towards payment for any improvement authorized by this Ordinance, whether executed before or after the commencement of this Ordinance notwithstanding that a scheme was not, before the execution of the improvement, submitted for approval to the Court, and notwithstanding that no capital money is immediately available for the purpose.

**48.** The provisions of this Part apply only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust for sale, and shall have effect subject to the terms of such instrument, and to any provisions therein contained.

Court may order payment for improvements executed

Extent of application of this Part.

## PART VII

### GENERAL PROVISIONS AS TO TRUSTEES OF LAND

**49.** Subject as provided by sub-section (2) of section 7 the provisions of this Ordinance referring to trustees for sale of land apply to the surviving or continuing trustees or trustee for sale for the time being.

Surviving or continuing trustees can act.

**50.** The receipt or direction in writing of or by the trustees for sale of land, or where a sole trustee for sale of land is a trust corporation or personal representative, of or by that trustee, or of or by the personal representative of the last surviving or continuing trustee for sale of land, for or relating to any money or securities, paid or transferred to or by the direction of the trustees, trustee, or representatives, as the case may be, effectually discharges the payer or transferor therefrom, and from being bound to see to the application or being answerable for any loss or misapplication thereof, and, in case of a mortgagee or other person advancing money, from being concerned to see that any money advanced by him is wanted for any purpose of this Ordinance, or that no more than is wanted is raised.

Trustee's receipts.

**51.** Each person who is for the time being a trustee for sale of land is answerable for what he actually receives only, notwithstanding his signing any receipt for conformity, and in respect of his own acts, receipts and defaults only, and is not answerable in respect of those of any other trustee, or of any banker, broker, or other person, or for the insufficiency or deficiency of any securities, or for any loss not happening through his own wilful default.

Protection of each trustee individually.

**52.** Trustees for sale of land, personal representatives, or other persons who have in good faith, pursuant to a trust for sale of land or this Ordinance, executed a conveyance, transfer, assent, assignment, or other disposition of the land held upon trust for sale, or a deed of discharge of trustees, shall be absolutely discharged from all liability in respect of

Indemnities to personal representatives and others.

the equitable interests and powers taking effect under the instrument (if any) constituting the trust for sale, and shall be entitled to be kept indemnified at the cost of the trust estate from all liabilities affecting the land held upon trust for sale, but the person to whom the land held upon trust is conveyed, transferred, assigned, or otherwise disposed of (not being a purchaser taking free therefrom) shall hold such land upon the trusts (if any) affecting the same.

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Trustee's re-  
imbursements.

**53.** Trustees for sale of land may reimburse themselves or pay and discharge out of the trust property all expenses 10 properly incurred by them.

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## PART VIII

### SUPPLEMENTARY PROVISIONS

Prohibition or  
limitation  
against exercise  
of powers void,  
and provision  
against forfeiture.

**54.** (1) If in a settlement, will, assurance, or other instrument executed or made before or after, or partly before and partly after, the commencement of this Ordinance a provision is inserted—

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(a) purporting or attempting, by way of direction, declaration, or otherwise, to forbid trustees for sale of land to exercise any power under this Ordinance herein expressed to be exercisable or impliedly conferred without regard to or notwithstanding the provisions of the instrument (if any) constituting the trust for sale; or

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(b) attempting, or tending, or intended, by a limitation, gift, or disposition over of land held upon trust for sale, or by a limitation, gift or disposition of other immovable or any movable property, or by the imposition of any condition, or by forfeiture, or in any other manner whatever, to prohibit or prevent 25 them from exercising, or to induce them to abstain from exercising, or to put them into a position inconsistent with their exercising, any such power as aforesaid,

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that provision, as far as it purports, or attempts, or tends, 35 or is intended to have, or would or might have, the operation aforesaid, shall be deemed to be void.

(2) For the purposes of this section an estate or interest limited to continue so long only as a person abstains from exercising any such power or right as aforesaid shall be and take effect as an estate or interest to continue for the period for which it would continue if that person were to abstain 40 from exercising the power or right, discharged from liability to determination or cesser by or on his exercising the same.

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(3) Notwithstanding anything in an instrument constituting a trust for sale of land or settlement, the exercise by a trustee for sale of any power under this Ordinance herein expressed to be exercisable or impliedly conferred without regard to or notwithstanding the provisions of such instrument or settlement shall not occasion a forfeiture.

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Powers of  
Court where  
trustees for  
sale refuse to  
exercise powers

**55.** If trustees for sale of land refuse to sell or to exercise any of the powers conferred by this Ordinance, or any requisite consent cannot be obtained, any person interested may apply to the Court for a vesting order or other order for giving effect to the proposed transaction or for an order directing the 55 trustees for sale to give effect thereto, and the Court may make such order as it thinks fit.

56. The provisions of this Ordinance relating to trustees for sale of land apply to personal representatives holding land upon trust for sale, but without prejudice to their rights and powers for purposes of administration.

5 57. The Court shall have power to make rules concerning the following matters—

- (a) the fees to be paid in respect of any registration or court proceedings, or to the Public Trustee in respect of the performance of any duties imposed or the exercise of any powers conferred upon him under or by virtue of any of the provisions of this Ordinance;
- (b) the procedure to be adopted in respect of any matters disputes or transactions arising under or by virtue of this Ordinance and not herein expressly provided for; and
- (c) generally for the better carrying into effect of the provisions of this Ordinance.

58. Nothing in this Ordinance contained shall in any wise prejudice or affect the rules of Mohammedan law relating to Wakf or the operation of the Registration of Titles Ordinance or any Ordinance from time to time amending or replacing the same and the provisions of this Ordinance shall in respect of land registered under the Registration of Titles Ordinance only take effect if and so far and in such manner as provided for by that Ordinance or so far as not inconsistent therewith.

Application to personal representatives.

Power to make rules.

Saving.

*Cap. 142.*

*Cap. 142.*

## SCHEDULE

### PART I

#### *Improvements, the Costs of which are not Liable to be Replaced by Instalments*

- (i) Drainage, including the straightening, widening, or deepening of drains, streams and watercourses.
- (ii) Bridges.
- (iii) Irrigation and permanent measures for the prevention of soil erosion.
- (iv) Drains, pipes and machinery for supply and distribution of sewage as manure.
- (v) Embanking or weiring from a river or lake, or from the sea, or a tidal water.
- (vi) Groynes; sea walls; defences against water.
- (vii) Fencing; redivision of fields.
- (viii) Reclamation.
- (ix) Farm roads; private roads, roads or streets in villages or towns.
- (x) Clearing; cleaning; trenching; planting.
- (xi) Cottages, quarters, or huts for labourers, farm servants, and artisans, whether squatters or otherwise, and whether employed on the land held upon trust for sale or not.
- (xii) Farm houses, offices, and outbuildings, and other buildings for farm purposes, including siles, bomas, and cattle dips.
- (xiii) Saw-mills, scutch-mills, and other mills, water-wheels, engine-houses, and kilns, which will increase the value of the land held upon trust for sale for agricultural purposes or as woodland or otherwise.

(xiv) Reservoirs, tanks, conduits, watercourses, pipes, wells, ponds, shafts, dams, weirs, sluices, and other works and machinery for supply and distribution of water for agricultural, manufacturing, or other purposes, or for domestic or other consumption.

(xv) Tramways; railways; canals; docks.

(xvi) Jetties, piers, and landing places on rivers, lakes, the sea, or tidal waters, for facilitating transport of persons and of agricultural stock and produce, and of manure and other things required for agricultural purposes, and of minerals, and of things required for mining purposes.

(xvii) Streets, roads, paths, squares, gardens, or other open spaces for the use, gratuitously or on payment, of the public or of individuals, or for dedication to the public, the same being necessary or proper in connexion with the conversion of land into building land.

(xviii) Sewers, drains, watercourses, pipe-making, fencing, paving, brick-making, tile-making, and other works necessary or proper in connexion with any of the objects aforesaid.

(xix) Trial pits for mines, and other preliminary works necessary or proper in connexion with the development of mines.

(xx) Reconstruction enlargement, or improvement of any of these works.

(xxi) The provision of small dwellings, either by means of building new buildings or by means of the reconstruction, enlargement, or improvement of existing buildings, if that provision of small dwellings is, in the opinion of the Court, not injurious to the land upon trust for sale.

(xxii) Additions to or alterations in buildings reasonably necessary or proper to enable the same to be let.

(xxiii) Erection of buildings in substitution for buildings taken by a local or other public authority, or for buildings taken under compulsory powers, but so that no more money be expended than the amount received for the buildings taken and the site thereof.

(xxiv) The building of a permanent homestead on the land held upon trust for sale: Provided that the sum to be applied under this head shall not exceed one-half of the annual rental of the land held upon trust for sale.

## PART II

### *Improvements, the Costs of which the Trustees for Sale or the Court may require to be repaid by Instalments out of Income*

(i) Residential houses for land or mineral agents, managers, clerks, bailiffs, woodmen, and other persons employed on the land held upon trust for sale, or in connexion with the management or development thereof.

(ii) Any offices, workshops and other buildings of a permanent nature required in connexion with the management or development of the land held upon trust for sale or any part thereof.

(iii) The erection and building of dwelling houses, shops, electric light or power works, or any other works necessary or proper in connexion with the development of the land held upon trust for sale, or any part thereof as a building estate.

(iv) Restoration or reconstruction of buildings damaged or destroyed by dry rot or white ants.

(v) Structural additions to or alterations in buildings reasonably required, whether the buildings are intended to be let or not, or are already let.

(vi) Boring for water and other preliminary works in connexion therewith.

### PART III

#### *Improvements, the Costs of which the Trustees for Sale and the Court must require to be repaid by Instalments out of Income*

(i) Heating, hydraulic or electric power apparatus for buildings, and engines, pumps, lifts, rams, boilers, flues, and other works required or used in connexion therewith.

(ii) Engine houses, engines, dynamos, accumulators, cables, pipes, wirings, switchboards, plant and other works required for the installation of electric or other artificial light, in connexion with any principal mansion house or other house or buildings; but not electric lamps or decorative fittings required in any such house or buildings.

(iii) Steam rollers, traction engines, motor lorries and movable machinery for farming or other purposes.

### OBJECTS AND REASONS

The present position of Trustees of Land in this Colony is unsatisfactory inasmuch as, although they are given power to invest moneys in land yet they have no statutory powers to deal with such land, when bought, beyond the powers to mortgage and insure. It is true that application for necessary powers in particular instances can be made to the Court under the Trustee Ordinance, 1929, but such applications involve considerable expense, and may have to be made on several separate occasions in respect of one trust estate. More than one trust has already found itself (e.g. by failure of a mortgage) with lands on its hands, with no prospect of immediate sale and no sufficient power to keep the land in good condition until sale.

It is considered that the time has come for the powers of Trustees of Land in the Colony to be clearly defined by law, and this Bill is designed to put into statutory form legal provisions which have proved successful in England.

The Bill follows the law on the subject contained in the English Settled Land Act, 1925, and the English Law of Property Act, 1925.

Wakfs are excluded from the provisions of the Bill.

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

## GOVERNMENT NOTICE No. 900

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

R. P. ARMITAGE,  
*Acting Clerk to the Legislative Council.*

**A Bill to Amend the Income Tax Ordinance, 1940,  
so as to Provide for the Raising of Additional  
Revenue during the Present War**

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

Short title.

1. (1) This Ordinance may be cited as the War Taxation (Income Tax) (Amendment) Ordinance, 1941, and shall be read as one with the Income Tax Ordinance, 1940, as amended by the War Taxation (Income Tax) Ordinance, 1940 (hereinafter together referred to as the Principal Ordinance). 5

(2) Section 2 of this Ordinance shall apply to assessments in respect of the year of assessment commencing on the 1st day of January, 1942, and each subsequent year of assessment.

2. Section 27 of the Principal Ordinance shall be read as if— 10

(a) sub-section (1) thereof were deleted therefrom and the following were substituted therefor—

“27. (1) The tax upon the income of any individual resident in the Colony shall be charged as follows:—

(a) where the chargeable income does not exceed £250: 15 at the rate of two shillings for every pound thereof;

(b) where the chargeable income exceeds £250: at the rate of two shillings with the addition of one-eighth of a cent for every pound of the chargeable income in excess of £250 up to a maximum rate 20 of five shillings for every pound thereof; and

(c) where the total income exceeds three thousand pounds: an additional tax (to be called a “surtax”) at the rate of four shillings with the addition of one-twentieth of a cent for every pound of the total income in excess of three thousand pounds up to a maximum rate of seven shillings and fifty cents for every pound in excess of three thousand pounds thereof.”;

(b) the word “three” which occurs in the second line of 30 sub-section (2) thereof were deleted therefrom and the word “four” were substituted therefor; and

(c) the first eighteen lines of sub-section (3) thereof were deleted therefrom and the following were substituted therefor:— 35

“(3) The tax upon the income upon any person who is not resident in the Colony shall, in the case of a person other than an individual, be charged at the rates specified in sub-section (2) of this section and shall, in the case of an individual, be charged as follows:—

(a) where the chargeable income does not exceed £750: at the rate of two shillings for every pound thereof;

- 5                   (b) where the chargeable income exceeds £750: at the rate of two shillings with the addition of one-eighth of a cent for every pound of the chargeable income in excess of seven hundred and fifty pounds up to a maximum rate of five shillings in the pound;
- 10                  (c) where the total income exceeds three thousand pounds: an additional tax (to be called "surtax") at the rate of four shillings with the addition of one-twentieth of a cent for every pound of the total income in excess of three thousand pounds up to a maximum rate of seven shillings and fifty cents for every pound in excess of three thousand pounds thereof:
- 15                  Provided where any such person has other income accruing in, derived from or received in another East African territory the amount of tax to be charged upon his income shall be the amount resulting from the last of the following calculations:—".
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3. Sub-section (3) of section 28 of the Principal Ordinance shall be read as if—

- 25                  (a) the word "three" which occurs in the third line thereof were deleted therefrom and the word "four" were substituted therefor; and
- (b) the word "company" which occurs in the fourth line thereof were deleted therefrom and the words and commas "person, other than an individual," were substituted therefor.

Amendment of  
section 28(3) of  
the Principal  
Ordinance.

30                  4. Sub-section (1) of section 29 of the Principal Ordinance shall be read as if—

- (a) the word "three" which occurs in the fifth line thereof were deleted therefrom and the word "four" were substituted therefor; and
- 35                  (b) the word "company" which occurs in the sixth line thereof were deleted therefrom and the words and commas "person, other than an individual," were substituted therefor.

Amendment of  
section 29(1) of  
the Principal  
Ordinance.

6                   5. Section 4 of the War Taxation (Income Tax) Ordinance, 1940, shall be read as if—

- (a) the word "non-resident" which occurs in the third line thereof were deleted therefrom;
- 45                  (b) the words "not resident in the Colony or to the agent of such person" were added thereto immediately after the word "person" which occurs in the fourth line thereof;
- (c) the figures "1939" which occur in the fourth line thereof were deleted therefrom, and the figures "1941" were substituted therefor;
- 50                  (d) the word "three" which occurs in the fifth line and in the eleventh line thereof were deleted therefrom and the word "four" were substituted therefor; and
- (e) the word "company" which occurs in the sixth line thereof were deleted therefrom and the words and commas "person, other than an individual," were substituted therefor,

Amendment of  
section 4 of  
Ordinance.

No. 26 of 1940.

## Duration.

6. This Ordinance shall continue in force until the 31st day of December next following such date as the Governor may, by proclamation, declare to be the date on which the war that was the occasion of the enactment of this Ordinance came to an end, and shall then expire.

## OBJECTS AND REASONS

The Bill is designed to provide for increased revenue from Income Tax to meet the present conditions and will expire automatically on the 31st day of December next following the cessation of the present war.

The Bill provides for an increase in the rate of tax charged, the personal deductions remaining unchanged.

For the year of assessment 1942 the tax payable by individuals is to be divided into two separate charges:—

(a) *Income Tax*, for which the initial rate on the first £250 of chargeable income has been raised from Sh. 1 to Sh. 2 in the £ and the sliding scale which previously increased at one-tenth of a cent for every £ over £250, is now to increase at one-eighth of a cent. The maximum rate is to be Sh. 5 in the £ instead of Sh. 10.

(b) *Surtax*.—Where the total income is over £3,000, an additional tax at the rate of Sh. 4 in the £, increasing by one-twentieth of a cent for every £ of the excess up to a maximum rate of Sh. 7/50 for every £ of total income over £3,000, is to be charged.

The company tax is raised from Sh. 3 to Sh. 4 in the £, and this rate will apply to all persons other than individuals.

The attached memorandum indicates the effect on the individual taxpayer, if the provisions of the Bill become law.

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

#### MEMORANDUM ON DRAFT WAR TAXATION (INCOME TAX) ORDINANCE, 1941

THE following explanation is published to show the effect on individual taxpayers should the provisions of the War Taxation (Income Tax) Bill, which is published in this issue of the Gazette, become law.

## RATES OF TAX

1. (a) *Resident Individual*.—If the chargeable income does not exceed £250, Sh. 2 in the £.

If the chargeable income exceeds £250, Sh. 2 plus one-eighth of a cent for every £ in excess of £250, up to a maximum rate of Sh. 5 in the £.

If the total income exceeds £3,000, the excess to be charged at Sh. 4 plus one-twentieth of a cent for every £ over £3,000, up to a maximum rate of Sh. 7/50 in the £.

(b) *Non-resident Individual*.—If the chargeable income does not exceed £750, Sh. 2 in the £.

If the chargeable income exceeds £750, Sh. 2 plus one-eighth of a cent for every £ in excess of £750, up to a maximum rate of Sh. 5 in the £.

If the total income exceeds £3,000, the excess to be charged at Sh. 4 plus one-twentieth of a cent for every £ over £3,000, up to a maximum rate of Sh. 7/50 in the £.

(c) *Persons other than Individuals (i.e. Companies, etc.)*.—Sh. 4 in the £.

2. The effect of the proposed changes is illustrated by the following examples:—

(a) A married man with one child has a total income of £800.

PRESENT LIABILITY			PROPOSED LIABILITY		
	£		£		
Total Income .. .. ..	800		Total Income .. .. ..	800	
Less Wife .. ..	£350		Less Wife .. ..	£350	
Less One Child .. ..	80		Less One Child .. ..	80	
	—	430		—	430
Chargeable Income .. ..	£370		Chargeable Income .. ..	£370	

RATE OF TAX PAYABLE				£	Sh. cts.
	£	Sh. cts.		£	Sh. cts.
Chargeable Income .. ..	370		Chargeable Income .. ..	370	
Less .. ..	250 =	1 00	Less .. ..	250 =	2 00
Excess over £250 = ..	120		Excess over £250 = ..	120	
At one-tenth of a cent=Cents			At one-eighth of a cent=Cents		
120 .. .. .. =	12		120 .. .. .. =	15	
10			8		
Rate .. .. Sh. 1 12			Rate .. .. Sh. 2 15		
TAX PAYABLE			TAX PAYABLE		
£370 at Sh. 1/12=Sh. 414			£370 at Sh. 2/15=Sh. 795/50		
INCREASED TAX .. ..			Sh. 381/50		

(b) A married man with one child has a total income of £4,000.

PRESENT LIABILITY			PROPOSED LIABILITY		
	£		INCOME TAX		£
Total Income .. .. ..	4,000		Total Income .. .. ..	4,000	
Less Wife .. ..	£350		Less Wife .. ..	£350	
Less One Child .. ..	80		Less One Child .. ..	80	
	—	430		—	430
Chargeable Income .. ..	£3,570		Chargeable Income .. ..	£3,570	

RATE OF TAX PAYABLE				£	Sh. cts.
	£	Sh. cts.		£	Sh. cts.
Chargeable Income .. ..	£3,570		Chargeable Income .. ..	£3,570	
Less .. ..	250 =	1 00	Less .. ..	250 =	2 00
Excess over £250 .. ..	£3,320		Excess over £250 .. ..	£3,320	
At one-tenth of a cent=Cents			At one-eighth of a cent=Cents		
3,320 .. .. .. =	3 32		3,320 .. .. .. =	4 30	
10 Total .. .. Sh. 4 32			8 Total .. .. Sh. 6 30		

Therefore :

Maximum of Sh. 5 applies on £3,570=Sh. 17,850.

SUR TAX		
Total Income .. .. ..	£4,000	
Less .. ..	3,000	
	—	£1,000
Rate .. ..	= Sh. 4 00	
Plus Cents 1,000 ..	= 50	
	20	Sh. 4 50
£1,000 at Sh. 4/50 ..		Sh. 4,500
Total Income Tax .. ..	Sh. 17,850	
Total Surtax .. ..	4,500	
	—	Sh. 22,350

£3,570 at Sh. 4/32=Sh. 15,422/40

INCREASED TAX .. .. Sh. 6,927/60

3. Schedules are attached showing the amount of tax payable for varying amounts of income from which the approximate amount of any individual's liability can be seen at a glance. The amounts of tax shown include in every case Sh. 60 for Poll Tax which will be payable in addition to the income tax liability.

## SCHEDULE

TOTAL INCOME	SINGLE MAN				MARRIED MAN				MARRIED MAN AND ONE CHILD				MARRIED MAN AND TWO CHILDREN				MARRIED MAN AND FOUR CHILDREN			
	Chargeable Income	Present Tax	Proposed Tax	Chargeable Income	Present Tax	Proposed Tax	Chargeable Income	Present Tax	Proposed Tax	Chargeable Income	Present Tax	Proposed Tax	Chargeable Income	Present Tax	Proposed Tax	Chargeable Income	Present Tax	Proposed Tax		
£ 200	£ 3	£ 3	£ 3	£ 50	£ 3	£ 3	£ 70	£ 3	£ 3	£ 30	£ 3	£ 3	£ 56	£ 3	£ 3	£ 50	£ 3	£ 3		
300	150	10.10	15	50	5.10	8	70	6.10	10	30	4.10	6	56	5.10	6	50	5.10	6		
400	300	18.15	33.18	50	10.10	18	70	11.10	20	130	9.10	16	50	10.10	16	50	10.10	16		
500	450	30	53.12	150	15.10	28	170	16.15	30	230	14.10	26	150	15.10	26	250	15.10	26		
600	600	43.10	76.2	250	15.10	28	270	23.14	43	330	20.16	38	250	22.5	38	350	22.5	40.3		
700	700	53.15	93	350	22.10	40.3	370	23.14	43	330	20.16	38	250	30	30	350	30	54		
800	800	65	110	450	30	54	470	32	56	430	28	51	450	30	30	550	30	68		
900	900	77	130	550	38	68	470	32	56	430	28	51	650	49	49	750	49	84		
1,000	1,000	90	150	650	48	84	570	41	71	530	37	65	750	59	59	850	59	101		
1,100	1,100	105	171	750	59	101	670	56	88	630	46	81	850	71	71	950	71	120		
1,200	1,200	120	194	850	71	120	770	61	105	730	57	98	950	84	84	1,050	84	140		
1,300	1,300	136	218	950	84	140	870	73	124	830	69	116	1,050	97	97	1,150	97	160		
1,400	1,400	153	244	1,050	97	160	970	86	144	930	81	135	1,150	112	112	1,250	112	183		
1,500	1,500	177	270	1,150	112	183	1,070	100	165	1,030	95	156	1,250	128	128	1,350	128	206		
1,600	1,600	191	298	1,250	128	206	1,170	115	187	1,130	109	178	1,350	145	145	1,450	145	230		
1,700	1,700	211	327	1,350	145	231	1,270	131	211	1,230	125	201	1,450	162	162	1,550	162	257		
1,800	1,800	232	357	1,450	162	257	1,370	148	236	1,330	141	225	1,550	183	183	1,650	183	402		
1,900	1,900	255	389	1,550	181	284	1,470	166	262	1,430	159	251	1,650	227	227	1,750	227	582		
2,000	2,000	278	419	1,650	201	312	1,570	185	289	1,530	177	278	1,750	266	266	1,850	266	1,090		
2,500	2,500	409	605	2,150	315	473	2,070	295	445	2,030	285	432	2,250	1,615	1,615	2,350	1,615	3,147		
3,000	3,000	565	753	2,650	453	665	2,570	430	633	2,530	418	616	2,450	2,679	2,679	2,550	2,679	4,990		
4,000	4,000	953	1,228	3,650	806	1,140	3,570	774	1,120	3,530	758	1,110	3,450	727	727	3,450	727	10,000		
5,000	5,000	1,440	1,753	4,650	1,258	1,665	4,570	1,219	1,645	4,530	1,198	1,635	4,450	1,160	1,160	4,450	1,160	10,000		
7,500	7,500	3,094	3,284	7,150	2,824	3,197	7,070	2,764	3,176	7,030	2,735	3,167	6,950	2,679	2,679	6,950	2,679	10,000		
10,000	10,000	5,000	5,128	9,650	4,825	5,040	9,570	4,785	5,020	9,530	4,765	5,010	9,450	4,728	4,728	9,450	4,728	10,000		

## GOVERNMENT NOTICE No. 901

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

R. P. ARMITAGE,  
*Acting Clerk to the Legislative Council.*

**A Bill to make Temporary Provision for Enabling Persons Required in the Public Interest to be Employed for Purposes Connected with the War in Offices and Places under the Crown to be so Employed Without Being Disqualified for Membership of the Legislative Council and to Enable the Life of the Present Legislative Council to be Extended.**

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 Legislative Council (War Provisions) Ordinance, 1941. Short title.

2. (1) If it is certified by the Governor that the appointment of any person being a member of the Legislative Council to any office or place under the Crown is required in the public interest for purposes connected with the prosecution of any war in which His Majesty may be engaged, that person shall not be deemed to be a person incapable of being elected as a member of that Council, or incapable of sitting or voting as such a member, by reason only of his holding that office or place at any time during the present war period. Prevention of disqualification.

(2) A copy of any certificate issued for the purposes of the foregoing sub-section shall be laid before the Legislative Council.

15 (3) Any person who, since the third day of September, nineteen hundred and thirty-nine and before the passing of this Ordinance, has been appointed to any office or place under the Crown shall not be deemed to have been or to be a person incapable of being elected as a member of the Legislative Council, or incapable of sitting or voting as such a member, by reason only of his having held or holding that office or place at any time during the present war period.

(4) In this section the expression "the present war period" means the period beginning with the third day of September, nineteen hundred and thirty-nine and ending with the expiry of the Emergency Powers (Defence) Act, 1939, as applied to the Colony by the Emergency Powers (Colonial Defence) Order in Council, 1939.

30 3. The operation of sections 14 and 16 of the Legislative Council Ordinance, 1939, is hereby suspended until such time as the Legislative Council is dissolved by the Governor under Article XXX of the Instructions passed under the Royal Sign Manual and Signet bearing date the twenty-ninth day of March nineteen hundred and thirty-four.

Suspension of operation of sections 14 and 16 of the Legislative Council Ordinance, 1939.  
No. 26 of 1935

### OBJECTS AND REASONS

The object of this Bill is two-fold.

(a) Several Elected Members of the Legislative Council of the Colony are now employed for purposes connected with the war in offices and places under the Crown. Legislation has recently been passed in the United Kingdom to regularize the position of Members of Parliament who are similarly employed, and it is considered desirable to enact similar legislation in the Colony. This Bill, which is based on the English Act, has been prepared accordingly.

(b) Under the Royal Instructions the Governor is required to dissolve the Legislative Council at the expiration of four years from the date of the last preceding general election of Elected Members of the said Council if the Council has not been dissolved before that time. Corresponding provision is also contained in sections 14 and 16 of the Legislative Council Ordinance, 1935. Owing to war conditions it is desired to extend the life of the present Legislative Council beyond the normal period of four years, and for that purpose it is necessary to suspend the operation of the said sections. Steps have already been taken to have the Royal Instructions amended, and the necessary additional Instructions were signed by His Majesty on October 27th of this year.

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

## GOVERNMENT NOTICE No. 902

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

R. P. ARMITAGE,  
*Acting Clerk to the Legislative Council.*

**A Bill to Amend the Increase of Rent and of Mortgage Interest (Restrictions) Ordinance, 1940**

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

Short title.

No. 12 of 1940.

Amendment of section 8 (1) of the Principal Ordinance.

1. This Ordinance may be cited as the Increase of Rent and of Mortgage Interest (Restrictions) (Amendment No. 2) Ordinance, 1941, and shall be read as one with the Increase of Rent and of Mortgage Interest (Restrictions) Ordinance, 1940, hereinafter referred to as the Principal Ordinance. 5

2. Sub-section (1) of section 8 of the Principal Ordinance is hereby amended—

(a) by deleting therefrom paragraph (e) thereof and by substituting therefor the following paragraph:—

“(e) the dwelling-house is reasonably required for the purpose of the execution of the statutory duties or powers of a local authority, or statutory undertaking, or for any purpose which, in the opinion of the Court, is in the public interest; or”; 10

(b) by inserting therein the word “or” immediately after 15 the semi-colon which appears in the last line of paragraph (g) thereof; and

(c) by inserting therein, immediately after paragraph (g) thereof, the following new paragraphs:—

“(h) the tenant without the consent of the landlord has at 20 any time after the 1st day of December, 1941, or the prescribed date, whichever is the later, assigned or sublet the whole of the dwelling-house or sublet part of the dwelling-house, the remainder being already sublet; or 25

(i) the landlord is the owner of one dwelling-house only, and has let such dwelling-house because he has left or intends to leave the municipality or township in which the dwelling-house is situate, and on his return to, or on his failure to leave, such municipality or 30 township reasonably requires such house for occupation as a residence for himself, and has complied with the terms relating to the giving of notice contained in any lease into which he has entered with the tenant in respect of such house, or, in the absence 35 of any such lease, has given the tenant one month's notice to quit:

Provided that if, within twelve months next after the date upon which the landlord was, under the provisions of this paragraph, entitled to vacant possession of such dwelling-house, he wishes again to let such house (whether for a consideration or without consideration), he shall give to the tenant who, under the provisions of this paragraph, was required to give up possession of such house, the first option 40 to let and take possession of the said house. If any 45

landlord fails to give such option, or to give up possession to the tenant accepting such option, he shall be liable to a fine of £100 or to six months' imprisonment or to both such fine and such imprisonment."

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### OBJECTS AND REASONS

The objects of the Bill are—

- (a) to amend the Principal Ordinance so that tenants may be required to evacuate a dwelling-house where it is in the public interest. At the present moment, although the Court can make a demolition order under the Public Health Ordinance, the tenant cannot be required to vacate those premises unless the Court is satisfied that alternative accommodation is available. It is considered that the qualification as regards alternative accommodation should be deleted in the public interest generally;
- (b) to include a provision in the Principal Ordinance to the effect that a landlord may recover the possession of the premises if the tenant assigns or sublets without his consent; and
- (c) to enable a landlord who is the owner of one house only to regain possession of his house which he has let temporarily. It is proposed that this right should only obtain in a case where the landlord has let the house because he has temporarily left the town or municipality in which the house is situate and subsequently returns and requires the house for a residence for himself.

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

## GOVERNMENT NOTICE No. 903

## APPOINTMENTS

THOMAS GARRETT ASKWITH to be District Officer, North Kavirondo District, Nyanza Province, with effect from the 1st of November, 1941.

AUBREY CHARLES MADGEWICK MULLINS to be District Commissioner, Digo District, Coast Province, with effect from the 1st of November, 1941.

ERIC REGINALD ST. AUBREY DAVIES to act as Information Officer, Kenya, with effect from the 8th of November, 1941.

## REVERSION

MICHAEL BEVERLY reverted to his substantive post of Assistant Grader and Inspector with effect from the 25th October, 1941.

G. M. RENNIE,  
*Chief Secretary.*

## KENYA AND UGANDA RAILWAYS AND HARBOURS

HERBERT WILLIAM COX, Revenue Accountant, to be Acting Expenditure Accountant, with effect from 1st November, 1941.

## GOVERNMENT NOTICE No. 904

## SWAHILI EXAMINATIONS

HIGHER Swahili Examinations will be held at Nairobi on Monday the 2nd of March, 1942.

Standard Swahili Examinations will be held on the same date at Nairobi, Mombasa, Kisumu, Nakuru and Eldoret, and at such other places as the Chairman of the Languages Board may decide.

The names of candidates for either of the above examinations must be forwarded, through Heads of Departments, to reach the Secretary of the Languages Board, P.O. Box 621, Nairobi, on or before the 14th day of February, 1942.

Entries must state the full name of the candidate, the post held and the language examinations already passed.

Nairobi,

This 6th day of November, 1941.

K. W. SIMMONDS,  
*Secretary, Languages Board.*

## GOVERNMENT NOTICE No. 905

## THE COURTS ORDINANCE, 1931

## NOTICE

IN EXERCISE of the powers conferred upon him by section 6 of the Courts Ordinance, 1931, His Excellency the Governor has been pleased to appoint, with effect from 1st November, 1941—

THOMAS GARRETT ASKWITH

to be a Magistrate of the Second Class, with powers to hold a Subordinate Court of the Second Class in the North Kavirondo District of the Nyanza Province, whilst holding his present appointment as District Officer, North Kavirondo District, Nyanza Province.

By Command of His Excellency the Governor.

Nairobi,

This 12th day of November, 1941.

G. M. RENNIE,  
*Chief Secretary.*

## GOVERNMENT NOTICE No. 906

## THE COURTS ORDINANCE, 1931

## NOTICE

IN EXERCISE of the powers conferred upon him by section 6 of the Courts Ordinance, 1931, His Excellency the Governor has been pleased to appoint, with effect from the 1st day of November, 1941—

AUBREY CHARLES MADGEWICK MULLINS

to be a Magistrate of the First Class, with powers to hold a Subordinate Court of the First Class in the Digo District of the Coast Province, whilst holding his present appointment as District Commissioner, Digo District, Coast Province.

By Command of His Excellency the Governor.

Nairobi,

This 12th day of November, 1941.

G. M. RENNIE,  
*Chief Secretary.*

## GOVERNMENT NOTICE No. 907

THE NATIVE LANDS TRUST ORDINANCE  
(No. 28 of 1938)

## NOTICE

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

Signed at Nyeri this 8th day of November, 1941.

C. TOMKINSON,  
*Provincial Commissioner,  
Central Province.*

## SCHEDULE

At:

Kagunduini ..	a rectangular area of approx. 5 acres	Location Gaichinjoro, Fort Hall District.
Kandara ..	a rectangular area of approx. 4 acres	Location Gaiti, Fort Hall District.
Gachuhiro ..	a rectangular area of approx. 3 acres	Location Gaichinjoro, Fort Hall District.
Marira ..	a rectangular area of approx. 2 acres	Location Kinyona, Fort Hall District.
Githumu ..	a rectangular area of approx. 2 acres	Location Rocho Fort Hall District.
Kerure ..	a rectangular area of approx. 4 acres	Location Keru, Fort Hall District.
Kanyanyeine ..	a rectangular area of approx. 3 acres	Location Iyego, Fort Hall District.
Ndunyu Ga- chege ..	a rectangular area of approx. 2 acres	Location Gatanga, Fort Hall District.
Kihumbuini ..	a rectangular area of approx. 2 acres	Location Gatanga, Fort Hall District.
Mugumoini ..	a rectangular area of approx. 2 acres	Location Gatanga, Fort Hall District.
Gitugi ..	a rectangular area of approx. 2 acres	Location Njumli, Fort Hall District.
Gikoe ..	a rectangular area of approx. 2 acres	Location Njumli, Fort Hall District.
Mukangu ..	a rectangular area of approx. 2 acres	Location Kahuhua, Fort Hall District.
Mukuyu ..	a rectangular area of approx. 4 acres	Location Marag, Fort Hall District.
Gakoigo ..	a rectangular area of approx. 4 acres	Location Ngendu, Fort Hall District.
Kahuro ..	a rectangular area of approx. 2 acres	Location Mugorii, Fort Hall District.

as shown in sketch maps filed in the District Commissioner's Office, Fort Hall.

## GOVERNMENT NOTICE No. 908

THE LAND AND WATER PRESERVATION  
(ADVANCES) REGULATIONS, 1940  
NOTICE

IN ACCORDANCE with section 4 of the Land and Water Preservation (Advances) Regulations, 1940, His Excellency the Governor has been pleased to appoint the following persons to be members of the Advisory Board:—

The Hon. Director of Agriculture (*Chairman*),  
The Hon. Commissioner of Lands and Settlement,  
The Deputy Financial Secretary,  
Captain F. O'B. Wilson, C.M.G., D.S.O.,  
J. E. A. Wolryche-Whitmore, Esq.,  
with Mr. S. Thornton, *Secretary*.

Nairobi,

This 8th day of November, 1941.

E. R. E. SURRIDGE,  
*for Chief Secretary.*

## GOVERNMENT NOTICE No. 909

THE GAME ORDINANCE, 1937  
(Section 5)

AND

THE INTERPRETATION AND GENERAL  
CLAUSES ORDINANCE

(*Chapter 1 of the Revised Edition, section 13*)

## GOVERNMENT NOTICE NO. 98 OF 1938

## APPOINTMENT

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

MAJOR WILLIAM GERALD EDWARDS  
to be an Honorary Game Warden.

Nairobi,

This 12th day of November, 1941.

A. T. A. RITCHIE,  
*Game Warden.*

## GOVERNMENT NOTICE No. 910

THE TRADING WITH THE ENEMY ORDINANCE,  
1939

## ORDER

## CUSTODIAN OF ENEMY PROPERTY

IN EXERCISE of the powers conferred upon the Governor by section 9 of the Trading with the Enemy Ordinance, 1939, and all other powers thereunto lawfully enabling him, the Governor's Deputy has been pleased to order as follows:—

That the immovable property of Karl August Reutter, which is more particularly described in the Schedule hereto, is hereby vested in the Custodian of Enemy Property.

This Order shall be deemed to have come into force on the 3rd day of September, 1939.

By Command of the Governor's Deputy.

Nairobi,

This 7th day of November, 1941.

E. R. E. SURRIDGE,  
*for Chief Secretary.*

## SCHEDULE

All that piece or parcel of land situate south-west of Eldoret Municipality in the Uasin Gishu District comprising 1171 acres leasehold land known as L.R. No. 752/1.

## GOVERNMENT NOTICE No. 911

THE TRADING WITH THE ENEMY ORDINANCE,  
1939

## ORDER

## CUSTODIAN OF ENEMY PROPERTY

IN EXERCISE of the powers conferred upon the Governor by section 9 of the Trading with the Enemy Ordinance, 1939, and all other powers thereunto lawfully enabling him, the Governor's Deputy has been pleased to order as follows:—

That the immovable property of Christian Frederick Klopfer, which is more particularly described in the Schedule hereto, is hereby vested in the Custodian of Enemy Property.

This Order shall be deemed to have come into force on the 3rd day of September, 1939.

By Command of the Governor's Deputy.

Nairobi,

This 7th day of November, 1941.

E. R. E. SURRIDGE,  
*for Chief Secretary.*

## SCHEDULE

1. All that piece of leasehold land comprising 818 acres approximately situated south-west of Eldoret in the Uasin Gishu District and known as L.R. No. 752/2.

2. All that piece of leasehold land comprising 299 acres approximately situated south-west of Eldoret in the Uasin Gishu District and known as L.R. No. 4055.

## GOVERNMENT NOTICE No. 912

THE TRADING WITH THE ENEMY ORDINANCE,  
1939

## ORDER

## CUSTODIAN OF ENEMY PROPERTY

IN EXERCISE of the powers conferred upon the Governor by section 9 of the Trading with the Enemy Ordinance, 1939, and all other powers thereunto lawfully enabling him, the Governor's Deputy has been pleased to order as follows:—

That the immovable property of Otto Willi Gustav Manke, which is more particularly described in the Schedule hereto, is hereby vested in the Custodian of Enemy Property.

This Order shall be deemed to have come into force on the 3rd day of September, 1939.

By Command of the Governor's Deputy.

Nairobi,

This 7th day of November, 1941.

E. R. E. SURRIDGE,  
*for Chief Secretary.*

## SCHEDULE

All that piece or parcel of land comprising 608 acres approximately of leasehold land situate south-west of Eldoret in the Uasin Gishu District known as L.R. No. 752.

## GOVERNMENT NOTICE No. 913

THE TRADING WITH THE ENEMY ORDINANCE,  
1939  
ORDER

## CUSTODIAN OF ENEMY PROPERTY

IN EXERCISE of the powers conferred upon him by section 9 of the Trading with the Enemy Ordinance, 1939, and all other powers thereunto lawfully enabling him, His Excellency the Governor has been pleased to order as follows:—

- That the household furniture, motor car and all movable assets and personal effects being the property of Heinrich B. Boehden are hereby vested in the Custodian of Enemy Property.

- That the powers are hereby conferred on the Custodian of Enemy Property to sell the said household furniture, motor car and all movable assets and personal effects either by auction or by private treaty.

This Order shall be deemed to have come into operation on the 3rd day of September, 1939.

By Command of His Excellency the Governor.

Nairobi,

This 14th day of November, 1941.

G. M. RENNIE,  
*Chief Secretary.*

## GOVERNMENT NOTICE No. 914

THE TRADING WITH THE ENEMY ORDINANCE,  
1939

## ORDER

## CUSTODIAN OF ENEMY PROPERTY

IN EXERCISE of the powers conferred upon him by section 9 of the Trading with the Enemy Ordinance, 1939, and all other powers thereunto lawfully enabling him, His Excellency the Governor has been pleased to order as follows:—

- That farm No. 7107 situate north of Embakasi Township Reserve, being the property of Giovanni Francescon and Giovachino Massaro, and which is more particularly described in the Schedule hereto, is hereby vested in the Custodian of Enemy Property.

- That the power is hereby conferred upon the Custodian of Enemy Property to do all acts necessary to complete the transfer of the said farm and thereafter to lease the same.

This Order shall be deemed to have come into force on the 10th day of June, 1940.

By Command of His Excellency the Governor.

Nairobi,

This 14th day of November, 1941.

G. M. RENNIE,  
*Chief Secretary.*

## SCHEDULE

Title No.—L.R. 7107.

District.—Nairobi, Meridional District South A 37  
G 11 d

Area.—101 acres or thereabouts.

Leasehold.—99 years from 1st February, 1907.

Annual rental.—Rupes 64 cents 25.

## GOVERNMENT NOTICE No. 915

## THE NATIVE AUTHORITY ORDINANCE, 1937

(*Ordinance No. 2 of 1937, section 3*)

AND

## THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

(*Chapter 1 of the Revised Edition, section 13*)

## GOVERNMENT NOTICE No. 314 OF 1937

## APPOINTMENTS AND TERMINATIONS OF APPOINTMENT

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the persons named in Schedule A hereto to be Official Headmen for the area named therein, and I hereby cancel the appointments as Official Headmen of the persons named in Schedule B annexed hereto.

Isiolo,

10th November, 1941.

GERALD REECE,  
*Officer in Charge,  
Northern Frontier District.*

## SCHEDULE A

## WAJIR, NORTHERN FRONTIER DISTRICT

Name	Area	With effect from	Remarks
Abdi Ogleh, Mohamed Zubeir	Wajir	1st June, 1940	Vice Ahmed Hassan, resigned. Appointed Govt. Notice 716 of 1934.
Barud Iman, Habr Sule- man	Wajir	1st May, 1941	Vice Shaya Samantur, resigned. Appointed Govt. Notice 716 of 1934.

## SCHEDULE B

## WAJIR, NORTHERN FRONTIER DISTRICT

Gaal Moha- med Fai	Wajir	31st May, 1941	Resigned. Appointed by Govt. Notice 716 of 1934.
Aden Saad, Massareh	Wajir	30th Sept., 1941	Discharged. Appointed by Govt. Notice 716 of 1934.
Farah Roble- igh, Jibrail	Wajir		Discharged. Appointed by Govt. Notice 217 of 1938.
Adan Hano, Gurreh	Wajir	30th Sept., 1941	Discharged. Appointed by Govt. Notice 507 of 1939.
Ahamed Maal- lim Mahamud, Merille	Wajir	30th Sept., 1941	Discharged. Appointed by Govt. Notice 507 of 1939.

## GOVERNMENT NOTICE No. 916

## HIS MAJESTY'S SUPREME COURT OF KENYA

I, Joseph Sheridan, Knight Bachelor, Chief Justice of the Colony and Protectorate of Kenya, do hereby in terms of the provisions of section 2 (1) of the Increase of Rent and of Mortgage Interest (Restrictions) Ordinance, 1940, and in exercise of the powers thereunto enabling me, appoint the Resident Magistrate at Eldoret, being a Magistrate holding a Subordinate Court of the First Class, to exercise jurisdiction under the said Ordinance in all matters arising by reason of the application of the said Ordinance to the Township of Kitale, this Order to be effective from the 24th day of October, 1941.

Given under my hand and the Seal of the Court at Nairobi this 7th day of November, 1941.

J. LUCIE SMITH,  
*Puisne Judge,  
for Chief Justice.*

## GOVERNMENT NOTICE No. 917

WAR WORK (REGISTRATION OF WOMEN)  
REGULATIONS, 1941

IT IS notified for general information that the Director of Woman Power has been pleased to co-opt the services of the committees set out in the Schedule hereto for the purpose of advising him in connexion with war work for women.

W. HARRAGIN,  
*Director of Woman Power.*  
SCHEDULE

*Kisii*—

District Commissioner (*Chairman*),  
Mrs. McInnes,  
Mrs. Storrs Fox,  
Mrs. Garrett.

*Embu*—

District Commissioner (*Chairman*),  
Mrs. M. Jackson.

*Narok*—

District Commissioner (*Chairman*),  
Mrs. M. McLean,  
Miss P. Ramsay.

*Nyeri*—

District Commissioner (*Chairman*),  
Mrs. T. A. G. Budgeon,  
Mrs. V. M. Turner,  
Mrs. H. H. Lyons,  
Mrs. D. G. B. Leakey,  
Lady E. M. Walker.

*Kilifi*—

District Commissioner (*Chairman*),  
Mrs. Wrentmore.

*Malindi*—

District Commissioner (*Chairman*),  
Mrs. Lawford.

*Kericho*—

District Commissioner (*Chairman*),  
Mrs. T. E. Haslehurst,  
Mrs. A. L. Coke,  
Mrs. T. N. Derby,  
Mrs. J. D. Evans,  
Mrs. K. R. McNab.

*Ngong-Kajiado*—

Officer in Charge, Masai (*Chairman*),  
Mrs. Bailward,  
Mrs. Pursell.

*Kisumu-Londiani*—

District Commissioner (*Chairman*),  
Mrs. J. W. Brebner,  
Mrs. O. C. Harries,  
Mrs. I. C. Dansie.

*Kisumu*—

District Commissioner (*Chairman*),  
Mrs. D. M. Usher,  
Mrs. J. L. Riddoch,  
Mrs. D. Benson,  
Mrs. J. Maxwell.

## GOVERNMENT NOTICE No. 918

## THE WAR LOAN ORDINANCE, 1940

## LOSS OF BOND CERTIFICATE No. 3212

IN PURSUANCE of the provisions of Regulation 17 (2) of the War Loan Regulations, 1940, notice is hereby given that 2½ per cent East African War Bond Certificate No. 3212 for £50, Series 'B' dated 17th October, 1941, issued in the name of Sergeant William James Hodson, has been lost, and that it is proposed, after the expiration of thirty days from the date of this notice, to issue a duplicate of such certificate.

Dated 14th November, 1941.

P. C. M. WATSON,  
*Accountant General.*

## GOVERNMENT NOTICE No. 919

## NOTICE

IT IS notified for general information that the following changes have been made in the constitution of the Production Sub-Committees of the Ol Bolossat/Wanjohi and Naivasha Districts:—

*Ol Bolossat/Wanjohi*—

*Delete* Mr. A. H. Fraser Allen.

*Naivasha*—

Major J. G. Hewett, M.C. (*Chairman*).  
Mr. C. W. Hillyar (*Member*).

*Nairobi*,

D. L. BLUNT,  
*Director of Agriculture.*

## GENERAL NOTICE No. 2034

NOTICE is hereby given that the following Sessions of His Majesty's Supreme Court of Kenya will be held or are in progress, with date of commencement in each case, at the places set out hereunder:—

SUPREME COURT SESSIONS AT NAIROBI, 17-11-41  
Cr. C. No. 168/41 Rex vs. Maria s/o Muchiri.  
Cr. C. No. 172/41 Rex vs. Gachuiri wa Irungu.  
Cr. C. No. 173/41 Rex vs. Kahuthu wa Njoroge.  
Cr. C. No. 178/41 Rex vs. Maria s/o Muchiri alias Tumbo.  
Cr. C. No. 184/41 Rex vs. Kamau wa Karanja.

SUPREME COURT SESSIONS AT NAKURU, 24-11-41  
Cr. C. No. 169/41 Rex vs. Alfred Peter Obermeyer.  
Cr. C. No. 153/41 Rex vs. Cheptubei arap Kipkios.  
Cr. C. No. 164/41 Rex vs. Laitong arap Bwogo.  
Cr. C. No. 170/41 Rex vs. Johannes Kiprop arap Malengeria.  
Cr. C. No. 161/41 Rex vs. Mkuu s/o Salim.  
Cr. C. No. 175/41 Rex vs. Mkuu s/o Salim.  
Cr. C. No. 186/41 Rex vs. Olotiti ole Koya.  
Cr. C. No. 187/41 Rex vs. Muchiri wa Macharia.  
Cr. C. No. 188/41 Rex vs. Watsali s/o Namare.

*In Chambers at 9.30 a.m.—*

C. C. No. 11/39 Nagichuhi d/o Gunjiri vs. Resarui s/o Rembichi.

*In Court at 10 a.m. for Hearing—*

Div. Cause No. 1/41 John Eric Wilfred Spiers vs. Vaudine Louise Spiers and Capt. Charles Rodgers.

C. C. No. 6/41 Molo Stores vs. The Nakuru District Council.

C. C. No. 9/41 Muta Darata and three others vs. Rugnath Jeram.

SUPREME COURT SESSIONS AT ELDORET, 1-12-41  
Cr. C. No. 154/41 Rex vs. Kimuigat arap Chebotip.  
Cr. C. No. 155/41 Rex vs. Chebiego arap Cheboi.  
Cr. C. No. 174/41 Rex vs. Chemunei arap Kibutit.

SUPREME COURT SESSIONS AT KITALE, 8-12-41  
Cr. C. No. 113/41 Rex vs. Kemoi s/o Katateya.  
Cr. C. No. 182/41 Rex vs. (1) Ptios s/o Lotinyang (2) Kisur s/o Lotinyang.  
Cr. C. No. 185/41 Rex vs. (1) Ptios s/o Lotinyang (2) Kisur s/o Lotinyang.

## SUPREME COURT SESSIONS AT KISUMU, 10-12-41

Cr. C. No. 159/41 Rex vs. Rujere s/o Odawa.  
Cr. C. No. 165/41 Rex vs. Omayi s/o Nambafu.  
Cr. C. No. 176/41 Rex vs. Nyabwere s/o Nyambeke.  
Cr. C. No. 189/41 Rex vs. Akumu s/o Nyawara.

EDWARD J. O'FARRELL,  
*Registrar,*  
*Supreme Court of Kenya.*

## GENERAL NOTICE No. 2136

**THE TRANSPORT LICENSING ORDINANCE, 1937  
AND  
THE VEHICLES LICENSING REGULATIONS, 1938**

**APPLICATIONS AND DECISIONS**

No. 165

18TH NOVEMBER, 1941

**APPLICATIONS**—THE Licensing Authority is not responsible for the contents of applications; its responsibility is confined to seeing that the notices in this publication agree with the applications received.

These published notices will be the only notice which will be given of these applications. This notice as printed will be in accordance with the particulars supplied by the applicants. The original applications, which in some cases give fuller details, can be inspected at the office of the Licensing Authority, c/o the Attorney General's Office, Nairobi, between the hours of 8.30 a.m. and 4 p.m. from Monday to Friday and between the hours of 8.30 a.m. and 12 noon on Saturday.

Any person who wishes to object to the grant of any of the licences applied for must submit his objection, on the prescribed form, so as to reach the Licensing Authority not later than fourteen days from the date hereof. A copy of every such objection must be sent by the objector to the applicant at the same time as it is sent to the Licensing Authority. The Licensing Authority may at its discretion consider objections, notwithstanding that they may not have been received within the prescribed period, but it is particularly requested that, so far as possible, all objections shall be made within the prescribed period.

Copies of the prescribed form of objection may be obtained from the Licensing Authority, P. O. Box 112, Nairobi, the Central Revenue Office, P. O. Box 520, or from the District Commissioner, Eldoret, Isiolo, Kericho, Kisii, Kisumu, Kitale, Lamu, Machakos, Mombasa, Nakuru, Nyeri, Rumuruti.

**LIST OF APPLICATIONS RECEIVED FOR  
THE YEAR 1941**

**"B" LICENCES**

- TLB. 1916—Indersingh Bukansingh & Co., Kisii. Vehicle No. T. 9113. Carriage of goods, whether in connexion with their own business or for hire or reward, between Kisii-Kisumu and within the South Kavirondo District; Kisii-Lolgorigen; Kisii-Lumbwa via Kericho.
- TLB. 201—Harnam Singh, c/o P.O. Box 583, Nairobi. A new vehicle. Carriage of goods, whether in connexion with his own business or for hire or reward, within a radius of 50 miles of Eldoret.
- TLB. 380—O. Gulabkhan Olamkhan, e/o Automobile Co., Mombasa. A new vehicle. Carriage of goods, whether in connexion with his own business or for hire or reward, between Kilifi-Malindi-Lamu District. Rates: 50 cents per ton mile.
- TLB. 2864—Amersingh & Sundarsingh, c/o P.O. Box 324, Nairobi. Vehicle No. T. 8637 (2½ tons). Carriage of fuel and wattle bark from Sogoto and Dagoretti Forests to Kikuyu Station and the E.A. Tanning Extracts Factory; and from Muguga Forest to Muguga Station and factory; and within the Nairobi and Kiambu Districts. Rates: 50 cents per ton mile.
- TLB. 3018—R. Francis George, Park Road, Nairobi. Vehicle No. T. 8766 (3 tons). Carriage of building materials, stone and sand, whether in connexion with his own business or for hire or reward, within the Nairobi District.
- TLB. 3014—Damodar Sunderji, European Bazaar, Kitale. Vehicle No. J. 911 (3 tons). Carriage of goods and country produce, whether in connexion with his own business or for hire or reward, between Eldoret-Kisumu-Kitale; and within the Kitale, Turkana and Moroto Districts. Rates: 50 cents per ton mile.

**ROAD SERVICE LICENCES**

- TLB. 1779—Kehato wa Ngire, c/o P.O. Box 1648, Nairobi. A new vehicle. Carriage of 30 passengers and their personal effects between Nairobi-Kabete-Limuru; Nairobi-Ngumbi. Rates: 5 cents per mile per passenger.
- TLB. 2976—A. de Costa, Loitokitok via Simba. Vehicle No. AR. 496. Carriage of 10 passengers and their personal effects and goods between Loitokitok-Simba-Kajiado-Taveta. Rates: Loitokitok-Simba, Sh. 4; Loitokitok-Kajiado, Sh. 5; Loitokitok-Taveta, Sh. 3.
- TLB. 33/A—Merli Bus Service, P.O. Box 1468, Nairobi. A new vehicle. Carriage of 30 passengers and their personal effects between Nairobi-Kisumu. Rates: 5 cents per mile per passenger.

**LIST OF APPLICATIONS RECEIVED FOR  
THE YEAR 1942**

**"B" LICENCES**

- TLB. 3014—Damodar Sunderji, European Bazaar, Kitale. Vehicle No. J. 911 (3 tons). Carriage of goods and country produce, whether in connexion with his own business or for hire or reward, between Eldoret-Kisumu-Kitale; and within the Kitale, Turkana and Moroto Districts. Rates: 50 cents per ton mile.
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- TLB. 2864—Amersingh and Sundarsingh, c/o P.O. Box 324, Nairobi. Vehicle No. T. 8637 (2½ tons). Carriage of fuel and wattle bark from Sogoto and Dagoretti Forests to Kikuyu Station and the E.A. Tanning Extracts Factory; and from Muguga Forest to Muguga Station and factory; and within the Nairobi and Kiambu Districts. Rates: 50 cents per ton mile.
- TLB. 380—O. Gulabkhan Alamkhan, c/o Automobile Co., Mombasa. A new vehicle. Carriage of goods, whether in connexion with his own business or for hire or reward, between Kilifi-Malindi-Lamu Districts. Rates: 50 cents per ton mile.
- TLB. 201—Harnam Singh, c/o P.O. Box 583, Nairobi. A new vehicle. Carriage of goods, whether in connexion with his own business or for hire or reward, within a radius of 50 miles of Eldoret.
- TLB. 1916—Indersingh Bukansingh & Co., Kisii. Vehicles Nos. E. 1562 (3 tons), E. 1711 (3 tons), E. 1492 (3 tons), E. 1427 (3 tons), E. 1661, 1612 (4½ tons), E. 1418 (3 tons), T. 9113 (3 tons). Carriage of goods, whether in connexion with their own business or for hire or reward, between Kisii-Kisumu; Kisii-Lolgorigen; Kisii-Lumbwa via Kericho, and within the South Kavirondo District. (Renewal of Licence No. "B" 490/41.)
- TLB. 949—Mr. Chhotabhai B. Patel, Eldama Ravine. Vehicle No. C. 2945 (3 tons). Carriage of goods for or in connexion with his own business, between Kabarnet-Nakuru; Kabarnet-Maji Mazuri; Kabarnet-Eldoret, via Tambach; and for hire or reward within the Kamasia Reserve. (Renewal of Licence No. "B" 383/41.)

- TLB. 1510—Juma Khan, P.O. Narok. Vehicle No. T. 4616 (2 tons). Carriage of goods, whether in connexion with his own business or for hire or reward, between Kisumu-Goigori; in the Masai District, and between Nairobi and the Masai District. (Renewal of Licence No. "B" 207/41.)

TLB. 2103—Bhagasingh s/o Phumansingh, P.O. Narok. Vehicle No. A. 3579 (1½ tons). Carriage of goods, whether in connexion with his own business or for hire or reward, in the Narok Districts and Lolgorian Mining Area, and between Narok District and Nairobi, excluding local transport in Nairobi Municipality. (Renewal of Licence No. "B" 421/41.)

TLB. 231—Ghai & Co., P.O. Box 582, Nairobi. Vehicles Nos. T. 8144 (2½ tons), T. 7960 (3 tons). Carriage of goods, whether in connexion with his own business or for hire or reward, between Nairobi-Kiambu District; Nairobi-Meru; Nairobi-Machakos. (Renewal of Licence No. "B" 314/41.)

TLB. 470—Shah Shamji Hirji, P.O. Box 2, Thika. Vehicle No. T. 9425 (3 tons). Carriage of his own goods between Nairobi and Thika, and agricultural produce for hire or reward, between Nairobi and the Thika, Fort Hall and Kiambu Districts. (Renewal of Licence No. "B" 26/41.)

TLB. 2536—Ashabhai Metibhai Patel, Embu. Vehicle No. A. 3505 (2½ tons). Carriage of goods, whether in connexion with his own business or for hire or reward, between Sagana and the Embu District. (Renewal of Licence No. "B" 553/41.)

#### ROAD SERVICE LICENCES

TLB. 33/A—Merali Bus Service, P.O. Box 1468, Nairobi. A new vehicle. Carriage of 30 passengers and their personal effects between Nairobi and Kisumu. Rates: 5 cents per mile per passenger.

TLB. 2976—A. de Costa, Loitokitok, via Simba. Vehicle No. AR. 496. Carriage of ten passengers, their personal effects and goods between Loitokitok-Simba-Kajiado-Taveta.

TLB. 1779—Kehato wa Ngire, c/o P.O. Box 1648, Nairobi. A new vehicle. Carriage of 30 passengers and their personal effects between Nairobi-Kabete-Limuru; Nairobi-Ngumbi.

TLB. 2642—E. Lindley, Esq., Kambui, P.O. Kiambu. Vehicle No. T. 5959. Carriage of 20 passengers and their personal effects between Kambui-Nairobi; Nairobi-Embu-Thika-Fort Hall-Nyeri.

TLB. 1442—Hassanali Alibhai, P.O. Box 51, Tanga. Vehicle No. TA. 2277. Carriage of 20 passengers and their personal effects between Mombasa and the Tanganyika border on the road to Tanga. (Renewal of Licence No. RSL. 99/41.)

#### INLAND WATER TRANSPORT LICENCES

IWT. 45—Gaetano Okondo, P.O. Box 50, Kisumu. Dhow No. D. 47 (24.5 tons). Carriage of 55 passengers and their personal effects between Port Victoria-Kisumu-Jinja.

IWT. 38—Ambalal M. Patel, P.O. Box 18, Kisumu. Dhow No. D. 51 (1.5 tons). Carriage of goods for or in connexion with his own business between Kisumu and Kusa. (Renewal of Licence No. IWT. 16/41.)

#### GENERAL NOTICE NO. 2137

##### NAIROBI LIQUOR LICENSING COURT

A special meeting of the Nairobi Liquor Licensing Court will be held in the District Commissioner's Office, Nairobi, at 10 a.m. on Thursday the 18th December, 1941, to consider an application by Mr. N. K. Dastur, the proprietor of the Carlton Bar, Nairobi, and an application by Messrs. Blue Room, Limited, for a restaurant liquor licence in respect of premises situated in Cambrian Building, Hardinge Street, Nairobi.

Nairobi,

15th November, 1941.

E. G. ST. C. TISDALL,  
*District Commissioner.*

#### GENERAL NOTICE NO. 2138

##### UASIN GISHU DISTRICT COUNCIL

###### TENDERS

TENDERS are invited for the supply of the following during the year 1942:—

1. 300 bags each 200 lb. net Canadian Wonder, Rose Coco or mixed beans. To be supplied as and when required and at the approximate rate of 30 bags per month.

2. 70 bags each 224 lb. net coarse salt. To be supplied as and when required and at the approximate rate of six bags per month.

3. 3,000 coloured cotton blankets, weight 1½ lb. each. To be supplied in original bales as and when required by Council.

Prices quoted to be for delivery Eldoret.

Sealed tenders marked "Tenders for Supplies" for all or any of the above articles must be received by the undersigned on or before 12th December, 1941.

The lowest or any tender will not necessarily be accepted.

Eldoret,

12th November, 1941.

J. H. PHILLIPS,  
*Clerk-Supervisor.*

#### GENERAL NOTICE NO. 2139

##### THE ELECTRIC POWER ORDINANCE

NOTICE is hereby given that, in accordance with the provisions of section 42 of the Electric Power Ordinance, the accounts for the East African Power and Lighting Company, Limited, for the year ended the 31st of December, 1940, have been delivered to the Governor, and additional copies of these accounts are available for inspection at the undermentioned offices of the company between the hours specified, from the date of this notice until the 28th day of February, 1942.

Nairobi, Electricity House, Hardinge Street—

Weekdays: 8 a.m. to 1 p.m., 2 p.m. to 4.15 p.m.

Saturdays: 8 a.m. to 1 p.m.

Mombasa, Khamis Buildings, Kilindini Road—

Weekdays: 8 a.m. to 12 noon, 2 p.m. to 4 p.m.

Saturdays: 8 a.m. to 12 noon.

Nakuru, Lake Road—

Weekdays: 8 a.m. to 1 p.m., 2 p.m. to 4 p.m.

Saturdays: 8 a.m. to 1 p.m.

Eldoret, Arcade Buildings, Greek Street—

Weekdays: 8 a.m. to 1 p.m., 2 p.m. to 4 p.m.

Saturdays: 8 a.m. to 1 p.m.

8th November, 1941.

G. C. REED,  
*Secretary.*

#### GENERAL NOTICE NO. 2140

##### THE COMPANIES ORDINANCE, 1933

FURSUANT to section 284, sub-section 5 of the above Ordinance, it is hereby notified that the undermentioned company has this day been struck off the Register of Companies and the company is dissolved:—

The City Butchery, Limited

Nairobi,

12th November, 1941.

H. V. ANDERSON,  
*for Registrar of Companies.*

## GENERAL NOTICE No. 1093

## 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 Dar es Salaam to commence on Friday the 24th day of October, 1941, at 10 a.m. or as soon thereafter as cases can be heard.

To ensure appeals being set down for hearing at these Sessions, memoranda of appeal should be filed with the Registrar, H.M. Supreme Court of Kenya, Nairobi, or

with the District Registrar, H.M. Supreme Court of Kenya, Mombasa, not later than 1st day of October, 1941.

Nairobi,

8th September, 1941.

EDWARD J. O'FARRILL,  
Registrar,  
*H.M. Court of Appeal for E.A.*

## CAUSE LIST

## FOR HEARING ON THE 24TH DAY OF OCTOBER, 1941, AT DAR ES SALAAM

Appeal No.	Civil or Criminal	Appellant	Respondent	Original No. of Case	Appeal from
128/41	Criminal	Mohamed Ali Hasham	Rex	Cr. Appeal No. 50/41	H. M. High Court of Tanganyika at Dar es Salaam
129/41	"	Pilipili alias Msunu s/o Ndarusanze alias Mfumiye	Rex	Cr. Case No. 121/41	H. M. High Court of Tanganyika at Kigoma
130/41	"	Ngaruganya s/o Buyongo	Rex	ditto	ditto
131/41	"	Ali bin Mohamed alias Ali bin Maku	Rex	Cr. Case No. 144/41	H. M. High Court of Tanganyika at Tabora
132/41	"	Hassani bin Masanja	Rex	ditto	ditto
133/41	"	Alimanzani Chapanundu	Rex	Cr. Case No. 125/41	H. M. High Court of Uganda at Kampala
134/41	"	Mikaeri Kyeyane	Rex	Cr. Case No. 140/41	ditto
135/41	"	Misairi Mukasa	Rex	ditto	ditto
136/41	"	Benwa Kibebwe	Rex	ditto	ditto
137/41	"	Kaloli Kizito	Rex	ditto	ditto
138/41	"	Asanasiyo Mukasa	Rex	ditto	ditto
139/41	"	Pagama bin Kapasa	Rex	Cr. Case No. 89/41	H. M. High Court of Tanganyika at Tabora
140/41	"	Ishila bin Mesenge	Rex	ditto	ditto
141/41	"	Nindilo bin Kapasa	Rex	ditto	ditto
142/41	"	Lukas bin Marukasa	Rex	Cr. Case No. 140/41	ditto
143/41	"	Mikaeli Kasula s/o Sezibwa	Rex	Cr. Case No. 123/41	H. M. High Court of Uganda at Masaka
144/41	"	Saimoni	Rex	Cr. Case No. 37/41	H. M. High Court of Nyasaland at Blantyre
146/41	"	Beitekire s/o Muhibura	Rex	Cr. Case No. 128/41	H. M. High Court of Uganda at Kabale
8/41	Civil	Rajabali Hasham Paroo	Fazal Mahomed Champsi	Civil Case No. 34/40	H. B. M. High Court for Zanzibar at Zanzibar
12/41	"	Agapitus C. de Souza	A. Fernandes and 2 others	Civil Case No. 36/39	ditto
14/41	"	Overseas Finance Corporation Ltd.	1. The Administrator General of Tanganyika Territory in his capacity as administrator of the estate of Winifred J. Napier Clark and another	Civil Case No. 19/40	H. M. High Court of Tanganyika at Dar es Salaam

## GENERAL NOTICE No. 2141

## UASIN GISHU DISTRICT COUNCIL

## TENDERS

1. Tenders are invited for the supply of 3,600 bags of first grade maize meal (each 200 lb. net) delivered in monthly instalments during the year 1942.

2. The Council to have the right to increase or decrease the above quantity by 20 per cent.

3. Sealed tenders clearly marked "Posho" must be received by the undersigned on or before 12th December, 1941.

The lowest or any tender will not necessarily be accepted.

Eldoret,  
12th November, 1941.

J. H. PHILLIPS,  
Clerk-Supervisor.

## GENERAL NOTICE No. 2142

## THE LAND AND AGRICULTURAL BANK (AMENDMENT) ORDINANCES, 1934 AND 1936

## NOTIFICATION

NOTICE is hereby given that the Board of the Land and Agricultural Bank of Kenya have approved temporary advances in terms of section 3 of the Land and Agricultural Bank (Amendment) Ordinance, 1934, as amended by Ordinance XIV of 1936, as under —

Name.—Sykes, Louis.

Amount.—£100.

Name.—Klynsmith, J. O.

Amount.—£95.

Name.—Grobler, J. J.

Amount.—£250.

Nairobi,  
14th November, 1941.

S. THORNTON,  
Secretary.

## GENERAL NOTICE NO. 2143

**THE LAND AND AGRICULTURAL BANK OF  
KENYA**  
**THE LAND AND AGRICULTURAL BANK (AMENDMENT)  
ORDINANCE, 1933**

**NOTICE**

IN PURSUANCE of the powers conferred upon the Board by section 4 of the above-named Ordinance, notice is hereby given that the undernoted leasehold properties will be offered for sale by public auction on Friday, 19th December, 1941, by E. E. Hanmer at his salerooms, Eldoret, at 11 o'clock in the forenoon.

**DESCRIPTION**

1. All that piece or parcel of land situate in the Uasin Gishu District in the Rift Valley Province comprising one thousand one hundred and seventy-one (1,171) acres or thereabouts being Land Reference Number 752/1 of Meridional District <sup>North A. 36</sup> 3 X. III. a which said piece or parcel of land is more particularly delineated and described on Land Survey Plan No. 35440 deposited in the Survey Records Office at Nairobi and is portion of the premises comprised in and demised by an indenture dated the ninth day of September one thousand nine hundred and twelve and made between His Late Most Gracious Majesty King George the Fifth and David Alexander Kidson.

The property referred to above is registered in the name of Karl August Reutter.

The period of the lease is 99 years from the first day of July one thousand nine hundred and nine.

The annual Government rental is shillings one hundred and forty and cents fifty-two.

2. All that piece or parcel of land situate in the Uasin Gishu District in the Rift Valley Province comprising eight hundred and eighteen acres or thereabouts being Land Reference Number 752/2 of Meridional District <sup>North A. 36</sup> 3 X. III. a which said piece or parcel of land is more particularly delineated and described on Land Survey Plan Number 35441 deposited in the Survey Records Office at Nairobi and is portion of the premises comprised in and demised by an Indenture dated the ninth day of September one thousand nine hundred and twelve and made between His Late Most Gracious Majesty King George the Fifth and David Alexander Kidson.

The property referred to above is registered in the name of Christian Frederick Klopfer.

The period of the lease is 99 years from the first day of July one thousand nine hundred and nine.

The annual Government rental is shillings ninety-eight and cents sixteen.

3. All that piece or parcel of land situate in the Uasin Gishu District in the Rift Valley Province comprising six hundred and eight acres or thereabouts being Land Reference Number 752/3 of Meridional District <sup>North A. 36</sup> 3 X. III. a which said piece or parcel of land is more particularly delineated and described on Land Survey Plan Number 35442 deposited in the Survey Records Office at Nairobi and is portion of the premises comprised in and demised by an Indenture dated the ninth day of September one thousand nine hundred and twelve and made between His Late Most Gracious Majesty King George the Fifth and David Alexander Kidson.

The property referred to above is registered in the name of Otto Willy Gustav Manke.

The period of the lease is 99 years from the first day of July one thousand nine hundred and nine.

The annual Government rental is shillings seventy-two and cents ninety-six.

**CONDITIONS OF SALE**

1. The highest bidder shall be the purchaser.

2. The purchaser shall immediately after the sale pay to the auctioneer a deposit of twenty-five per cent (25 per cent) of the amount of the purchase money and sign an agreement to complete the purchase and pay the balance against registration of the transfer of the title into his or her name.

3. The title deeds may be inspected at any time before the sale at the office of the Land and Agricultural Bank of Kenya, Nairobi, or at the office of E. E. Hanmer, Eldoret, on the day of the sale and the purchaser shall be deemed to have full notice of each and every provision therein contained.

4. The description of the property in the particulars and plans is believed and shall be deemed to be correct and no claim shall be valid in respect of any error of description should such be found.

5. The Land and Agricultural Bank of Kenya through its authorized representative has the right to bid.

6. Subject to and in addition to the foregoing the conditions of sale usually prescribed by the auctioneer in this district shall apply.

Nairobi,

12th November, 1941.

**S. THORNTON,**

*Secretary,*

*The Land and Agricultural Bank of Kenya.*

## GENERAL NOTICE NO. 2144

**NAIROBI DISTRICT COUNCIL****NOTICE**

TENDERS are invited for the supply and delivering of Native Rations as follows:—

A. For the period 1st January, 1942 to 30th June, 1942.

B. To be delivered in lots of not less than 2 tons to the following Depots within 2 days of the placing of an order.

1. Base Depot, Thika.

2. Base Depot, Ruiru.

3. Base Depot, Impey's Bridge Mile 13—Limuru Road ("A" Route).

4. Base Depot, Dagoretti Boma.

C. The rations required are:—

1. Maize Meal: average 15,000 lb. per month.

2. Beans: average 2,000 lb. per month.

3. Salt: average 200 lb. per month.

Tenders may be submitted for the supply to any one Depot in which case the average amounts per month will be one-quarter of the amount above quoted in para. C.

Tenders may also be submitted for the supply to one or more Depots, or all Depots.

Tenders should be addressed to the Acting Clerk, Nairobi District Council, marked "Tender for Food-stuffs" and should reach this office not later than 5th December, 1941.

The lowest or any tender will not necessarily be accepted.

Further particulars may be obtained on application to Council Offices.

Nairobi,

15th November, 1941.

**R. C. MCKINLAY,**

*Superintendent of Works.*

## GENERAL NOTICE NO. 2145

MUNICIPAL COUNCIL OF NAIROBI  
ESTIMATES OF INCOME AND EXPENDITURE

The following Summary of the Estimates of Income and Expenditure for the year ending 31st December, 1942, is published in pursuance of the provisions of Section 94 of the Local Government (Municipalities) Ordinance, 1928.

<i>Expenditure</i>	£	<i>Income</i>	£
<b>ADMINISTRATION—</b>		<b>ADMINISTRATION—</b>	
Town Clerk's Dept. .. ..	2,235	Town Clerk's Dept. .. ..	380
Town Engineer's Dept. .. ..	4,295	Town Engineer's Dept. .. ..	400
Town Treasurer's Dept. .. ..	3,636	Town Treasurer's Dept. .. ..	358
Town Hall .. .. ..	580	Licences Registrations etc. .. ..	3,400
General Charges .. .. ..	4,035		
Licences and Traffic Control .. .. ..	3,001		
<b>PUBLIC WORKS—</b>		<b>PUBLIC WORKS—</b>	
Roads and Drains .. .. ..	28,689	Consolidated Government Grant .. ..	14,000
Sewerage and Disposal Works .. .. ..	7,125	Sewerage Fees etc. .. .. ..	6,600
Town Planning .. .. ..	1,421	Fire Brigade—Sundry Revenue .. ..	120
Fire Brigade .. .. ..	2,315	Parks and Pleasure Grounds .. ..	80
Street Lighting .. .. ..	4,075		
Parks and Pleasure Grounds .. .. ..	1,634		
<b>PUBLIC HEALTH SERVICES—</b>		<b>PUBLIC HEALTH SERVICES—</b>	
Medical Officer of Health's Dept. .. ..	18,076	Government Contribution .. .. ..	8,265
Anti-Malarial Measures .. ..	2,003	„ „ .. .. ..	891
Ambulance Service .. .. ..	122	Ambulance Fees .. .. ..	50
Pounds .. .. ..	90	Pound Fees and Sales .. .. ..	100
Funerals and Cemeteries .. .. ..	1,326	Funeral Charges .. .. ..	1,500
Abattoir—Slaughter Halls .. .. ..	6,080	Abattoir—Fees and Charges .. .. ..	8,555
Abattoir—By-products Plant .. .. ..	3,557	Abattoir—By-products Sales etc. .. .. ..	4,507
<b>CLEANSING DEPARTMENT—</b>		<b>CLEANSING DEPARTMENT—</b>	
Nightsoil Removal and Disposal .. ..	6,862	Nightsoil Removal Fees etc. .. .. ..	8,060
Refuse Removal and Disposal .. ..	7,980	Refuse Removal Fees etc. .. .. ..	732
Street and Plot Cleansing .. ..	3,950	Plot Cleansing Government Grant etc. .. .. ..	1,550
Public Conveniences .. ..	1,165		
<b>NATIVE ACCOUNTS—</b>		<b>NATIVE ACCOUNTS—</b>	
Native Village, Pumwani .. ..	2,295	Native Village, Stand Rents etc. .. .. ..	1,145
Native Housing, Kariakor .. ..	4,366	Native Housing, Kariakor Rents .. .. ..	3,400
Native Housing, Shauri Moyo .. ..	4,310	Native Housing, Shauri Moyo Rents .. .. ..	4,150
Native Lodging House .. ..	589	Native Lodging House Rents .. .. ..	375
Native Market .. .. ..	375	Native Market Fees .. .. ..	450
Native Burials and Cemeteries .. ..	525	Native Burials and Cemeteries .. .. ..	350
Municipal Market .. .. ..	3,949	Municipal Market—Rents etc. .. .. ..	3,375
Property Account .. .. ..	2,169	Property Account .. .. ..	2,221
Municipal Hostel .. .. ..	1,250	Municipal Hostel—Donations .. .. ..	70
Enquiry Office .. .. ..	483	Air Raid Precautions—Government's Contribution .. .. ..	362
Air Raid Precautions .. .. ..	726	Miscellaneous Revenue .. .. ..	500
Capital Expenditure—Sundry Bldgs. etc. .. .. ..	1,570	Interest on Invested Funds .. .. ..	2,500
Reserve for Investment .. .. ..	300	Assessment Rate at 1 $\frac{3}{8}$ % .. .. ..	45,500
Water Supply .. .. ..	32,543	Water Supply .. .. ..	48,250
			172,196
Surplus Income .. .. ..	169,702	<i>Less Surplus on By-products</i> .. .. ..	950
	1,544		
	£ 171,246		£ 171,246

Town Hall,  
Nairobi,  
11th November, 1941

F. L. STEWART  
*Municipal Treasurer.*

## GENERAL NOTICE NO. 2111

## NOTICE

IN VIEW of the close of the financial year on the 31st December, 1941, 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, 1941, and will present all payment vouchers to the nearest District Treasury for payment before the 31st December, 1941.

The Treasury, Nairobi.

P. C. M. WATSON,  
*Accountant General.*

## GENERAL NOTICE NO. 2146

## NOTICE

TAKE NOTICE, if I have any papers deeds or documents of yours (the readers) please call at my office therefor before the 31st December, 1941. After the above date all unwanted and uncalled for papers will be destroyed.

F. J. CROXFORD,  
*Solicitor,*  
*Eldoret.*

## GENERAL NOTICE No. 2147

IN THE DISTRICT DELEGATE'S COURT AT  
KISUMU  
PROBATE AND ADMINISTRATION  
CAUSE No. 10 OF 1941

NOTICE OF APPLICATION FOR LETTERS OF ADMINISTRATION OF THE ESTATE OF LALJI GHELA SHAH, LATE OF KISII, SOUTH KAVIRONDO, IN THE COLONY OF KENYA, DECEASED.

TAKE NOTICE that application having been made in this Court by Hiraben of Kisii aforesaid, the widow of the deceased, for letters of administration of the estate of Lalji Ghela Shah, late of Kisii aforesaid, who died at Kisii on the 25th day of October, 1941, this Court will proceed to issue the same unless cause be shown to the contrary and appearance in his respect entered on or before the 9th day of December, 1941.

Kisumu, D. B. W. GOOD,  
8th November, 1941. *District Delegate,*  
*Nyanza Province, Kisumu.*

## GENERAL NOTICE No. 2148

PROBATE AND ADMINISTRATION  
PUBLIC TRUSTEE'S CAUSE NO. 50 OF 1941  
IN THE MATTER OF MISS MONICA GERTRUDE PRESTON-ANDERSON, DECEASED

To all whom it may concern.

TAKE NOTICE that on or after the 2nd day of December, 1941, I intend to apply to H.M. Supreme Court of Kenya at Nairobi for letters of administration to the estate of the above-named Miss Monica Gertrude Preston-Anderson who died at Nairobi on the 9th day of September, 1941.

Nairobi, W. B. CUMMING,  
14th November, 1941. *Public Trustee.*

## GENERAL NOTICE No. 2149

PROBATE AND ADMINISTRATION  
PUBLIC TRUSTEE'S CAUSE NO. 58 OF 1941  
IN THE MATTER OF HASSAN AWEIS, DECEASED

To all whom it may concern.

TAKE NOTICE that all persons having any claims against the estate of the above-named Hassan Aweis who died at Nairobi in the Colony of Kenya on the 27th day of September, 1941, are required to prove such claims before me the undersigned on or before the 19th day of January, 1941, after which date the claims so proved will be paid and the estate distributed according to law.

Nairobi, W. B. CUMMING,  
12th November, 1941. *Public Trustee.*

## GENERAL NOTICE No. 2150

PROBATE AND ADMINISTRATION  
PUBLIC TRUSTEE'S CAUSE NO. 62 OF 1941  
IN THE MATTER OF MISS GLADYS ANNIE HOCKEY, DECEASED

To all whom it may concern.

TAKE NOTICE that all persons having any claims against the estate of the above-named Miss Gladys Annie Hockey, who died at Nairobi in the Colony of Kenya on the 7th day of November, 1941, are required to prove such claims before me the undersigned on or before the 19th day of January, 1942, after which date the claims so proved will be paid and the estate distributed according to law.

Nairobi, W. B. CUMMING,  
14th November, 1941. *Public Trustee.*

## GENERAL NOTICE No. 2151

PROBATE AND ADMINISTRATION  
PUBLIC TRUSTEE'S CAUSE NO. 62 OF 1941  
IN THE MATTER OF MISS GLADYS ANNIE HOCKEY, DECEASED

To all whom it may concern.

TAKE NOTICE that on or after the 2nd day of December, 1941, I intend to apply to H.M. Supreme Court of Kenya at Nairobi for letters of administration to the estate of the above-named Miss Gladys Annie Hockey who died at Nairobi on the 7th day of November, 1941.

Nairobi,  
14th November, 1941.

W. B. CUMMING,  
*Public Trustee.*

## GENERAL NOTICE No. 2152

IN HIS MAJESTY'S SUPREME COURT OF KENYA  
AT NAIROBI  
PROBATE AND ADMINISTRATION  
CAUSE NO. 117 OF 1941

NOTICE OF APPLICATION FOR LETTERS OF ADMINISTRATION INTESTATE OF THE ESTATE OF KARTARSINGH S/O GOPALSINGH, LATE OF NYERI IN THE COLONY OF KENYA, DECEASED.

TAKE NOTICE that application having been made in this Court by Sohansingh s/o Kartarsingh of Nyeri, a lawful son of the deceased, for letters of administration intestate of the estate of Kartarsingh s/o Gopal-singh late of Nyeri aforesaid who died there on the 6th day of November, 1941, this Court will proceed to issue the same unless cause be shown to the contrary and appearance in this respect entered on or before the 2nd day of December, 1941.

Dated at Nairobi this 12th day of November, 1941.

EDWARD J. O'FARRELL,  
*Registrar,*  
*Supreme Court of Kenya.*

## GENERAL NOTICE No. 2153

THE FRAUDULENT TRANSFER OF BUSINESSES  
ORDINANCE, 1930

NOTICE is hereby given that the business of sawyer hitherto carried on by Lakhman Madhavji in his own name in Stewart Street, Nairobi, is from the 7th day of November, 1941, transferred to Jagjiwan Gokal Mistry who will carry on in his own name the said business in the same premises and who does not assume liabilities incurred by the said Lakhman Madhavji in his said business.

*Transferor.*—Lakhman Madhavji, Stewart Street, Nairobi.

*Transferee.*—Jagjiwan Gokal Mistry, Stewart Street, Nairobi.

*Nature of business.*—Sawyer.

Nairobi,

Dated this 12th day of November, 1941.

JAGJIWAN GOKAL MISTRY,  
*Transferee.*  
LAKHMAN MADHAVJI,  
*Transferor.*

### **Statement of Assets and Liabilities as at the 31st May, 1941**

### *Part I—General Account*

LIABILITIES				ASSETS					
APPROPRIATED FUNDS	£	s.	cts.	£	s.	cts.	£	s.	cts.
<b>DEPOSITS FOR INVESTMENT:</b>									
Atmaram Pandya Scholarship Fund ..									
Accountant General (Upkeep of Finch Hatton Grave) .. .. ..	198	15	17	Atmaram Pandya Scholarship Fund ..	198	15	17		
B. E. A. Meteorological Services .. ..	100	0	00	Accountant General (Upkeep of Finch Hatton Grave) .. .. ..	100	0	00		
Indian Troops Fund .. .. ..	13,015	16	98	B. E. A. Meteorological Services .. ..	1,000	0	00		
Local Native Joint Investment Fund..	185	1	08	Indian Troops Fund .. .. ..	185	1	08		
Maharaj Singh Fund .. .. ..	28,550	0	25	Maharaj Singh Fund .. .. ..	27	19	75		
Nairobi Municipality, Water Supply Sinking Fund .. .. ..	27	19	75	Nairobi Municipality, Water Supply Sinking Fund .. .. ..	17,752	12	41		
Natives' Trust Fund .. .. ..	19,816	12	41	Natives' Trust Fund .. .. ..	4,000	0	00		
Pensions Fund—Asiatic Widows' and Orphans' .. .. ..	7,026	8	95	Pensions Fund—Asiatic Widows' and Orphans' .. .. ..	105,789	8	66		
Provident Fund—Asian Civil Service ..	106,280	14	15	Provident Fund—Asian Civil Service ..	47,916	1	82		
Provident Fund—European Civil Service ..	46,240	18	63	Provident Fund—European Civil Service ..	108,060	6	84		
Registrar General, Public Trustee, etc., Funds .. .. ..	101,120	0	99	Registrar General, Public Trustee, etc. Funds .. .. ..	93,481	12	05		
Renewals Fund—Kisumu Water Works..	125,024	4	71	Renewals Fund—Kisumu Water Works .. .. ..	6,641	17	96		
Renewals Fund—Mombasa Water Works ..	6,641	17	96	Renewals Fund—Mombasa Water Works .. .. ..	22,442	12	51		
Renewals Fund—Kitale Water Works..	22,442	12	51	Renewals Fund—Kitale Water Works .. .. ..	2,310	16	90		
Renewals Fund—Minor Water Works..	2,310	16	90	Renewals Fund—Minor Water Works .. .. ..	2,417	13	73		
Savings Bank .. .. ..	2,417	13	73	Savings Bank .. .. ..	572,811	1	38		
Stamp Duty Reserve Fund .. .. ..	571,575	0	50	Stamp Duty Reserve Fund .. .. ..	58,098	13	30		
Supplementary Sinking Fund .. .. ..	58,198	3	18	Supplementary Sinking Fund .. .. ..	48,423	6	40		
Samuel Cohen Fund .. .. ..	50,285	0	11	Samuel Cohen Fund .. .. ..	20,287	5	77		
Miscellaneous .. .. ..	20,287	5	77	Miscellaneous .. .. ..	2,500	0	00		
Savings Bank Reserve .. .. ..	4,987	12	29						
Flax Loan Repayment Fund .. .. ..	4,381	11	99						
	31	14	00						
	1,191,146	2	01						
<b>OTHER APPROPRIATED DEPOSITS:</b>									
Savings Bank Earnings .. .. ..	7,583	12	99						
Judicial Department .. .. ..	11,791	13	30						
Local Native Joint Investment Fund Reserve .. .. ..	1,318	0	04						
Miscellaneous Funds .. .. ..	73,028	14	25						
Custodian of Enemy Property .. ..	160,832	19	88						
Immigration .. .. ..	7,506	10	00						
Tribal Police Rewards and Fines Fund ..	178	0	48						
Departmental Fines Funds .. ..	993	10	16						
Levy Funds .. .. ..	1,755	16	72						
National Bank of India Ltd., Nairobi, Loan to Nairobi Municipality .. .. ..	30,000	0	00						
Kenya and Uganda Railways and Har-bours, Loan to Land Bank .. ..	20,000	0	00						
Forest Replanting Fund .. .. ..	19,100	15	66						
	334,089	13	48						
	1,525,235	15	49						
Total Appropriated Funds .. .. ..	..	..	..						
MISCELLANEOUS DEPOSITS:									
Colonial Development Fund .. .. ..	2,766	13	33						
Parliamentary Grant .. .. ..	992	16	96						
Miscellaneous .. .. ..	385,885	17	40						
1940 Surplus .. .. ..	199,991	12	17						
	589,637	0	86						
Carried forward ..	2,114,872	16	35						
	Carried forward ..	1,327,850	17	55					

### Statement of Assets and Liabilities as at the 31st May, 1941—(Contd.)

#### Part I—(Contd.)

LIABILITIES				ASSETS			
	Brought forward..	£ s. cts.	£ s. cts.		Brought forward ..	£ s. cts.	£ s. cts.
<b>WAR ACCOUNTS :—</b>				<b>ADVANCES :—</b>			
Miscellaneous .. .. ..	612 13 09			Imprests .. .. ..	4,032 12 92		
Chief Paymaster, E.A. Force ..	56,420 4 79			Miscellaneous .. .. ..	109,379 1 35		
Contributions to Military Expenditure, 1939 .. .. ..	124 13 33			Pending the Raising of Loans authorized—			
Contribution to Military Expenditure, 1940 .. .. ..	1,397 4 81			Grant to Makerere College .. ..	50,000 0 00		
Total Military (E. A. Force) ..	58,554 16 02			Land and Agricultural Bank .. ..	20,000 0 00		
Tea Commissioner .. .. ..	1,693 7 37			Nairobi Municipal Council .. ..	30,000 0 00		
Miscellaneous .. .. ..	21,174 17 86			Settlement Loan—Training Farm .. ..	985 1 14		
Total Deposits .. .. .. ..	81,423 1 25			Educational Buildings, Farm Schools .. ..	4,527 17 18		
<b>DRAFTS</b> .. .. .. .. ..							
<b>SUSPENSE</b> —				<b>WAR ACCOUNTS :—</b>			
Investment Adjustment Account.. .. ..	.. .. ..			By Treasury :			
<b>LOAN FUNDS—UNSPENT BALANCES :—</b>				War Office Expenditure (1939) .. ..	6,000 0 00		
£3,500,000 1928 Loan .. .. ..	426 15 10			War Office Cash Drawings .. ..	2,261 16 56		
£3,400,000 1930 Loan .. .. ..	27,695 0 85			War Office Expenditure .. ..	154,289 19 19		
£305,600 1933 Loan .. .. ..	7,951 8 90			By other Government Departments .. ..	122,976 13 07		
£375,000 1936 Loan .. .. ..	1,037 3 53			Total Military (E. A. Force) ..	285,528 8 82		
<b>TOTAL LIABILITIES (Exclusive of PUBLIC DEBT AND SINKING FUNDS AND LOANS FROM THE COLONIAL DEVELOPMENT FUND AND PARLIAMENTARY GRANT AMOUNTING TO £186,940) .. .. .. .. ..</b>				Colonial Office—Naval Expenditure ..	21,446 14 86		
<b>GENERAL REVENUE BALANCE ACCOUNT :</b>				Admiralty .. .. ..	58,095 4 56		
BALANCE ON 1ST MAY, 1941 .. .. .. ..	1,024,389 7 77			Royal Air Force .. .. ..	119,191 13 03		
Add Surplus for May, 1941 .. .. .. ..	83,511 9 99			Kenya Auxiliary Air Unit .. .. ..	70,006 1 59		
BALANCE ON 31ST MAY, 1941 .. .. .. ..	1,107,900 17 76			Miscellaneous .. .. ..	68,771 5 32		
	TOTAL £ 3,343,992 14 26			Ministry of Shipping .. .. ..	82,558 7 75		
					705,597 15 93		
				<b>TOTAL ADVANCES</b> .. .. .. .. ..			
				Inter-Departmental Clearance Accounts .. .. ..	2,363 0 05		
				K.A.R. Clothing Reserve Store, London .. .. ..	3,705 0 00		
				Turkana Tax .. .. ..	506 19 95		
				<b>TOTAL SUSPENSE</b> .. .. .. .. ..			
				Joint Colonial Fund .. .. .. .. ..	555,000 6 00		
				With Crown Agents .. .. .. .. ..	74 10 00		
				With Bombay Agents .. .. .. .. ..	677 4 83		
				On Current Account with Banks and at District Treasuries .. .. .. .. ..	505,078 19 61		
				In Transit between Chests .. .. .. .. ..	24,213 13 75		
					1,085,044 8 19		
				<b>TOTAL</b> .. .. £ 3,343,992 14 26			

NAIROBI,  
10th November, 1941

P. C. M. WATSON,  
Accountant General.

## GENERAL NOTICE No. 2155

## PRINCIPAL ARTICLES IMPORTED INTO KENYA AND UGANDA DURING THE MONTH ENDED 31ST JULY, 1941

ARTICLES	Unit of Quantity	Total Imports		Imports for Home Consumption (including Government Goods)	
		Quantity	Value	Quantity	Value
			Sh.		Sh.
1. Rice .. . . .	Cwt.	16,422	225,489	16,035	218,575
2. Wheat Meal and Flour .. .	"	263	3,894	263	3,894
3. Ale, Beer, Stout, etc. .. .	Imp. gal.	19,668	119,900	9,157	60,857
4. Ghee .. . . .	Cwt.	1,673	120,467	1,674	120,726
5. Milk, condensed or otherwise Preserved .. . . .	"	9	1,301	13	3,013
6. Spirits (a) .. . . .	Proof gal.	8,656	231,882	8,638	239,048
7. Sugar (Refined) .. . . .	Cwt.	2,039	37,952	2,040	38,016
8. Tea .. . . .	"	48	7,317	54	8,612
9. Wines .. . . .	Imp. gal.	6,215	67,309	3,688	51,731
10. Cigarettes .. . . .	Lb.	67,291	269,320	39,514	168,401
11. Tobacco .. . . .	"	121,353	156,539	123,950	159,931
12. Wood and Timber .. . . .	Cubic ft.	6,147	17,450	6,147	17,450
13. Cement, Building .. . . .	Ton	851	95,025	851	95,025
14. Galvanised Iron Sheets, Corrugated .. . . .	"	212	115,579	212	115,579
15. Hollow-ware, Enamelled .. .	"	4	7,428	4	7,427
16. Tubes, Pipes and their fittings .. .	"	45	42,079	40	38,030
17. Iron and Steel Manufactures .. .	Value	—	557,552	—	558,638
18. Hardware .. . . .	Cwt.	34	6,340	35	6,348
19. Shovels, Spades, etc. .. . .	Number	11,635	16,895	11,755	17,384
20. Machines and Machinery .. .	Value	—	821,783	—	808,163
Cotton Piece Goods—					
21. Grey, Unbleached .. . . .	Lin. yard	3,961,544	1,238,214	3,939,784	1,221,363
	Sq. yard	3,680,734		3,633,878	
22. Bleached .. . . .	"	314,169	168,164	361,881	184,336
		309,285		354,130	
23. Printed (Khangas) .. . . .	"	34,986	28,372	12,986	10,020
		44,590		16,479	
24. Other Sorts .. . . .	"	892,924	489,004	715,564	385,946
		929,986		766,251	
25. Dyed in the Piece .. . . .	"	983,518	575,170	956,173	577,893
		849,108		834,371	
26. Coloured (Manufactured wholly or in part of Dyed Yarn) .. . . .	"	2,438,547	1,015,028	2,068,018	858,973
		2,051,236		1,731,916	
27. Cotton Blankets .. . . .	Number	212,069	473,772	161,315	370,421
	Cwt.	4,276		2,823	
28. Jute Bags and Sacks .. . .	Dozen	38,600	332,678	38,600	332,678
	Cwt.	9,540		9,540	
29. Artificial Silk Piece Goods.. .	Lin. yard	271,311	217,070	262,505	219,163
	Sq. yard	265,251		259,529	
30. Artificial Silk Manufactures, not elsewhere specified (not Apparel) .. . . .	Value	—	1,167	—	1,167
31. Disinfectants .. . . .	Cwt.	219	13,859	219	13,859
32. Insecticides .. . . .	"	169	11,130	169	11,128
33. Paints, Colours and Varnishes .. .	"	557	35,181	595	37,314
34. Candles .. . . .	"	—	—	45	3,507
35. Fuel Oil .. . . .	Imp. gal.	—	—	—	—
36. Lubricating Oil .. . . .	"	206,853	543,222	125,147	314,304
37. Lubricating Greases .. . .	Cwt.	85	3,401	420	14,587
38. Motor Spirit (Petrol) .. . .	Imp. gal.	170,490	126,929	1,918,344	1,238,823
39. Mineral Oil, Illuminating or Burning (Kerosene) .. .	"	—	—	233,710	134,107
40. Soap, Common .. . . .	Cwt.	2,850	141,510	2,850	141,510
41. Soap, Toilet .. . . .	"	498	61,654	495	60,804
42. Cycles (not Motor) .. . . .	Number	507	47,912	507	47,585
43. Motor Cars .. . . .	"	97	429,468	101	449,443
44. Motor Lorries .. . . .	"	104	482,456	104	482,456
45. Motor Tractors .. . . .	"	15	69,218	15	69,218
	Ton	29		29	

(Continued on next page)

PRINCIPAL ARTICLES IMPORTED INTO KENYA AND UGANDA DURING THE  
MONTH ENDED 31ST JULY, 1941—(Contd.)

ARTICLES	Unit of Quantity	Total Imports		Imports for Home Consumption (including Government Goods)	
		Quantity	Value	Quantity	Value
46. Motor Cycles .. ..	Number 2	267	Sh. 267	2	267
47. Tyres and Tubes .. ..	Lb. 6,324	6,324	111,841	6,630	113,043
48. Beads .. ..	" 53,667	53,667	54,530	54,530	
49. Fertilisers and Manures ..	Ton 10	2,464	10	2,464	
50. Lamps and Lanterns ..	Number 10,323	44,777	10,155	44,392	
51. Matches .. ..	Gr. boxes 10,275	37,749	6,475	23,075	
52. All other articles .. ..	Value —	10,141,894	—	—	10,022,548
<b>TOTAL</b> .. ..	—	19,766,054*	—	—	<b>20,124,224*</b>
<b>TOTAL TRANSIT IMPORTS</b>	—	959,058	—	—	
<b>GRAND TOTAL</b> .. Sh.	—	20,725,112*	—	—	<b>20,124,224*</b>

NOTE.—(1) "Total Imports" means goods cleared direct and goods entered for warehousing.

(2) "Home Consumption" means goods cleared from Customs control on landing and also goods cleared from bonded stocks.

(3) "Government Imports" means imports direct on Government account (including Railway).

(a) No allowance made for underproof in excess of 12½ per cent.

\* Includes produce of Tanganyika Mandated Territory valued at Sh. 2,799,177 and which is mainly imported for re-exportation.

Subject to revision on receipt of further amendments to entered details.

CUSTOM HOUSE,  
MOMBASA,  
8th November, 1941.

R. A. BOLTON,  
for Commissioner of Customs,  
Kenya and Uganda.

GENERAL NOTICE NO. 2156

PRINCIPAL ARTICLES EXPORTED FROM KENYA AND UGANDA DURING THE MONTH ENDED  
31ST JULY, 1941

ARTICLES	Unit of Quantity	(b) Exports of Domestic Produce		(a) (b) Re-exports of Imported Merchandise	
		Quantity	Value	Quantity	Value
1. Wheat .. ..	Cwt. 2	15	Sh. 15	57	861
2. Maize .. ..	," 103,255	572,967	—	—	—
3. Rice .. ..	," 7	125	410	—	6,686
4. Wheat Meal and Flour .. ..	," 5,970	102,650	44	—	628
5. Maize Meal and Flour .. ..	," 14,895	64,564	—	—	—
6. Cattle for Food .. ..	Number —	—	—	—	—
7. Sheep and Goats for Food .. ..	," 15	243	—	—	—
8. Bacon and Ham .. ..	Cwt. 110	16,724	—	—	—
9. Ale, Beer, Stout, etc.. ..	Imp. gal. 1,320	12,564	1,276	7,340	
10. Butter .. ..	Cwt. 2,617	279,126	18	3,136	
11. Cheese .. ..	," 28	3,083	—	—	—
12. Chillies .. ..	," 745	49,836	9	159	
13. Coffee, raw .. ..	," 43,846	1,325,169	15,697	488,378	
14. Ghee .. ..	," 156	13,270	42	4,772	
15. Milk, Condensed or otherwise Preserved .. ..	," —	20	81	7,804	
16. Potatoes .. ..	," 21,604	137,014	—	—	—
17. Spirits .. ..	Proof gal. —	—	323	8,346	
18. Sugar, refined .. ..	Cwt. 36,217	472,421	1,006	15,319	
19. Tea .. ..	," 9,225	1,098,631	2	337	
20. Wines .. ..	Imp. gal. —	—	1,191	10,135	

(Continued on next page)

PRINCIPAL ARTICLES EXPORTED FROM KENYA AND UGANDA DURING THE MONTH ENDED  
31ST JULY, 1941—(Contd.)

ARTICLES	Unit of Quantity	(b) Exports of Domestic Produce		(a) (b) Re-exports of Imported Merchandise	
		Quantity	Value	Quantity	Value
21. Cigarettes .. .. .. .. ..	Lb.	72,475	155,408	5,107	17,761
22. Tobacco .. .. .. .. ..	"	316,442	261,158	5,941	7,608
23. Wood and Timber .. .. .. .. ..	Cubic ft.	16,452	69,950	10	118
24. Cotton, Raw .. .. .. .. ..	Cental of 100 lb.	227,810	13,515,003	2,003	119,400
25. Sisal Fibre and Tow .. .. .. .. ..	Ton	4,928	1,858,737	17	7,000
26. Seeds, Cotton .. .. .. .. ..	"	1	52	—	—
27. Seeds, Sesame .. .. .. .. ..	"	108	30,685	50	14,000
28. Groundnuts .. .. .. .. ..	"	—	—	94	22,112
29. Coco-nut Oil .. .. .. .. ..	Imp. gal.	44	102	—	—
30. Sesame Oil .. .. .. .. ..	"	5,248	13,715	—	—
31. Hides, Dry and Dry-salted .. .. .. .. ..	Cwt.	9,362	561,032	756	40,050
32. Skins, Sheep and Goat .. .. .. .. ..	Number	174,858	170,705	—	—
33. Rubber .. .. .. .. ..	Cental of 100 lb.	827	63,161	—	—
34. Mangrove Bark .. .. .. .. ..	Cwt.	—	—	2,080	8,320
35. Wattle Bark .. .. .. .. ..	"	16,200	125,700	—	—
36. Wattle Extract .. .. .. .. ..	"	11,701	202,120	—	—
37. Ivory, Elephant .. .. .. .. ..	"	36	31,244	55	33,546
38. Pyrethrum .. .. .. .. ..	"	16,335	1,595,295	—	—
39. Wool .. .. .. .. ..	Cental of 100 lb.	4,322	345,736	—	—
40. Cement, Building .. .. .. .. ..	Ton	33	6,375	42	4,104
41. Galvanized Iron Sheets, Corrugated .. .. .. .. ..	"	—	—	13	5,515
Cotton Piece Goods—					
42. Grey, Unbleached .. .. .. .. ..	Lin. yard	—	—	703,855	231,246
43. Bleached .. .. .. .. ..	Sq. yard	—	—	679,110	
44. Printed (Khangas) .. .. .. .. ..	do	—	—	119,401	49,799
45. " Other Sorts .. .. .. .. ..	do	—	—	117,778	
46. Dyed in the Piece .. .. .. .. ..	do	—	—	17,763	11,529
47. Coloured (Manufactured Wholly or in Part of Dyed Yarn) .. .. .. .. ..	do	—	—	22,429	
48. Cotton Blankets .. .. .. .. ..	Number	—	—	154,291	75,582
49. Jute Bags and Sacks .. .. .. .. ..	Cwt.	—	—	169,928	
50. Soap, Common .. .. .. .. ..	Dozen	—	—	234,571	109,977
51. Soap, Toilet .. .. .. .. ..	Cwt.	—	—	225,314	
52. Motor Cars .. .. .. .. ..	Number	—	—	570,414	236,830
53. Animals, not for Food .. .. .. .. ..	"	1,741	32,182	550,826	
54. All other articles .. .. .. .. ..	Value	521	5,620	87	4,685
		—	3,398,275	34	2,720
		—	—	29	75,129
		—	—	—	—
		—	—	—	4,016,886
<b>TOTAL</b> .. .. .. .. ..		—	26,590,677	—	<b>5,855,393</b>
<b>TOTAL TRANSIT EXPORTS</b> .. .. .. .. ..		—	—	—	<b>473,717</b>
<b>GRAND TOTAL</b> .. ..		Sh.	—	26,590,677	—
			—	—	<b>6,329,110</b>

NOTE.—(a) Re-exports include goods the growth, produce or manufacture of Tanganyika Mandated Territory to the value of Sh. 1,082,120

(b) Goods exported as Ships' Stores are included as follows :—

- (1) Under Domestic Exports to the value of .. Sh. 151,625
- (2) Under Re-exports to the value of .. .. Sh. 2,401,112

Total Ships' Stores .. .. Sh. 2,552,737

Subject to revision on receipt of further amendments to entered details.

## GENERAL NOTICE No. 2157

## CUSTOMS DEPARTMENT

## COMPARATIVE STATEMENT OF EXCISE DUTY WHICH ACCRUED TO REVENUE DURING THE PERIOD 1ST JANUARY TO 31ST AUGUST

	KENYA			UGANDA	
	1939	1940	1941	1939	1940
Beer .. . . . .	£ 7,126	£ 18,141	£ 27,031	£ 1,653	£ 2,406
Sugar .. . . . .	13,104	16,724	37,571	9,530	8,052
Tea .. . . . .	3,851	7,153	5,138	1,890	2,198
Tobacco .. . . . .	1,107	22,813	37,534	44,078	52,083
	25,188	64,831	107,274	57,151	64,739
Eight-twelfths of Yearly Estimate £	26,666	43,333	86,667	53,333	87,533
					110,833

The above figures represent the actual excise revenue due after taking into account the transfer of excisable commodities between the territories covered by the Customs Agreement.

## COMPARATIVE STATEMENT OF CUSTOMS RECEIPTS FOR THE PERIOD JANUARY TO OCTOBER

	KENYA			UGANDA		
	Actual Allocations 1939	Actual Allocations 1940	Approximate Allocations 1941	Actual Allocations 1939	Actual Allocations 1940	Approximate Allocations 1941
January/September .. . . . .	£ 625,845	£ 742,414	£ 995,000	£ 332,639	£ 330,551	£ 338,000
October .. . . . .	89,375	39,901	184,000	25,647	29,167	37,000
	715,220	782,315	1,179,000	358,286	359,718	375,000
Ten-twelfths of Yearly Estimate £	658,334	604,167	596,667	391,666	408,750	400,000

Custom House,  
Mombasa,  
4th November, 1941.

A. W. NORTHROP,  
*Commissioner of Customs,  
Kenya and Uganda.*

## GENERAL NOTICE No. 2158

THE TRADE MARKS ORDINANCE, 1930  
APPLICATION No. 2665**WESTCLOX**

TAKE NOTICE that an application for the registration of the trade mark shown above in Class 10 in respect of clocks and watches and parts thereof has been lodged by General Time Instruments Corporation (a corporation organized and existing under the laws of the State of Delaware, United States of America) of 109, Lafayette Street, City and State of New York, United States of America, manufacturers, whose address for service in the Colony is c/o Messrs. Atkinson, Bown, Morrison & Ainslie, Advocates, of South British Insurance Building, Kilindini Road, P.O. Box 29, Mombasa.

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

Nairobi,  
14th November, 1941.

H. V. ANDERSON,  
*for Registrar of Trade Marks.*

## GENERAL NOTICE No. 2159

THE TRADE MARKS ORDINANCE, 1930  
APPLICATION No. B 2666**BIG BEN**

TAKE NOTICE that an application for the registration of the trade mark shown above in Class 10 in respect of clocks and parts thereof, not being cases sold separately, has been lodged by General Time Instruments Corporation (a corporation organized and existing under the laws of the State of Delaware, United States of America) of 109, Lafayette Street, City and State of New York, United States of America, manufacturers, whose address for service in the Colony is c/o Messrs Atkinson, Bown, Morrison & Ainslie, Advocates, of South British Insurance Building, Kilindini Road, P.O. Box 29, Mombasa.

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

Nairobi,  
14th November, 1941.

H. V. ANDERSON,  
*for Registrar of Trade Marks.*