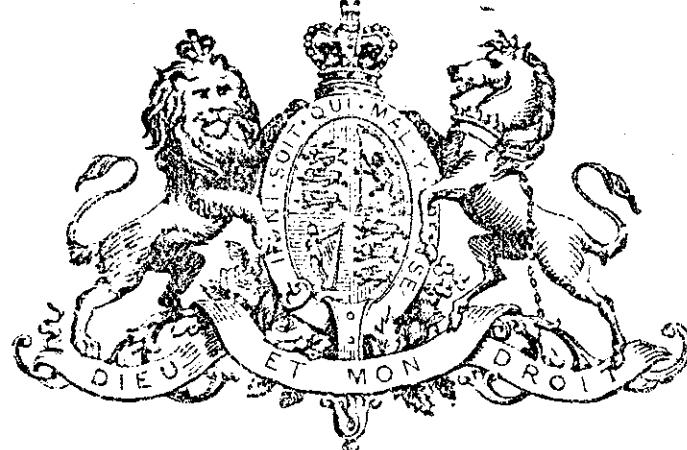


THE  
**OFFICIAL GAZETTE**  
OF THE  
  
**EAST AFRICA PROTECTORATE.**

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# EAST AFRICA PROTECTORATE.

## AN ORDINANCE

### No. 6 of 1908.

#### To make provision for the payment of Conservancy Fees in all Townships constituted under the Townships Ordinance 1903.

Date.

[ September 9th, 1908.]

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

Short title.

1. This Ordinance may be cited as "The Township Fees and Conservancy Ordinance 1908."

Definitions.

2. The following words shall have the following meaning :—

"Owner" shall as regards immovable property include any person other than His Majesty receiving the rent or profits of any lands or premises from any tenant or occupier therefor or who would receive such rent or profits if such land or premises were let whether on his own account or as agent for any person other than His Majesty entitled thereto or interested therein. The term includes any lessee from the Crown holding under a longer tenure than a tenancy from year to year and any Superintendent, Overseer or Manager of such lessee residing on the holding.

"Occupier" shall include any person in actual occupation of land or premises without regard to the title under which he occupies and in case of premises sub-divided and let to lodgers or various tenants the person receiving the rent payable by the lodgers or tenants whether on his own account or as an agent for any person entitled thereto or interested therein.

Fees to be paid by occupier.

3. The conservancy fee specified in the Schedule attached hereto or in any amendment thereof shall be paid by the "occupier" of any house in respect of which any latrine, earth closet or privy shall have been erected, provided that in the case of any house occupied by more tenants than one the owner shall be deemed to be the occupier for the purpose of this Ordinance.

Fee to be paid in advance.

4. The fee specified in the Schedule attached hereto shall be paid quarterly in advance. The said fee shall be paid to the Town Clerk or if there is no Town Clerk then to the District Commissioner at his office or to any person authorised by the Governor to receive the same.

Recovery of fee.

5. In the event of any person refusing or delaying to pay the said fee the Town Clerk or other Officer duly authorised by the Governor in that behalf may sue in any Court for the recovery of the said fee.

Unoccupied house.

6. When any house shall remain unoccupied for not less than one Calendar month the Town Clerk or if there is no Town Clerk the District Commissioner shall on application make a rebate or refund of the proportionate amount of Conservancy fee payable in respect of such house, provided that no such refund shall be made unless the application is made within three months from the date on which the house became unoccupied.

Penalties.

7. Any person refusing after being ordered by the Court to pay the said fee mentioned in the Schedule, shall be guilty of an offence under this Ordinance and shall be liable upon conviction to a fine not exceeding two hundred rupees or to imprisonment with or without hard labour for a period not exceeding two months or to both.

Rules to be made by Governor.

8. The Governor may make rules for the better carrying out of the Ordinance and may also alter, add to or delete the item or fee mentioned in the Schedule.

Repeal

9. Rules 7 to 20 inclusive of the Rules provided under the East Africa Townships Ordinance 1903 and published in the "Official Gazette" May 19th 1904 are hereby repealed.

Date of Application.

This Ordinance shall come into force on the 15th day of September 1908 and the fee mentioned in the Schedule shall become due as from that date.

#### **Schedule.**

Conservancy fee per latrine receptacle ordered by the Medical Officer of Health per mensem... Rs. 3

#### NOTICE.

In virtue of the Powers conferred upon me by the Schedule of the Township Fees and Conservancy Ordinance 1908, I hereby give notice that for the purpose of the said Ordinance the latrine receptacles at this date provided for use in the Township of Nairobi are those ordered by me unless and until I give special notice to any owner or occupier to provide other or additional receptacles in accordance with the Township Rules.

J. T. C. JOHNSON  
Medical Officer of Health.

The following Bills was read a first time at the meeting of the Legislative Council held at Nairobi on September 2nd 1908.

## A Bill

To make provision for the better regulating of Mines and the better carrying on of prospecting and mining operations in the East Africa Protectorate.

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

### PART I.

#### **Preliminary**

1. This Ordinance may be cited as "The Mining Ordinance 1908."

Short title.

2. This Ordinance shall come into operation on a day to be fixed by the Governor by Proclamation in the "Official Gazette."

Commencement of Ordinance.

3. This Ordinance is divided into parts as follows:—

Divisions.

### PART I

Introductory and definitions.

### PART II.

Miner's Rights and Privileges thereunder.

### PART III.

Gold Claims.

### PART IV.

Mineral Claims.

### PART V.

Coal and Oil Claims.

### PART VI.

Gold Leases.

### PART VII.

Mineral Leases.

### PART VIII.

Coal and Oil Leases.

### PART IX.

Miscellaneous Leases.

### PART X.

Mining on private property

### PART XI.

Business occupation and exploration Licences.

### PART XII.

Water Rights.

### PART XIII.

Survey.

### PART XIV.

Miscellaneous.

### PART XV.

Royalties.

4. The East Africa Mining Regulations 1902 and the Rules thereunder and the Mining Regulations Amendment Ordinance 1907 are hereby repealed.

Introductory.

5. In the construction of this Ordinance, except where the subject matter or context requires a different construction, the terms to which special meanings are assigned shall wherever they occur in this Ordinance have the same meanings as are assigned to them respectively: that is to say the term :—

## Definitions.

“Abandoned ground” means ground the greater portion of which has been held for mining under a miner’s right and abandoned.

“Alluvial” means any loose soil, earth or other substance containing or supposed to contain gold or precious stones, not being a seam, lode, quartz aim, or cement.

“Business” means any business, profession, trade, calling, or occupation except mining.

“Coal” includes all descriptions of coal and shale.

“Constantly employed” means working on or in connection with a mining claim for not less than 8 hours on every lawful working day, excepting Saturdays, when four hours shall be considered a full day, and excepting proclaimed holidays.

“Crown Lands” means all land situated in the East Africa Protectorate except :

- (1) Lands dedicated or set apart for any public purpose.
- (2) Lands held under grants or leases giving the holder rights of working the mines and minerals which are recognized by the Government.
- (3) Lands declared by the Governor by notice in the Gazette to be exempted from the operation of this Ordinance.
- (4) All lands situated within 100 yards of the Uganda Railway.

“European” means a person of European birth or descent or an American of European descent.

“Gazette” means the Official Gazette of the Protectorate.

“Gold” means as well as gold any substance containing gold or having gold mixed therewith, or set apart for the purpose of extracting gold therefrom.

“Government” means the officers administering the Protectorate severally and collectively.

“Inspector” means an Inspector of Mines appointed under the Ordinance.

“Metals” include gold.

“Mine” as a noun, includes all lands and works on, in, or by which mining is carried on.

“Miner” means the holder of a miner’s right.

“Mineral lands” include all Crown Lands, and also all other lands which shall be made mineral lands pursuant to this Ordinance.

“Prospecting” includes all modes of prospecting for metals, minerals, coal or oil.

“Protection area” means the defined area of ground which a prospector is entitled to mark off to search for gold.

“Race” means a channel for conveying water.

“Reef” means a gold seam, or lode, or quartz aim, or any substance containing gold other than alluvial.

“Tail race” means a race cut or constructed for the purpose of draining, carrying off water or water and tailings from any sluice, battery, puddling machine, or other apparatus used on or in connection with a mine or claim.

“Water right” means the privilege of diverting or using water according to this Ordinance.

“Minerals” includes precious stones, but does not include coal.

“Miner’s right” means a miner’s right issued under the Ordinance.

"Mining" or "to mine" includes all modes of prospecting and mining for obtaining and making merchantable metals, minerals, coal or oil.

"Mining tenement" means any holding lawfully held and enjoyed under or by virtue of a miner's right but does not include a lease.

"Oil" includes all descriptions of mineral oil.

"Payable" A claim or lease is payable when the value of the metals, minerals, coal, or oil mined for and obtained equals the sum paid or which would at current wages have been payable; wages to all the miners actually employed in obtaining such metals, minerals, coal or oil; and all other necessary working expenses.

The onus of proof that a claim or lease is not payable shall rest upon the claim holder or lessee.

"Land owner" means owner of land subject to a reservation of minerals and includes a lease of Crown Land subject to a reservation of minerals.

"Net profits" shall be taken to mean that profit left after paying all amounts not being capital outlay expended during the year in mining and disposing of all precious and non precious metals and precious stones, with the exception of petroleum, together with salaries, wages, director's fees, auditor's fees, taxes, insurance, printing, stationery, advertising, maintenance of plant and buildings, agencies, legal expenses, survey expenses, arbitration expenses and office expenses.

6. This Ordinance applies to mining on all Crown Lands situated in the East Africa Protectorate and on private lands and native Reserves as hereinafter laid down.

7. No person under the age of 18 shall hold directly or otherwise a mining lease, business or occupation licence, or miner's right, except in a representative capacity. All covenants and conditions contained in or imposed by a mining lease or a licence granted to an infant of the age of 18 or upwards shall bind him as if he were of full age.

8. No boy under the age of 16 years and no girl or woman of any age shall be employed underground in any mine.

9. Any person wishing to enter into closed districts and native reserves for the purpose of mining must first obtain permission in writing from the Provincial Commissioner in whose Province the closed district or native reserve is situated.

10. The provisions of this Ordinance shall not extend to any garden, orchard or vineyard, church, chapel, schoolhouse, hospital, asylum, college or grounds enclosing the same, or any park lands or recreation grounds vested in any municipal corporation or district council or other public body or trustees or to any land within 300 yards of any well, artificial reservoir, dam, dwelling house, manufactory or dwelling.

11. Any person who prospects or mines without being authorised to do so by virtue of this Ordinance or any rules thereunder or some enactment theretofore in force, shall be liable to pay for each offence a penalty not exceeding 15 rupees for every day on which he shall so prospect or mine.

12. Any person who shall occupy mineral lands for the purpose of business or residence except as legally authorised shall be liable to a penalty not exceeding seventy five rupees for the first offence and not exceeding one hundred and fifty rupees nor less than seventy five rupees for every subsequent offence.

#### Application of Ordinance.

Persons under 18 not to hold mining lease etc.

#### Regulation of Labour.

Mining in Native Reserves and closed districts.

Land used as garden, orchard, etc exempt from mining.

Penalty for unauthorised mining.

Penalty for unauthorised Occupation.

Infringement of Ordinance.

Fees to be charged.

Forms in various schedules sufficient for the purpose for which they are respectively prescribed.

Miner's right essential.

Terms and fees.

Renewal.

Term of renewal.

One claim for each right etc.

Privileges under Miner's Rights.

Ownership of claims.

Loss of miner's right.

Transfers.

13. Any person who infringes a provision of this Ordinance for the infringement whereof no penalty is prescribed shall be liable for every offence to a penalty not exceeding one hundred and fifty rupees.

14. The fees set out in the Schedule C hereto shall be charged and taken in respect of the matters referred to in such schedule.

15. The forms in the various schedules hereto shall be sufficient for the purposes for which they are respectively prescribed and may be used with such variations or modifications as the exigencies of the case may require.

## PART II.

### **Miner's rights and privileges thereunder.**

16. No person can legally mine or prospect or peg out a claim or obtain a mining lease unless he holds a valid miner's right.

17. A miner's right (to be in force for one year from the date thereof) may be obtained from a Provincial Commissioner or the Commissioner of Mines on payment of five rupees.

18. A miner's right may be renewed at any time during its currency on payment of five rupees.

19. Every renewal shall be in force for one year from the expiration of the right renewed.

20. No person shall at the same time own more than one claim by virtue of the same miner's right, but any person may hold a specified number of miner's rights and for each miner's right so held by him he may own :—

- (1) Gold claims not exceeding ten in number.
- (2) Mineral claims not exceeding fifteen in number.
- (3) Coal or oil claims not more than one in number.
- (4) Also provided that no person shall hold more than two alluvial gold claims.

21. A miner's right shall in the first instance authorise the holder to prospect for any metal, mineral, coal, or oil the property of the Crown, and to peg out on any land whereon the same may be supposed to be.

- (a) A gold claim as prescribed in Part III, hereof.
- (b) A mineral claim, as prescribed in Part IV hereof.
- (c) A coal claim, as prescribed in Part V.
- (d) An oil claim, as prescribed in Part V hereof.

22. The holder of the miner's right shall be the person in whose name the miner's right is issued, and he shall be the owner of any claim pegged out by virtue thereof.

23. If a miner loses his miner's right he may make a declaration of loss, in the form No. 1 in Schedule A hereto, before the Commissioner of Mines or the Provincial Commissioner in whose Province the said miner's right was issued, and on payment of the fee required, such declaration shall be received at the Office of the Commissioner of Mines in lieu thereof for all the purposes required in making a transfer or effecting any registration.

24. The holder of a registered mining tenement may, in the form No. 12 in Schedule A hereto, transfer the same; and upon production of his miner's right and certificate (or declaration of loss thereof) at the office of the Provincial Commissioner of the Province in which

such a claim or holding is situate and upon payment of the fee required the Provincial Commissioner shall issue to the transferee a transfer certificate in the form No. 13 in Schedule **A** hereto.

25. The owner of a claim of whatever nature, or of a protection area and every person deriving title from or through him, within 30 days after the claim is first pegged out, or the title is acquired, or within such additional time (if any) not exceeding 14 days as the Commissioner of Mines may, on the ground of sickness, absence or other like disability of any such owner or person allow, shall register the claim or title in the office of the Provincial Commissioner in the mining District wherein the claim is situated.

26. No claim or title shall be registered unless the miner's right under which the claim is held is produced to the Provincial Commissioner.

27. Any person desiring to register a mining tenement interest or title, or a certificate evidencing title shall sign an application for registration in the form No. 3 **A** in the Schedule of forms hereto.

Such application shall be forwarded to or produced at the Office of the Provincial Commissioner in the mining District wherein the mining tenement is situate together with the miner's right under which such tenement is held. The Provincial Commissioner shall thereupon, on payment of the prescribed fee, enter in a book to be called "The Mining Register" full particulars of each application and shall fill in and sign a certificate of registration in the form No. 3 **B** in Schedule **A** or endorsed at the foot of the certificate evidencing title to such tenement, and hand such certificate of title and the miner's right and certificate of registration to the person so producing or forwarding such application.

28. If any owner or person neglects to register his claim or title in the manner aforesaid he shall not be authorised, while the default continues, to prospect or mine thereon, and for default by the owner the claim shall be liable to forfeiture.

29. Any person who shall by false representations or fraudulent concealment of facts obtain registration of any mining tenement or of any certificate granted under this Ordinance shall forfeit his share of the property in respect of which such registration has been obtained, and be liable to a penalty not exceeding seven hundred and fifty rupees.

### PART III.

#### **Gold Claims.**

30. For the purposes of Part III of this Ordinance a single claim shall be a parcel of land as may by virtue of one miner's right be held for mining for gold; and an amalgamated claim shall be any number of such parcels of land as shall have been amalgamated.

31. The holder of a miner's right may for the purpose of mining and prospecting for gold peg out and own a gold claim or protection area of one of the classes following viz :

- (1) An alluvial protection area
- (2) An alluvial reward claim.
- (3) An ordinary alluvial claim.
- (4) A stream claim,
- (5) A reef protection area.
- (6) A reef prospecting claim.
- (7) An ordinary reef claim.
- (8) An abandoned ground claim.

**Registration.**

**Miner's right to be produced on registration.**

**Mode of registration.**

**Neglect to register.**

**False representations.**

**Definition of claims.**

**Holder of a miner's right may peg out one of following classes.**

**Registration.**

**Rights of claim holders.**

**Discovery of payable gold must be reported.**

**No claim within 50 yards of shaft.**

**Mode of taking possession.**

And may also acquire in the manner hereinafter shown:—

(1) A dam area.  
 (2) A machinery site.  
 32. All claims, areas and sites referred to in the last preceding rule must be registered in the manner prescribed by Section 25.

33. The owner of a gold claim for the purpose of mining thereon may subject to these sections exercise the following rights in relation to any Crown lands, that is to say he may:—

- (1) Cut, construct and use water races, dams, and reservoirs, and take, divert, and use water, subject to Sections 198, 200, 202, 203 (both inclusive) and cut, take and use timber, (with the written consent of the Conservator of Forests) and may take and use stone, clay or gravel.
- (2) Take possession of and while actively engaged in prospecting or mining occupy for the purpose of residence a residence site as prescribed by Sections Nos. 226, 227.
- (3) Put up any building or other erection upon the residence site and remove the same while in lawful possession of such site.

34. When payable gold is struck on any mining tenement the owner of such tenement shall within seven clear days forward a report, in the form No. 2 **A** in Schedule **A**, to the nearest Provincial Commissioner's Office; and if default be made in compliance with this section such mining tenement shall be liable to forfeiture and such owner shall be liable to a penalty not exceeding seven hundred and fifty rupees.

35. No gold claim shall be pegged out upon any area which is being lawfully mined so as wholly or partially to come within 50 yards of a shaft or sinking in actual use for the purpose of such mining without the consent in writing of the person mining.

36. The miner pegging out a gold claim or protection or other area, shall securely place in the ground 4 posts to make approximately the four corners of the land intended to be included in the gold claim or protection or other area.

Each post shall not be less than 3 inches through and project not less than 3 feet above the surface and bear the distinguishing numbers of the miner's right by virtue whereof the claim is pegged out in clear legible characters, and be fixed at the point of intersection of two trenches cut out in the earth not less than 3 feet long, one foot wide and 6 inches deep in the direction of the boundary lines of which the post is intended to form one corner; such posts must be maintained in position whilst the claim is held or such claim will be liable to forfeiture.

In bare country a claim shall be located by erecting monuments of earth or rock not less than 2 feet in diameter at the base and at least 2 feet high so that the line can be distinctly seen.

Reasonable time shall be allowed the owner of a claim to clear his lines and fix beacons.

If a miner should take up more than one contiguous claim only four boundary lines need be cut.

37. Applications for gold claims or protection or other areas shall be recorded in the Office of the Commissioner of Mines or at the nearest office of the Provincial or District Commissioner who will forward such application to the Commissioner of Mines.

38. Gold claims or protection or other area shall be recorded in the Province in which they are situated at the Office of the Provincial or District Commissioner within 15 days from the date of location, one extra day being allowed for each ten miles of distance from the recording office after the first 10 miles.

39. A prospector shall have free grazing rights for 6 horses or mules or 16 oxen or donkeys and the right to take fuel and water for his domestic use on Crown Lands provided however he shall not have the right to cut any standing timber for any purpose whatever unless he shall have obtained permission in writing from the Conservator of Forests.

40. All rights of underground working shall be limited by imaginary lines drawn vertically downwards from the surface boundaries.

41. A miner desiring to prospect for gold may peg out an alluvial protection area of the following dimensions:—

- (1) Not less than  $\frac{1}{2}$  mile from the nearest alluvial workings, 100 yards by 100 yards.
- (2) Not less than one mile, 150 yds. by 150 yds.
- (3) Three miles and over, 500 yds. by 500 yds.

No alluvial protection area shall be pegged within half a mile from the nearest occupied gold workings. An alluvial protection area must be constantly worked by at least one man from the time of pegging out until payable gold is discovered or abandoned.

42. Within 7 clear days after the finding of gold in apparently payable quantities within the alluvial protection area, the holder thereof shall forward a report in the form No. 2 **B** in the Schedule **A** hereto to the nearest Provincial Commissioner's office, under pain of forfeiture of such area. The Provincial Commissioner shall forward a copy of such report to the Commissioner of Mines who shall appoint a competent man to proceed to the ground, and if of opinion that gold has been found in payable quantities shall allot the prospector an alluvial reward claim (according to the distance from any known occupied gold workings) in addition to the number of ordinary claims to which he would otherwise be entitled. A prospector discovering payable gold and neglecting to report the same to the Provincial Commissioner in whose province the said claim is situated without delay shall not be entitled to a reward claim.

43. The number of alluvial reward claims to be allotted shall be in proportion to the distance from the nearest occupied gold workings as follows:—

If distant half a mile, 3 claims shall be allowed over and above what is already prescribed.

If distant one mile, 4 claims shall be allowed over and above what is already prescribed.

If distant two miles, 6 claims shall be allowed over and above what is already prescribed.

If distant three miles or more, 10 claims shall be allowed over and above what is already prescribed.

44. The above claims may be marked off in one block but in no case shall the length exceed twice the breadth. One man at least shall be kept constantly employed on each claim.

Applications for gold claims to be recorded in office of Commissioner of Mines.

Gold claims to be recorded in Province in which they are situated

Grazing rights on Crown Lands.

Underground working.

Alluvial protection claim.

Discovery of payable gold must be reported.

Alluvial reward claims.

Claims may be marked off in one block.

**Ordinary alluvial claims.  
Area.**

**Stream claims.**

**Reef protection areas.**

**Reef prospecting claims.**

**Ordinary reef claims.**

**Registration.**

**Reef claim when forfeitable.**

**Forfeiture of reef claims.**

**Abandoned ground claims.**

45. Ordinary alluvial claims shall not exceed in area 100 feet by 100 feet and in no case shall the length exceed twice the breadth and there shall be kept constantly employed not less than one man for each claim.

46. A stream claim shall have a frontage of 150 feet on the course of the stream including the bed of the stream and a depth of 100 feet on both banks and the owner thereof shall keep constantly employed on or in connection with such claim at least one man.

47. A miner seeking a new and unworked reef or vein may peg out a reef protection area. Such area, shall be of the same width but double the length of a reef prospecting claim and during the period the said area is being worked the holder shall be protected for six months in the occupation thereof, and on discovering a new and unworked reef or vein thereon and reporting such discovery to the Provincial Commissioner in whose Province the same is situated shall be entitled to a reef prospecting claim.

48. A miner who discovers a new and unworked claim shall forthwith report the said discovery to the Provincial Commissioner in whose Province the same is discovered and may then peg out a reef prospecting claim 600 feet by 600 feet. The length of such claim shall not in any case exceed twice the breadth.

He shall keep one man constantly employed on such claim and shall within 7 days after registering the same proceed to work the same. A post shall be erected at each corner of the claim with a written notice thereon setting forth that it is a prospecting claim and stating the name of the prospector, such post to be not less than 3 inches in diameter and showing 3 feet above the surface, and firmly fixed in the ground and to be kept erected and in proper repair during the occupation of such claim.

49. Ordinary reef claims shall not exceed in area 300 feet by 300 feet and in no case shall the length exceed twice the breadth.

50. The holder of any such claim shall forthwith after pegging register the same and within 7 clear days of registration proceed and continue to work the same and shall keep one man constantly employed on or in connection with such claim.

51. A reef claim when unworked for 7 working days is liable to forfeiture unless a sufficient cause is forthcoming which the Commissioner of Mines shall not unreasonably refuse to entertain.

52. When a reef claim is forfeited and the application for such forfeiture is opposed any mining plant or other private property then on the claim shall be valued by arbitrators one to be chosen by each party, or by one party alone if the other party decline upon request to exercise his choice, such valuation to be subject to the approval of the Commissioner of Mines, and the amount of the valuation (if any) together with the cost of the arbitration shall within 7 days be paid to the original owner or lodged with the Commissioner of Mines and such payment or lodgment shall be a condition precedent of putting the applicant in possession of such claim.

53. Where ground has been previously worked and abandoned the Commissioner of Mines may allot to each applicant an abandoned ground claim of the class under which such ground was pegged. Application must be made to the Provincial Commissioner in whose Province the abandoned claims are situated, and notice thereof exhibited by the applicant for 7 clear days on the land applied for after which if no valid objection be proved the

Commissioner of Mines shall grant a certificate thereof in the form No. 4 in Schedule **A** hereto. Such claim shall be forthwith pegged out and the certificate registered and the owner shall keep constantly employed on or in connection with it at least one man.

54. The Commissioner of Mines may allow the amalgamation of any number of gold claims of the same class (other than protection areas.)

55. Amalgamated claims shall be worked continuously as near as possible, any reasonable objections shall not be refused by the Commissioner of Mines.

56. The rent for every gold claim shall be Rs. 5/- per annum payable in advance for the 1st year.

The yearly rent for each succeeding year shall be Rs. 30/- per claim provided that the Commissioner of Mines may remit such an additional taxation if he should think fit, where the depth of the ground, the difficulty of working or the expenses of erecting mining machinery is likely to be great or the ground has been previously worked and abandoned.

57. An amalgamated reef claim becomes payable when the quantity of gold obtained from it equals in value the sum paid, or which at current prices would have been payable for wages to all the miners actually employed thereon during the time occupied in extracting and crushing quartz together with the other necessary working expenses. No such claim shall be deemed payable until a parcel of ore therefrom has been treated by amalgamation or chemical reduction or otherwise.

58. The Commissioner of Mines may grant to the owner of a gold claim an area of ground on which to erect a dam, sludge dam, or machinery site for the extraction of gold.

59. No person shall dig within 20 yards of a dam except with the consent of the owner.

60. Application for dam and machinery areas shall be made to the Commissioner of Mines in the form No. 7 in Schedule **A** hereto. Such application when granted shall be registered and the area forthwith pegged out.

61. A quartz crushing machinery area or dam shall not exceed 4 acres at an annual rental of Rs. 2/- per acre.

62. Cessation of occupation of dams or machinery areas for four consecutive weeks may render the same liable to forfeiture.

63. Sections 193, 198 to 207 inclusive and 235, 239, 240, 241, 243 to 247 inclusive shall apply to mining or prospecting or mineral claims so far as in the opinion of the Commissioner of Mines may be applicable.

#### PART IV.

##### **Mineral Claims.**

64. The size of a mineral claim shall not exceed 300 feet by 300 feet.

65. No miner shall at the same time own more than one mineral claim by virtue of the same miner's right; but a miner may hold 15 miner's rights, and for each miner's right so held by him he may own one mineral claim.

66. The miner pegging out a mineral claim shall securely place in the ground four posts, to mark approximately the four corners of the land intended to be included in the mineral claim. Each post shall be not less than 3 inches through, and project not less than

Amalgamation of gold claims.

Labour conditions of amalgamation claims.

Rent.

An amalgamated reef claim when payable.

Dam area and machinery area

No person to dig within 20 yards of dam.

Applications for dam and machinery areas.

Area.

Liability, Forfeiture.

General.

Size of mineral claims.

Number of mineral claims.

Mode of taking possession.

3 feet above the surface, and bear the distinguishing number of the miner's right by virtue whereof the claim is pegged out, in clear legible characters, and be fixed at the point of intersection of two trenches cut out in the earth, not less than 3 feet long, one foot wide, and six inches deep cut in the direction of the boundary lines of which the post is intended to form one corner; and such posts must be maintained in position whilst the claim is held, or such claim will be liable to forfeiture.

In bare country a claim shall be located by erecting monuments of earth or rock not less than 2 feet in diameter at the base and at least 2 feet high so that the line can be distinctly seen. Reasonable time shall be allowed the owner of a claim to clear his lines and fix beacons. If a miner should take up more than one contiguous claim only four boundary lines need be cut.

67. The shape of a mineral claim shall, as nearly as circumstances permit, be that of a rectangular parallelogram, the length of the longer side of which shall not exceed twice the length of the shorter side, and one of such sides shall run as nearly as may be in a north and south direction, the bearings being magnetic. When regular rectangular areas are not available owing to the position of adjoining boundaries or natural features, any intervening or irregularly shaped pieces of land not exceeding 40 acres may be pegged out.

68. Applications for mineral claims or protection or other area shall be recorded in the office of the Commissioner of Mines or at the nearest office of the Provincial or District Commissioner who will forward such application to the Commissioner of Mines.

69. Mineral claims or protection or other areas shall be recorded in the Province in which they are situated at the Office of the Provincial or District Commissioner within 15 days from the date of location, one extra day being allowed for each ten miles of distance from the recording office after the first ten miles.

70. A prospector shall have free grazing rights for 6 horses or mules or 16 oxen or donkeys and the right to take fuel and water for his domestic use on Crown Lands provided however he shall not have the right to cut any standing timber for any purpose whatever unless he shall have obtained permission in writing from the Conservator of Forests.

71. All rights of underground working shall be limited by imaginary lines drawn vertically downwards from surface boundaries.

72. Ownership of a mineral claim confers a preferential right to a mineral lease, and in the meantime the right to mine on the claim for any metals or minerals, except gold, and the ownership of all such metals and minerals when found:—

73. The owner of a mineral claim, for the purpose of mining thereon, may exercise the following rights in relation to any Crown lands, that is to say, he may:—

(1) Cut, construct, and use water races, dams, and reservoirs, and take, divert, and use water, and cut, take, and use timber, and take and use stone, clay or gravel. The owner of a mineral claim must obtain permission to cut timber for mining purposes from the Conservator of Forests.

14. The owner of a mineral claim shall have a preferential right to a gold lease of the land comprised in such claim, or any part thereof.

#### Shape of mineral claim.

Applications for mineral claims to be recorded in the Office of the Commissioner of Mines.

Mineral claims to be recorded in Province in which they are situated.

Grazing rights on Crown Lands.

Underground working.

Rights of owner.

Additional rights of owner of Mineral claims.

Preferential right to Gold lease.

75. The Commissioner of Mines if satisfied by the report of the Provincial Commissioner, that payable results have been obtained on a mineral claim, may require the owner thereof to take a mineral lease of his claim, and in default of compliance with such requisition the claim shall be liable to forfeiture.

76. The owner of a mineral claim shall keep constantly employed on the said claim not less than one able bodied man in diligently searching and mining for and endeavouring to procure minerals and metals, other than gold.

77. Every mineral claim shall be liable to forfeiture upon non-compliance by the owner with the prescribed conditions as to working the same.

78. A holder of a miner's right who shall in a suit instituted by him before a Provincial Commissioner, prove that a mineral claim is liable to forfeiture, shall be entitled to an order declaring and enforcing such forfeiture, and shall, fourteen days after the making of such order, have a preferential right to enter upon and peg out such claim as a mineral claim.

79. When payable gold is struck, or metals, minerals, coal or oil are found in payable quantities on a mineral claim, the owner of such claim shall, within 7 clear days, forward a report in the form No. 2 (a) in Schedule **A** to the nearest Provincial Commissioner's Office, and if default shall be made in compliance with this regulation, the claim shall be liable to a penalty not exceeding seven hundred and fifty rupees.

80. The owner of a mineral claim and every person deriving title from or through him, within thirty (30) days after the claim is first pegged out, or the title is acquired, or within such additional time (if any), not exceeding fourteen (14) days, as the Provincial Commissioner may, on the ground of sickness, absence, or other like disability of any such owner or person allow, shall register the claim or title in the office of the Provincial Commissioner in the mining District wherein the claim is situated.

81. No mineral claim or title shall be registered unless the miner's right under which the claim is held is produced to the Provincial Commissioner.

Fee for registration Re. 1.

82. Mineral claims shall be registered in the manner prescribed by Section 25.

83. If any owner or person neglects to register his claim or title in manner aforesaid he shall not be authorised, while the default continues, to prospect or mine thereon, and for default by the owner the claim shall be liable to forfeiture.

84. Any number of adjoining mineral claims, not exceeding four (4), may if permitted by the Commissioner of Mines be amalgamated and occupied as one claim: Provided that two men for each two claims so amalgamated shall be constantly employed on, or in connection with, such amalgamated claim, until payable results have been obtained, when two men for each claim so amalgamated shall be employed on, or in connection with, the amalgamated claim:

Provided that every horse employed in working an amalgamated claim and every horse-power of machinery erected in connection with such claim, shall, while used in working the same, or crushing stone therefrom, be counted as two (2) men. Application for permission to amalgamate shall be in the form No. 5 in Schedule **A**

Claim holder may be required to take lease.

Working Conditions of Mineral Claims.

Forfeiture.

Rights of Person proving Liability to forfeiture.

Discovery to be reported.

Registration.

Miner's right to be produced on Registration.

Mode of registration.

Neglect to Register.

Amalgamation of mineral claims.

No Mineral Claim within fifty (50) Yards of Shaft.

Protection of workings.

Ground to be secured with Props.

Water rights.

Size of coal or Oil Claims.

Number of Coal or Oil claims.

Mode of taking Possession.

Shape of mineral claim.

Rights of owner.

Additional rights of owner of Coal or Oil claims.

and the Commissioner of Mines on granting permission to amalgamate shall issue a certificate of amalgamation in the form No. 5 in Schedule A which certificate shall be forthwith registered, as required by Section No. 119.

85. No mineral claim shall be pegged out upon any area which is being lawfully mined, so as wholly or partially to come within fifty (50) yards of a shaft or sinking in actual use for the purpose of such mining without the consent in writing of the person mining.

86. Shafts or workings on mineral claims shall be enclosed or protected so as to ensure the safety of the public.

87. A miner working a mineral claim shall secure the ground by placing good and sufficient props and caps throughout the whole extent of ground so worked and removed; and no person shall remove any props or timber the removal of which may endanger the working of adjoining claims.

88. Sections 193 to 218 inclusive 235, 241, 244 and 245 shall apply to mining or prospecting on mineral claims so far as in the opinion of the Commissioner of Mines may be applicable.

## PART V.

### **Coal and Oil Claims.**

89. A coal or oil claim shall not exceed six hundred and forty acres.

90. No miner shall in any case own more than one coal or oil claim by virtue of his miner's right.

91. The miner pegging out a coal or oil claim shall securely place in the ground four posts, to mark approximately the four corners of the land intended to be included in the claim. Each post shall be not less than three inches through and project not less than three feet above the surface, and bear the distinguishing numbers of the miner's right by the virtue whereof the claim is pegged out, in clear legible characters, and be fixed at the point of intersection of two trenches cut out in the earth, not less than three feet long, one foot wide, and six inches deep, cut in the direction of the boundary lines of which the post is intended to form one corner; and such posts must be maintained in position whilst the claim is held, or such claim will be liable to forfeiture.

92. The shape of a coal or oil claim shall, as nearly as circumstances permit, be that of a rectangular parallelogram, the length of the longer side of which shall not exceed twice the length of the shorter side, and one of such sides shall run as nearly as may be in a north and south direction the bearings being magnetic. When regular rectangular areas are not available owing to the positions of adjoining boundaries or natural features, any intervening or irregularly shaped pieces of land not exceeding six hundred and forty acres in area may be pegged out.

93. Ownership of a coal or oil claim confers a preferential right to a coal or oil lease, and in the meantime the right to mine on the claim for coal or oil and the ownership of all coal or oil found.

94. The owner of a coal or oil claim, for the purpose of mining thereon may exercise the following rights in relation to any Crown Lands, that is to say, he may:—

- (1) Cut, construct, and use water races, dams, and reservoirs, and take, divert, and use water, and cut, take and use timber, and take and use stone, clay or gravel.

95. The owner of a coal or oil claim shall keep employed on all working days not less than 4 able bodied men in diligently searching and mining for and endeavouring to procure coal or oil on the said claim.

96. The Commissioner of Mines may permit two adjoining coal or oil claims to be amalgamated and occupied as one claim: Provided that four men for each claim so amalgamated shall be constantly employed on, or in connection with, such amalgamated claim until payable results have been obtained, when six men for each claim so amalgamated shall be employed on, or in connection with, the amalgamated claim: Provided that every horse employed in working an amalgamated claim and every horse-power of machinery erected in connection with such claim, shall, while used in working the same, or crushing stone therefrom, be counted as two men. Application for permission to amalgamate shall be in the form No. 5 in Schedule A and the Commissioner of Mines on granting permission to amalgamate shall issue a certificate of amalgamation in the form No 6 in Schedule A which certificate shall be forthwith registered as required by Section No. 27

97. Sections 51, 52, 233, 234, 235, 236, 237, 239, 240, 241, 243, 244 and 245 inclusive shall apply to mining or prospecting on coal or oil claims so far as in the opinion of the Commissioner of Mines may be applicable

## PART VI.

### **Gold leases.**

98. The Governor may grant to a holder of a miner's right a gold lease not exceeding twenty five acres.

99. Lands held under a miner's right or business or occupation licence may be leased under a gold lease with the consent in writing of the holder of such right or licence, or in case of land held under a business or occupation licence, without such consent on payment to the holder of compensation for all loss and damage to be settled, in case of difference, by arbitration.

100. A gold lease may be for any term not exceeding twenty five years, and shall reserve an annual rental of one rupee per acre, payable yearly in advance, the first payment to be made on making the application for such lease.

101. Gold leases shall be in the form No. 1 in Schedule B hereto.

102. The holder of a gold lease is entitled to mine for all metals, minerals, coal, and oil, in and upon such land, subject to the conditions of his lease and to the provisions of this Ordinance or any rules thereunder.

103. No more than one gold lease may be held by one person.

104. Every applicant for a gold lease must, twenty-one days before forwarding his application to the Provincial Commissioner, do the following things:—

Erect posts, not less than three inches in diameter, and not less than three feet above the ground, to define the boundaries and angles of the land, such posts to be fixed at the point of intersection of two trenches cut out in the earth, not less than three feet long, one foot wide and six inches deep, cut in the direction of the boundary lines of which the post is intended to form one corner, and to be kept erected until the boundaries of the land are defined by a surveyor.

Post a notice on a conspicuous part of the ground, stating his intention of applying for a gold lease.

Working Conditions of Coal or Oil claims.

Amalgamation of Coal or Oil claims.

Other Regulations to Apply

Gold leases.

Lands held under Miner's Right &c., may be leased.

Term and rent.

Form of gold lease.

Right to all metals.

Number of gold leases.

Mode of applying for gold lease.

Form of application.

Serve a similar notice on any person occupying or having any rights on or under the land or any part thereof.

Description of boundaries to be supplied.

105. An application for a gold lease shall, within twenty one days after the expiration of the advertisement mentioned in Section No. 104 be made to the Commissioner of Mines in the form No. 14 in Schedule A hereto.

Shape of land.

106. Applications for gold leases must be accompanied by a description of the boundaries of the land applied for, together with the amount of the first year's rent calculated at a rate of one rupee for each acre included in such application.

Survey.

107. In all cases where the land is so available, the area applied for shall be rectangular, and its length shall not exceed twice its breadth, and one of such sides shall run as nearly as may be in a north and south direction, the bearings being magnetic ; but when regular rectangular areas are not available owing to the positions of the adjoining boundaries or natural features, leases of any intervening or irregularly shaped pieces of land may be granted by the Governor.

Provincial Commissioner to report.

108. Every lease shall contain a covenant by the lessee that he will, whenever lawfully required so to do, cause a survey to be made, as required by these sections, of the lands comprised in his lease, and will furnish a map of such survey to the Department of Mines.

Consideration of Commissioner of Mines.

109. The Provincial Commissioner shall forthwith after the receipt by him of such application forward the same, together with a report thereon to the Commissioner of Mines.

Execution of gold lease.

110. The Commissioner of Mines will, as soon as practicable, on consideration of the application, and of all circumstances connected therewith, and of any objections made thereto, refuse such gold lease or grant the same for a term of twenty one years, as he shall think fit. In granting such application the Commissioner of Mines may determine whether the whole or what part of the land shall be included in such lease and define the same accordingly ; and may alter any of the other terms proposed in the application.

Notice of granting, Forfeiture or Surrender.

111. The applicant shall execute the lease within twenty-one days after the date of notification that the same has been granted, which notification shall be forwarded by the Commissioner of Mines through the General Post Office, addressed to the applicant at the address given in the application ; and after that time the applicant shall not be allowed to execute the lease, unless by the permission of the Commissioner of Mines ; but in no case shall the applicant execute the lease after the expiration of sixty days after the date of the above mentioned notification ; and the lease shall thereupon be deemed void.

Liability to forfeiture.

112. Due Notice shall be given in the "Official Gazette" on the granting, forfeiture, or surrender by notice of any lease.

Rent in advance.

113. A gold lease is liable to forfeiture on breach of any of the covenants or conditions therein contained.

Reservation in gold Leases.

114. The rent on all gold leases shall be paid annually in advance.

115. In every gold lease a right of entry at all reasonable times shall be reserved to the Commissioner of Mines, or any Officer duly appointed by him, to inspect the workings ; and every facility shall be afforded by the lessees or their agents for such inspection.

116. Lessees may, on giving three months' notice of their intention to the Commissioner of Mines, and upon payment of all arrears of rent, surrender the lease, and shall have power to remove all machinery, plant, engines, and tools from the land so leased prior to the expiry of such notice.

Surrender.

117. Non-compliance with any of the covenants or conditions thereof will render a gold lease liable to forfeiture ; and any such lease may be declared forfeited by the Commissioner of Mines, and such lease shall, immediately on such declaration, become forfeited and absolutely void accordingly.

Forfeiture.

118. An applicant for a gold lease must, at the time of making application for such lease, forward the sum of thirty rupees which, if the Commissioner of Mines considers the application to be frivolous, shall be forfeited to the Government.

Deposit to be made.

119. The Commissioner of Mines may permit the amalgamation of not more than four adjoining leases, and also may for such period as he shall think fit permit the labour performable in respect of all the leases so amalgamated to be performed on any one or more of them. Applications for amalgamation of leases shall be in the form No. 15 in Schedule A.

Amalgamation of Leases.

120. The lessee under a gold lease shall, during the term of the lease, keep constantly employed in mining or prospecting for gold upon the land leased not less than one man for every five acres of such land, and shall furnish the Commissioner of Mines whenever required by him, with satisfactory evidence that such number of men have been and are employed.

Working Conditions to be observed by Gold Leases.

121. The lessee shall forward a report to the Commissioner of Mines or the nearest Provincial Commissioner in the Form 2 A in Schedule A when payable gold is struck, or metals, minerals, coal, or oil are found in payable quantities on the leased land, and in default of his so doing the lease shall be liable to forfeiture.

Discovery to be reported.

122. The lessee under a gold lease shall, half-yearly, in the months of January and July furnish to the District Commissioner of the District in which such gold lease is situated a full and true return, showing the quantity of stone or ore treated and the quantity of gold and other minerals or metals taken from such lease during the preceding half year, and in default shall be liable, on conviction, to forfeit and pay a sum not exceeding one hundred and fifty rupees for every such default.

Lessee of Gold Leases to furnish Returns.

## PART VII.

### **Mineral Leases.**

123. The Governor may grant to a holder of a miner's right a mineral lease not exceeding fifty acres.

Mineral leases may be granted.

124. Mineral leases may be granted of lands held under a miner's right or business or occupation licence and not comprised in a gold lease, with the consent in writing of the holder of such right or licence, or, in the case of land held under a business or occupation licence, without such consent on payment to the holder of compensation for all loss and damage to be settled in case of difference by the Commissioner of Mines.

Land held under Miner's Right, etc may be leased.

125. A mineral lease may be granted for any period not exceeding 25 years.

Term and Rent.

On every mineral lease there shall be levied an annual rent of one rupee per acre and a royalty of  $2\frac{1}{2}\%$  on the net profits. The said royalty shall be paid half

Form of Mineral Leases.

Working Conditions to be observed by Lessee.

Preferential right to Gold Lease.

Number of Mineral Leases.

Mode of applying for Mineral Lease.

Shape of Land.

Form of Application for Mineral Lease.

Description of boundaries to be supplied.

Provincial Commissioner to report.

Objections to Lease.

yearly on or before the 30th June and 31st December in each year at the office of the Commissioner of Mines or of the Provincial Commissioner of the Province in which the lease is held.

126. Mineral leases shall be in the form No. 2 in Schedule B. hereto.

127. The lessee under a mineral lease shall during the term of the lease keep constantly employed in mining on the lands leased not less than one man for every ten acres or portion of ten acres of such lands, and shall furnish the Commissioner of Mines whenever required by him, with satisfactory evidence that such number of men have been and are employed.

128. The holder of a mineral lease shall have a preferential right to a gold lease of the land comprised in such lease, or any part thereof.

129. No more than one mineral lease may be held by one person.

130. Every applicant for a mineral lease must, twenty one days before forwarding his application to the Provincial Commissioner, do the following things:—

- (1) Erect posts, not less than three inches in diameter, and not less than three feet above the ground, to define the boundaries and angles of the land, such posts to be fixed at the point of intersection of two trenches cut out in the earth not less than three feet long, one foot wide, and six inches deep, cut in the direction of the boundary lines, of which the post is intended to form one corner, and to be kept erected until the boundaries of the land are defined by a surveyor:
- (2) Post a notice on a conspicuous part of the ground, stating his intention of applying for a mineral lease:
- (3) Serve a similar notice on any person occupying or having any rights on or under the land, or any part thereof:

131. The shape of the land to be pegged out as aforesaid shall, as nearly as circumstances permit, be that of a rectangular parallelogram, the length of the longer side of which shall not exceed twice the length of the shorter side, and one of such sides shall run as nearly as may be in a north and south direction, the bearings being magnetic. When, owing to the positions of adjoining boundaries or natural features, regular rectangular areas are not available, leases of any intervening or irregularly-shaped pieces of land may be granted.

132. An application for a mineral lease shall, within twenty one days after the expiration of the advertisement mentioned in section No. 130, be made to the Provincial Commissioner in the form No. 14 in Schedule A hereto.

133. Applications for Mineral Leases must be accompanied by a description of the boundaries of the land applied for, together with the amount of the first year's rent, calculated at the rate of one rupee for each acre included in such application.

134. The Provincial Commissioner shall forthwith after the receipt by him of such application forward the same and report thereon to the Commissioner of Mines.

135. Any person objecting to a mineral lease being granted must lodge his complaint in writing together with the grounds thereof, with the Provincial Commissio-

ner, before the expiry of twenty one days from the date on which the notice of the applicant is posted on the ground.

136. The Commissioner of Mines will, as soon as possible, on consideration of the application, and of all circumstances connected therewith, and of any objections made thereto, refuse such mineral lease or grant the same for a term not exceeding 25 years as he shall think fit, and shall determine whether the whole or what part of the land shall be included in such lease, and define the same accordingly and may alter any of the other terms proposed in the application.

137. Sections 108, 111 to 119 inclusive 121 and 122 shall apply to mineral leases so far as in the opinion of the Commissioner of Mines may be applicable.

## PART VIII.

### **Coal and Oil Leases.**

138. The Governor may grant to a holder of a miner's right a coal or oil lease not exceeding 640 acres.

139. A coal or oil lease may be for any term not exceeding 25 years.

140. The rent to be paid under a coal or oil lease shall be fifty cents per acre until coal or oil of a marketable quantity and in payable quantities is found by the lessee when one rupee per acre shall be paid; such rent shall be payable yearly in advance, the first payment to be made on making application for such lease.

141. The lessee under a coal or oil lease shall during the term of the lease keep constantly employed in mining or prospecting work not less than one man for every 40 acres of the land leased and shall furnish the Commissioner of Mines whenever required by him with satisfactory evidence that such number of men have been and are employed.

142. Every applicant for a coal or oil lease must twenty one days before forwarding his application to the Commissioner of Mines, do the following things:—

- (I) Erect posts not less than three inches in diameter and not less than 3 feet above ground, to define the boundaries and angles of the land, such posts to be fixed at the point of intersection of two trenches cut out in the earth not less than 3 feet long one foot wide and 6 inches deep cut in the direction of the boundary lines, of which the post is intended to form one corner and to be kept erected until the termination of the proceedings under this Ordinance.
- (II) Post a notice on a conspicuous part of the ground, stating his intention of applying for a coal lease.
- (III) Serve a similar notice on any person occupying or having any rights on or under the land or any part thereof.
- (IV) Insert a similar notice in the "Official Gazette".

143. The shape of the land to be pegged out as aforesaid shall, as nearly as circumstances permit be that of a rectangular parallelogram the length of the longer side of which shall not exceed twice the length of the shorter side and one of such sides shall run as nearly as may be in a north and south direction, the bearings being

Consideration by Commissioner of Mines.

General.

Term of Lease.

Rent.

Labour Conditions.

Mode of applying for Coal or Oil Lease.

Shape of land.

**Form of application.**

magnetic. When owing to the positions of adjoining boundaries or natural features, regular rectangular areas are not available, leases of any intervening or irregular shaped pieces of land may be granted.

144. Application for coal or oil leases shall within 21 days after the notice in the "Official Gazette" be made to the Commissioner of Mines in the form No. 14 in Schedule A hereto.

145. Applications for coal or oil leases must be accompanied by a description of the boundaries of the land applied for together with the first year's rent calculated at the rate of 50 cents for each acre included in such application.

146. Any person objecting to a coal lease or oil lease being granted must lodge his objection in writing together with the grounds thereof, with the Commissioner of Mines before the expiry of 21 days from the date on which the notice of the applicant is posted on the ground.

147. The Commissioner of Mines will as soon as practicable on consideration of the application and of all circumstances connected therewith and of any objections made thereto refuse such coal or oil lease, or grant the same for a term not exceeding 25 years as he shall think fit and shall determine whether the whole or what part of the land shall be included in such lease and define the same accordingly; and may alter any of the other terms proposed in the application.

148. Every holder of a coal lease shall half yearly in the months of June and December furnish to the Commissioner of Mines a true and full return showing the quantity of coal taken from such lease during the preceding quarter and in default shall be liable on conviction to forfeit and pay a sum not exceeding 150 rupees.

149. (1) There shall be a royalty of 3 cents for every ton raised from the land during the first ten years of the lease and a royalty of 6 cents per ton for every ton raised for the remainder of the term.

(a) the royalty shall be collected and paid as the Commissioner of Mines shall direct.

(b) no royalty shall be payable on coal dust consumed in the furnaces or works for the purpose of profitably working the same.

(2) When a prospector under the provisions of this part of this Ordinance

(a) discovers payable coal at a distance of not less than 15 miles from any payable coal previously discovered or,

(b) discovers a payable seam of coal at a depth of not less than six hundred feet from the surface,

the royalty payable in respect of such coal raised by the lessee shall in the first mentioned case as to all coals, and in the second mentioned case as to all coal raised from a depth of 600 feet and upwards be at the rate of 6 cents for every ton after the first five years.

There shall be no royalty levied on the first five years output.

150. Every lease shall contain a covenant by the lessee that he will whenever lawfully required so to do, cause a survey to be made of the lands comprised in his lease and will furnish a map of such survey to the Department of Mines.

**Objections to lease.**

**Consideration of Commissioner of Mines.**

**Returns to be submitted.**

**Royalty.**

**Survey.**

151. Due notice shall be given in the "Official Gazette" on the granting, forfeiture and surrender by notice of any lease.

152. A coal lease is liable to forfeiture on breach of any of the covenants or conditions therein contained.

153. The rent on all coal leases shall be paid in advance.

154. In every coal lease a right of entry at all reasonable times shall be reserved to the Commissioner of Mines, or any officer duly appointed by him.

155. Lessees may on giving 3 month's notice of their intention to the Commissioner of Mines, and upon payment of all arrears of rent, surrender the lease and shall have power to remove all machinery plant, engines and tools from the land so leased prior to the expiry of such lease.

156. Non-compliance with any of the covenants or conditions thereof will render a coal lease liable to forfeiture and any such lease may be declared forfeited by the Commissioner of Mines, and such lease shall immediately on such declaration become forfeited and absolutely void accordingly.

157. The Commissioner of Mines may permit amalgamation of not more than 4 adjoining leases and also may for such period as he shall think fit permit the labour performable in respect of all the leases so amalgamated to be performed on any one or more of them. Application for amalgamation of leases shall be in the form 15 in Schedule A.

158. The owner shall be entitled to demand and receive from the Public Treasury half of the rent collected in any lease comprised in his property.

159. Sections 108, 111 to 118 inclusive and 121 shall apply to coal or oil leases so far as in the opinion of the Commissioner of Mines may be applicable.

## PART IX.

### MISCELLANEOUS LEASES.

160. A lease for the manufacture of salt or gypsum may be granted for a term not exceeding twenty five years, of Crown Lands not exceeding fifty acres in area and a yearly rental of one rupee per acre.

161. A lease of Crown Lands not exceeding fifty acres in area for the working of mineral springs may be granted for a term not exceeding twenty five years at an annual rental of one rupee.

162. A lease of Crown lands not exceeding five acres in area may be granted for a term not exceeding twenty five years at an annual rental to be fixed by the Governor.

163. The lessee under a salt, gypsum or mineral springs lease shall work on the ground leased in a *bonâ fide* manner.

164. Applications for miscellaneous leases shall be made in writing to the Commissioner of Mines and shall describe the boundaries of the land applied for and be accompanied by the first year's rent in advance. Prior to such application the applicant shall peg out the land applied for in manner directed by section 104.

165. Every lease under Part of this Ordinance shall contain the following covenants by the lessee:—

- I. That he will use the leased land in *bonâ fide* manner for the purpose for which it shall have been leased, and for no other purpose.

Notice of granting, forfeiture, or Surrender.

Liability to forfeiture.

Rent in advance.

Reservation in coal leases.

Surrender.

Forfeiture.

Amalgamation of leases.

Owners rights.

Salt and Gypsum Leases.

Mineral Springs Lease.

Smelting Works Site Lease.

Working Conditions.

Application for Lease.

Survey.

- II. That he will duly pay the rent reserved :
- III. That he will, whenever lawfully required so to do, at his own cost cause a survey to be made, of the lands comprised in the lease, and will furnish a map of such survey to the Department of Mines as may be required by any rule which may for the time being be in force under this Ordinance.
- IV. A proviso for forfeiture upon breach by the lessee of any covenant or condition therein.

**General.**

Persons wishing to prospect on landowner's land must obtain consent.

Commissioner of Mines to hold deposit.

Commissioner of Mines may deduct any reasonable sum.

Disputes to be settled by arbitration.

Prospectors to notify landowners their intention of prospecting on their lands.

Grazing rights on Crown Lands.

Grazing rights on private Lands.

166. Sections 108, 111 to 119 inclusive, 121 and 122 apply to miscellaneous leases so far as in the opinion of the Commissioner of Mines may be applicable.

## PART X.

### Mining on Private Property.

167. Any person wishing to prospect on the land of any landowner must first obtain the consent of such landowner in writing or deposit the sum of three hundred and seventy five rupees to compensate for any damage that may be done with the Commissioner of Mines or other prescribed Officer who will hand the same person a receipt for same and authorise him to prospect on the said land. If such damage exceeds three hundred and seventy five rupees such damage shall be recoverable.

168. The Commissioner of Mines or other prescribed officer shall hold the deposit made under the provisions of the preceding section until one month after the prospector shall have notified in writing to the landowner and the Commissioner of Mines his intention of doing no further prospecting work on the said property.

169. The Commissioner of Mines or other prescribed officer may at any time deduct from any such deposit any reasonable sum which the landowner may demand as compensation for any surface or other damage done on his land by the prospector.

170. If any dispute should arise between the landowner and the prospector regarding the matter of compensation this matter shall be settled by arbitration.

171. Every prospector entering on the land of any landowner shall notify such owner in writing the date on which such prospector entered upon the land.

172. A prospector shall have free grazing rights for six horses or mules or sixteen oxen or donkeys and the right to take fuel and water for his domestic use on Crown Lands provided however he shall not have the right to cut any standing timber for any purpose whatever unless he shall have obtained permission in writing from the Conservator of Forests.

173. A prospector shall have grazing rights for six horses or mules or sixteen oxen or donkeys and the right to take fuel for his domestic use on private land provided :—

- (a) He pay fifty cents per diem for the right of the same.
- (b) He pay one rupee per diem at the end of every 14 days to the owner, trustee, lessee or occupier of such land for the number of days during which he has been present on the land or shall have held a claim on such land.
- (c) He does not cut or destroy plantations or in any way interfere with wire fences.

- (d) A prospector shall have the right to cut standing timber if he shall have the owner's consent in writing and the prospector shall pay for the same at current local prices. Should any dispute arise as to the value of the timber this matter shall be settled by arbitration.

## PART XI.

### **Business, Occupation, and Exploration Licences.**

174. A business licence may be granted by the Commissioner of Mines or Provincial Commissioner to any person upon payment of seven rupees fifty cents for a licence for six months, or fifteen rupees for a licence for a year.

175. (1) A business licence entitles the holder to peg out a business claim, and to occupy such business claim for the purposes of residence and of business.  
 (2) Every such holder shall, during the continuance of such business licence, be the owner of such claim (except as against His Majesty).  
 (3) No person shall own or occupy more than one business claim.  
 (4) No business claim shall exceed in extent a quarter of an acre in township sites and one acre on other lands.

176. No business claim shall be pegged out within five miles of any Government Township.

177. The owner of a business claim shall, immediately on taking possession define the same by substantial posts at each corner not less than three feet above the ground nor less than three inches thick, and shall within one week occupy the claim.

178. If the owner of a business claim cease to carry on business thereon for one week, the claim shall be liable to forfeiture.

179. The Commissioner of Mines may cancel the licence of the holder of any business claim convicted of illicit trading and close the business forthwith.

180. The owner of a business claim shall keep the same in a state of cleanliness so as not to become a nuisance to his neighbours or to the public; and shall make and maintain the necessary drains, and keep them clean and free from all obstructions.

181. The holder of a business licence may by writing in the form No. 12 in Schedule **A** to be signed before the Commissioner of Mines or Provincial Commissioner transfer the same; and upon payment of the fee required the Commissioner of Mines or Provincial Commissioner shall issue to the transferee a transfer certificate in the form No. 13 in Schedule **A** hereto.

182. The Commissioner of Mines may grant to any person an occupation licence in the form No. 17 in Schedule **A** hereto, authorising the holder thereof to occupy, for the purpose of residence and cultivation by himself and his family only, any defined portion of Crown Lands not exceeding half an acre and (with the consent in writing of the holder or lessee thereof) any portion not exceeding half an acre of the lands comprised in a claim (other than a gold claim) or comprised in a lease for mining purposes.

183. Application for occupation licences shall be in the form No. 16 in Schedule **A** hereto, and shall be accompanied with the amount of the first year's rent.

Business Licences.

Effect of business Licence.

No Business claim allowed in certain cases.

Business claims to be pegged out.

Abandonment.

Illicit Trading.

Business claims to be kept clean.

Transfers.

Commissioner of Mines may grant Occupation Licences.

Mode of Application.

Term and Rent.

184. An occupation licence shall be for fourteen years. The rent therefor shall be two rupees per annum payable in advance ; and if default be made in payment thereof the Commissioner of Mines may revoke such licence.

Registration.

185. Occupation licences, and transfers thereof, shall be registered in the prescribed manner by the holders or transferees at the Office of the Provincial Commissioner nearest to the site of the land comprised therein.

Renewal.

186. The Commissioner of Mines may renew an occupation licence on the request of the holder thereof until the land comprised therein shall be required for the purpose of any road, railway, or public work.

Transfers.

187. The holder of a registered occupation licence may, in the form No. 12 in Schedule A hereto, to be endorsed upon such licence, transfer the same. Such transfer shall forthwith be registered at the office of the Provincial Commissioner for the Province wherein the land comprised in the licence is situate.

Mode of User.

188. The holder of an occupation licence shall keep the land comprised therein in a state of cleanliness so as not to become a nuisance to his neighbours or the public, and shall make and maintain the necessary drains, and keep them clean and free from all obstructions.

Exploration Licences.

189. The Commissioner of Mines, may by licence on giving a fortnight's notice to the owner or lessee authorise any person to remove any earth, rock, or ore, and to do any other necessary work for the purpose only of tracing any lode, vein, or gutter from any property held under claim or mining lease into any adjoining property : Provided that such work shall not interfere with the mining operations of such owner or lessee, nor shall such owner or lessee be deprived of any gold or mineral or coal which may be thus won from his property : Provided also that the licensee shall pay compensation to the owner or lessee for any damage occasioned by the exercise of the powers herein contained, and a fair rent for the use of such powers herein contained, the amount of such compensation and rent in case of difference to be fixed by the Commissioner of Mines.

## PART XII.

### Water Rights.

Mode of Applications.

190. Applications for water rights shall be granted only to persons holding miner's rights, and miners intending to divert and use water for mining or general purposes, or to cut a race or construct dams or reservoirs in connection with a race, shall give notice in writing thereof to the Commissioner of Mines in the form No. 8 in Schedule A hereto, setting forth the source from which the water is to be obtained and describing with sufficient accuracy the point at which it is to be diverted or used, the quantity in sluice-heads required, the number of dams (if any) in which such water is to be stored, and their situation, the probable length of the race, its intended course and termination and the names of the applicants.

Applications, mode dealt with.

191. A copy of such application shall be published in the "Official Gazette" and shall be posted by the Commissioner of Mines during thirty days at the office of the Mining Department of the District in which the water right is applied for, or should there be no such office in the district, at the office of the Provincial Commissioner of the Province concerned.

192. Any objections to the granting of such water rights shall be made in writing within fourteen days of the date of the publication of the application to the Commissioner of Mines.

Objectioners to give notice.

193. The objections, if any, shall be heard on a day appointed, of which the applicant and objectors shall have due notice, by the Commissioner of Mines who shall decide whether such objections are valid or not.

Hearing of Objections.

194. If there be no valid objections to the granting of such application, the Commissioner of Mines may grant the application, the licence for which shall be fifty rupees per annum.

Licence to be paid.

195. A box sluice-head shall be a body of water one inch by twelve inches; a ground sluice-head shall be a body of water three inches by twelve inches and shall be gauged in the following manner:— A box six feet long and twelve inches in width with a scale of inches marked on the inner side, at the lower end, shall be placed at the head of the race, having a fall not exceeding six inches in the entire length of it, and the gauge of water shall be taken at the mouth of the box where the water is discharged. When the length of the race exceeds one mile the width may be increased half an inch for each mile.

Heads of Water how Gauged.

196. The embankments of all dams constructed for storage of water shall, if the storage capacity exceeds 500,000 gallons, be formed of earth, with or without a facing of other material, as required by the Commissioner of Mines, and shall be of the following dimensions and according to the following scale viz: The base of the embankment shall be four feet wide in addition to five feet for every foot it is in the height. The front of the embankment shall have a slope of not less than three feet for every foot it is in the height, and the back shall have a slope of not less than two feet for every foot in height. The top of the embankment when finished shall not be less than four feet in width. There shall also be a by-wash not less than eight feet wide, formed at least four feet below the level of the top of the embankment; and if the storage capacity of the reservoir exceed 1,000,000 gallons, the width of the by wash shall be not less than twelve feet.

Formation of Dams.

197. The quantity of water to which any party shall be entitled under one water right for sluicing purposes on a claim shall not exceed two ground sluice heads; and in all river beds and running creeks from which water is diverted for mining purposes there shall be left running, if required by the Commissioner of Mines at least one ground sluice-head for general use.

Quantity or water taken and left running.

198. Priority of water rights derived from a common source shall be determined by the date of registration; and in case of failure of the water supply the person last registered shall forego his rights during such failure of water as against the person previously registered, and so on in rotation as the supply diminishes. The holder of a water right in the bed of a stream shall have the preference over a holder of a water right under which the water of such stream is diverted from its natural course.

Priority of water Rights.

199. A miner may cut a race or drain for gold mining purposes through any claim, or over or under any race or drain belonging to any other miner: Provided that no injury be done to such claim, race, or drain, through or over or under which the first mentioned race or drain may be cut; and the original line of a race may be altered or deviated from with the consent of the Commissioner of Mines, if no prior right be injured thereby.

Right to cut race anywhere.

Right of Original owner to Hired water.

Commissioner of Mines may compel repair of race.

Protection to race.

Causing claims to be flooded Prohibited.

Bridging Roads.

Restoration of river banks.

Alteration in Water-Supply prohibited.

Presumption of alteration made.

Cancellation of lease.

Inspector's power in respect of water.

Water wheel may be forbidden.

Powers of Commissioner of Mines in respect of water.

200. The holder of a water right, when not using water under such right, shall, if required by the Commissioner of Mines, turn off the water at the head of his race into its natural channel. No person hiring water from the owner of a water right shall have any claim to such water after it has passed his works, but such water shall revert to the original owner.

201. When, from any cause, a race is in such an inefficient state of repair as to cause a waste of water, or to become a nuisance, the Commissioner of Mines may order the water at the head of such race to be turned off until the defective portion is made good.

202. No miner shall sink, drive or cut timber within ten feet of an occupied race without the consent of the owner of the race.

203. No person shall either willfully or negligently back the water of any river, stream, race, or water course into or upon any claim, or otherwise cause a claim to be flooded.

204. Whenever a race crosses a road or public pathway the owner of such race shall construct and keep in good repair a substantial bridge over the same of the following dimensions:— If over a road, twelve feet in width; if over a path way, six feet in width.

205. Any person who shall in the course of mining operations interfere with the bank of any river, stream, or water course may by written order be required to restore the same to the condition in which it was immediately prior to such interference or to remake the same in such manner as may be specified in the order.

206. It shall not be lawful for the occupier of any mining land to make or permit any other person to make, without the sanction of the Commissioner of Mines, any such alteration in the water-supply of any lands as may prejudicially affect the water-supply enjoyed by any other persons or lands.

207. Whenever any such alteration shall have been so made the occupier or occupiers of the land benefitted thereby shall in the absence of proof to the contrary be presumed to have made it.

208. It shall be lawful for the Commissioner of Mines to cancel any such licence upon proof of the breach by the licensee or such other persons as are in the preceding section mentioned, of any of the conditions of such licence.

209. An Inspector shall have the power to give orders concerning the distribution of any available water among the occupiers of any mining lands and all persons affected by such order shall be legally bound to obey the same; every such order shall be given in writing if so required by any person affected thereby.

210. The Commissioner of Mines shall have power to forbid the use of a water-wheel in any case in which it may appear to him that the use of the same is prejudicial to the interest of other miners, and every person receiving such prohibition shall be legally bound to comply therewith.

211. It shall be lawful for the Commissioner of Mines to grant for a stated period and purpose to any person a licence to erect, cut or construct upon or through any Crown land to be described in such licence any pump, line of pipes, flume, race, dam, or reservoir, and to take and use all water therefrom in such quantities and in such manner as in the opinion of the Commissioner of Mines may be necessary for effectually working such

lands and may be specified in such licence: provided that he shall be liable to make compensation to the owner or lawful occupier of alienated land upon which such work shall be carried out or such rights exercised.

212. The Commissioner of Mines shall have power at any time to revoke or alter any licence granted by him under last preceding section upon payment to the licensee for any damage which he may sustain in respect of such revocation or alteration.

213. The Commissioner of Mines shall have the power to compel the lawful occupier to permit any person to enter upon such land which is beneficially affected, and erect, construct and maintain any pump, line of pipes, flume, race or water-course which in the opinion of the Commissioner of Mines may be necessary to enable such person to take advantage of any outflow of water from such land and to convert the same to his own use: provided that no such erection, construction or maintenance shall be permitted or continued on proof that the same is exercising or likely to exercise any prejudicial effect or result upon any actual or prospective mining operations which are or may be hereafter commenced or carried on upon the land so beneficially affected as aforesaid.

214. (i) Every person who shall use water in connection with his mining operations, whether for the generation of power or for the removal of mineral substances or for concentrating, milling or otherwise dealing with such substances shall, whatever may be the nature and date of the title under which such privilege is enjoyed, make such provision as will ensure that all water so used shall before it leaves the mining area on which it has been used be freed from all earth, sand, gravel, sludge, dirt and tailings and from all chemicals deleterious to animal or vegetable life and from all other refuse matter which may have become present in consequence of such use.

(ii) The Commissioner of Mines shall, on complaint made in writing of failure on the part of any person to comply with the requirements of sub-section (i), hold any enquiry into the matter, and may with or without complaint order any person who shall fail to comply with Sub-Section (i), to provide such retaining walls, dams, settling pits and other mechanical appliances and to use such chemical methods as he may deem necessary for effectual compliance, and may order such person to suspend mining operations until such provision has been made and such methods adopted.

### PART XIII.

#### **Rules regarding Survey etc.**

215. The Commissioner of Mines may, if satisfied that the survey is necessary for the prevention of differences as to the boundaries of the land included in any claim, licence, or lease or for securing proper definitions of the area included therein, give to the owner of such claim or the holder of such licence or lease a notice that a survey is required to be made of the land included

**Revocation of alteration of Residents lease.**

**Occupier of land beneficially affected.**

**Purification of water.**

**The Commissioner of Mines may require survey.**

**Survey to be made on Payment of fees.**

in such claim, lease, or licence, and a plan thereo furnished to the Department of Mines. Such owner or holder shall within the time specified in such notice pay to the said department the cost of such survey and plan.

**Non-compliance with Notice requiring survey.**

216. As soon as conveniently may be after payment of the costs of the survey the mining surveyor shall make a proper survey of the land included in such claim, lease, or licence, and forward the plan thereof to the Department of Mines, together with a report in writing upon all matters which may appear necessary to the surveyor or upon which the Commissioner of Mines shall, by written instructions, require him to report; and in such report such surveyor shall state whether the claim or the land held under lease or licence has been duly pegged out, and, if not, find out.

**Commissioner of Mines may order Survey whilst Suit Pending.**

217. In case the owner or holder to whom notice has been given in pursuance of Sections No. 216 fails to pay the amount of the estimated cost of such survey within the specified time, the claim, licence, or lease in respect of which such survey is required shall become liable to forfeiture, but without prejudice to the power of the Commissioner of Mines notwithstanding such non-payment to require a mining surveyor to proceed with such survey in which case the cost thereof when made shall be a debt due by such owner or holder to the Crown and recoverable as such.

**Mining Surveyors.**

218. The Commissioner of Mines may during the hearing of a suit before him if it shall appear necessary order either party to the suit to cause a survey and a plan to be made of any land forming the subject of dispute, and in the meantime may adjourn the hearing of the suit: and the Commissioner of Mines may make such order as to payment of the costs of such survey and plan as he may think just.

**Unlicensed Persons not to survey.**

219. The Governor may appoint a duly qualified surveyor or duly qualified surveyors to be a mining surveyor or mining surveyors under this Ordinance.

**Governor may make rules.**

220. No person shall make a survey required to be made by this Ordinance unless he has been appointed a mining surveyor under this Ordinance, nor shall any plan prepared by such person be received or acted upon by the Department of Mines or Commissioner of Mines, or any other officer under this Ordinance, nor shall the making of a survey or preparation of a plan by any such person be deemed to be a compliance with a notice requiring a survey given by any officer duly authorised in that behalf.

#### PART XIV.

##### **Miscellaneous.**

**Appointment of Officers.**

221. The Governor may make rules from time to time as may be deemed necessary for the working of claims and management of Mines as he may think fit.

**Power of the Inspector etc. to demand and sue for licence moneys etc.**

222. The Governor may appoint such Inspector or Registrars or other Officials as may be deemed requisite whose duties and authorities shall be fixed from time to time by the Commissioner of Mines.

223. The Inspector or officer duly appointed in that behalf is hereby empowered to ask, demand, sue for, recover and receive all licence money, royalties, rents, transfer or other fees in respect of any claim and to declare abandoned any claim in respect whereof any such licence moneys shall be in arrear for a space of thirty days.

224. There shall be exempt from the operations of the Mining Ordinance all lands within 100 feet of the centre lines of the Uganda Railway and all other lands reserved for the purposes of the Uganda Railway. Provided that land shall not be deemed to be reserved for the purposes of the Uganda Railway by reason only of the Notification No. 6 of 1897.

Exemption from the provisions of Mining Regulations.

225. All rights of underground working shall be limited by imaginary lines drawn vertically downwards from the surface boundaries.

Underground working.

226. A holder of a miner's right *bona fide* engaged in gold mining may put up any building or other erection and remove the same while in lawful possession of such site and may take possession of and peg out and occupy, for the purpose of residence, a residence site not exceeding in area a quarter of an acre, to be approved of by the Commissioner of Mines.

Residence Sites.

227. A residence site shall be open to mining purposes if the claimant proves to the satisfaction of the Commissioner of Mines the existence of payable gold in such site, and provided that the holder of such site is paid for all improvements—such payments to be fixed by arbitrators, and approved by the Commissioner of Mines before permission to enter thereon is given to the claimant.

Residence site open to Mining.

228. Every mining tenement shall be liable to forfeiture upon non-compliance by the owner with the prescribed conditions as to working the same.

Forfeiture.

229. After three month's work, as required by this Ordinance has been performed on or in connection with a gold claim (except ordinary alluvial claims) the Commissioner of Mines may, on written application and for any reason appearing sufficient to him allow the owner of such claim to suspend or partly suspend mining operations thereon. Such application shall be made by the owner or some person duly authorised by him in that behalf, and shall give the reasons for which suspension is required. The Commissioner of Mines if satisfied that such reasons are sufficient shall give to such owner a certificate of suspension in form No. 10 in the Schedule **A** hereto which shall authorise suspension or partial suspension as therein set out for one calendar month. The Commissioner of Mines may grant a renewal of such certificate for a further term of two months on satisfactory proof of the necessity thereof and after the expiration of such suspension or renewal, work, with the necessary number of hands, shall be immediately resumed, and no second or subsequent suspension shall be allowed until six months' work, with the full complement of men, has been done on the claim from the date of the last suspension or renewal. All suspensions and renewals shall be registered. Notice shall be kept posted conspicuously on claims during suspension. Should work not be resumed on the expiration of such suspension or renewal, such claim shall be deemed abandoned. A certificate of suspension obtained through fraud or wilful misrepresentation of facts shall be null and void and the claim shall be liable to forfeiture,

Suspension of gold Claims.

230. Claims, of whatever nature shall be constantly and efficiently worked by the complement of men required by these regulations for eight hours on every working day, except Saturday when four hours' work shall be sufficient. All operations connected with the extraction of gold from a claim, or the preparation and erection of machinery or other requisite appliances for that purpose

Working of Claims.

**Protection of Workings.**

**Ground to be secured with Props.**

**Baling Compulsory.**

**Work in insecure shafts may be prohibited.**

**Removal of Lanmarks.**

**Notices not to be premoved.**

**Commissioner of Mines may order Removal of Camps.**

**Use of timber.**

**Inspection of gold claims.**

**Exemption from forfeiture of Claims.**

shall be deemed to be working the claim, though carried on at a distance therefrom and the proof thereof shall lie with the claim holder.

231. Shafts or workings shall be so enclosed or protected as to ensure the safety of the public.

232. A miner working a claim shall secure the ground by placing good and sufficient props and caps throughout the whole extent of ground so worked and removed.

233. The owner of a claim in which water has accumulated to the injury of an adjoining claim shall forthwith on receipt of complaint to that effect from the person injured, or his agent, bale out such claim or otherwise effectually remedy the injury. In case of default the person injured may at once complain to the Commissioner of Mines, who may order the owner of the claim causing the injury to bale such claim and keep it continually free from an injurious accumulation of water whilst occupied by him. And the Commissioner of Mines may assess the amount of damage or injury suffered from such accumulation of water by the person complaining, and order and enforce payment thereof by the owner of the claim causing the damage or injury.

234. Whenever the Commissioner of Mines has reason to believe that the shaft or underground workings of a claim are unsafe, or liable to cause loss of life or bodily injury, he may order the owner of such claim to remove the cause of danger within the specified time, and may prohibit any other work being done on such claim until the same has been made safe as ordered.

235. No unauthorised person shall, under a penalty not exceeding seven hundred and fifty rupees remove a mark placed for the purpose of indicating possession of a claim.

236. No unauthorised person shall, under a penalty not exceeding seven hundred and fifty rupees, remove, efface, or damage any boundary post or mark, peg, notice board, or notice, made, erected or posted in accordance with this Ordinance.

237. The Commissioner of Mines may order or enforce the removal of a camp that may, in his opinion, pollute the supply of water used for domestic purposes, or cause sickness among the miners, and shall choose a site for such camp. Any person refusing or neglecting to remove the said camp for thirty-six hours after notice from the Commissioner of Mines so to do shall be liable to a penalty of not less than seventy-five rupees nor more than seven hundred and fifty rupees.

238. A miner shall not cut timber on Crown Lands, except for ordinary domestic and mining purposes, the proof whereof shall be upon him.

239. The Commissioner of Mines or a Provincial Commissioner or any officer appointed by the Commissioner of Mines or Provincial Commissioner may enter upon any claim and descend any shaft and inspect the workings, and every facility shall be afforded by the owner of the claim and his servants for such entry and inspection.

240. Notwithstanding anything in this Ordinance, the owner of a claim shall not be liable to a penalty, or his claim liable to forfeiture while he is incapacitated from work by illness, or is absent upon urgent business, or in attendance at a court of law, or during the continuance of rains or floods; and he may absent himself from his claim during public holidays and during fourteen days, commencing on the 22nd day of December in

each year, without incurring liability to a penalty or forfeiture. Should a dispute arise as to the claim not being represented in accordance with this Ordinance, the onus of proof of good cause for absence shall lie on the claimholder.

241. A miner having a shaft or hole within fifteen feet of a public road in ordinary use shall securely fence or log such shaft or hole and shall before abandonment, either fill up or securely fence or log the same or in some other way make it safe in a permanent manner; and no person shall throw down or remove therefrom any fence or timber, or other material placed for such purpose, or wilfully injure or destroy any shaft, drive, or working in a mine so as to prevent or impede the working of such mine, or any adjacent ground, under a penalty not exceeding seven hundred and fifty rupees.

242. No person shall sink a shaft or disturb the surface of the ground or deposit earth, stone, or other material in any place so as to interfere with the supply of water used by the public or so as to obstruct a public thoroughfare; and no person shall undermine a road in such manner as to endanger the safety of the public.

243. If the Commissioner of Mines shall be satisfied by the report of the Provincial Commissioner that payable results have been obtained on a gold claim other than an alluvial gold claim he may require the owner of the claim to take a lease thereof and in default of compliance with such requisition the claim shall be liable to forfeiture.

## PART XV.

### Royalties and Fees.

244. The royalty for precious and non-precious metals shall be  $2\frac{1}{2}\%$  of the net profits semi-annually if the ore is reduced in the Protectorate.

If the ore is shipped out of the Protectorate the royalties shall be  $2\frac{1}{2}\%$  on the net profits payable half yearly less the freight to the nearest port in the Protectorate. On iron, manganese, the royalty shall be one per cent on the net profits payable half yearly less the freight is shipped out of the Protectorate. There shall be no royalties whatever levied on the first year's output. The royalties on precious stones shall be fifteen per cent on the net profits payable half yearly if shipped out of the Protectorate the freight shall not be taken into consideration. Furthermore there shall be a royalty levied on the net profits (if any) for the first year's output.

### GENERAL FEES.

		Rs.	Cts.
Registration of ordinary alluvial claims ...	...	1	0
Registration of all other mining tenements ...	...	2	0
Registration of amalgamation of claims ...	...	2	0
Registration of amalgamation of leases ...	...	7	50
Registration of suspension of claims ...	...	5	0
Registration of suspension of leases for 1 month ...	...	7	50
Registration of suspension of leases for 3 months ...	...	15	0
Registration of transfers of gold claims ...	...	2	0
Registration of transfers of mineral, coal and oil claims ...	...	7	50
Transfer certificates (each) ...	...	2	0
Taking declaration ...	...	1	0
Certificate of title of whatever nature (each)	...	1	0
Copy of regulations ...	...	0	50
For search in Mining Register ...	...	1	0

Shafts and Holes near Roads to be secured.

Unauthorised shafts.

Claimholder may be required to take lease.

**Schedule A.****No. 1.**

Form of declaration  
of loss of Miner's  
Right, etc. I.....of.....  
do solemnly and sincerely declare that I have lost my.....No.....  
by virtue of which I hold.....  
and I make this solemn declaration conscientiously believing the same to be true.

Declared before me at.....this.....  
day of.....

Commissioner of Mines  
or ( Provincial Commissioner. )

**No. 2 A**

Report of discovery I ( or we ), the undersigned, hereby report to the Commissioner of Mines.....  
.....that I ( or we ) did, on the.....day of.....19.....  
discover payable gold ( or metals, minerals, coal, or oil in payable quantities ), particulars  
whereof are as follows :—

- (a) The locality is.....(state the locality of discovery)
- (b) The discovery is on ( state description of lease or claim ) registered.
- (c) The ( description of metal etc., ) was found at.....feet from the  
surface, and the deposit consists of ( state nature of deposit ).

And I ( or we ) certify the above report to be true in every particular to the best of  
my ( or our ) knowledge.

Dated the.....day of.....19.....  
.....Miner's Right No.....( or Lessee )  
.....Miner's Right No.....

Received the above report this.....day of.....19.....  
at the hour of.....o'clock in the.....noon.

Commissioner of Mines.

**No. 2 B.**

Report of discovery  
of Gold on Alluvial  
protection area. I ( or we ) the undersigned hereby report to Mr. Commissioner of Mines.....  
.....that I ( or we ) did, on the.....day of.....  
19.....discover payable gold in my ( or our ) alluvial protection area, particulars  
whereof are as follows :—

- (a) The locality is ( state the locality of discovery as accurately as possible )
- (b) The gold was found at.....feet from the surface.
- (c) The discovered auriferous deposit consists of ( state whether alluvial, or quartz,  
or both ).
- (d) Other particulars ( if any ) ( give any other information that may be thought  
necessary ).

And I ( or we ) certify the above report to be true in every particular to the best of  
my ( or our ) knowledge and request the Commissioner of Mines to allot me ( or us ) an  
alluvial reward claim.

Dated the.....day of.....19.....  
.....( Miner's Right No.....  
.....( Miner's Right No.....

( Endorsement )

Received the above report this.....day of.....19.....  
at the our of.....o'clock in the.....noon.

Commissioner of Mines

## NO. 3 A.

**Application for Registration.**

To the Commissioner of Mines, ( or Provincial Commissioner..... ....)

Please register the mining tenement or certificate of title mentioned in following particulars :—

Name and addresses of applicant or applicants	Number of Miner's Right.	Nature of mining tenement or instrument to be registered.	Locality of Mining Tenement.

( N.B.—The Miner's Right or Rights, together with any instrument to be registered must be forwarded or produced with this Application.)

## NO. 3 B.

**Certificate of Registration.**

Certified that I have registered.....as the holder of.....  
.....situate at.....under miner's right.....dated the.....day of..... 19.....

Commissioner of Mines

( or Provincial Commissioner..... ....)

(N.B.—This form is only to be used in cases where no certificate of title is issued. When an instrument is registered the certificate of registration is to be endorsed at the foot thereof.)

## NO. 4.

**Certificate for Abandoned Ground Claim.**

No.....

Certified that.....is the owner of an abandoned ground claim situate at.....under miner's right No.....

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

Commissioner of Mines.

**Certificate of Registration.**

The above abandoned ground claim certificate is registered No.....Book.....  
 Dated the.....day of.....19.....

Commissioner of Mines.  
 ( or Provincial Commissioner.....)

**NO. 5.****Application for Amalgamation of Claims.**

To the Commissioner of Mines,  
 ( or Provincial Commissioner )

We the undersigned, being the holders (*set out number and class of claim*) adjoining (*state what class of claim*) situated at.....hereby apply for permission to amalgamate the said claims.

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

Signature of Applicants.	Miner's Right.		Registered No. Claims.	Reason for which Amalgamation is desired.
	No. of	Date of		

**NO. 6.****Certificate of Amalgamation.**

No.....

Certified that I have this day amalgamated the.....claims registered  
 No.....respectively and situated at.....

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

Commissioner of Mines.  
 ( or Provincial Commissioner.....)

**Certificate of Registration.**

The above amalgamation certificate is registered No..... Book.....

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

Provincial Commissioner.

**NO. 7.****Dam or Machinery Area Certificate.**

No.....

Certified that..... is the owner of a..... situate at..... in connection with claim registered No.....

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

Commissioner of Mines.

**Certificate of Registration.**

Registered No..... Book No.....

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

Provincial Commissioner

**NO. 8.****Application for Water Rights.**

I ( or we ) the undersigned hereby give notice that I ( or we ) intend to take, divert..... sluice heads of water from..... and to cut a race for the purpose of leading such water to..... and to construct..... at..... for the purpose of storing such water. The length of the said race will be..... or thereabouts.

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

( Signatures of all Applicants )



Miner's Rights No.....

**NO. 9.**

No.....

Certified that the residence site situate at..... occupied by..... is exempt from occupation for mining purposes until the..... day of..... 19.....

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

Commissioner of Mines.

**No. 10.****Claims Suspension Certificate.****No.....**

Certified that suspension of work on the.....claim.....registered  
 No.....Book .....held by.....under miner's right No.....  
 at.....is allowed until the day of.....19.....

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

.....  
Commissioner of Mines.

**Certificate of Registration.**

The above claim suspension certificate is registered No.....Book.....  
 Dated the.....day of.....19.....

.....  
Provincial Commissioner

**Renewal.**

The above suspension certificate is renewed until the.....day of.....19.....  
 Dated the.....day of.....19.....

Commissioner of Mines.

**Certificate of Registration.**

The above renewal is registered No.....Book.....  
 Dated the.....day of.....19.....

.....  
Provincial Commissioner.

**No. 11.****Permission to Re-Register.**

I permit.....and.....  
 to re-register the amalgamated claims held under amalgamation certificate, registered No.....  
 Book.....in the names of.....

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

.....  
Commissioner of Mines.

**Certificate of Registration.**

The above mentioned amalgamated claim is re-registered in the names of.....  
 .....No.....Book.....  
 Dated the.....day of.....19.....

.....  
Provincial Commissioner.

## No. 12.

**Form of Transfer.**

No.....

I.....of.....in consideration of.....  
 paid to me by.....of.....do hereby transfer to him my.....  
 registered No.....Book situated at.....subject to all and singular the  
 terms and conditions under which the said.....has been held by me, and I.....  
 .....of.....do hereby accept the said.....  
 subject to the terms and conditions aforesaid.

Dated at.....this.....day of.....19.....

**Fee Rs. 2/-**

Transferor.

Witness.....Transferee.

## No. 13.

**Transfer Certificate.**

This is to certify that I have this day registered a transfer from.....  
 to.....of.....and the said.....  
 is now the registered holder thereof.

Dated at.....this.....day of.....19.....

**Fee Rs. 2/-**

Provincial Commissioner.

**NOTE:**—This certificate must be produced at the Commissioner of Mines' Office or Provincial Commissioner's Office when this interest is to be again transferred.

## No. 14.

**Form of Application for Leases.**

To The Commissioner of Mines,

Sir,

I (or we) hereby apply for a.....lease under the provisions of  
 the Mining Ordinance 1908, as per particulars set forth hereunder and forward herewith the sum  
 of Rs.....being the first year's rent in advance, and I (or we) agree to execute such  
 lease on the basis herein stated and as the Commissioner of Mines may approve.

I (or we) have the honour to be  
 &c. &c. &c.  
 (Name and full Address)

Name in full of the applicant or applicants and style under which it is intended that the business shall be conducted.	Full address of each applicant.	Extent of ground applied for	Whether the boundaries of the land applied for will include any river, creek, deposit of permanent water spring, or artificial reservoir or reserve.	The No. of the miner's right held by each applicant.	General Remarks

## NO. 15.

**Application for Amalgamation of Leases.**

To the Commissioner of Mines,

.....

We the undersigned being the holders of adjoining leases, which are situate at.....  
thereby apply for permission to amalgamate such leases.

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

Signature of Applicants.	Number of Lease.	Registration reference.	Reasons for which amalgamation is desired.

## NO. 16.

**Application for Occupation Licence.**

To the Commissioner of Mines,

I (*name*) of (*address*) (*and occupation*) do hereby apply for an occupation licence under and subject to the provisions of part XI of the Mining Ordinance 1908 and the existing regulations in respect of all that block of land containing about.....situated (*here set out the situation and boundaries approximately, and refer to any prominent natural features to assist in the identification of the land*), as the same land is more particularly delineated in the plan \* herewith. I enclose the sum of two rupees being one year's rent in advance, and undertake that I will pay into the Treasury the annual rent of two rupees on the.....day of.....in each year during the continuance of this licence, and that I will duly comply with the said Mining Ordinance.

Dated this.....day of.....19.....

.....

(Signature)

\* The plan must show the position of the pegs.

## NO. 17.

Commissioner of Mines' Office,

Nairobi,

.....19.....

No.....

.....is hereby licensed, subject to the provision of the Mining Ordinance 1908 and the regulations thereunder, for fourteen years ending.....19..... to occupy for the purpose of residence and cultivation by himself and his family only, a certain portion of the Crown Lands situate.....containing.....or thereabouts the boundaries whereof are shown in the sketch in the marking hereof as the same is more particularly described in application No.....deposited in the Department of Mines at Nairobi.

**Annual Rent Rs. 2/-**

Commissioner of Mines.

**Certificate of Registration.**

The above occupation licence is registered No.....Book.....

Provincial Commissioner.

**\* EAST AFRICA PROTECTORATE.**

No.....

**Miner's Right.****Fee:- Five Rupees.**

Issued at.....

**Miner's Right.**

Issued to.....

Issued to.....

Nationality .....\*

.....under the provisions of "The Mining Ordinance 1908" to be in

Residence.....\*

force until.....day of.....19.....

Date of issue.....\*

Place of issue.....

Date of expiry.....\*

Date of issue.....

Fee paid.....\*

( Not Transferable )

.....

.....

.....

.....

Commissioner of Mines.

Commissioner of Mines. \*

(Or Officer authorised to issue)

**A Bill****To provide for the better regulating  
of Prisons in East Africa.**

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

**Prisons.**

1. This Ordinance shall apply to the prison at Mombasa and to all prisons mentioned in the Schedule **A**, attached hereto and to every prison which may hereafter be established in the Protectorate under the authority of the Governor in so far as it is locally applicable and in so far as the Governor may approve.

2. (a) Every prison shall be under the control and management of the following officers; that is to say, a Superintendent and a Gaoler.

(b) The Governor may, in the case of any prison, appoint also a Deputy Superintendent, who shall, in the absence of the Superintendent, exercise his powers and duties.

(c) In all prisons to which a Deputy Superintendent has been appointed as the principal resident executive officer, he shall perform the duties of Gaoler also so much of the duties of the Superintendent as may be deputed to him by the Governor.

(d) An Inspector of Prisons may be appointed for the Protectorate and shall exercise subject to the orders of the Governor the Superintendence of all prisons situated therein.

3. Where necessary a Jemadar shall be appointed to assist the Gaoler, and there shall be in and for every prison as many warders as may be required, so that, so far as practicable there shall be at least one warden for every four prisoners.

4. The Superintendent and Deputy Superintendent (if any) shall be appointed and may be removed by the Governor, the Gaoler and other subordinate officers shall be appointed and may be removed by the Superintendent subject to the approval of the Governor, and all officers of a prison shall be deemed to be subordinate officers with the exception of the Superintendent, Deputy Superintendent and Medical Officer.

5. Every subordinate officer before appointment shall sign an agreement that he is willing to be attested for three years' continuous service.

6. Every prison officer while acting as such shall by virtue of his appointment and without being sworn in by any Justice be deemed to be a Constable and to have all such powers, authorities, protection and privileges for the purposes of the execution of his duty as a prison officer, as any Police Constable duly appointed has.

**Superintendent.**

7. Subject to the orders of the Governor the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

**Gaoler.**

8. The Gaoler is the principal resident officer of the prison. He shall live at the prison, and shall not be absent for a night without the leave of the Superintendent.

9. The Gaoler shall be responsible, under the Superintendent, for the conduct and treatment of subordinate officers and prisoners. He is expected to enforce due economy in connection with the prison, signing all demands of stores, and to insist upon cleanliness and order in the building and among its inmates.

10. The Gaoler shall not be concerned in any other employment.

11. The Gaoler shall be responsible for the safe custody of the record, the commitment warrants and all other documents confided to his care and for the money and other articles taken from prisoners.

12. The Gaoler wherever practicable and necessary shall keep the following records :—

- (1) Admission Register.
- (2) Discharge Register.
- (3) Lock up Register.
- (4) Labour Distribution.
- (5) Remission Register.
- (6) Sick Report.
- (7) Ration Report.
- (8) Weighment Book.
- (9) Out turn of Tailor's work.
- (10) Stock Book.
- (11) Cash Book.
- (12) Prison staff.
- (13) Order Book.
- (14) Indents.
- (15) Supply Book.
- (16) Punishment Book.
- (17) Fuel supply.
- (18) Visitors Book.
- (19) Inventory of private clothes.

This list of records may from time to time be altered or varied with the approval of the Governor.

13. In the absence of the Gaoler his duties and authority shall devolve upon the Senior Chief Warden or such other Officer as may be deputed by the Superintendent.

14. The Gaoler shall hand to the Medical Officer, if any, daily a list of those prisoners who are ill, or who complain of illness or who appear to him to require attention in mind or body, and he shall carry into effect whatever instructions may be given to him by the Medical Officer in relation to such prisoners. Cases of sudden illness shall be reported to the Medical Officer without delay.

15. The Gaoler shall see every prisoner at least once in twenty four hours. He shall once a week go through the prison at an uncertain hour of the night. He shall test the prisoner's rations, hear and report their complaints giving them all reasonable facilities for stating their grievances personally to the Superintendent or the Visiting Justices, and he shall be specially careful of those who are in solitary confinement.

16. Upon the death of a prisoner the Gaoler shall give immediate notice to the Superintendent and Medical Officer.

17. He shall be responsible for the due discharge of all prisoners immediately upon their becoming entitled to release, whether by the expiration of their terms of sentence or by pardon, or by commutation, or by remission of sentence.

### **Jemadar.**

18. It shall be the duty of the Jemadar to ensure that the instructions of the Gaoler are duly carried out. He is expected to superintend the details of the prison management, to see that the warders know and perform their duties, to exercise general supervision over the labour of the prisoners inside the prison, their meals and clothing, to generally supervise the internal economy of the prison, and to see that punishments are carried out in accordance with instructions.

### **Matron.**

19. (a) In every prison in which female prisoners are imprisoned there shall be a Matron, who shall have the care and superintendence of the female department, and enforce upon the female prisoners the observance of the prison Rules. The wards where females are confined shall, if practicable, be secured by locks different from those securing the wards allotted to males and the keys shall be kept in custody of the Matron.

(b) With regard to the general conduct the Matron shall conform to the Rules laid down for that of the Gaoler, so far as they can be applied to the treatment of females.

(c) Female prisoners shall in all cases be attended by a female officer. A male officer shall not enter a prison or division of a prison appropriated to female prisoners except on duty nor unless accompanied by a female officer.

(d) The term "Matron" shall include any female officer where necessary.

### **Chief Warders.**

20. In any prison where a Chief Warden is appointed he shall be under the immediate supervision of the Deputy Superintendent or Gaoler and in addition to duties specified will perform such others as the Superintendent may direct.

(a) He will pay particular attention to the conduct of the Warders and see that they do not allow the prisoners in their charge to idle or loiter and also that they are not unduly familiar with their charges.

(b) It is his duty to see that warders in charge of gangs march their prisoners in an orderly manner to and from their meals to their employments.

(c) He will take notice of parcels, packages, etc. being conveyed into or out of prison and bring anything suspicious or irregular to the notice of the Deputy Superintendent.

(d) He will at least once in each day inspect the

outside labour gangs at work and will not fail to at once report to the Deputy Superintendent any warder who shows any slackness in supervision or who habitually fails to have a reasonable and fair amount of work performed by the gang under his charge.

- (e) He will make himself thoroughly acquainted with all the Rules and Regulations of the Prison and see that on all occasions they are duly enforced and obeyed.

#### **Warders.**

21. A warder is primarily responsible for the safe custody of the prisoners committed to his charge and their efficient supervision while at work.

22. It is his duty to treat prisoners with kindness and humanity, to listen patiently to and report their grievances or complaints, at the same time being firm in maintaining order and discipline and enforcing complete observance of the Rules and Regulations of the prison.

23. He shall not allow any familiarity on the part of a prisoner towards himself or any other officer of the prison, neither should he speak to a prisoner unnecessarily or do anything which may tend to irritate him.

24. No warder shall be absent from the prison during his guard without the permission of the Gaoler or Jemadar.

25. No warder shall be given charge of more than five prisoners as a working party outside of the Goal. He shall count the prisoners at frequent intervals, especially in taking over charge or giving over charge and on leaving any building or work.

26. No warder shall punish a prisoner unless when ordered to do so, by a competent authority.

27. The warder acting as gatekeeper or any officer of the prison may examine anything carried in or out of prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, and if any such article or property be found shall give immediate notice thereof to the Gaoler.

#### **Medical Officer.**

28. The Medical Officer, if any, or his Assistant shall advise, whenever necessary, on the sanitary condition of the prison. The Medical Officer shall make a complete inspection of the prison at least once every quarter.

29. He or his Assistant shall visit the prison daily. He shall examine every prisoner on admission and prior to discharge or removal to another prison. He shall from time to time inspect the prisoners while at hard labour. He shall examine daily every prisoner in solitary confinement or hospital, or reported to him by the Gaoler as being sick, and he shall give such orders as he may consider desirable in regard to modifications of labour, diet and punishment.

30. He shall enter in a journal kept for the purpose his comments on the cases sent to him for treatment.

31. He shall examine every prisoner sentenced to corporal punishment prior to its being inflicted, and shall be present while it is being carried out.

#### **Officers' Duties and Prohibitions.**

- 32. (a) It is the duty of all the prison officers to obey strictly the Regulations and instruct-

ions which are laid down for their guidance.

(b) It is further their duty to maintain order and to enforce discipline with justice, firmness and, humanity.

33. (a) No prison officer shall have any interest direct or indirect in any contract for the supply of the prison.

(b) No prison officer shall receive any fee or gratuity, or have any business dealings with the prisoners or with the friends of the prisoners or with the visitors to the prison.

34. Prison Officers shall not use their arms except when absolutely necessary, and then only so as to disable not to kill; and no prison officer shall strike a prisoner except for purposes of self defence.

35. Complaints can be made once a week during inspection of the Visiting Justices but should a prison officer receive a serious complaint he must report the same at once to the Superintendent or Deputy Superintendent.

36. No officer shall enter a prisoner's cell at night unless accompanied by another and then only in case of sickness or emergency.

37. Subordinate officers shall not be absent from the prison without leave, except on duty provided that when resident in the prison and not on duty they may be allowed to absent themselves between the hours of lock up and 11 p.m. This privilege may be withdrawn in the case of any one abusing it.

38. A subordinate officer shall not receive any visitors within the prison without the permission of the Superintendent or Deputy Superintendent.

39. No officer shall take any key belonging to the prison outside the gate neither shall they be left in locks or lying carelessly about.

40 (a) Every officer shall occupy such quarters as may be assigned to him and shall at any time vacate them if required to do so.

(b) If an Officer is discharged, dismissed or resigns, he shall immediately give up the quarters he has occupied, also all articles of public property committed to his charge.

41. Every Officer shall treat Visiting Justices with the greatest courtesy and respect. He should also be respectful to the authorities of other departments of the Government and shall afford all proper assistance to those with whom his duty calls on him to co-operate.

42. Any Officer desiring to appeal against a decision which affects him or wishing to bring any matter before superior authority shall without unnecessary delay state his complaint to the Deputy Superintendent or Gaoler.

#### **Admission of Prisoners.**

43 (a) Every prisoner on admission must be accompanied by a warrant stating his name, crime and sentence.

(b) These particulars together with a photograph of him, (if procurable) and a statement of his nationality, probable age, weight, height, general appearance, identification marks, trade, residence, previous convictions, if any, and date of release shall be entered in a register kept for that purpose.

44. Every prisoner, male or female, shall be searched on admission by an officer of his or her sex not in the presence of any other prisoner and all weapons and prohibited articles taken from him, and every prisoner shall be medically examined as soon as possible after admission.

### **Removal of Prisoners.**

45. Prisoners on being sentenced, or during confinement, may be removed to any prison in the Protectorate, in accordance with any general or special orders to be made by the Governor.

46. Prisoners if sentenced to hard labour at a station at which there is no prison shall be removed as soon as possible to the prison specified in such general or special orders.

### **Classifications of Prisoners.**

47. Prisoners shall be divided into two classes Unconvicted and Convicted.

Unconvicted prisoners include :—

- (A) Those committed for safe custody.
- (B) Prisoners awaiting trial whether on remand or otherwise.
- (C) Civil prisoners or debtors.

Convicted prisoners are divided into :—

- (D) Long term offenders whose sentence exceed six months.
- (E) Short term offenders whose sentences do not exceed six months.
- (F) Juvenile offenders, *i.e.*, those under 16 years of age.

48. Each of those classes is further sub-divided into :—

- (a) Ordinary offenders or those who have never previously been convicted of crime.
- (b) Habitual offenders.

49. Long term prisoners after the first six months of their confinements shall receive a more generous diet and by industry and good conduct may earn a remission of  $\frac{1}{7}$ th of their sentence.

For the purpose of giving effect to such remission each prisoner on admission shall be credited with the full amount to which he could possibly be entitled and can only lose such remission by the forfeiture of marks awarded as a punishment in a manner hereinafter provided.

It shall be in the power of the Governor to grant a further remission on very special grounds such as exceptional merit or permanent ill health.

50. A limited number of long term prisoners (dependent on the size and requirements of the Prison) who have distinguished themselves by their general diligence and good conduct will be selected to assist in importing a knowledge of the various industries, and also in maintaining order in association wards at night.

Such men shall be distinguished by a red charon worn on left upper arm. They shall be given a rather better diet than other prisoners and at the expiration of  $\frac{3}{4}$  of their sentence their cases shall be brought under the notice of the Governor with a view to the grant of some increase of remission.

51. Prisoners undergoing a sentence of imprisonment for life are not entitled to any remission but at the expiration of 20 years, their cases will be brought before the Governor for special consideration.

#### **Separation of Prisoners.**

52. The separation of prisoners or of different classes of prisoners must be understood to convey not only separation in confinement, but also separation at labour, at meals, and at exercise and as far as the structural condition of prisons admit of it must be rigidly adhered to in the following order:—

53. Male and female prisoners shall be kept separate from each other, and shall, if possible, be confined in separate buildings.

54. Juvenile prisoners (*i.e.*, under sixteen years of age) shall be kept separate from adults, and shall, if possible, not be confined in the same building.

55. Unconvicted prisoners must be kept separate from convicted prisoners.

56. Habitual offenders must be kept separate from ordinary offenders.

57. European prisoners must be kept separate from those of other nationalities.

58. The rooms or wards where a number of prisoners are confined shall be lighted at night and be under the constant supervision of the prison officers.

59. In order to prevent prisoners awaiting trial from being contaminated by each other or endeavouring to defeat the ends of justice, they shall whenever possible be kept separate, and shall not be permitted to communicate together.

#### **Clothing and Cleanliness.**

60. On admission every prisoner shall be put into a prison suit and supplied with a blanket, sleeping mat and number ticket. His private clothes, together with any property on his person, shall be made up into a bundle and returned to him when released, an inventory of the same being entered by the Gaoler in a book kept for the purpose.

61. Each prisoner shall receive a clean suit once a week at a time appointed by the Gaoler and shall bathe every evening after work.

62. When unconvicted prisoners are supplied with prison clothing it will be, of a different pattern to that worn by convicted criminals.

63. The cells shall be swept every morning and buckets cleaned and water jars filled with fresh water. The cells should be thoroughly ventilated by leaving the doors open in the day, and walls and roof swept and whitewashed whenever necessary.

64. The night soil buckets shall be emptied every morning after the working gangs have left the prison.

#### **Diet and Dietary Scale.**

65. The prisoners' food must be sufficient in quality, and wholesome in quality, suitable for men living and working in confinement. In no case must hard work and low diet be combined, and in all cases food should be given before the day's work begins.

66. The quality and quantity of rations shall frequently be tested by the Superintendent or the Gaoler, and the prisoners shall be allowed, if they wish to do so, to see their rations weighed for themselves.

67. The following scale of diet is to be observed, but may be varied in the case of any prison by the Superintendent:—

### Dietary Scale.

#### EUROPEAN PRISONERS.

Under six months.				Six months and over.			
6 a. m.				6. a. m.			
Wheat Meal ( porridge )	...	...	4 oz.	Wheat Meal (porridge)	...	...	4 oz.
Salt	...	...	1/8 "	Salt	...	...	1/8 "
Sugar	...	...	1 "	Sugar	...	...	1 "
12 noon.				12 Noon.			
Meat	...	...	4 oz.	Meat	...	...	6 oz.
Irish Potatoes	...	...	4 "	Irish Potatoes	...	...	4 "
Other Vegetables	...	...	4 "	Other Vegetables	...	...	4 "
Bread	...	...	6 "	Bread	...	...	8 "
Ghee	...	...	1 "	Ghee	...	...	1 "
Salt	...	...	1/4 "	Salt	...	...	1/4 "
6 p. m.				6. p. m.			
Meat	...	...	4 oz.	Meat	...	...	6 oz.
Irish Potatoes	...	...	4 "	Irish Potatoes	...	...	4 "
Other Vegetables	...	...	4 "	Other Vegetables	...	...	4 "
Bread	...	...	6 "	Bread	...	...	8 "
Ghee	...	...	1 "	Ghee	...	...	1 "
Sugar	...	...	2 "	Sugar	...	...	2 "
Tea	...	...	1/4 "	Tea	...	...	1/4 "
Salt	...	...	1/4 "	Salt	...	...	1/4 "

NOTE.—Other vegetables to consist either of Onions, Carrots, Turnips, Peas, or Beans.

Women and children under 16 to receive 2-3 of the above Penal Diet  $\frac{1}{2}$  lb. Bread, and 1 Gallon Water.

#### INDIANS AND ARABS.

Six months and under.				Over six months.			
6 a. m.				6 a. m.			
One Chupattie ( atta )	...	...	4 oz.	One Chupattie (atta)	...	...	4 oz.
12 noon.				12 Noon.			
Rice	...	...	8 oz.	Rice	...	...	8 oz.
Dhall	...	...	4 "	Dhall	...	...	4 "
Onions	...	...	1 "	Onions	...	...	1 "
Sim Sim	...	...	1/2 "	Sim Sim	...	...	1/2 "
Salt	...	...	1/4 "	Salt	...	...	1/4 "
Condiment	...	...	1/8 "	Condiment	...	...	1/8 "
5 p. m.				5 p. m.			
Two Chupatties ( atta )	...	...	8 oz.	Two Chupatties (atta)	...	...	8 oz.
Vegetables	...	...	6 "	Vegetables	...	...	6 "
Onions	...	...	1 "	Onions	...	...	1 "
Sim Sim	...	...	1/2 "	Sim Sim	...	...	1/2 "
Salt	...	...	1/4 "	Salt	...	...	1/4 "
Condiment	...	...	1/8 "	Condiment	...	...	1/8 "
Monday Fresh Meat...				Monday Fresh Meat...			
Wednesday Fresh Meat				Wednesday Fresh Meat			
Friday Fresh Meat ...				Friday Fresh Meat ...			
Sunday Fresh Meat ...				Sunday Fresh Meat ...			

NOTE.—Women and children under 16 to receive 2-3 of the above scale.

Penal Diet  $\frac{1}{2}$  lb. Rice and 1 Gallon Water.

## HINDOOS.

Six months and under.

Over six months.

(All meals same as other Indians) ...

...

Morning and Midday Meal the same as other Indians

...  
...

5 p. m.

Chupatties (atta)	...	...	...	8 oz.
Vegetables	...	...	...	8 "
Onions	...	...	...	2 "
Ghee	...	...	...	2 "
Sim Sim	...	...	...	½ "
Salt	...	...	...	¼ "
Condiment	...	...	...	1 "

Good conduct men 10 oz. rice at Noon

...

Condiment

## SWAHILIS AND OTHER AFRICANS.

Six months and under.

Over six months.

6 a. m.

Uji of Mtama

...

...

...

4 oz.

12 Noon

Uji of Mtama

6 a. m.

8 oz.

Mtama

...

...

...

8 oz.

Dhall

...

...

4 "

Onions

...

...

1 "

Sim Sim

...

...

½ "

Salt

...

...

¼ "

Condiment

...

...

½ "

5 p. m.

5 p. m.

Chiroko

...

...

8 oz.

Vegetables

...

...

6 "

Onions

...

...

1 "

Sim Sim

...

...

½ "

Salt

...

...

¼ "

Mtama

12 Noon.

8 oz.

Dhall

...

4 "

Onions

...

1 "

Sim Sim

...

½ "

Salt

...

¼ "

Condiment

...

½ "

Monday Fresh Meat

...

10 oz.

Wednesday

,,

6 "

Friday

,,

1 "

Sunday

,,

½ "

Monday

,,

4 "

Wednesday

,,

4 "

Friday

,,

4 "

Sunday

,,

4 "

NOTE.—Vegetables to consist of sweet Potatoes, Muhogo, and Pumpkins.

Penal Diet  $\frac{1}{2}$  lb. Mtama made into porridge, 1 Gallon. Water.

Good conduct men 10 oz. rice in lieu of Mtama at 12 noon.

Women and children under 16 to receive 2-3 of the above scale.

68. For the purposes of this Ordinance "Penal Diet" shall mean restriction of diet in such a manner and subject to such conditions regarding labour as may be prescribed by the Superintendent and approved of by the Governor. Provided that such restriction of diet shall in no case be applied to a prisoner for more than 72 consecutive hours and shall not be repeated until after an interval of one day.

69. In case of a fresh offence penal diet shall not be imposed until after an interval of one week.

**Labour.**

70. Prisoners sentenced to hard labour shall as far as possible be employed on remunerative industrial pursuits, such as weaving, mat and rope making, manufacture of chairs, baskets, brushes, mops, carpentry smith-work, also on wood chopping the construction of roads, buildings, drains, scavenging; and such other work as the Superintendent with the approval of the Governor may direct.

71. Prisoners sentenced to simple imprisonment must not leave the prison but shall be given light employment within the walls, such as tailoring, washing clothes, or drawing water and grinding corn.

72. Female prisoners shall not be employed outside the prison, except on the recommendation of the Medical Officer, and then only on such labour as is suitable for women.

73. Short term prisoners and prisoners who have attempted or are likely to attempt to escape, or those who on a previous occasion have succeeded in escaping shall not unless absolutely necessary be employed outside the prison.

74. Unconvicted prisoners will not be required to do any labour other than such as is required to keep their rooms, furniture and utensils clean and they will be allowed to have their work done for them at their own expense.

Employment may be given them at their own request.

Unconvicted prisoners not employed will perform two hours walking exercise daily or such less amount as the Medical Officer certifies them fit to perform.

75. Cells will be opened at 5-30 a. m. each morning and after food, labour gangs will be distributed for work so as to commence at 6-30 a. m. There will be one hour's rest from 12 noon to 1 p. m. for food. Gangs working at a distance from the prison will have their food brought to them, and will finish their work and return to the prison at 4 p. m. All cells will be locked for the night at 5 p. m. after all the prisoners have been called over by the Jemadar and accounted for to the Gaoler. Unless under exceptional circumstances Sunday will be observed as a day of rest.

76. All prison labour outside the Gaol shall be under the supervision of the Deputy Superintendent, unless the Governor otherwise directs. Employment of prisoners may be arranged for with consent of the Governor or other officer appointed by him on such terms as he may think fit.

#### **Visits to Prisoners.**

77. Convicted prisoners shall be allowed once in every three months to receive a visit from friends in the presence of an officer, to write and receive a letter. No other visits or communications, save under the next following section, shall be permitted except by an order in writing from one of the visiting justices, and in no case shall a prisoner under punishment for any offence committed within the prison or in close confinement under the sentence of any Court be permitted to receive any visit or communication except on special grounds stated in the order.

78. If a prisoner, dangerously ill, desires to be visited by any near relation or friend, the Medical Officer may give an order in writing for the admission of such relation or friend if he considers it advisable.

79. Unconvicted prisoners shall be given all reasonable opportunities of communicating with their friends or legal advisers, and they may write or receive letters. Prisoners awaiting trial shall be allowed to see their duly qualified legal advisers in private, so far as possible, so that they cannot be over heard.

80. No prisoner shall be allowed to forward any letter he has written, or receive any letter unless it has previously been seen by the Superintendent or Deputy Superintendent.

81. Every letter to or from any prisoner shall be read by the Superintendent or Deputy Superintendent and if the contents are objectionable it shall not be forwarded or the objectionable part shall be erased according to discretion.

82. The Gaoler may demand the name and address of any visitor to a prison and when the Gaoler has any ground for suspicion may search any visitor or cause him to be searched but the search shall not be made in the presence of any prisoner or of another visitor.

Females can only be searched by females.

### **Punishment of Prisoners.**

83. The punishment for misconduct shall be loss of marks, solitary confinement, penal diet and in serious cases corporal punishment. A prisoner shall not be subjected to any of these punishments (except loss of marks) until certified medically fit to undergo it.

84. No prisoner shall be punished until he has had an opportunity of hearing the charges and evidence against him and of making his defence.

85. Where corporal punishment is awarded the number of strokes shall be limited, in the case of adults to twenty four with a cat of nine tails and in the case of juveniles to twelve with a light cane.

Females, and male prisoners over 55 years of age shall not be subjected to corporal punishment.

86. Solitary confinement may or may not be combined with penal diet, but penal diet shall not be combined with hard labour, and shall not be given for more than three days continuously.

87. Irons may be employed by the Superintendent and the Gaoler but only as a temporary means of restraint, and only those shall be used of which the pattern has been approved by the Governor. Chains may be used for outside gangs.

Female prisoners shall not be placed in irons or handcuffed.

88. (a) No punishment or privation of any kind shall be awarded to a prisoner by any officer of the prison except the Superintendent, or in his absence the officer appointed to act for him. And the Superintendent shall have power to award punishment in respect of the offences in the next sub-section only that is to say :—

(b) A prisoner shall be guilty of an offence against prison discipline if he :—

(1) Disobeys any orders of the Superintendent or of any other officer or any prison Regulations.

(2) Treats with disrespect any officer or servant of the prison, or any visitor or any person employed in connection with the prison or works.

(3) Is idle, careless or negligent at work, or refuses to work.

(4) Swears, curses, or uses any abusive insolent, threatening or other improper language.

(5) Is indecent in language, act or gesture.

(6) Commits a common assault upon another prisoner.

(7) Converses or holds intercourse with another prisoner without authority.

(8) Sings, whistles, or makes any unnecessary trouble.

(9) Leaves his cell, or other appointed location of his place of work without permission.

- (10) In any way disfigures, or damages any part of the prison or article to which he may have access.
- (11) Commits any nuisance.
- (12) Has in his cell or possession any article he is not allowed to have.
- (13) Gives to or receives from any prisoner any article whatever without leave.
- (14) In any other way offends against good order and discipline.
- (15) Attempts to do any of the foregoing things.
- (c) All the above acts are declared to be offences against prison discipline, and it shall be lawful for the Superintendent, after due enquiry, to punish any prisoner guilty of such offence by solitary confinement up to forty-eight hours, penal diet, loss of marks involving the cancellation of not more than seven days' remission, four marks being equivalent to loss of remission for one day, cellular or separate confinement up to three and seven days respectively.
- (d) The Superintendent shall enter in the punishment book a statement of the nature of any offence when he has punished any prisoner in pursuance of this section with the punishment awarded.

89. If any prisoner is charged with any serious or repeated offence against prison discipline for which the punishment authorized by section 88 is deemed insufficient a Visiting Justice shall hold an enquiry into the matter upon oath in the presence of the prisoner and if he finds the charge proved may award any of the following punishments :—

- (a) Solitary confinement in a punishment cell with or without penal diet, for a period not exceeding 28 days.
- (b) Loss of marks.
- (c) Corporal punishment.

Provided as follows :—

- (1) The solitary confinement shall not be continuous for more than seven days, and an interval of seven days shall elapse before a further period of such confinement.
- (2) Penal diet shall not be imposed for more than three days continuously, with an interval of one day before it is again imposed.
- (3) Corporal punishment shall not be awarded except for mutiny or incitement to mutiny, personal violence to any person, grossly offensive or abusive language, any act of gross misconduct or insubordination or for repeated offences against prison discipline

90. No prisoner shall in consequence of misconduct while in prison, be detained in prison beyond the expiration of his term of sentence without being again brought before a Court of Law and again sentenced. For this purpose a prisoner may when necessary be charged before any Magistrate empowered to hold a Subordinate Court of the first or second class with any offence against prison discipline, and such Magistrate shall have power

to award a further sentence of imprisonment for a term not exceeding three months with or without hard labour, together with any such punishment as may under this Ordinance be awarded by a Visiting Justice.

#### **Discharge of Prisoners.**

91. If the date of a prisoner's release falls on Sunday, Christmas Day, Good Friday or any public festival he shall be discharged on the previous day.

92. A prisoner discharged from a prison situate in a district within the Protectorate to which he does not belong shall be returned at Government expense to his own district within the Protectorate or supplied with a sum of money sufficient to take him back.

93. With a view to preventing the repetition of crime when a prisoner is discharged without friends or means of subsistence, it shall be in the discretion of the Superintendent to pay a gratuity to him not exceeding three Rupees in deserving cases and only after full enquiry has been made.

Should the Superintendent consider this sum insufficient he must obtain authority in writing from the Governor before paying any higher gratuity.

#### **Special Regulations Regarding Unconvicted Prisoners.**

94. (a) An unconvicted prisoner shall be permitted to maintain himself and to purchase or receive from private sources at proper hours food, clothing, bedding or other necessaries but subject to examination and to such rules as may be laid down by the Governor.
- (b) He may also be permitted to have supplied to him at his own expenses such books, newspapers and other means of occupation other than those furnished by the prison or as are not in the opinion of the Superintendent of an objectionable kind.
- (c) No part of any food, clothing, bedding, or other necessaries belonging to any unconvicted prisoner or of any article introduced to the prison for his use shall be given, hired or sold to any other prisoner, and any unconvicted prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources for such time as the Superintendent thinks proper.
- (d) An unconvicted prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.
- (e) When any Civil prisoner (debtor) has been committed to prison in execution of a decree in favour of a private person, such person or his representative shall within forty eight hours after the receipt by him of a demand in writing pay to the Superintendent the cost of clothing and bedding so supplied to the prisoner, and in default of such payment the prisoner may be released.
- (f) Such judgment debtor shall be released if his subsistence money for the ensuing month or part thereof is not lodged with the Gaoler by 6 p.m. on the last day of the current month.

### **Prisoners Under Sentence of Death.**

95. A prisoner under sentence of death shall be searched and all articles likely to be dangerous shall be taken from him. He shall be confined apart from other prisoners in a special cell and shall be under constant supervision by day and night.

96. Except on the written order of the Governor no one shall have access to a prisoner under sentence of death except the prison officers, and on the prisoner's request the Minister of the religious denomination to which he belongs. But the Superintendent of the Prison shall give written permission to the prisoner's legal agent to see him pending an appeal and to his near relations.

97. Executions shall be attended by the Superintendent, the Gaoler and the Medical Officer, and may be attended by a Minister of the religion to which the prisoner belongs.

### **Ministers of Religion.**

98. The Ministers of the denomination to which a prisoner belongs shall be invited to visit the prisoner if any prisoner so desires it.

### **Visiting Justices.**

- 99. (a) There shall be Visiting Justices of every prison.
- (b) The following are ex-officio Visiting Justices of every prison in the Protectorate, namely, the Judges of the High Court the Commandant of the Forces and the Inspector General of Police.
- (c) The Provincial Commissioner of the Province in which a prison is situate shall be ex-officio Visiting Justice of that prison.
- (d) The Governor may appoint such other persons, as he may approve not exceeding five, to be Visiting Justices of any prison.
- (e) Some one Visiting Justice shall visit the prison not less than once a week, and shall record his visit or visits with remarks, in a book kept for the purpose.
- (f) Every Visiting Justice shall for the purposes of this Ordinance have power to summon witnesses and to administer oaths.

### **Offences in Relation to Prisons.**

100. Any person who unlawfully brings, throws, introduces or removes or attempts by any means whatsoever to introduce or remove into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any money, clothing, provisions, intoxicating liquor, intoxicating or poisonous drugs, tobacco, letters, papers or any instrument likely to effect or assist in effecting the escape of a prisoner, or any article of Government property, shall on conviction be liable to imprisonment of either kind which may extend to six months or to a fine not exceeding three hundred Rupees or both.

101. Any officer of a prison, who knowingly suffers any such article specified in Section 100 to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison shall on conviction before a Magistrate be liable to imprisonment of either kind for any term not exceeding six months or a fine of three hundred Rupees.

102. When any person in the presence of any officer of a prison commits any offence specified in Section 100 and refuses on demand of such officer to state his name and residence or gives a name and residence which such officer knows or has reason to believe to be false, such officer may arrest him and shall without unnecessary delay make him over to a police officer.

103. The Superintendent shall cause to be affixed in a conspicuous place outside the prison a notice setting forth the acts prohibited under Section 100 and the penalties incurred by their commission.

#### **Punishment of Prison Officers.**

104. Every Gaoler or officer of a prison subordinate to him, who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by a competent authority, or who shall withdraw from the duties of his office without permission or who shall wilfully and without reasonable cause overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred Rupees or to imprisonment with or without hard labour not exceeding three months or to both.

105. Any warder or other subordinate officer may be punished by the Superintendent for any of the following offences by a fine not exceeding five Rupees for each offence :—

- (1) Disobedience of orders.
- (2) Untidiness in person or dress.
- (3) Neglect of duty.
- (4) Absence from duty without good cause.
- (5) Striking any prisoner except in self defence or in defence of any other prison officer or prisoners.
- (6) Insubordinate language or conduct.
- (7) Disrespect to superiors.
- (8) Drunkenness on duty.
- (9) Smoking on duty or during prohibited hours
- (10) Deliberately making any false statement on any matter affecting the internal economy or discipline of the prison.
- (11) Malingering.
- (12) Lending or borrowing money to or from a subordinate.
- (13) Breach of any prison rule (not wilful).

106. The habitual or repeated commission of offences against discipline or apathy or general inaptitude in the discharge of his duties will render a subordinate officer liable to any of the following punishments which may be awarded by the Superintendent.

- (a) Dismissal.
- (b) Reduction from a superior to an inferior rank or grade.
- (c) Fine not exceeding 15 Rupees.

107. Any subordinate officer non-effective, from illness for over 30 days in any calendar year may be placed on half pay and any subordinate officer who becomes non-effective from any cause or disease brought on by intemperate or vicious habits, shall at once be placed on half pay.

**Miscellaneous.**

108. In every prison a hospital or other proper place for the reception of sick persons shall be provided.

109. (a) Whenever it appears to the Visiting Justices and Medical Officer that the number of prisoners in any prison is greater than can be conveniently or safely kept therein, and it is not convenient to transfer the excess number to some other prison, or

(b) Whenever, from the outbreak of epidemic disease within any prison or for any other reason it is desirable to provide for the temporary shelter and safe custody of any prisoners.

(c) Provision shall be made as the Governor may direct for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison, and such temporary prisons shall as soon as possible be notified in the Gazette.

110. A prisoner, when being taken to or from any prison in which he may be lawfully confined or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

111. The Governor may from time to time make such rules as he thinks fit for carrying out the purposes of this Ordinance.

112. The provisions of this Ordinance as well as the standing orders that particularly regulate their duties, apply also to the storekeeper, chief clerk, compounder and Master tailor. They shall rank with and after chief warders but without authority shall assume no control outside their own departments.

The Bugler and office messenger shall rank as warders and be amenable to the same regulations.

113. "The Prisons Regulations 1902" are hereby repealed.

114. This Ordinance may be cited as "The East Africa Prisons Ordinance 1908."

**Schedule A.**

In accordance with Section 1 of "The East Africa Prisons Ordinance 1908" the prisons at the following Government Stations are hereby established as such under my authority:—

**Seyidie Province.**

Malindi  
Takaungu  
Shimoni  
Rabai  
Taveta

**Ukamba Province.**

Nairobi.  
Machakos.  
Nengia.

**Kenya Province.**

Fort Hall.

**Naivasha**

Naivasha.  
Eldama Ravine.

**Kisumu Province.**

Kisumu.  
Mumias.  
Nandi  
Kericho

**Tanaland Province.**

Lamu.  
Kipini.  
Witu.  
Faza.  
Kiunga.

**Jubaland.**

Kismayu.

**A Bill****To make provision for the surrender  
of Fugitive Criminals.**

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

**Preliminary.**

**Short title.**

**Where arrangement for Surrender of  
criminals made Ordinance to apply.**

**Restrictions on surrender of criminals.**

1. This Ordinance may be cited as "The Fugitive Criminals Surrender Ordinance 190".

2. Where an Arrangement has been made between His Majesty the King and the Rules of a Foreign State under which the Protectorate is to surrender to that State, or its Protectorates, any fugitive criminals, the Governor may, by notice in the "Gazette", direct that this Ordinance shall apply in the case of that State during the continuance of the Arrangement, and after such notice has been published in the "Gazette" this Ordinance shall, subject to the terms of the Arrangement, apply accordingly. No such notice shall remain in force for any longer period than the Arrangement, and the Governor may by same or any subsequent notice limit the application of this Ordinance or render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient.

3. The following restrictions shall be observed with respect to the surrender of fugitive criminals:—

(1) A fugitive criminal shall not be surrendered in the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of the Magistrate specially appointed or the Court before whom he is brought on *habeas corpus*, or to the Governor, that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

(2) A fugitive criminal shall not be surrendered to a foreign State unless provision is made by the law of that State, or by Arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to the Protectorate, be detained or tried in that foreign State for any offence committed prior to his surrender other than the offence proved by the facts on which the surrender is grounded.

(3) A fugitive criminal who has been accused of some offence within His Majesty's jurisdiction not being the offence for which his surrender is asked, or is undergoing sentence under any conviction in the Protectorate, shall not be surrendered until after he has been discharged whether by acquittal or on expiration of his sentence or otherwise.

(4) A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

4. Where this Ordinance applies in the case of any foreign State every fugitive criminal of that State who is in, or suspected of being in, any part of the East Africa Protectorate shall be liable to be apprehended and surrendered in manner provided by this Ordinance, whether the offence in respect of which the surrender is sought was committed before or after the coming into operation of this Ordinance and whether there is or is not any concurrent jurisdiction in any Court of His Majesty's dominions or of the Protectorate over that offence.

5. A requisition for the surrender of a fugitive criminal of any foreign State who is in, or suspected of being in, the Protectorate, shall be made to the Governor by some person recognized by the Governor as a Diplomatic Representative of that foreign State.

The Governor may, by order under his hand and seal, signify to the Magistrate that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal. If the Governor is of the opinion that the offence is one of a political character, he may, if he think fit, refuse to send any such order and may also at any time order a fugitive criminal accused or convicted of such offence to be discharged from custody.

6. A warrant for the apprehension of a fugitive criminal whether accused or convicted of an offence, who is in, or suspected of being in, or on the way to, the Protectorate may be issued:—

(1.) By the Magistrate on the receipt of the said order of the Governor and on such evidence as would, in his opinion, justify the issue of the warrant if the offence had been committed or the criminal convicted in the Protectorate; and

(2.) By any Magistrate in any part of the Protectorate, on such information or complaint and such evidence, or after such proceedings as would, in the opinion of the person issuing the warrant, justify the issue of a warrant if the offence had been committed or the criminal convicted in that part of the Protectorate in which he exercises jurisdiction.

Any person issuing a warrant under this section without an order from the Governor shall forthwith send a report of the fact of such issue together with the evidence and information or complaint, or certified copies thereof, to Governor who may, if he think fit, order the warrant to be cancelled, and the person who has been apprehended on the warrant to be discharged.

A fugitive criminal, when apprehended on a warrant issued without the order of the Governor shall be brought before some person having power to issue a warrant under this section, who shall, by warrant, order him to be brought and the prisoner shall accordingly be brought before the Magistrate.

A fugitive criminal apprehended on a warrant issued without the order of the Governor shall be discharged by the Magistrate, unless the Magistrate, within such reasonable time, as with reference to the circums-

Liability of criminal to surrender.

Order of Governor for issue of warrant in Protectorate if crime is not of a political character.

Issue of warrant by Magistrate, Justice &c.

Hearing of case and evidence of political character of offence.

tances of the case, he may fix, receives from the Governor an Order signifying that a requisition has been made for the surrender of such criminal.

7. When a fugitive criminal is brought before the Magistrate, the Magistrate shall hear the case in the same manner, and have the same jurisdiction and powers, as near as may be, as if the prisoner were brought before him charged with an offence committed in the Protectorate triable as a warrant case as defined in the law for the time being in force in the Protectorate relating to Criminal Procedure.

The Magistrate shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character, or is not an offence in respect of which his surrender may be granted.

8. In the case of a fugitive criminal accused of an offence in respect of which his surrender may be granted, if the foreign warrant authorising the arrest of such criminal is duly authenticated, and such evidence is produced as (subject to the provisions of this Ordinance) would, according to the law of the Protectorate justify the committal for trial of the prisoner if the offence of which he is accused had been committed in the Protectorate, the Magistrate shall commit him to prison but otherwise shall order him to be discharged.

In the case of a fugitive criminal alleged to have been convicted of an offence in respect of which his surrender may be granted, if such evidence is produced as (subject to the provisions of this Ordinance) would according to the law of the Protectorate, prove that the prisoner was convicted of such offence the Magistrate shall commit him to prison, but otherwise shall order him to be discharged.

If he commits such criminal to prison, he shall commit him to a prison or other place of safe custody in the Protectorate, there to await the warrant of the Governor for his surrender, and shall forthwith send to the Governor a certificate of the committal and such report upon the case as he may think fit.

9. If the Magistrate commits a fugitive criminal to prison, he shall inform such criminal that he will not be surrendered until after the expiration of such period being not less than fifteen days as the Governor may determine and that he has a right to apply for a writ of *habeas corpus* or otherlike proceeding.

Upon the expiration of the said fifteen days, or, if a writ of *habeas corpus* or other-like proceeding is issued, after the decision of the Court upon the return to the writ, as the case may be, or after such further fifteen days as may be allowed in either case by the Governor it shall be lawful for the Governor, by warrant under his hand and seal, to order the fugitive criminal (if not delivered on the decision of the Court) to be surrendered to such person as may, in his opinion, be duly authorised to receive the fugitive criminal by the foreign State from which the requisition for the surrender proceeded, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for any person to whom such warrant is directed, and for the person so authorised as aforesaid, to receive, hold in custody, and convey within the jurisdiction of such foreign State, the criminal mentioned in the warrant; and if the criminal escapes out of any custody to which he may be delivered on or in the pursuance of such warrant, it shall be lawful to

Committal or discharge of prisoner.

Surrender of fugitive to foreign State by warrant of Governor.

retake him in the same manner as any person accused of any offence against the laws of the Protectorate may be retaken upon an escape.

10. If the fugitive criminal who has been committed to prison is not surrendered and conveyed out of the Protectorate within two months after such committal, or, if a writ of *habeas corpus* or other like proceeding is issued after the decision of the Court upon return to the writ, it shall be lawful for a Judge of the High Court upon application made to him by or on behalf of the criminal, and upon proof that reasonable notice of the intention to make such application has been given to the Governor to order the criminal to be discharged out of custody, unless sufficient cause is shown to the contrary.

11. The warrant of the Magistrate issued in pursuance of this Ordinance may be executed in any part of the Protectorate in the same manner as if the same had been originally issued or subsequently endorsed by a Magistrate of any class having jurisdiction in the place where the same is executed.

12. Depositions or statements on oath taken in a foreign State, and copies of such original depositions or statements stating the fact of conviction, may if duly authenticated, be received in evidence in proceedings under this Ordinance.

13. Foreign warrants and depositions or statements on oath, and copies thereof, and certificates of, or judicial documents stating the fact of, a conviction shall be deemed duly authenticated for the purposes of this Ordinance, if authenticated in manner provided for the time being by law or authenticated as follows :—

- (1) If the warrant purports to be signed by a Judge, Magistrate, or Officer of the foreign state where the same was issued.;
- (2) If the depositions or statements, or the copies thereof, purport to be certified under the hand of a Judge, Magistrate, or officer of the foreign State where the same were taken to be the original depositions or statements, or to be true copies thereof, as the case may require; and
- (3) If the certificate of, or judicial document stating the fact of, conviction purports to be certified by a Judge, Magistrate, or officer of the foreign State where the conviction took place
- (4) And if in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness, or by being sealed with the Official seal of the Minister of Justice or some other Minister, or Diplomatic Representative of the Foreign State. And all Courts of Justice, Justices and Magistrates shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

#### **Offences Committed at Sea.**

14. Where the offence in respect of which the surrender of a fugitive criminal is sought was committed

Discharge of persons apprehended if not conveyed out of Protectorate within two months.

Execution of warrant of the Magistrate.

Deposition to be evidence.

Authentication of depositions and warrants.

Jurisdiction as to offences committed at sea.

on board any vessel on the high seas which comes into any port of the Protectorate, the following provision shall have effect:

- (1) The Criminal may be committed to any prison or other place of detention to which the person committing him has power to commit persons accused of the like offence.
- (2) If the fugitive criminal is apprehended on a warrant issued without the order of the Governor he shall be brought before the Magistrate who issued the warrant, or who has jurisdiction in the port where the vessel lies or in the place nearest to that port who shall by warrant order him to be brought and the prisoner shall accordingly be brought before the Magistrate in the manner provided in Section 6 of this Ordinance.

#### **General Provisions.**

**Criminal surrendered by foreign State not triable for previous crimes.**

**As to the use of forms in Second Schedule.**

**Power of foreign State to obtain evidence in Protectorate.**

**Power of taking evidence in Protectorate for foreign criminal matters.**

15. Where, in pursuance of any Arrangement with a foreign State, any person accused or convicted of any offence which, if committed in the Protectorate, would be (by whatever name designated by the law of the Protectorate) one of the offences described in the First Schedule to this Ordinance, is surrendered by that foreign State, such person shall not, until he has been restored or had an opportunity of returning to such foreign State, be triable or tried for any offence committed prior to the surrender in any part of His Majesty's dominions or Protectorates other than such of the said offences as may be proved by the facts on which the surrender is grounded.

16. The forms set forth in the second Schedule to this Ordinance, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

17. The testimony of any witness may be obtained in relation to any criminal matter pending in any Court or Tribunal in a foreign State in like manner as it may be obtained in relation to any civil matter under the Act of the Session of the 19th and 20th years of the reign of Her late Majesty, cap. 113, intituled "an Act to provide for taking evidence in her Majesty's dominions in relation to civil and commercial matters pending before foreign Tribunals," which Act shall, for this purpose, apply to and be in force within the Protectorate, and all the provisions of that Act shall be construed as if the term "Colony or possession" included a Protectorate, and if the term "Civil matter" included a criminal matter, and the term "cause" include a proceeding against a criminal: Provided that nothing in this Section shall apply in the case of any criminal matter of a political character.

18. The Governor may, by order under his hand and seal, require a Magistrate of any class or a Justice of the Peace to take evidence for the purposes of any criminal matter pending in any Court or Tribunal in any foreign State; and such Magistrate or Justice of the Peace, upon the receipt of such order, shall take the evidence of every witness appearing before him for the purpose in like manner as if such witness appeared on a charge against such accused for an offence triable as a warrant case as defined in "The Code of the Criminal Procedure, 1898" (Indian Act No. 5 of 1898), and shall

certify at the foot of the depositions so taken that such evidence was taken before him, and shall transmit the same to the Governor: such evidence may be taken in the presence or absence of the person charged, if any and the fact of such presence, or absence shall be stated in such deposition.

Any person may, after payment or tender to him of a reasonable sum for his costs and expenses in this behalf, be compelled, for the purposes of this section to attend and give evidence and answer questions and produce documents in like manner and subject to the like conditions as he may in the case of a charge preferred for an offence triable as a warrant case.

Every person who wilfully gives false evidence before a Magistrate of any class or a Justice of the Peace under this section shall be guilty of perjury.

Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

19. For the purposes of this Ordinance every constituent part of a foreign State, and every Colony, Dependency, or Protectorate of and every vessel of, that State, shall be deemed to be within jurisdiction of, and to be part of, such foreign State.

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

The term "Governor" means the Officer for the time administering the Government of the Protectorate.

The term "offence in respect of which surrender may be granted," means an offence which would be punishable by the law of the Protectorate if committed in the Protectorate, and which would (by whatever name designated by the law of the Protectorate) be one of the offences described in the first Schedule to this Ordinance.

Provided that every person who is accused or convicted of having counselled, procured, commanded, aided, or abetted the commission of any offence, or of being accessory before or after the fact of any such offence, shall be deemed, for the purposes of this Ordinance, to be accused or convicted of having committed such offence, and shall be liable to be apprehended and surrendered accordingly.

The terms "conviction" and "convicted" do not include or refer to a conviction for contumacy, but the term "accused person" includes a person so convicted for contumacy.

The term "fugitive criminal" means any person accused or convicted of an offence in respect of which surrender may be granted, committed within the jurisdiction of any foreign State, who is in, or is suspected of being in, or on the way to some part of the Protectorate; and the term, "fugitive criminal of a foreign State" means a fugitive criminal accused or convicted of an offence in respect of which surrender may be granted committed within the jurisdiction of that State.

The term "The Magistrate" means a Magistrate holding a Subordinate Court of the first class and empowered by the Governor to exercise, either generally or in any particular case, the powers conferred upon the Magistrate by this Ordinance.

The term, "Diplomatic Representative of a foreign State," includes any person recognized by the Governor as a Consul-General, Consul, or Vice-Consul, or as the Officer administering the Government of any possession, dependency, or Protectorate of that State.

The term "oath" includes affirmation.

Foreign State includes dependencies.

Definition of terms Governor.

Offence in respect of which surrender may be granted.

Conviction.

Fugitive criminal.

Fugitive criminal of a foreign State.

Magistrate.

Diplomatic Representative.

Oath.

Warrant.

Gazette.

The term "warrant" in the case of any foreign State, includes any judicial document authorising the arrest of a person accused or convicted of crime.

"Gazette" means the Official Gazette of the East Africa Protectorate.

### Schedule I.

#### List of Crimes.

Murder and attempt and conspiracy to murder.

Manslaughter.

Counterfeiting and altering money and uttering counterfeit or altered money.

Forgery, counterfeiting, and altering, and uttering what is forged, or counterfeited, or altered.

Embezzlement and larceny.

Obtaining money or goods by false pretences.

Offences by bankrupts against Bankruptcy Law, or any indictable offence under the laws relating to bankruptcy.

Fraudulent misappropriations and fraud by a bailee made criminal by any Act of Parliament or Ordinance for the time being in force.

Rape.

Abduction.

Child-stealing.

Burglary and house-breaking.

Arson.

Robbery with violence.

Threats by letters or otherwise with intent to extort.

Piracy by law of nations.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt, by two or more persons, on board a ship on the high seas against the authority of the master.

Offences against "The Slave Trade Act, 1873," or otherwise in connection with the Slave Trade, committed on high seas or on land, or partly on the high seas and partly on land.

Kidnapping and false imprisonment.

Perjury and subornation of perjury.

Bribery.

Any offence not before mentioned, being an indictable offence under the following Acts of Parliament of 1861, or any of them or under any Act amending or substituted for the same:—

24 and 25 Vict., cap. 96. Larceny.

24 and 25 Vict., cap. 97. Malicious injuries to property.

24 and 25 Vict., cap. 98. Forgery.

24 and 25 Vict., cap. False coining.

24 and 25 Vict., cap. 100. Murder and other offences against the person.

Any other crime from time to time added by Act of Parliament to the list of crimes in the first Schedule to the Extradition Act 1870.

### Schedule II.

#### Form of Order of The Governor to The Magistrate.

To the Magistrate at :

Whereas, in pursuance of an arrangement with , referred to in a notice in the Gazette, dated the day of , a requisition has been made to me, , His Excellency the Governor for the East Africa Protectorate, by , the Diplomatic Representative of , for the surrender of , late of , accused ) (or convicted) of the commission of the crime of within the Jurisdiction of

Now I hereby, by this my order under my hand (and seal) signify to you that such requisition has been made, and require you to issue your warrant for the apprehension of such fugitive, provided that the conditions of "The Fugitive Criminals Surrender Ordinance, 190 ", relating to the issue of such warrant are, in your judgment, complied with.

Given under the hand (and seal) of the Undersigned, His Excellency the Governor for the East Africa Protectorate, this day of 19 .

**Form of Warrant of Apprehension by Order of The Governor.**

To all and each of the police officers of the East Africa Protectorate Police Force:

Whereas the Governor of the East Africa Protectorate, by order under his hand (and seal) hath signified to me that requisition has been duly made to him for the surrender of , late of , accused (or convicted) of the commission of the crime of within the jurisdiction of

This is therefore to command you in His Majesty's name forthwith to apprehend the said , pursuant to The Fugitive Criminals Surrender Ordinance, 190 , wherever he may be found in the East Africa Protectorate , and bring him before me or some other Magistrate empowered on that behalf to show cause why he should not be surrendered in pursuance of the said Ordinance, for which this shall be your warrant.

Given under my hand (and seal) at this day of 19 .

**Form of Warrant of Criminal.**

To , one of the officers of the Police Force of the East Africa Protectorate, and to the keeper of the .

Be it rembered that on this day of , in the year of our Lord late of , is brought before me to show cause why he should not be surrendered in pursuance of "The Fugitive Criminals Surrender Ordinance 190 ", on the ground of his being accused (or convicted) of the commission of the crime of within the jurisdiction of , and for as much as

no sufficient cause has been shown to me why he should not be surrendered in pursuance of the said Ordinance.

This is therefore to command you, the said police officer, in His Majesty's name forthwith to convey and deliver the body of the said into the custody of the said keeper of the at , and you, the said keeper, to receive the said into your custody, and him there safely to keep until he is thence delivered pursuant to the Provisions of the said Ordinance, for which this shall be your warrant.

Given under my hand (and seal) at , this day of 19 .

(Signed)

**Form of Warrant of the Governor for Surrender of Fugitive.**

To the keeper of and to

Whereas , late of , accused (or convicted) of the commission of the crime of , within the jurisdiction of , was delivered into the custody of you, the keeper of by warrant, dated pursuant to "The Fugitive Criminals Surrender Ordinance 190 ".

Now I do hereby, in pursuance of the said Ordinance, order you, the said keeper, to deliver the body of the said into the custody of the said , and I command you, the said , to receive the said into your custody and convey him within the jurisdiction of the said him in the custody of any person or persons appointed by the said for which this shall be your warrant,

Given under the hand (and seal) of the Undersigned, His Excellency the Governor of the East Africa Protectorate, this day of 19 .

(Signed)

**Form of Warrant of Apprehension Without Order of The Governor.**

To all and each of the police officers of the East Africa Protectorate Police Force:

Whereas it has been shown to the Undersigned, a Magistrate in and for the district of , that late of , is accused (or convicted) of the commission of the crime of , within the jurisdiction of .

This is therefore to command you in His Majesty's name forthwith to apprehend the said , and to bring him before me or some other Magistrate, to be further dealt with according to law, for which this shall be your warrant.

Given under my hand (and seal) at in , day of 19 .

(Signed)

**Form of Warrant for Bringing Prisoners Before The Magistrate.**

To a police officer of the Police Force of the East Africa Protectorate, and to all other police officers in the said force.  
 Whereas , late of , accused ( or alleged to be convicted of ) the commission of the crime of , within the jurisdiction of has been apprehended and brought before the Undersigned, one of the Magistrate in and for the district of .

And whereas by "The Fugitive Criminals Surrender Ordinance 19" he is required to be brought before the Magistrate duly empowered to hear the case.

This is therefore to command you the said police officer, in His Majesty's name forthwith to take and convey the said to , and there carry him before the said Magistrate to show cause why he should not be surrendered in pursuance of the said Ordinance and, otherwise be dealt with in accordance with law, for which this shall be your warrant.

Given under my hand and seal at , day of  
 19 .

( Signed )

**A Bill**

**To make provision for maintaining and improving the quality of Cotton in the East Africa Protectorate.**

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

Short Title.

Governor may make Rules.

Fees and charges.

Penalties

1. This Ordinance may be cited as "The East Africa Cotton Ordinance 1908".

2. The Governor may make Rules for maintaining or improving the quality of Cotton in the Protectorate or to be exported from the Protectorate either in reference to the distribution and use of seed or to the inspection of seed, crops, cotton unginned or ginned, or ginneries or factories, and may prohibit the use of seeds of any particular kind, or specify any particular kind or kinds of seed as the only kind or kinds to be used, and may prohibit the use or exportation of cotton of inferior quality, or of any particular kind or specify any particular kind or kinds as the only kind which may be used or exported, and may prohibit any method of sewing, collecting, ginning, or otherwise preparing cotton, and generally for the purposes of this Ordinance, may apply all or any of such Rules to any province, district, or place in the Protectorate, and may make special Rules in regard to any particular province, district, or place.

3. The power to make Rules shall include a power to fix reasonable fees and charges.

4. The Governor may fix such penalties for the breach, or attempted breach, or non-observance of any Rule as he may think proper, not exceeding imprisonment with or without hard labour for a term of one month, or a fine of 1,000 rupees, or both, and where no penalty is imposed by the Rules, the breach or non-observance of any Rule shall be punishable to the extent aforesaid, and may provide that any seed, cotton or implement in respect of which a breach or attempted breach or non-observance of any Rule has been committed may be confiscated or otherwise dealt with, with or without compensation.

**A Bill**

**To make provision for the formation  
of a Volunteer Reserve and Rifle  
Clubs in the East Africa Protect-  
orate.**

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

1. This Ordinance may be cited as "The East Africa Volunteer Reserve Ordinance 1908."

2. The Protectorate will be divided into certain areas. A local Rifle Club will be allotted to each area. The Governor shall be President of all Rifle Clubs. The head of each local Rifle Club will be called a Vice-President, who shall be nominated as hereinbefore provided.

3. The President shall appoint a Deputy President who will be the Officer Commanding local Battalion King's African Rifles to whom all returns will be submitted direct by all Vice-Presidents.

The Deputy President will be directly responsible to the President that this Ordinance is enforced throughout all the local Rifle Clubs in the Protectorate.

The Deputy President will send in an annual report before the 1st April.

The Deputy President shall attend or send a representative to attend the annual rifle meeting of all clubs for the purpose of reporting on the efficiency of members.

4. An Armourer Sergeant will be appointed to the Club and paid for by the Government. He will be directly under the Deputy President of the Club whom he will assist to supervise the arms, etc., of the Club.

5. Before a local Rifle Club is formed names of not less than 8 Europeans who are British subjects and over 16 years of age are to be submitted to the Deputy President who will report to the President.

When approval has been obtained from the President for the formation of a local Rifle Club the members will themselves elect a Vice-President whose name will be submitted for approval of the President.

When this local Rifle Club is registered, provided arms are available, the local Rifle Club will be duly formed.

6. Vice-Presidents of the local Rifle Clubs will be responsible to the Deputy President that all arms, and ammunition are kept in serviceable condition and in good order.

They will also be responsible for furnishing the Deputy President with such returns and reports as may be called for.

They will also be responsible that the rules embodied under this Ordinance are strictly enforced in their local Rifle Club.

7. Each local Rifle Club will have powers to make suitable rules for the care of stores, targets, discipline and orders. But the rules under this Ordinance are to take precedence of all local Clubs rules.

8. Any member may resign by giving his Vice-President 14 day's notice, but all arms must be returned in a serviceable condition before the resignation is accepted, any damage or loss to be made good by the member.

Title.

Organisation.

Deputy President.

Armourer Sergeant.

Local Rifle Clubs.

Vice-Presidents.

Rules.

Resignation.

**Rifle Meetings.**

9. Each local Rifle Club must hold at least one annual Rifle meeting for rifle practice and for competition for prizes. The dates on which these meetings will be held will be notified to the Deputy President who will attend or send a representative.

Each member must fire annually the musketry course laid down and must obtain 42 points in it, in order to rank as an efficient.

When a member is unable from any sufficient cause to attend the Rifle meeting of his own local Rifle Club, he may be allowed by his Vice-President to comply with the requirements for efficiency at a meeting of some other local Rifle Club which has been called for rifle practice or competition for prizes ; or a member may also qualify at any station where there is a Detachment of King's African Rifles under an Officer and where there is a Military Range and must obtain a certificate signed by the O. C. Detachment K. A. R. to the effect that he has so qualified.

**Musketry Course**

Every member of the Rifle Club will fire annually the following musketry course :—

Range.	Position.	Number of rounds.	REMARKS.
200	Standing ...	7	Target 4' x 4', Bullseye 1' diameter; centre 2' diameter; outer rest of the Target.
300	Kneeling ...	7	Ditto.
500	Lying or sitting	7	Target 6' x 6'; Bullseye 2'; centre 4' outer rest of Target.

Bullseye counts	...	...	4	Points.
Centre counts	...	...	3	,
Outer counts	...	...	2	,
Maximum	...	...	84	,
Number of points required for an efficient	...	...	42	,

1 sighting shot allowed at each distance.

A member may fire any number of times in one year to qualify for an efficient.

**Government grant.**

10. The following will be the Government grant for every efficient member per annum :—

Rs. 15=£ 1.

This sum will not be paid to any member individually but will be paid to Vice-Presidents and divided as follows :—

50% for up-keep of local Rifle Club Funds.  
50% for prizes at local Rifle Club Meetings.

This capitation grant will be applied for by the Vice-President of the local Rifle Club to which the member belongs ; he will submit vouchers to the Deputy President accompanied by the Musketry registers.

**Arms and ammunition.**

11. The following arms and ammunition will be issued by the Quarter Master, 3rd K. A. R. to Vice-Presidents of the local Rifle Clubs for every member :—

1 Government Rifle and accessories ... Free.  
300 rounds ammunition per annum ... ,

100 rounds of above ammunition must always be kept in the member's possession.

12. Goanese and Parsees will be permitted to form Rifle Clubs provided that the Vice-President of a Goanese or Parsee Rifle Clubs is a European.

No Goanese or Parsee local Rifle Club will be formed unless 15 members are willing to join.

13. The following returns will be submitted by Vice-Presidents annually by the end of February to the President :—

- (a). Return of all members on the books of the local Rifle Club, shewing if efficient and if not, the reason.
- (b). Return of all Rifles in possession and how distributed.
- (c). List of efficients for whom the Government grant has been drawn.
- (d). A balance sheet of all monies drawn and expended.
- (e). Return of all ammunition showing all ammunition received how expended, balance in hand and how distributed.

14. All Arms, Books, Stores, etc, of local Rifle Clubs will be inspected annually by the Deputy President or his representative.

15. All arms and ammunition will be signed for by the member to whom they are allotted, any loss or damage done to Government property will be assessed by a Board appointed by the President and the person responsible shall make good the loss or damage.

16. In the event of a local Rifle Club being considered to be in an unsatisfactory state the President may abolish it on the recommendation of the Deputy President. All Government property to be returned to the Quarter Master, 3rd Battalion King's African Rifles.

#### **Formation of a Volunteer Corps for active service.**

17. In the event of urgent danger, the Governor will sanction the formation of a Volunteer Corps.

18. The Officer to command the Volunteer Corps will be nominated by the Governor and published in the "Official Gazette."

19. The names of all other Officers required will be submitted by the O. C. Volunteer Corps for the approval of the Governor and will be published in the "Official Gazette."

20. The men of the Corps will be enlisted and will take the prescribed form of oath. They will be enlisted till the end of hostilities, the Governor having the power to disband the whole or a portion of the Corps as he may think fit.

21. The N. C. O's will be appointed by the O. C. Volunteer Corps.

22. The pay of a private in the Volunteer Corps will be Rs. 5/-per diem, with free rations and transport.

The pay of a Corporal will be Rs. 6/-per diem with free rations and transport.

The pay of a Sergeant will be Rs. 7-50 cents per diem, with free rations and transport.

The pay of a Colour Sergeant and Quarter Master Sergeant will be Rs. 10/- per diem with free rations and transport.

The pay of Officers will be at the same rate as that of Officers serving in the K. A. R.

Goanese and Parsees.

Returns.

Inspection of Arms and Books and stores.

Damage to Arms, Ammunition, etc.

Disbandment.

Formation.

O. C. nomination of.

Names to be approved of by Governor.

Period of enlistment and oath to be taken.

N. C. O's. appointment of.

Pay.

Mounted Volunteers.

23. In the event of a mounted Volunteer Corps being raised any Volunteer bringing his horse or mule and saddlery will in addition to the above rates of pay, receive free rations for his horse.

His horse, or mule, or saddlery will be taken over by Government at market rate, the price to be fixed by a committee appointed by the Governor. The value of the animal being paid at once to the Volunteer and he will have the option of buying back his horse and saddlery from Government at the conclusion of operations at a fair price

Army Act to apply.

24. The Volunteer Corps as soon as formed, will serve under the Army Act.

Equipment to be kept.

25. Bandolier equipment, including water bottles and haversacks will be kept in the Quarter Master's stores 3rd K. A. R. ready for issue in the event of a Volunteer Corps being raised.

Repeal.

26. The East Africa Volunteer Reserve Ordinance, 1905 and the East Africa Volunteer Reserve Amendment Ordinance, 1907, are hereby repealed.

Oath.

27. The following form of oath will be taken by every Volunteer enlisting in the Volunteer Corps for active service :—

I....., do swear that during the period I am a Volunteer in the Volunteer Corps, I will be faithful and bear true allegiance to H. M. King Edward VII, his heirs and successors according to Law, and that I acknowledge the Army Act in force as binding upon me,

so HELP ME GOD.

Form of oath.

( or in the case of a Parsee such other form of oath as may be binding on him.)

28. Every member will be required to take the following oath on joining the Rifle Club :—

I....., do swear that during the time I am a member of the East Africa Protectorate Rifle Club, I will be faithful and bear true allegiance to H. M. King Edward VII, his heirs and successors according to Law.

so HELP ME GOD.

(or in the case af a Parsee such other form of oath as may be binding on him.)

## A Bill

### To amend the Courts Ordinance 1907.

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

1. This Ordinance may be cited as the Courts Amendment Ordinance 1908.

2. Wherever the word "European" occurs in the Courts Ordinance 1907 it shall be held to include "Americans".

**A Bill****To make provision for the identification of prisoners.**

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

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

**A Bill****To amend the Criminal Procedure Ordinance 1906.**

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

1. This Ordinance may be cited as the Criminal Procedure Ordinance 1908.
2. (1) When in a case tried before the High Court the Jury are unanimous in their opinion, or when as many as 6 in a Jury of 9 or 4 in a Jury of 5 are of one opinion, and the Judge agrees with them, the Judge shall give judgment in accordance with such opinion.
- (2) When in any such case the Jury are satisfied that they will not be unanimous, but 6 or 4 as the case may be are of one opinion, the foreman shall so inform the Judge.
- (3) If the Judge disagrees with the majority he shall at once discharge the jury.
- (4) If there are not so many as 6 or 4 as the case may be who agree in opinion, the Judge shall after the lapse of such time as he thinks reasonable discharge the jury.
3. Section 305 of the Code of Criminal Procedure is hereby repealed.

# AT THE COURT AT BUCKINGHAM PALACE,

The 4th day of July, 1908.

PRESENT,

## THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Section 7 of the Workmen's Compensation Act, 1906, it is amongst other things provided that where an injured Master Seaman or Apprentice (being a member of the crew of any ship registered in the United Kingdom, or of any other British ship or vessel of which the owner or, if there is more than one owner, the managing owner or manager resides, or has his principal place of business in the United Kingdom) is discharged or left behind in a British Possession, or in a foreign country, depositions respecting the circumstances and nature of the injury may be taken by any Judge or Magistrate in the British possession, and by any British Consular Officer in the foreign country, and if so taken shall be transmitted by the person by whom they are taken to the Board of Trade, and such depositions or certified copies thereof shall in any proceedings for enforcing the claim for compensation be admissible in evidence as provided by Sections 691 and 695 of the Merchant Shipping Act, 1894, and those sections shall apply accordingly :

And whereas by Section 691 of the Merchant Shipping Act, 1894, it is amongst other things provided that whenever in the course of any legal proceeding instituted in any part of His Majesty's Dominions before any Judge or Magistrate, or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of that proceeding, then upon due proof, if the proceeding is instituted in the United Kingdom, that the witness cannot be found in that kingdom, or if in any British possession, that he cannot be found in that possession, any deposition that the witness may have previously made on oath in relation to the same subject matter before any Justice or Magistrate in His Majesty's Dominions or any British Consular Officer elsewhere shall be admissible in evidence :

And whereas by Section 737 of the said last recited Act it is provided that where under that Act anything is authorized to be done by, to or before a British Consular Officer, and in any place outside His Majesty's Dominions in which His Majesty has jurisdiction there is no such officer, such thing may be done in that place by, to or before such officer as His Majesty in Council may direct :

And whereas the places specified in the first column of the Schedule hereto are places outside His Majesty's Dominions in which His Majesty has jurisdiction, but in which there is no British Consular Officer :

And whereas it has been made to appear to His Majesty that it is expedient that the officers named in the second column of the Schedule hereto should exercise and perform in the said places respectively, the hereinbefore mentioned power and duties of a British Consular Officer to take depositions as aforesaid :

NOW, THEREFORE, His Majesty, by virtue and in exercise of the power in that behalf by Section 737 of the Merchant Shipping Act, 1894, in His Majesty vested, is pleased, by and with the advice of His Privy Council, to direct that the taking of depositions which is under the hereinbefore recited Acts authorized to be done by or before a British Consular Officer may be done in the places specified in the first column of the Schedule hereto, by or before any officer for the time being acting in the office or offices respectively named in the second column of the Schedule hereto and set opposite to such places specified as aforesaid.

A. W. FITZROY.

### **Schedule.**

1. Northern Nigeria.	1. The Cantonment Magistrate at Lokoja.
2. The Protectorate of Southern Nigeria.	2. At Calabar and Warri the Police Magistrate, and at other ports of the Protectorate the District Commissioner of the District.

3. The East Africa Protectorate.	3. The Chief of Customs.
4. Uganda.	4. The Principal Judge.
5. Somaliland.	5. The District Officer at Berbera.
6. Nyasaland.	6. The Comptroller of Customs.
7. Weihaiwei.	7. The Magistrate.
8. Cyprus.	8. The President of the District Court of Nikosia.

## NOTICE.

His Excellency has been pleased to approve of the following Tender Board for Transport in the Ukamba Province.

**Chairman**

Provincial Commissioner, Ukamba Province.

**Members**

Representatives from the  
Transport  
Agriculture  
Treasury  
Public Works } Departments.

**Secretary**

Executive Engineer, Nairobi.

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

District.	Division of District or clan. Division D. Clan C.	Chiefs.	Headmen.
Kisumu	Nyakatch D. Kanu D. Kisumu proper D. Gemi D. Kadimu D. Sakwa D. Sembo D. Semi D. Uyoma D. Maragoli (west) D. Maragoli (east) D. Tiriki D. Nyangori D. Swahili Settlement Fort Smith	Keri wa Oworr Owiti wa Kitoto Ollang wa Ogada Ndeda wa Mbinda Aiyuyu wa Anzezi Shivachi wa Haweri Mugera wa Mwanga Salano wa Mogoyan	Omondi wa Odula { Ogola wa Okwatch, Amiano wa Ochien, Oworr Angienda wa Ondoo Niyabera wa Aguto Annam Ondiek Azola wa Odinda Nyangaga wa Kweto Otumba wa Mbede Mfogo wa Aiyuyu Lihozo wa Shivachi Amutavi wa Mwanga Ragori wa Tiriki Hassani bin Hamisi
Kikuyu			

Nairobi,  
September 14th, 1908.

J. HAYES SADLER.  
Governor.

## NOTICE.

In exercise of the powers conferred upon me by para. 7 of the Native Marriage Ordinance, 1904, I hereby appoint Rev. Lee H. Downing of the Africa Inland Mission, Kijabe, to be a Registrar of Marriages

Nairobi,  
September 12th, 1908.

J. HAYES SADLER  
Governor.

GOVERNOR'S OFFICE,

NAIROBI,

September 15th, 1908.

## APPOINTMENTS.

His Excellency the Governor has been pleased to approve the following promotions and appointments:—

The following Assistant District Commissioners.

To be District Commissioners, H. Hyde Baker, Esq., E. B. Horne, Esq., Hon. K. R. Dundas, to date 1st April 1908.

To be Adjutant and Quartermaster 2nd Battalion, King's African Rifles.  
Lieut. H. S. Filsell, to date 21st July 1908.

To be Acting Deputy Inspector General of Police.

R. M. Ewart, Esq., Superintendent of Police to date 24th August 1908.

R. Weeks, Esq., District Commissioner, to be Secretary of the Education Board during the absence of F. G. Hamilton, Esq., on leave.

F. J. JACKSON  
Lieutenant Governor.

## NOTICE.

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

Mr. R. J. Stordy.

Nairobi,  
September 7th, 1908.

F. W. ISAAC

Acting Provincial Commissioner.

## NOTICE.

It is hereby notified for general information that the Colonial Regulations have now been issued in a revised form and will come into force from October 1st. These regulations were published in the Colonial Office list for the current year and a supply of Copies is being obtained for distribution.

Nairobi,  
September 14th, 1908.

H. F. G. BELL  
Acting Secretary.

## NOTICE.

In all cases where an applicant for land or land-owner has been notified of the date of a survey being undertaken for him, no responsibility rests with the Survey Department for the re-establishment of beacons after survey, should no complaint be lodged within three months from date of survey.

Nairobi,  
July 7th, 1908.

J. MONTGOMERY  
Commissioner of Lands.

## NOTICE.

**Lease of land in the Coast belt.**

Since the issue of the notice of the 10th April (see Government Gazette of 15th April 1908) it has been found that much of the land believed to belong to the Crown is claimed as private property.

The above notice is therefore hereby cancelled, and the public is informed that no more land will be granted outside a township pending the enquiry into titles shortly to be begun by the Recorder of Titles.

Nairobi,  
September 4th, 1908.

J. MONTGOMERY  
Commissioner of Lands.

## NOTICE.

The October Sittings of the High Court at Nairobi will commence with the hearing of criminal cases on the 5th of October. The Civil Cause List, which is headed by the Civil Appeals will not be taken before the 9th October.

The Judge on leaving Nairobi will proceed first to Fort Hall and then to Kisumu.

The approximate dates of the commencement of the High Court sittings at these places will be respectively the 23rd October and 2nd November.

Mombasa,  
September 4th, 1908.

J. W. H. PARKINSON  
Registrar High Court.

## NOTICE.

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

No.	Name.	Date.
1	The Munsey Magazine	July 1908.
2	The British Weekly	July 2nd 1908
3	Advocate of India	„ 23rd „
4	Sample of rice	
5	The African World	„ 11th „
6	Afrika-Bote	June „
7	Nea Hmepa. ( Greek paper )	July 11th 1908
8	De Voorhoede	„ 11th „
9	The African World	May 15th „
10	Je sais tout	June 13th „
11	Weekly Scotsman	„ „
12	The C. M. S. Gazette	„ „
13	Mercy and Truth. (Record of C. M. S. Medical Mission Work )	„ „
14	Awake ( C. M. S. Booklet.)	„ „
15	The Round World ( C. M. S. Booklet)	„ „
16	The Church Missionary Gleaner	„ „
17	The Daily Telegraph	July 22nd „
18	Jam-e-Jamshed ( 5 copies )	July 11, 16, 21, 22, and 24th
	Cricket	June 18th 1908
19	The Times Weekly	„ 19th „
	The Athletic News	„ 22nd „
20	The Ladies Field	„ „
21	The Kathiawar Law Reports	August „
22	The Church Family Newspaper	July 24th „
23	L' Eche De Paris ( 3 Copies )	July 27, 29, and 30th
24	Le Figaro	„ 28th 1908
25	Daily Mail	„ 30th „
26	Pearson's Magazine	„ „
27	Harper's Monthly Magazine	„ „
28	The All—Story Magazine	June „
29	Photography and Focus ( 2 Copies )	July 7th and 14th 1908
30	The Royal	August 1908
31	The Sunday at Home	July „
32	The Carlinville Democrat	June 24th 1908
33	Liverpool Weekly Mercury	July 18th „
34	Jersey Weekly Press	„ 4th „
35	Michigan Catholic	„ 16th „
36	Army and Navy Catalogue	Mar. 15th „
37	The Munsey Magazine	June „
38	The Idler	„ „
39	The Bulletin ( 2 Copies )	July 9th and 16th 1908
40	Metropolitan Magazine	June 1908.
41	The Sketch	July 22nd 1908
42	The African world ( 2 Copies )	„ 25th „
43	Orsett and Grays Deanery Magazine ( 3 Copies )	May, June and July
44	The Strand Magazine	July 1908.
45	Pearson's Magazine	August 1908
46	Lloyds Weekly News	July 12th 1908
47	The Record	December 6th 1907
48	London Free Press	July 6th 1908
49	The Khalsa Advocate	April 18th 1908
50	Illustrated Sporting and Dramatic News.	July 25th „
51	The Gardener's Chronicle	„ 11th „
52	London Opinion	„ 18th „
53	Sample of 2½ inch Manila rope	„ 10th „
54	The Week	„ „
55	The Munsey Magazine	June 24th to July 5th 1908
56	Le Soir ( 12 Copies )	August 2nd 1908
57	Le Petit Journal	„ 2nd „
58	Les Nouvelles Littéraires	„ 3rd „
59	Le Nouvelliste	„ 3rd „
60	Memorial De La Loire	„ 2nd „
61	La Union Republicaine	July 6th to 10th 1908
62	La Mouse ( 8 Copies )	July 10th to 16th 1908
63	Le Republicaine ( 6 Copies )	July 10th 1908
64	Daily Graphic ( Colonial Edition )	June 6th „
65	The World's News	
	Packet of Envelopes bearing the printed address of :	
66	Messrs Abdoolabhoj and Joomabhoj Lalljee, Bombay	

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

Mombasa,  
August 31st, 1908.

W. A. FLACKE  
Postmaster.

## NOTICE.

Tenders are invited for the supply of the following articles for the Nairobi Prison from 1st October 1908 to 31st March 1909.

**Monthly Supplies**

Maize	about ...	... 7,000	lbs.
English Potatoes	„ ...	... 5,000	„
Sweet Potatoes	„ ...	... 5,000	„
Flour (Wheat)	„ ...	... 600	„
Ghee (Local)	„ ...	... 200	„
Salt (Rock)	„ ...	... 150	„
Soap	„ ...	... 10	Cases
Kerosine Oil (American)	about ...	... 4	„
Lime	about ...	... 3	cwt
Firewood	„ ...	... 3	Tons

**Other Requirements.**

Fez Caps	... ...	... 50
Drilling	... ...	... 500 yards
Brooms Soft	... ...	... 6
„ Bass	... ...	... 6
Brushes whitewash	... ...	... 6
Jeyes' Fluid	... ...	... 10 Gallons
Red Beans	... ...	... 4 Tons

Tenders with samples which should be in sealed covers addressed to the Superintendent of Prison will be opened on 26th September 1908. The Superintendent does not bind himself to accept the lowest or any tender.

The persons whose tenders are accepted shall be required to sign an agreement particulars of which can be obtained at this office.

Nairobi,

September 7th, 1908.

R. WEEKS

Deputy Superintendent.

### EAST AFRICA PROTECTORATE. Currency Board.

(a)

## ABSTRACT OF NOTES IN CIRCULATION.

Total amount of Currency Notes in circulation on the tenth day of September 1908.

Rs 13,60,500

Average daily amount of Currency Notes in circulation during the month ended the tenth day of September 1908.

Rs 13,60,500

(b)

## ABSTRACT OF CASH RESERVE.

Amount of the coin portion of the Note Guarantee Fund on the tenth day of September 1908.

Rs 9,10,500

Average daily amount of the coin portion of the Note Guarantee Fund during the month ended the tenth day of September 1908.

Rs 9,10,500

(c)

## ABSTRACT OF SECURITIES FORMING THE INVESTED PORTION OF THE NOTE GUARANTEE FUND ON THE TENTH DAY OF SEPTEMBER 1908.

Nature of Security.	Nominal Value.	Price paid.	Latest known market price.
Transvaal 3% Guaranteed stock	£30,923-6-1	£30,233-10-3	98 $\frac{3}{8}$
Total ...	£30,923-6-1	£30,233-10-3	

Office of the Currency Board,

Mombasa,

September 10th, 1908.

HENRY P. ESPIE  
for Currency Commissioners.

**EAST AFRICA PROTECTORATE.**  
Balance Sheet for the month of May 1908.

			£	s.	d.	£	s.	d.
Revenue for April 1908	...	...				66,559	1	6
Subsidiary Silver Coinage	...	...				6,999	17	1
,, Nickel and Aluminium	...	...				7,064	9	5
General Post Office, London	...	...				603	16	5
,, „ „ Natal....	...	...				14	13	6
Drafts and Remittances	...	...				2,505	4	0
Deposits	...	...				32,689	19	6
Surplus and Deficit	...	...				201,765	14	0
Expenditure	...	...	79,871	16	0			
Advances	...	...	18,599	14	4			
Unallocated Stores	...	...	65,314	10	10			
Suspense	...	...	17,107	9	6			
Copper Coinage	...	...	958	9	9			
Investments	...	...	54,700	0	0			
Cash	...	...	81,658	15	0			
Total	£	318,202	15	5		318,202	15	5

HENRY P. ESPIE

Mombasa, August 25th, 1908.

for Treasurer.

Comparative Statement of the REVENUE of the East Africa Protectorate  
for the month ended 31st May 1908.

Heads of Revenue.	Estimated 1908-9.	Actual Revenue to May 31st 1908.	Revenue for same period of preceding year.	Increase.	Decrease.
Customs	94,000	15,055	13,948	1,107	...
Port, Harbour, Wharf and Light House Dues	700	85	110	...	25
Licences, Excise and Internal Revenue not otherwise classified	104,727	6,327	7,702	...	1,375
Fees of Court or Office, Payments for Specific Services, and Reimbursements in aid...	22,910	2,657	2,700	...	43
Post Office and Telegraphs	18,960	3,095	3,111	...	16
Government Railways	268,415	36,867	42,304	...	5,437
Rents	12,581	1,378	1,311	67	...
Interest	695	272	131	141	...
Miscellaneous Receipts	5,700	536	647	...	111
Sale of Government Property	1,790	101	186	...	85
Land Sales	2,961	186	83	103	...
Total	£ 533,439	£ 66,559	£ 72,233	£ 1,418	£ 7,092
Loan Receipts	£ Nil	Nil			

HENRY P. ESPIE

Mombasa, August 25th, 1908.

for Treasurer.

## EAST AFRICA PROTECTORATE.

Comparative Statement of the EXPENDITURE of the East Africa Protectorate

for the month ended 31st May 1908.

Heads of Expenditure.	Estimated Expenditure 1908-9.	Actual Expenditure during 1908-1909.	Expenditure for same period of preceding year.	Increase.	Decrease.
Rent and Interest to H. H. the Sultan	17,000	4,250	4,250	...	...
Pensions ...	632	93	103	...	10
His Excellency the Governor	5,282	636	639	...	3
Lieut-Governor and Secretariat	6,222	765	727	38	...
Official Gazette & Printing & Stationery	4,808	561	409	152	...
Provincial Administration	63,790	8,696	7,759	937	...
Treasury ...	7,610	1,233	1,111	122	...
Customs Department ...	12,031	1,904	1,633	271	...
Port and Marine Departments ...	10,259	2,400	1,358	1,042	...
" " " Special Expenditure	750	...	...	...	...
Audit Department ...	2,714	128	337	...	209
Legal Departments ...	12,869	1,561	1,395	166	...
Ditto Special Expenditure	...	...	...	...	...
Police ...	55,509	2,225	6,025	...	3,800
Prisons ...	11,291	1,411	1,318	93	...
Medical Departments ...	11,636	1,525	2,114	...	589
Hospitals and Dispensaries	10,000	1,371	1,257	114	...
Ditto Special Expenditure	100	...	...	...	...
Education ...	4,368	144	59	85	...
Transport ...	3,506	307	248	59	...
Military Expenditure ...	50,070	2,912	4,532	...	1,620
Ditto Special Expenditure	9,596	1,152	...	1,152	...
Miscellaneous Services ...	2,700	297	628	...	331
Bombay Agency ...	848	...	27	...	27
Post Office and Telegraphs	24,858	3,811	2,582	1,229	...
Ditto Special Expenditure	280	27	237	...	210
Railway Department ...	193,400	25,878	24,865	1,013	...
Ditto Special Expenditure	48,985	148	7,943	...	7,795
Agricultural Department ...	22,208	2,835	1,788	1,047	...
Ditto Special Expenditure	3,000	5,202	70	5,132	...
Forestry and Scientific Departments	14,875	1,976	910	1,066	...
Ditto Special Expenditure	1,400	102	...	102	...
Immigration Department ...	1,027	84	94	...	10
Survey Department ...	20,012	1,893	2,345	...	452
Ditto Special Expenditure	1,713	149	134	15	...
Land Office ...	9,647	854	716	138	...
Public Works Department ...	16,871	1,572	2,202	...	630
" " Recurrent	28,966	1,096	4,048	...	2,952
" " Extraordinary	78,805	193	3,223	...	3,030
Abolition of Slavery ...	34,000	481	...	481	...
Famine Relief ...	...	...	2,309	...	2,309
Total £	803,638	79,872	89,395	14,454	23,977
Expenditure out of Loans... £	Nil.	Nil.			

Mombasa,  
August 25th, 1908.HENRY P. ESPIE  
for Treasurer.

## EAST AFRICA PROTECTORATE.

*Statement of Assets and Liabilities as at 31st May 1908.*

ASSETS.					Amount.			LIABILITIES.					Amount.			
					£.	s.	d.						£	s.	d.	
Advances	...	...	...	...	18,592	0	0	Subsidiary Silver Coinage	...	...	...	...	7,000	0	0	
Unallocated Stores	...	...	...	...	65,315	0	0	,, Nickel and Aluminium Coinage	...	...	...	...	7,065	0	0	
Suspense	...	...	...	...	17,108	0	0	General Post Office London	...	...	...	...	604	0	0	
Copper Coinage	...	...	...	...	958	0	0	,, , Natal	...	...	...	...	15	0	0	
Investments	...	...	...	...	54,700	0	0	Drafts and Remittances	...	...	...	...	2,505	0	0	
Cash	...	...	...	...	81,659	0	0	Deposits	...	...	...	...	32,690	0	0	
								Excess of Assets over Liabilities	...	...	...	...	188,453	0	0	
					Total £	238,332	0	0					Total £	238,332	0	0

Mombasa,  
August 25th, 1908.

HENRY P. ESPIE  
for Treasurer.

# EAST AFRICA PROTECTORATE.

Statement showing number of trade packages and value in Rupees of various articles imported into Mombasa during July, 1908.

ITEMS.		No. of packages	Value in Rupees.	ITEMS.	Brought forward ...	No. of packages	Value in Rupees
Agricultural implements	... No. of packages	1,003	48,913	LIVE STOCK :—			561,471
Ale and beer	... gallons	2,209	4,774	Horses	... numbers	103	34,650
Ammunition	... cartridges	27,410	2,898	Mules	... „	1	200
Apparel	... packages	98	21,766	Camels	... „	...	...
Bags and sacks	... numbers	23,210	5,340	Cattle	... „	...	...
Beads	... lbs.	3,424	354	Donkeys	... „	...	...
Books, maps and printed matter	... packages	29	6,279	Sheep	... „	...	...
Boots and shoes	... pairs	2,042	7,668	Goats	... „	...	...
Brass and copperwares	... packages	9,060	8,609	Pigs	... „	...	...
Building materials	... „	867	14,213	Poultry	... „	23	230
Coal	... tons	.....	.....	Machinery and parts of	No. of packages	166	6,007
Cotton goods	... yards	1,058,848 $\frac{1}{4}$	253,455	Provisions of all sorts	„	4,795	53,980
Cotton yarns	... lbs.	268	268	Salt	... cwts.	96	282
Drugs, medicines and chemicals	... packages	175	4,812	Seeds and plants for cultivation	packages	17	388
Earthen and glasswares	... „	135	8,432	Silk goods	... yards	3,032	3,425
Fire arms	... numbers	100	8,826	Spirits and liqueurs	... gallons	2,077 $\frac{1}{2}$	17,285
Furniture	... packages	138	9,969	Sugar	... cwts.	2,873 $\frac{1}{2}$	36,582
GRAIN :—				Surgical instruments	... packages	3	50
Rice	... cwts.	11,668 $\frac{1}{4}$	90,603	Tea	... lbs.	4,396	2,719
Flour	... „	2,142	20,357	Tobacco	... „	36,946	21,646
Wheat	... „	164	1,449	Wines	... gallons	947 $\frac{3}{4}$	6,032
Dhall (pulse)	... „	228	2,314	Wood	... tons	1,110	2,409
Other sorts	... „	13,53 $\frac{1}{2}$	10,039	Woollen goods	... yards	4,013 $\frac{1}{2}$	5,233
Gun powder	... lbs.	.....	.....	All other sorts	... packages	2,191	48,843
Iron and steelwares	... packages	903	18,624	Gold and Silver	... „	...	...
Kerosine oil	... gallons	183,24 $\frac{1}{2}$	11,509	Goods in transit	„	2,478	35,051
	Carried forward ...		561,471	Total ...	Rupees ...		836,483

Total value of trade imports in July 1907 ... Rs. 1,118,185

Total decrease in value ... Rs. 281,702

Increase in value of goods for home consumption ... Rs. 36,847

Decrease in value of goods in transit ... Rs. 318,549

Nett decrease ... Rs. 281,702

F. W. MAJOR  
Chief of Customs.

# E A S T A F R I C A P R O T E C T O R A T E.

Statement showing number of trade packages and value in Rupees of trade goods re-exported from Mombasa to different countries during July 1908.

September 15, 1908.

THE OFFICIAL GAZETTE

518

ITEMS.		Quantity.	Portuguese Colonies.	Italian East Africa.	German East Africa.	Zanzibar.	United Kingdom.	India.
Ale and beer	... No. of gallons	42			120			
Ammunition	... " cartridges	.....			.....			
Apparel	... " packages	3			466			
Beads	... " lbs.	12,750			1,385			
Boots and shoes	... " pairs	.....			.....			
Brass and copperwares	... " packages	17			1,662			
Building materials	... " "	108			1,132			
Cotton goods	... " yards	81,688			20,422			
Drugs, medicines and chemicals	... " packages	.....			.....			
Earthen and glasswares	... " "	1			28			
Furniture	... " Numbers	2			69			
Rice	... " cwts.	2			16			
Flour	... " "	74			922			
Wheat	... " "	.....			.....			
Other sorts of grain	... " "	.....			.....			
Iron and steelwares	... " packages	22			738			
Kerosine oil	... " gallons	6,528			2,924			
Horses	... " numbers	.....			.....			
Machinery and parts of	... " packages	.....			.....			
Provisions of all sorts...	... " "	29			873	87		
Spirits and liqueurs	... " gallons	82	60		760			
Sugar	... " cwts.	266			2,804			
Tea	... " lbs.	300			238			
Tobacco	... " "	650			428			
Wines	... " gallons	16			149			
All other sorts	... " packages	283			2,836	289		130
Total Rupees			60		27,972			130

Total value of Re-exported goods ... Rs. 38,538

F. W. MAJOR  
Chief of Customs

## EAST AFRICA PROTECTORATE.

Statement showing value in Rupees of various articles exported from Mombasa during July 1908.

ITEMS.		Value in Rupees.	ITEMS.		Value in Rupees.
Ivory	E. A. Protectorate	3,471	Brought forward	...	151,232
"	U. Protectorate	49,009			
"	Congo Free State	12,416			
Rubber	E. A. Protectorate	831			
"	U. Protectorate	2,947			
"	G. East Africa	18,920	Cotton	E. A. Protectorate	3,461
Gum copal	E. A. Protectorate	64	"	U. Protectorate	59,609
Horns, rhinoceros	E. A. Protectorate	215	Borities	E. A. ,,	48
" Other sorts	E. A. Protectorate	535	Copra	E. A. ,,	10,800
" "	Uganda ,,	150	Coffee	E. Africa ,,	367
" "	G. East Africa	35	"	U. Protectorate	63
" "	Congo Free State	920	Potatoes	German E. Africa	1,567
Teeth, hippopotamus	E. A. Protectorate	25	Chillies	E. A. Protectorate	1,747
" "	U. Protectorate	2,041	Fibres	Uganda Protectorate	1,021
Hides, ox	E. A. Protectorate	4,869	Wax	E. A. ,,	3,186
" "	U. Protectorate	6,495	"	E. A. Protectorate	10,269
" "	G. East Africa	20,515	GRAINS:—	G. East Africa	7,821
" Sheep	E. A. Protectorate	1,569			
" "	U. Protectorate	1,743	Sim sim	U. Protectorate	1,257
" "	G. East Africa	788	Ground nuts	E. A. Protectorate	150
" Goat	E. A. Protectorate	2,212	"	U. ,,"	90
" "	U. Protectorate	20,508	G. E. Africa	G. E. Africa	7,916
" "	G. East Africa	2,329	"	E. A. Protectorate	640
Wild animal skins	E. A. Protectorate	493	Ghee	Uganda ,,"	6,425
" "	U. Protectorate	82	"	G. East Africa	6,780
" "	G. East Africa	60	Sundries	E. A. Protectorate	2,408
" "	Congo Free State	120	"	U. ,,"	7,512
LIVE STOCK:—			"	G. East Africa	175
Sheep	E. A. Protectorate	1,090	"	Congo Free State	483
Goat	"	1,040	Carried forward...	Total Rupees	289,284

Total value of Exports in July 1908  
Total decrease in value ...... Rs. 588,560  
... Rs. 299,276F. W. MAJOR  
Chief of Customs.

## EAST AFRICA PROTECTORATE.

Statement showing value in Rupees of Imports made into Mombasa  
from different countries during July 1908.

COUNTRIES.	Value in Rupees.
United Kingdom ...	218,555
India and Burmah ...	227,675
Ceylon ...	448
Mauritius ...	1,294
Zanzibar ...	842
Uganda Protectorate...	.....
South African Colonies ...	36,067
Australian Colonies ...	.....
Austria ...	10,251
Belgium ...	5,534
France and French Colonies ...	17,431
Germany ...	69,931
Holland ...	65,488
Italy ...	5,551
Sweden ...	.....
Portugal and Portuguese Colonies	219
Russia ...	12,558
Switzerland ...	28,155
Miscellaneous Ports of Europe ...	2,011
Miscellaneous Ports of Asia ...	13,906
United States of America ...	80,846
German East Africa ...	4,418
Other British Possessions ...	252
Italian East Africa ...	.....
	801,432
Goods in transit ...	35,051
Total value Rupees ...	836,483

F. W. MAJOR

Chief of Customs.

***East Africa Protectorate.***

METEOROLOGICAL DATA FOR THE MONTH OF JUNE 1908.

Station.	Mean Temperature.		Extreme Temperature.		Rainfall.		
	Max.	Min.	Max.	Min.	Total.	Max.	Date.
Athi River ...	74·1	54·1	78·0	48·0	0·00	0·00	...
Elmenteita ...	77·5	47·6	83·0	41·0	2·73	0·60	21st
Eldama Ravine ...	74·5	48·4	84·0	44·0	3·74	1·16	20th
Fort Hall ...	78·8	59·0	84·0	53·0	0·62	0·44	16th
Kibos ...	...	....	...	...	2·36	0·70	28th
Kericho ...	84·6	...	91·0	...	4·11	0·50	20th
Kisumu ...	82·7	62·9	94·0	60·0	6·05	1·76	4th
Limoru ...	68·4	48·5	72·0	43·0	1·40	0·75	9th
Mwatate ...	77·6	58·5	83·0	53·0	0·61	0·15	17th
Mombasa ...	80·3	72·0	81·5	69·0	4·50	1·68	8th
Machakos ...	74·5	48·6	80·0	44·5	0·20	0·10	6th
Morendat ...	82·7	...	85·0	...	2·05	1·05	20th
Nairobi ...	74·4	53·8	86·5	48·5	1·22	0·90	26th
Nandi ...	73·3	50·9	78·0	47·0	5·45	1·12	19th

**ARRIVALS.**

Name in full.	Rank.	From leave or on 1st Appointment.	Date of leaving England.	Date of Embarkation.	Date of arrival at Mombasa or Kilindini.
J. H. N. Stuart	Clerk, Land Office	1st. appt.	Aug. 8th 1908	Aug. 10th 1908	Aug. 28th 1908
W. H. Grimshaw.	Captain 3rd K. A. R.	leave	" 6th "	" 10th "	" 28th "
C. A. Armitstead	Paymaster, 3rd K. A. R.	do	" 5th "	" 5th "	Sept. 2nd "
W. Pearson	Postmaster	do	" 4th "	" 5th "	" 2nd "
Capt. A. O. Luckman	Asst. Dist. Commissioner	do	" 4th "	" 15th "	" 2nd "
A. MacGregor	Forester	1st appt.	" 14th "	" 15th "	" 2nd "

**DEPARTURES.**

Name in full.	Rank.	On leave or termination of appointment.	Date of departure.	Date due to return Mombasa.	Remarks.
J. S. Forsyth	Asst. Dist. Commissioner	termination of appt.	Aug. 25th 1908		
W. H. Tanner	Asst. Director of P. W. D.	leave	" 25th "	Feb. 25th 1909	
R. Donald	Inspector General of Police	do	" 25th "	Dec. 25th "	
T. H. Galbraith	District Surveyor	do	" 28th "	Jan. 28th "	
R. Barton Wright	Land Officer	do	" 28th "	Dec. 28th "	
C. H. Stigand	Captain 1st K. A. R.	on leave from Apr. 12th 1908 in the country to Aug. 11th 1908			

**NOTICE.**

To whom it may concern.

In re Lieut. A. Gordon Douglas R.N., Take Notice that all persons having any claim against the abovenamed are requested to forward same with full particulars, states and items, to the undersigned on or before October 15th proximo.

**OSMUND TONKS**  
Solicitor, P. O. Box 34, Nairobi.

**THE INDIAN TRADING ASSOCIATION LIMITED, MOMBASA.**

To whom it may concern.—

Take notice that an Extraordinary General Meeting of the above Association held at the office of Mr. C. M. Dalal, Mombasa, on 10th August 1908, the following resolutions were passed, viz :—

1. That as the members were not paying their calls, it is advisable forthwith to voluntarily wind up the Association, and,
2. That the following persons be appointed Liquidators Viz :— Messrs. Jaffer Devji, Dr. R. R. Shukle, Ladha Karim, Inderji Pasvir and Esmailji Shaikh Essaji.

Mombasa,  
September 3rd, 1908.

**REWASHANKER R. SHUKLE**  
Honorary Secretary of the above Association.

## TENDER.

The Officer Commanding Troops, Uganda Protectorate, is prepared to receive tenders for the supply of Indian Rations for 15 months commencing on December 25th 1908 to February 25th 1910.

The approximate monthly requirements are as follows:—

Indian atta	8525 lbs.	Packed in loads of 50 lbs
Indian rice	1705 ,,	net contents each in americani or dasooti bags then
Dal urid	550 ,,	in gunny bags as an outside
Dal moong	300 ,,	covering.
Aden salt	285 ,,	
Local ghee	850 lbs.	
Local gur	960 ,,	In air-tight tins.
Local curry Powder	145 ,,	
Tea	60 lbs.	
Rum	96 bottles	
Lime juice	12 ,,	In wooden boxes.

to be delivered at the Quarter Master's Store, Entebbe, free of charge on or about 25th of each month.

The contractor to keep up a reserve of one month's rations of above approximate quantities at his own risk, storage for which will be supplied in the Ration Store, Entebbe.

The contractor to undertake to supply 3 months' rations packed as above at a fortnight's notice.

The empties, that is, americani bags, gunny bags, and tins will be returned to the contractor at the Quarter Master's Store.

The Officer Commanding Troops does not bind himself to accept the lowest or any tender.

Tenders with samples should be sent to the Quarter Master, Entebbe, so as to reach him before October 1st, 1908.

B. R. GRAHAM, Lt. Colonel,  
Commanding Troops, Uganda Protectorate.

## NOTICE.

All Applications or Remittances should be sent to the Editor

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