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EAST AFRICA



PROTECTORATE.

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EAST AFRICA PROTECTORATE.

AN ORDINANCE

No. XIII of 1910.

An Ordinance to consolidate, amend and add to the law relating to Railways in the East Africa Protectorate.

[18th May 1910.]

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

CHAPTER I.

PRELIMINARY.

1. (1) This Ordinance may be cited as the East Africa Railways Ordinance, 1910, and shall come into force on such date as the Governor shall determine by notice in the *Gazette*. Title & commencement.

2. (1) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the third column thereof. Repeal.

(2) But all rules, declarations and appointments made, sanctions and directions given, forms approved, powers conferred and notifications published under any of those enactments, or under any enactment repealed by any of them, or under any ordinance or orders in Council issued in the *Gazette* shall, so far as they are consistent with this Ordinance, be deemed to have been respectively made, given, approved, conferred and published under this Ordinance.

(3) Any enactment or document referring to any of those enactments or to any enactment repealed by any of them, shall, so far as may be, be construed to refer to this Ordinance or to the corresponding portion thereof.

3. In this Ordinance, unless there is something repugnant in the subject or context,— Definitions.

(1) "animals" includes animate things of every kind except human beings.

(2) "Crown Lands Ordinance" means the Crown Lands Ordinance, 1902, and any Ordinance substituted therefor or amending the same.

(3) "ferry" includes a bridge of boats, pontoons or rafts, a swing-bridge, a flying bridge and a temporary bridge, and the approaches to, and landing-places of, a ferry :

(4) "free pass" means an authority given by a railway administration, or by an officer appointed by a railway administration in this behalf, and authorising the person to whom it is given to travel as a passenger on a railway gratuitously :

(5) "*Gazette*" means "*The Official Gazette*" of the Protectorate.

(6) "goods" includes inanimate things of every kind :

(7) "High Court" means either the full court or one or more Judges of the High Court according as the matter in question is one which, under the rules and practice of the High Court, properly appertains to the full court or to one or more Judges.

(8) "Imprisonment" means imprisonment of either description

(9) "inland water" means any canal, river, lake or navigable water :

(10) "Inspector" means an Inspector of Railways appointed under this Ordinance :

(11) "Protectorate" means The British East Africa Protectorate.

(12) "railway" means a railway, or any portion of a railway, for the public carriage of passengers, animals or goods, and includes—

(a) all land within the fences or other boundary-marks indicating the limits of the land appurtenant to a railway;

(b) all lines of rails, sidings or branches worked over for the purposes of, or in connection with, a railway ;

(c) all stations, offices, warehouses, wharves, workshops, manufactories, fixed plant and machinery and other works constructed for the purposes of, or in connection with, a railway ; and

(d) all ferries, ships, boats, and rafts which are used on inland waters for the purposes of the traffic of a railway and belong to or are hired or worked by the authority administering the railway :

(13) "railway administration" or "administration," in the case of a railway administered by the Government means the manager of the railway and includes the Government, and, in the case of a railway administered by a railway company, means the railway company :

(14) "railway company" includes any persons, whether incorporated or not, who are owners or lessees of a railway or parties to an agreement for working a railway :

(15) "railway servant" means any persons employed by a railway administration in connection with the service of a railway :

(16) "rate" includes any fare, charge or other payment for the carriage of any passenger, animal or goods :

(17) "rolling-stock" includes locomotive engines, motors, tenders, carriages, wagons, trucks and trollies of all kinds :

(18) "ship" includes steamers, tugs, lighters, launches and boats used by a railway for the conveyance of passengers, animals or goods :

(19) "terminals" includes charges in respect of stations, sidings, wharves, depôts, warehouses, cranes and other similar matters, and of any services rendered thereat ;

(20) "through traffic" means traffic which is carried over the railways of two or more railway administrations :

(21) "ticket" includes a single ticket, a return ticket, a season ticket and any other written authority (not being a free pass) for a person to travel as a passenger on a railway :

(22) "traffic" includes rolling-stock of every description, as well as passengers, animals and goods :

(23) "train" shall include a locomotive engine or motor without vehicles attached :

(24) "tramway" means a tramway constructed under the Indian Tramways Act, 1886, as applied to the Protectorate or any ordinance substituted for such Act.

(25) Words importing the masculine gender include females, and :

(26) Words in the singular, include the plural and *vice versa*.

CHAPTER II.

INSPECTION OF RAILWAYS.

4. (1) The Governor in Council may appoint persons, by name or by virtue of their office, to be Inspectors of Railways and such persons shall hold office for so long as the Governor may decide. Appointment and duties of Inspectors.

(2) The duties of an Inspector of Railways shall be—

- (a) to inspect railways with a view to determine whether they are fit to be opened for the public carriage of passengers, and to report thereon to the Governor in Council as required by this Ordinance;
- (b) to make such periodical or other inspections of any railway or of any rolling-stock used thereon as the Governor in Council may direct ;
- (c) to make inquiry under this Ordinance into the cause of any accident on a railway ;
- (d) to perform such other duties as are imposed on him by this Ordinance or any other enactment for the time being in force relating to railways.

5. An Inspector shall, for the purpose of any of the duties which he is required or authorised to perform under this Ordinance, be deemed to be a public servant within the Indian Penal Code, and, subject to the control of the Governor in Council, shall for that purpose have the following powers, namely :— Powers of Inspectors.

- (a) to enter upon and inspect any railway or any rolling-stock used thereon ;
- (b) by an order in writing under his hand addressed to the railway administration, to require the attendance before him of any railway servant, and to require answers or returns to such inquiries as he thinks fit to make from such railway servant or from the railway administration ;
- (c) to require the production of any book or document belonging to or in the possession or control of any railway administration (except a communication between a railway company and its legal advisers) which it appears to him to be necessary to inspect.

6. A railway administration shall afford to the Inspector all reasonable facilities for performing the duties and exercising the powers imposed and conferred upon him by this Ordinance. Facilities to be afforded to Inspectors

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WORKS.

7. (1) Subject to the provisions of this Ordinance and in the case of immoveable property not belonging to the railway administration, to the provisions of the Crown Lands Ordinance, 1902, or to the provisions of any enactment for the time being in force for the acquisition of land for public purposes and for companies, as the same may be applicable, and subject also, in the case of a railway company, to the provisions of any contract between the company and the Government, a railway administration may for the purpose of constructing a railway or the accommodation or other works connected therewith, and notwithstanding anything in any other enactment for the time being in force :— Authority of railway administration to execute all necessary works.

- (a) make or construct in, upon, across, under or over any lands, or any streets, hills, valleys, roads, railways, or tramways, or any rivers, canals, brooks, streams or other waters, or any drains, water-pipes, gas-pipes, telegraph or electric power lines, such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aqueducts, bridges, roads, lines of railway, ways, passages, conduits, drains, piers, cuttings and fences as the railway administration thinks proper ;
- (b) alter the course of any rivers, brooks, streams, or water-courses, for the purpose of constructing and maintaining tunnels, bridges, passages or other works over or under them, and divert or alter, as well

temporarily as permanently, the course of any rivers, brooks, streams or water-courses, or any roads, streets or ways, or raise or sink the level thereof, in order the more conveniently to carry them over or under or by the side of the railway, as the railway administration thinks proper ;

- (c) make drains or conduits into, through or under any lands adjoining the railway for the purpose of conveying water from or to the railway ;
- (d) erect and construct such houses, warehouses, offices and other buildings, and such yards, stations, wharves, engines, machinery, apparatus and other works and conveniences as the railway administration thinks proper ;
- (e) alter, repair or discontinue such buildings, works and conveniences as aforesaid or any of them, and substitute others in their stead ; and
- (f) do all other acts necessary for making, maintaining, altering or repairing and using the railway.

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

Alteration of
pipes, wires
and drains.

8. A railway administration may, for the purpose of exercising the powers conferred upon it by this ordinance alter the position of any pipe for the supply of gas, water or compressed air or the position of any electric wire or of any drain not being a main drain :

Provided that—

- (a) when the railway administration desires to alter the position of any such pipe, wire or drain it shall give reasonable notice of its intention to do so, and of the time at which it will begin to do so, to the local authority or company having control over the pipe, wire or drain, or, when the pipe, wire or drain is not under the control of a local authority or company, to the person under whose control the pipe, wire, or drain, is ;
- (b) a local authority, company, or person receiving notice under proviso (a) may send a person to superintend the work, and the railway administration shall execute the work to the reasonable satisfaction of the person so sent and shall make arrangements for continuing during the execution of the work the supply of gas, water, compressed air or electricity or the maintenance of the drainage, as the case may be.

Temporary
entry upon
land for re-
pairing or
preventing
accident.

9. (1) The Governor in Council may authorise any railway administration, in case of any slip or other accident happening or being apprehended to any cutting, embankment or other work under the control of the railway administration, to enter upon any lands adjoining its railway for the purpose of repairing or preventing the accident, and to do all such works as may be necessary for the purpose.

(2) In case of necessity the railway administration may enter upon the lands and do the works aforesaid without having obtained the previous sanction of the Governor in Council, but in such a case shall, within seventy-two hours after such entry, make a report to the Governor in Council, specifying the nature of the accident or apprehended accident, and of the works necessary to be done, and the power conferred on the railway administration by this sub-section shall cease and determine if the Governor in Council, after considering the report, considers that the exercise of the power is not necessary for the public safety.

Payment of
compensa-
tion for dam-
age caused
by lawful
exercise of
powers under
section 7, 8
or 9.

10. (1) A railway administration shall do as little damage as possible in the exercise of the powers conferred by any of the three last foregoing sections, and, subject to the provisions of the Crown-Lands Ordinance, compensation shall be paid for any damage caused by the exercise thereof.

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

11. (1) A railway administration shall make and maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway, namely :— Accommodation works.

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

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

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

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

(a) a railway administration shall not be required to make any accommodation works in such a manner as would prevent or obstruct the working or using of the railway, or to make any accommodation works with respect to which the owners and occupiers of the lands have agreed to receive and have been paid compensation in consideration of their not requiring the works to be made ;

(b) save as hereinafter in this Chapter provided, a railway administration shall not, except on the requisition of the Governor in Council, be compelled to defray the cost of executing any further or additional accommodation works for the use of the owners or occupiers of the lands after the expiration of ten years from the date on which the railway passing through the lands was first opened for public traffic ;

(c) where a railway administration has provided suitable accommodation for the crossing of a road or stream, and the road or stream is afterwards diverted by the act or neglect of the person having the control thereof, the administration shall not be compelled to provide other accommodation for the crossing of the road or stream.

(4) The Governor in Council may appoint a time for the commencement of any work to be executed under sub-section (1), and if for fourteen days next after that time the railway administration fails to commence the work or, having commenced it, fails to proceed diligently to execute it in a sufficient manner, the Governor in Council may execute it and recover from the railway administration the cost incurred by him in the execution thereof.

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

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

Fences,
gates
and bars.

13. The Governor in Council may require that, within a time to be specified in the requisition, or within such further time as he may appoint in this behalf,—

- (a) boundary-marks or fences be provided or renewed by a railway administration for a railway or any part thereof and for roads constructed in connection therewith;
- (b) suitable gates, chains, bars, stiles or handrails be erected or renewed by a railway administration at places where a railway crosses a public road on the level;
- (c) persons be employed by a railway administration to open and shut such gates, chains, or bars.

Over and
under
bridges.

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

(2) The Governor in Council may require, as a condition of making a requisition under sub-section (1), that the local authority, if any, which maintains the road, shall undertake to pay the whole of the cost to the railway administration of complying with the requisition or such portion of the cost as the Governor in Council thinks just.

Removal of
trees danger-
ous to or ob-
structing the
working of a
railway.

15. (1) In either of the following cases, namely :—

- (a) where there is danger that a tree standing near a railway may fall on the railway so as to obstruct traffic.
- (b) when a tree obstructs the view of any fixed signal,

the railway administration may, with the permission of any District Commissioner, fell the tree or deal with it in such other manner as will in the opinion of the railway administration avert the danger or remove the obstruction, as the case may be.

(2) In case of emergency the power mentioned in sub-section (1) may be exercised by a railway administration without the permission of a District Commissioner.

(3) Where a tree felled or otherwise dealt with under sub-section (1) or sub-section (2) was in existence before the railway was constructed or the signal was fixed, any District Commissioner may, upon the application of the persons interested in the tree, award to those persons such compensation as he thinks reasonable.

(4) Such an award, subject to revision by a Provincial Commissioner, shall be final.

(5) A Civil Court shall not entertain a suit to recover compensation for any tree felled or otherwise dealt with under this section.

CHAPTER IV.

OPENING AND INSPECTION OF RAILWAYS.

Right to use
locomotives.

16. (1) A railway administration may, with the previous sanction of the Governor in Council, use upon a railway locomotive engines or other motive power, and rolling-stock to be drawn or propelled thereby.

(2) But rolling-stock shall not be moved upon a railway by steam or other motive power until such general rules for the railway as may be deemed to be necessary have been made, sanctioned and published under this Ordinance.

Notice of
intended
opening of a
railway.

17. (1) Subject to the provisions of sub-section (2) a railway administration shall, one month at least before it intends to open any railway for the public carriage of passengers, animals, or goods give to the Governor in Council notice in writing of its intention.

(2) The Governor in Council may, in any case, if he thinks fit, reduce the period of, or dispense with, the notice mentioned in sub-section (1).

18. A railway shall not be opened for the public carriage of passengers, animals or goods until the Governor in Council, or an Inspector empowered by the Governor in Council in this behalf, has by order sanctioned the opening thereof for that purpose.

Sanction of the Government a condition precedent to the opening of a railway.

19. (1) The sanction of the Governor in Council under the last foregoing section shall not be given until an Inspector has, after inspection of the railway, reported in writing to the Governor in Council—

Procedure in sanctioning the opening of a railway

- (a) that he has made a careful inspection of the railway and rolling-stock ;
- (b) that the moving and fixed dimensions prescribed by the Governor in Council have not been infringed ;
- (c) that the weight of rails, strength of bridges, general structural character of the works, and the size of and maximum gross load upon the axles of any rolling-stock are such as have been prescribed by the Governor in Council ;
- (d) that the railway is sufficiently supplied with rolling-stock ;
- (e) that general rules for the working of the railway when opened for the public carriage of passengers, animals or goods have been made, sanctioned and published under this Ordinance ; and
- (f) that, in his opinion, the railway can be opened for the public carriage of passengers, animals or goods without danger to the public using it.

(2) If in the opinion of the Inspector the railway cannot be so opened without danger to the public using it, he shall state that opinion, together with the grounds therefor, to the Governor in Council, and the Governor in Council may thereupon order the railway administration to postpone the opening of the railway.

(3) An order under the last foregoing sub-section must set forth the requirements to be complied with as a condition precedent to the opening of the railway being sanctioned, and shall direct the postponement of the opening of the railway until those requirements have been complied with or the Governor in Council is otherwise satisfied that the railway can be opened without danger to the public using it.

(4) The sanction given under this section may be either absolute or subject to such conditions as the Governor in Council thinks necessary for the safety of the public.

(5) When sanction for the opening of a railway is given subject to conditions, and the railway administration fails to fulfil those conditions, the sanction shall be deemed to be void and the railway shall not be worked or used until the conditions are fulfilled to the satisfaction of the Governor in Council.

20. (1) The Governor in Council may, if he thinks fit, extend the provisions of sections 17, 18 and 19 with respect to the opening of a railway to the opening of the works mentioned in sub-section (2) when those works form part of, or are directly connected with, a railway used for the public carriage of passengers, animals or goods and have been constructed after the inspection which preceded the first opening of the railway.

Application of the provisions of the three last foregoing sections to material alterations of a railway.

(2) The works referred to in sub-section (1) are additional lines of railway, deviation lines, stations, junctions and crossings on the level, and any alteration or re-construction materially affecting the structural character of any work to which the provisions of sections 17, 18 and 19 apply or are extended by this section.

21. (1) When the provisions of sections 17, 18 and 19 with respect to the opening of a railway have not been extended under the provisions of section 20 (1) to the works mentioned in section 20 (2), as also

Exceptional provision.

(2) When an accident has occurred resulting in a temporary suspension of traffic, and either the original line and works have been rapidly restored to their original standard, or a temporary diversion has been laid for the purpose of restoring communication, the works referred to the original line and works so restored, or the temporary diversion, as the case may be, can only be opened for the public carriage of passengers, subject to the following condition namely :—

that the railway servant in charge of the works undertaken by reason of the accident has certified in writing

that the opening of the restored line and works, or of the temporary diversion, will not in his opinion be attended with danger to the public using the line and works or the diversion.

Power to make rules with respect to the opening of railways.

22. The Governor in Council may make rules defining the cases in which, and in those cases the extent to which, the procedure prescribed in sections 17 to 19 (both inclusive) may be dispensed with.

Power to close an opened railway.

23. (1) When, after inspecting any open railway used for the public carriage of passengers, animals or goods or any rolling-stock used thereon, an Inspector is of opinion that the use of the railway or of any specified rolling-stock will be attended with danger to the public using it, he shall state that opinion, together with the grounds therefor, to the Governor in Council; and the Governor in Council may thereupon order that the railway be closed for the public carriage of passengers, animals or goods or that the use of the rolling-stock so specified be discontinued, or that the railway or the rolling-stock so specified be used for the public carriage of passengers, animals or goods on such conditions only as the Governor in Council may consider necessary for the safety of the public.

(2) An order under sub-section (1) must set forth the grounds on which it is founded.

Re-opening of a closed railway.

24. (1) When a railway has been closed under the last foregoing section, it shall not be re-opened for the public carriage of passengers, animals or goods until it has been inspected and its re-opening sanctioned, in accordance with the provisions of this Ordinance.

(2) When the Governor in Council has ordered under the last foregoing section that the use of any specified rolling-stock be discontinued, that rolling-stock shall not be used until an Inspector has reported that it is fit for use and the Governor in Council has sanctioned its use.

(3) When the Governor in Council has imposed under the last foregoing section any conditions with respect to the use of any railway or rolling-stock, those conditions shall be observed until they are withdrawn by the Governor in Council.

Delegation of powers under this Chapter to Inspectors.

25. (1) The Governor in Council may, by general or special order, authorise the discharge of any of his functions under this Chapter by an Inspector, and may cancel any sanction or order given by an Inspector discharging any such function or attach thereto any condition which the Governor in Council might have imposed if the sanction or order had been given by himself.

(2) A condition imposed under sub-section (1) shall, for all the purposes of this Ordinance, have the same effect as if it were attached to a sanction or order given by the Governor in Council.

CHAPTER V.

RAILWAY COMMISSIONS AND TRAFFIC FACILITIES.

Railway Commissions.

Constitution of railway Commission.

26. (1) For the purposes of this Chapter the Governor in Council shall, as occasion may in his opinion require, appoint a Commission, styled a Railway Commission (in this Ordinance referred to as the Commissioners), and consisting of one Law Commissioner and two Lay Commissioners.

(2) The Commissioners shall sit at such times and in such places as the Governor in Council appoints.

(3) The Law Commissioner shall be the Principal Judge or such other Judge of the High Court as the Principal Judge shall assign by writing under his hand.

(4) The Lay Commissioners shall be appointed by the Governor in Council, and one at least of them shall be of experience in railway business.

Restriction of jurisdiction of Railway Commission to cases specially referred.

27. The Commissioners shall take cognizance of such cases only as are referred to them by the Governor in Council.

28. In any of the following circumstances, namely :—

Reference of
cases to
Railway
Commission.

- (a) where complaint is made to the Governor in Council of anything done or any omission made by a railway administration in violation or contravention of any provision of this Chapter ;
- (b) where any difference which is under the provisions of any agreement required or authorised to be referred to arbitration arises between railway administrations, and the railway administrations apply to the Governor in Council to have it referred to the Commissioners ;
- (c) where any other difference, being a difference between railway administrations or one to which a railway administration is a party, arises, and the parties thereto apply to the Governor in Council to have it referred to the Commissioners :

the Governor in Council may, if he thinks fit, refer the case to the Commissioners for decision.

29. The three Commissioners shall attend at the hearing of any case referred to them for decision under this Chapter, and the Law Commissioner shall preside at the hearing.

Constitution
of Railway
Commission
in session.

30. (1) In hearing any such case the Commissioners shall have the powers which may be exercised in the hearing of an original civil suit by the High Court.

Powers of
Railway
Commission.

(2) The decision shall, if the Commissioners differ in opinion, be in accordance with the opinion of the majority, and the final order in the case shall be by way of injunction and not otherwise.

(3) At the hearing the Commissioners may permit any party to appear before them either by himself or by any legal practitioner entitled to practise in the High Court.

31. (1) An appeal shall not lie from any order of the Commissioners upon any question of fact on which two of the Commissioners are agreed.

Appeals
from orders
of Railway
Commission.

(2) Subject to the provisions of sub-section (1), an appeal shall lie from an order of the Commissioners to the High Court.

(3) Such an appeal must be presented within six months from the date of the order appealed from, and shall be heard by as many Judges, not being fewer than two, as the High Court may by rule prescribe.

(4) In the hearing of the appeal the High Court shall, subject to the other provisions of this Chapter, have all the powers which it has as an Appellate Court under the Code of Civil Procedure, and may make any order which the Commissioners could have made.

32. Notwithstanding any appeal to the High Court from an order of the Commissioners, the order shall, unless the Commissioners or the majority of them see fit to suspend it, continue in operation until it is reversed or varied by that Court.

Operation of
orders of
Railway
Commission.

33. (1) The Commissioners, in the exercise of their jurisdiction under this Chapter, may, from time to time, with the general or special sanction of the Governor in Council, call in one or more persons of engineering or other technical knowledge to act as assessors.

Assessors.

(2) There shall be paid to such persons such remuneration as the Governor in Council upon the recommendation of the Commissioners may direct.

34. The Governor in Council may make rules regulating proceedings before the Commissioners and enabling the Commissioners to carry into effect the provisions of this Chapter, and prescribing fees to be taken in relation to proceedings before the Commissioners.

Power of the
Governor
in Council
to make rule
for the
purposes
of this
Chapter.

35. The costs of and incidental to any proceedings before the Commissioners or the High Court under this Chapter shall be in the discretion of the Commissioners or the High Court, as the case may be, and the payment of costs awarded by the Commissioners may be enforced by the High Court as if the payment had been ordered by a decree of a High Court.

Costs of
proceedings
under this
Chapter.

Execution of
order of
Railway
Commission
and High
Court.

36. (1) The High Court may, if it appears on the application of any person who was a party to the proceedings before the Commissioners or on appeal before the High Court, or of the representative of any such person that an injunction made under this Chapter by the Commissioners or by the High Court has not been obeyed by the party enjoined, order such party to pay a sum not exceeding one thousand rupees for every day during which the injunction is disobeyed after the date of the order directing such payment.

(2) The payment of such sum may be enforced by the Court which made the order as if that Court had given a decree for the same, and the Court may direct that the whole or any part of the sum shall be paid to the person making the application under sub-section (1) or to the Government.

Evidence of
documents.

37. A document purporting to be signed by the Commissioners, or any of them, shall be received in evidence without proof of the signature, and shall, until the contrary is proved, be deemed to have been so signed and to have been duly executed or issued by the Commissioners.

Submission
to the
Governor
in Council
of special
reports by
Railway
Commission.

38. The Commissioners shall, as soon as may be after the disposal of each case referred to them, submit to the Governor in Council a special report on the case, and the Governor in Council shall cause the report to be published in such manner as he thinks fit for the information of persons interested in the subject-matter thereof.

Dissolution
of Railway
Commission.

39. Except for the purpose of the last foregoing section, a Railway Commission shall be deemed to be dissolved at the close of the last of the sittings of the Commissioners for the decision of the cases referred to them :

Provided that, on the application of any person who was a party to the proceedings before the Commissioners, or of the representative of any such person, the Governor in Council may, if he thinks fit, in any case in which the order passed by the Commissioners is not open to appeal, re-appoint the Commissioners for the purpose of hearing an application for a review of their decision and of granting the same and re-hearing the case if they think that the case should be re-heard.

Finality of
orders of
Railway
Commission
subject to
the forego-
ing provi-
sions of this
Chapter.

40. Subject to the foregoing provisions of this Chapter and to any direction of His Majesty in Council, an order of the Commissioners shall be final and shall not be questioned in or restrained by any Court.

Bar of
jurisdiction
of ordinary
Courts in
certain
matters
cognizable
by Railway
Commission.

41. Except as provided in this Ordinance no suit shall be instituted or proceeding taken for anything done or any omission made by a railway administration in violation or contravention of any provision of this Chapter or of any order made thereunder by the Commissioners or by the High Court.

Traffic Facilities.

Duty of
railway
administra-
tions to
arrange
for receiving
and forward-
ing traffic
without
unreasonable
delay and
without
partiality.

42. (1) Every railway administration shall, according to its powers, afford all reasonable facilities for the receiving, forwarding and delivering of traffic upon and from the several railways belonging to or worked by it and for the return of rolling-stock.

(2) A railway administration shall not make or give any undue or unreasonable preference or advantage to or in favour of any particular person or railway administration, or any particular description of traffic, in any respect whatsoever, or subject any particular person or railway administration or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(3) A railway administration having or working railways which form part of a continuous line of railway communications, or having its terminus or station within one mile of the terminus

or station of another railway administration, shall afford all due and reasonable facilities for receiving and forwarding by one of such railways all the traffic arriving by the other at such terminus or station, without any unreasonable delay, and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation may by means of such railways be at all times afforded to the public in that behalf.

(4) The facilities to be afforded under this section shall include the due and reasonable receiving, forwarding and delivering by every railway administration, at the request of any other railway administration, of through traffic to and from the railway of any other railway administration at through rates :

Provided as follows—

- (a) the railway administration requiring the traffic to be forwarded shall give written notice of the proposed through rate to each forwarding railway administration, stating both its amount and its apportionment and the route by which the traffic is proposed to be forwarded. The proposed through rate for animals or goods may be per truck or per 100 lbs.
- (b) each forwarding railway administration shall, within the prescribed period after the receipt of such notice, by written notice inform the railway administration requiring the traffic to be forwarded whether it agrees to the rate, apportionment and route, and, if it has any objection, what the grounds of the objection are ;
- (c) if at the expiration of the prescribed period no such objection has been sent by any forwarding railway administration, the rate shall come into operation at the expiration of that period ;
- (d) if an objection to the rate, apportionment or route has been sent within the prescribed period, the Governor in Council may, if he thinks fit, on the request of any of the railway administrations, refer the case to the Commissioners for their decision ;
- (e) if the objection is to the granting of the rate or to the route, the Commissioners shall consider whether the granting of the rate is a due and reasonable facility in the interests of the public, and whether, regard being had to the circumstances, the route proposed is a reasonable route, and shall allow or refuse the rate accordingly or fix such other rate as may seem to the Commissioners to be just and reasonable ;
- (f) if the objection is only to the apportionment of the rate, and the case has been referred to the Commissioners, the rate shall come into operation at the expiration of the prescribed period but the decision of the Commissioners as to its apportionment shall be retrospective : in the case of any other objection the operation of the rate shall be suspended until the Commissioners make their order in the case ;
- (g) the Commissioners in apportioning the through rate shall take into consideration all the circumstances of the case, including any special expense incurred in respect of the construction, maintenance or working of the route, or any part of the route as well as any special charges which any railway administration is entitled to make in respect thereof ;
- (h) the Commissioners shall not in any case compel any railway administration to accept lower mileage rates than the mileage rates which the administration may for the time being legally be charging for like traffic carried by a like mode of transit on any other line of communication between the same points, being the points of departure and arrival of the through route ;

- (i) subject to the foregoing provisions of this sub-section, the Commissioners shall have full power to decide that any proposed through rate is due and reasonable notwithstanding that a less amount may be allotted to any forwarding railway administration out of the through rate than the maximum rate which the railway administration is entitled to charge, and to allow and apportion the through rate accordingly ;
- (j) the prescribed period mentioned in this sub-section shall be one month, or such longer period as the Governor in Council may by general or special order prescribe.

Undue preference in case of unequal rates for like traffic or services.

43. (1) Whenever it is shown that a railway administration charges one trader or class of traders or the traders in any local area lower rates for the same or similar animals or goods, or lower rates for the same or similar services, than it charges to other traders or classes of traders, or to the traders in another local area, the burden of proving that such lower charge does not amount to an undue preference shall lie on the railway administration.

(2) In deciding whether a lower charge does or does not amount to an undue preference, the Commissioners may, so far as they think reasonable, in addition to any other considerations affecting the case, take into consideration whether such lower charge is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made.

Provision for facilities and equal treatment where ships or boats are used which are not part of a railway.

44. Where a railway administration is a party to an agreement for procuring the traffic of the railway to be carried on any inland water by any ferry, ship, boat or raft which does not belong to or is not hired or worked by the railway administration, the provisions of the two last foregoing sections applicable to a railway shall extend to the ferry, ship, boat or raft in so far as it is used for the purposes of the traffic of the railway.

Terminals and demurrage.

45. A railway administration may charge reasonable terminals and demurrage.

Power of Railway Commission to fix terminals and demurrage.

46. (1) The Governor in Council may, if he thinks fit, refer to the Commissioners for decision any question or dispute which may arise with respect to the terminals or demurrage charged by a railway administration, and the Commissioners may thereupon decide what is a reasonable sum to be paid to the railway administration in respect of terminals or demurrage.

(2) In deciding the question or dispute, in relation to terminals, the Commissioners shall have regard only to the expenditure reasonably necessary to provide the accommodation in respect of which the terminals are charged, irrespective of the outlay which may have been actually incurred by the railway administration in providing that accommodation.

CHAPTER VI.

WORKING OF RAILWAYS.

General.

General rules.

47. (1) Every railway administration shall make general rules consistent with this Ordinance for the following purposes, namely :—

- (a) for regulating the mode in which, and the speed at which, rolling-stock used on the railway is to be moved or propelled ;
- (b) for providing for the accommodation and convenience of passengers and regulating the carriage of their luggage ;
- (c) for declaring what shall be deemed to be, for the purposes of this Ordinance dangerous or offensive goods, and for regulating the carriage of such goods ;

- (d) for regulating the conditions on which the railway administration will carry passengers suffering from infectious or contagious disorders, and providing for the disinfection of carriages which have been used by such passengers ;
- (e) for regulating the conduct of the railway servants ;
- (f) for regulating the terms and conditions on which the railway administration will warehouse or retain goods at any station on behalf of the consignee or owner ; and
- (g) generally, for regulating the travelling upon, and the use, working and management of, the railway.

(2) The rules may provide that any person committing a breach of any of them shall be punished with fine which may extend to any sum not exceeding fifty rupees, and that, in the case of a rule made under clause (c) of sub-section (1) the railway servant shall forfeit a sum not exceeding one month's pay, which sum may be deducted by the railway administration from his pay.

(3) A rule made under this section shall not take effect until it has received the sanction of the Governor in Council and been published in the *Gazette*.

Provided that, where the rule is in the terms of a rule which has already been published at length in the *Gazette* a notification in that *Gazette*, referring to the rule already published and announcing the adoption thereof, shall be deemed a publication of a rule in the *Gazette* within the meaning of this sub-section.

(4) The Governor in Council may cancel any rule made under this section, and the authority required by sub-section (1) to make rules thereunder may at any time, with the previous sanction of the Governor in Council, rescind or vary any such rule.

(5) Every railway administration shall keep at each station on its railway a copy of the general rules for the time being in force under this section on the railway, and shall allow any person to inspect it free of charge at all reasonable times.

48. Where two or more railway administrations whose railways have a common terminus or a portion of the same line of rails in common, or form separate portions of one continued line of railway communication, are not able to agree upon arrangements for conducting at such common terminus, or at the point of junction between them, their joint traffic with safety to the public, the Governor in Council, upon the application of either or any of the administrations, may decide the matters in dispute between them, so far as those matters relate to the safety of the public, and may determine whether the whole or what proportion of the expenses attending on such arrangements shall be borne by either or any of the administrations respectively.

Disposal of differences between railways regarding conduct of joint traffic.

49. Any railway company, may from time to time, make and carry into effect agreements with the Governor in Council for the construction of rolling-stock, plant or machinery used on, or in connection with, railways, or for leasing or taking on lease any rolling-stock, plant, machinery or equipments required for use on a railway, or for the maintenance of rolling-stock.

Agreements with the Governor in Council for construction or lease of rolling-stock.

50. Any railway company, may from time to time make with the Governor in Council, and carry into effect, or, with the sanction of the Governor in Council make with any other railway administration, and carry into effect, any agreement with respect to any of the following purposes, namely :—

Powers of railway companies to enter into working agreements.

- (a) the working, use, management and maintenance of any railway ;
- (b) the supply of rolling-stock and machinery necessary for any of the purposes mentioned in clause (a) and of officers and servants for the conduct of the traffic of the railway.

- (c) the payments to be made and the conditions to be performed with respect to such working, use, management and maintenance ;
- (d) the interchange, accommodation and conveyance of traffic being on, coming from or intended for, the respective railways of the contracting parties, and the fixing, collecting, apportionment and appropriation of the revenues arising from that traffic ;
- (e) generally, the giving effect to any such provisions or stipulations with respect to any of the purposes hereinbefore in this section mentioned as the contracting parties may think fit and mutually agree on :

Provided that the agreement shall not affect any of the rates which the railway administrations, parties thereto, are, from time to time, respectively authorized to demand and receive from any person, and that every person shall, notwithstanding the agreement, be entitled to the use and benefit of the railways of any railway administrations, parties to the agreement, on not less favourable terms and conditions, and on payment of not higher rates, than he would be if the agreement had not been entered into.

Establish-
ment of
ferries, road-
ways etc. for
accommoda-
tion of
traffic.

51. Any railway administration, may from time to time, exercise with the sanction of the Governor in Council all or any of the following powers, namely :—

- (a) it may establish, for the accommodation of the traffic of its railway, any ferry equipped with machinery and plant of good quality and adequate in quantity to work the ferry ;
- (b) it may work for purposes other than the accommodation of the traffic of the railway any ferry established by it under this section ;
- (c) it may provide and maintain on any of its bridges, roadways for foot-passengers, cattle, carriages, carts or other traffic ;
- (d) it may construct and maintain roads, piers, wharves and harbours for the accommodation of traffic passing to or from its railway ;
- (e) it may provide and maintain any means of transport, including a service of ships on inland waters, which may be required for the reasonable convenience of passengers, animals or goods carried or to be carried on its railway ;
- (f) it may charge tolls, rates or charges on the traffic using such ferries, roadways, roads, piers, wharves, harbours or means of transport as it may provide under this section, according to tariffs to be arranged from time to time with the sanction of the Governor in Council.
- (g) it may provide and maintain catering arrangements at any of its stations and on any of its ships for the convenience of passengers and may charge reasonable tariffs for the same.

Returns.

52. Every railway administration shall, in forms to be prescribed by the Governor in Council, prepare, half-yearly or at such intervals as the Governor in Council may prescribe, such returns of its capital and revenue transactions and of its traffic as the Governor in Council may require, and shall forward a copy of such returns to the Governor in Council at such times as he may direct.

Carriage of Property.

Maximum
load for
wagons.

53. (1) Every railway administration shall determine the maximum load for every wagon or truck in its possession, and shall exhibit the words or figures representing the load so determined in a conspicuous manner on the outside of every such wagon or truck.

(2) Every person owning a wagon or truck which passes over a railway shall similarly determine and exhibit the maximum load for the wagon or truck.

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

54. (1) Subject to the control of the Governor in Council, a railway administration may, from time to time, fix rates, classify animals and goods and impose conditions, not inconsistent with this Ordinance or with any general rule thereunder, with respect to the receiving, forwarding or delivering of any animals or goods.

Power for railway administrations to impose rates and conditions for working traffic.

(2) Every railway administration shall keep at each station on its railway a copy of the conditions and rates for the time being in force under sub-section (1) at the station, and shall allow any person to inspect it free of charge at all reasonable times.

(3) A railway administration shall not be bound to carry any animal suffering from any infectious or contagious disorder.

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

Lien for rates, terminals and other charges.

(2) When any animals or goods have been detained under sub-section (1), the railway administration may sell by public auction, in the case of perishable goods at once, and in the case of other goods or of animals on the expiration of at least fifteen days' notice of the intended auction, published in one or more of the local newspapers, or where there are no such newspapers, in such manner as the Governor in Council may prescribe, sufficient of such animals or goods to produce a sum equal to the charge, and all expenses of such detention, notice and sale, including, in the case of animals, the expenses of the feeding, watering and tending thereof.

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

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

(5) Notwithstanding anything in the foregoing sub-sections the railway administration may recover by suit any such rate terminal or other charge as aforesaid or balance thereof.

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

Disposal of unclaimed things on a railway.

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

Power for railway administrations to require indemnity on delivery of goods in certain cases.

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

Requisition for written accounts of description of goods.

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

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

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

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

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

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

Dangerous or offensive goods.

59. (1) No person shall be entitled to take with him, or to require a railway administration to carry, any dangerous or offensive goods upon a railway.

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

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

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

(5) Nothing in this section shall be construed to derogate from any law in force in the Protectorate relating to the possession or transport of explosives, and nothing in sub-sections (1), (3) and (4) shall be construed to apply to any goods tendered for carriage by order or on behalf of the Government or to any goods which an officer, soldier, sailor or police-officer or a person enrolled as a volunteer or Volunteer Reservist may take with him upon a railway in the course of his employment or duty as such.

60. At every station at which a railway administration quotes a rate to any other station for the carriage of traffic other than passengers and their luggage, the railway servant appointed by the administration to quote the rate shall, at the request of any person show to him at all reasonable times, and without payment of any fee, the rate books or other documents in which the rate is authorized by the administration or administrations concerned.

Exhibition to the public of authority for quoted rates.

61. (1) Where any charge is made by and paid to a railway administration in respect of the carriage of goods over its railway, the administration shall, on the application of the person by whom or on whose behalf the charge has been paid, render to the applicant an account showing how much of the charge comes under each of the following heads, namely :—

Requisitions on railway administrations for details of gross charges.

- (a) the carriage of the goods on the railway ;
- (b) terminals ;
- (c) demurrage ; and
- (d) collection, delivery and other expenses ;

but without particularizing the several items of which the charge under each head consists.

(2) The application under sub-section (1) must be in writing and be made to the railway administration within one month after the date of the payment of the charge by or on behalf of the applicant, and the account must be rendered by the administration within two months after the receipt of the application.

Carriage of Passengers.

62. The Governor in Council may require any railway administration to provide and maintain in proper order, in any train worked by it which carries passengers, such efficient means of communication between the passengers and the railway servants in charge of the train as the Governor in Council has approved.

Communication between passengers and railway servants in charge of trains

63. Every railway administration shall fix, if required by the Governor in Council, the maximum number of passengers which may be carried in each compartment of every description of carriage, and shall exhibit the number so fixed in a conspicuous manner inside or outside each compartment.

Maximum number of passengers for each compartment.

64. (1) If required by the Governor in Council, every railway administration shall, in every train carrying passengers, reserve for the exclusive use of females one compartment at least of the lowest class of carriage forming part of the train.

Reservation of compartments for females.

(2) One such compartment so reserved shall, if the train is to run for a distance exceeding fifty miles without a stop, be provided with a closet.

65. (1) Subject to the control of the Governor in Council a Railway Administration may, from time to time, fix fares and impose conditions not inconsistent with this Ordinance or with any general rule thereunder, with respect to the carriage of passengers and their luggage.

Administration may fix fares and impose conditions

(2) Every railway administration shall cause to be posted in a conspicuous and accessible place at every station on its railway, in English, a copy of the time-tables for the time being in force on the railway, and lists of the fares chargeable for travelling from the station where the lists are posted to every place for which card-tickets are ordinarily issued to passengers at that station, and shall keep at each station on the railway a copy of the conditions for the time being in force under sub-section (1) and shall allow all persons to inspect it free of charge at all reasonable hours.

Supply of tickets on payment of fares.

66. (1) Every person desirous of travelling on a railway shall, upon payment of his fare, be supplied with a ticket, specifying the class of carriage for which, and the place from and the place to which, the fare has been paid, and the amount of the fare.

(2) The matters required by sub-section (1) to be specified on a ticket shall be set forth in English.

Provision for case in which tickets have been issued for trains or ships not having room available for additional passengers.

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

(2) A person to whom a ticket has been issued and for whom there is not room available in the train or ship for which the ticket was issued shall on returning the ticket within three hours after departure of the train or ship be entitled to have his fare at once refunded.

(3) A person for whom there is not room available in the class of carriage for which he has purchased a ticket and who is obliged to travel in a carriage of a lower class shall be entitled on delivering up his ticket to a refund of the difference between the fare paid by him and the fare payable for the class of carriage in which he travelled. Provided that a refund shall only be made if at the first opportunity the person so travelling shall have called the attention of the railway servant in charge of the train to the fact that he is obliged to travel in a carriage of a lower class to that mentioned on his ticket and receives from such servant a certificate shewing that he is entitled to a refund.

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

Prohibition against travelling without free pass or ticket.

68. No person shall, without the permission of a railway servant, enter any carriage on a railway or any part of any ship for the purpose of travelling therein as a passenger unless he has with him a proper free pass or ticket.

Exhibition and surrender of free passes and tickets.

69. Every passenger by railway shall, on the requisition of any railway servant appointed by the railway administration in this behalf, present his free pass or ticket to the railway servant for examination, and at or near the end of the journey for which the free pass or ticket was issued, or, in the case of a season pass or ticket, at the expiration of the period for which it is current, deliver up the free pass or ticket to the railway servant.

Return ticket, season tickets or free pass not transferable.

70. A return ticket, season ticket or free pass shall not be transferable and may be used only by the person for whose journey to and from the places specified thereon it was issued.

Power to refuse to carry persons suffering from infectious or contagious disorder.

71. (1) A railway administration may refuse to carry, except in accordance with the conditions prescribed under section 47, sub-section (1), clause (d), a person suffering from any infectious or contagious disorder.

(2) A person suffering from such a disorder shall not enter or travel upon a railway or ship without the special permission of the station-master or commander or other railway servant in charge of the place or ship where he enters upon the railway.

(3) A railway servant giving such permission as is mentioned in sub-section (2) must arrange for the separation of the person suffering from the disorder from other persons being or travelling upon the railway.

(4) A railway administration may refuse to carry except under special arrangements any person who is a lunatic whether that person is in charge of a keeper or not.

CHAPTER VII.

RESPONSIBILITY OF RAILWAY ADMINISTRATIONS AS
CARRIERS.

72. (1) The responsibility of a railway administration for the loss, destruction or deterioration of animals or goods delivered to the administration to be carried by railway shall, subject to the other provisions of this Ordinance, be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872, as applied to the East Africa Protectorate.

Measure of the general responsibility of a railway administration as a carrier of animals and goods.

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

(a) is in writing signed by or on behalf of the person sending or delivering to the railway administration the animals or goods, and

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

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

(3) Nothing in the common or statute law of England, regarding the responsibility of common carriers with respect to the carriage of animals or goods, shall affect the responsibility as in this section defined of a railway administration.

73. (1) The responsibility of a railway administration under the last foregoing section for the loss, destruction or deterioration of animals delivered to the administration to be carried on a railway shall not in any case exceed, in the case of horses, five hundred rupees a head or, in the case of mules, two hundred rupees or, in the case of ostriches, camels or horned cattle, fifty rupees a head or, in the case of donkeys, sheep, goats, dogs or other animals, ten rupees a head, unless the person sending or delivering them to the administration caused them to be declared or declared them, at the time of their delivery for carriage by railway, to be respectively of higher value than five hundred, two hundred, fifty or ten rupees a head, as the case may be.

Further provision with respect to the liability of a railway administration as a carrier of animals.

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

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

74. A railway administration shall not be responsible for the loss, destruction or deterioration of any parcels, luggage or goods unless they shall have been accepted, booked and a receipt granted therefor by a railway servant.

Further provision with respect to the liability of a railway administration as a carrier of luggage etc.

Further provision with respect to the liability of a railway administration as a carrier of articles of special value.

75. (1) When any articles mentioned in the second schedule are contained in any parcel or package delivered to a railway administration for carriage by railway, and the value of such articles in the parcel or package exceeds one hundred rupees, the railway administration shall not be responsible for the loss, destruction or deterioration of the parcel or package unless the person sending or delivering the parcel or package to the administration caused its value and contents to be declared or declared them at the time of the delivery of the parcel or package for carriage by railway, and, if so required by the administration, paid or engaged to pay a percentage on the value so declared by way of compensation for increased risk.

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

(3). A railway administration may make it a condition of carrying a parcel declared to contain any article mentioned in the second schedule that a railway servant authorized in this behalf has been satisfied by examination or otherwise that the parcel actually contains the article declared to be therein.

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

76. In any suit against a railway administration for compensation for loss, destruction or deterioration of goods delivered to a railway administration for carriage by railway, it shall not be necessary for the plaintiff to prove how the loss, destruction or deterioration was caused.

Notification of claims to refunds of overcharges and to compensation for losses.

77. A person shall not be entitled to a refund of an overcharge in respect of passengers, animals or goods carried by railway or to compensation for the loss, destruction or deterioration of animals or goods delivered to be so carried, unless his claim to the refund or compensation has been preferred in writing by him or on his behalf to the railway administration within six months from the date of carriage of the passenger or of the delivery of the animals or goods for carriage by railway.

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

78. Notwithstanding anything in the foregoing provisions of this Chapter, a railway administration shall not be responsible for the loss, destruction or deterioration of any animals or goods with respect to the description of which an account materially false has been delivered under sub-section (1) of section 58, or in respect of which a wrong or improper or insufficient address for delivery has been given, if the loss, destruction or deterioration is in any way brought about by the false account or by giving a wrong or improper or insufficient address, nor in any case for an amount exceeding the value of the goods if such value were calculated in accordance with the description contained in the false account.

Exoneration from responsibility in case of passengers travelling in part of trains not being a passenger coach.

79. A Railway Administration shall not be liable for loss of life of or personal injury to a passenger who is travelling whether with or without permission in any part of a train other than in a passenger coach.

Suits for compensation for injury to through-booked traffic.

80. Notwithstanding anything in any agreement purporting to limit the liability of a railway administration with respect to traffic while on the railway of another administration, a suit for compensation for loss of the life of, or personal injury to, a passenger, or for loss, destruction or deterioration of animals or goods where the passenger was or the animals or goods were booked through over the railways of two or more railway administrations, may be brought either against the railway administration, from which the passenger obtained

his pass or purchased his ticket, or to which the animals or goods were delivered by the consignor thereof, as the case may be, or against the railway administration on whose railway the loss, injury, destruction or deterioration occurred.

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

Limitation of liability of railway administration in respect of accidents on ship.

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

CHAPTER VIII

ACCIDENTS.

82. When any of the following accidents occurs in the course of working a railway, namely :—

Report of railway accidents.

- (a) any accident attended with loss of human life, or with grievous hurt as defined in the Penal Code or with serious injury to property ;
- (b) any collision between trains of which one is a train carrying passengers ;
- (c) the derailment of any train carrying passengers or of any part of such a train ;
- (d) any accident of a description usually attended with loss of human life or with such grievous hurt as aforesaid or with serious injury to property ;
- (e) any accident of any other description which the Governor in Council may notify in this behalf in the *Gazette*.

the railway administration working the railway and, if the accident happens to a train belonging to any other railway administration, the other railway administration also shall, without unnecessary delay, send notice of the accident to the Governor and to the Inspector (if any) appointed for the railway; and the station-master nearest to the place at which the accident occurred or, where there is no station-master, the railway servant in charge of the section of the railway on which the accident occurred shall, without unnecessary delay, give notice of the accident to the Magistrate of the district in which the accident occurred, and to the officer in charge of the police-station within the local limits of which it occurred, or to such other Magistrate and police-officer as the Governor in Council appoints in this behalf.

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

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

- (a) for prescribing the forms of the notices mentioned in the last foregoing section, and the particulars of the accident which those notices are to contain ;
- (b) for prescribing the class of accidents of which notice is to be sent by telegraph immediately after the accident has occurred ;

- (c) for prescribing the duties of railway servants, police-officers, Inspectors and Magistrates on the occurrence of an accident.

Submission of return of accidents.

84. Every railway administration shall send to the Governor in Council a return of accidents occurring upon its railway, whether attended with personal injury or not, in such form and manner and at such intervals of time as the Governor in Council directs.

Provision for compulsory medical examination of person injured in railway accident.

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

CHAPTER IX.

PENALTIES AND OFFENCES.

Forfeitures by Railway Companies.

Penalty for default in compliance with requisition under section 13.

86. If a railway company fails to comply with any requisition made under section 13, it shall forfeit to the Government the sum of two hundred rupees for the default and a further sum of fifty rupees for every day after the first during which the default continues.

Penalty for contravention of section 16, 18, 19, 20, 21 or 24.

87. If a railway company moves any rolling-stock upon a railway by steam or other motive power in contravention of section 16, sub-section (2), or opens or uses any railway or work in contravention of section 18, section 19, section 20 or section 21, or re-opens any railway or uses any rolling-stock in contravention of section 24, it shall forfeit to the Government the sum of two hundred rupees for every day during which the motive power, railway, work or rolling-stock is used in contravention of any of those sections.

Penalty for not having certain documents kept or exhibited at stations under section 47, 54 or 65.

88. If a railway company fails to comply with the provisions of section 47, sub-section (5), section 54, sub-section (2), or section 65, sub-section (2), with respect to the books or other documents to be kept open to inspection or conspicuously posted at stations on its railway, it shall forfeit to the Government the sum of fifty rupees for every day during which the default continues.

Penalty for not making rules as required by section 47.

89. If a railway company fails to comply with the provisions of section 47 with respect to the making of general rules, it shall forfeit to the Government the sum of fifty rupees for every day during which the default continues.

Penalty for failure to comply with decision under section 48.

90. If a railway company refuses or neglects to comply with any decision of the Governor in Council under section 48, it shall forfeit to the Government the sum of two hundred rupees for every day during which the refusal or neglect continues.

Penalty for delay in submitting returns under section 52 or 84.

91. If a railway company fails to comply with the provisions of section 52 or section 84 with respect to the submission of any return, it shall forfeit to the Government the sum of fifty rupees for every day during which the default continues after the fourteenth day from the date prescribed for the submission of the return.

Penalty for neglect of provisions of section 53 or 63 with respect to carrying capacity of rolling-stock.

92. If a railway company contravenes the provisions of section 53 or section 63, with respect to the maximum load to be carried in any wagon or truck, or the maximum number of passengers to be carried in any compartment, or the exhibition of such load on the wagon or truck or of such number in or on the compartment; or knowingly suffers any person owning a

wagon or truck passing over its railway to contravene the provisions of the former of those sections, it shall forfeit to the Government the sum of twenty rupees for every day during which either section is contravened.

93. If a railway company fails to comply with any requisition of the Governor in Council under section 62 for the provision and maintenance in proper order, in any train worked by it, which carries passengers, of such efficient means of communication as the Governor in Council has approved, it shall forfeit to the Government the sum of twenty rupees for each train run in disregard of the requisition.

Penalty for failure to comply with requisition under section 62 for maintenance of means of communication between passengers and railway servants.

94. If a railway company fails to comply with the requirements of section 64 with respect to the reservation of compartments for females or the provision of closets therein, it shall forfeit to the Government the sum of twenty rupees for every train in respect of which the default occurs.

Penalty for failure to reserve compartments for females under section 64.

95. If a railway company omits to give such notice of an accident as is required by section 82 and the rules for the time being in force under section 83, it shall forfeit to the Government the sum of one hundred rupees for every day during which the omission continues.

Penalty for omitting to give the notices of accidents required by section 82 and under section 83.

96. (1) When a railway company has through any act or omission forfeited any sum to the Government under the foregoing provisions of this Chapter, the sum shall be recoverable by suit in the High Court.

Recovery of penalties.

(2) The suit must be instituted with the previous sanction of the Governor in Council, and the nominal plaintiff therein shall be the Crown Advocate.

(3) The Governor in Council may remit the whole or any part of any sum forfeited by a railway company to the Government under the foregoing provisions of this Chapter.

97. Nothing in these provisions shall be construed to preclude the Government from resorting to any other mode of proceedings instead of, or in addition to, such a suit as is mentioned in the last foregoing section, for the purpose of compelling a railway company to discharge any obligation imposed upon it by this Ordinance.

Alternative or supplementary character of remedies afforded by the foregoing provisions of this Chapter.

Offences by Railway Servants.

98. If a railway servant whose duty it is to comply with the provisions of section 60 negligently or wilfully omits to comply therewith, he shall be punished with fine which may extend to twenty rupees.

Breach of duty imposed by section 60.

99. If a railway servant is in a state of intoxication while on duty, he shall be punished with fine which may extend to fifty rupees, or, where the improper performance of the duty would be likely to endanger the safety of any person travelling or being upon a railway, with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both.

Drunkenness.

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

Endangering the safety of persons.

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

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

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

he shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both.

Compelling passengers to enter carriages already full.

101. If a railway servant compels or attempts to compel, or causes, any passenger to enter a compartment which already contains the maximum number of passengers exhibited therein or thereon under section 63, he shall be punished with the which may extend to twenty rupees.

Omission to give notice of accidents.

102. If a station-master or a railway servant in charge of a section of a railway omits to give such notice of an accident as is required by section 82 and the rules for the time being in force under section 83, he shall be punished with fine which may extend to fifty rupees.

Obstructing level-crossings.

103. If a railway servant unnecessarily—

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

(b) keeps a level-crossing closed against the public,

he shall be punished with fine which may extend to twenty rupees.

Leaving service without having given the requisite notice.

104. (1) If a railway servant before leaving the service of a Railway Administration shall fail to give the Railway Administration the notice specified in his agreement (if any) or if no notice is so specified, then one month's notice (in writing when the servant is able to write) he shall forfeit a sum not exceeding one month's pay which sum may be deducted by the Railway Administration from his pay under sub-section (2) of section 47 and shall in addition be liable to a fine which may extend to 150 rupees.

(2) Whenever a railway servant being a member of the crew of any ship is guilty of the offence of leaving the service without having given the notice specified in the preceding sub-section or of absence without leave the master or any mate may, with or without the assistance of the police, convey him on board the ship and police officers are hereby directed to give assistance if required.

(3) Nothing in this or the preceding sections contained shall be deemed to exempt a railway servant, if a native or Arab, from punishment under the Master and Servants Ordinance 1910 or any Ordinance amending or substituted for, the same: provided that no railway servant shall be punished twice in respect of the same act or offence.

False returns.

105. If any return which is required by this Act is false in any particular to the knowledge of any person who signs it, that person shall be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to one year, or with both.

Other Offences.

Giving false account of goods.

106. If a person requested under section 58 to give an account with respect to any goods wilfully gives an account which is materially false, he shall be punished with fine which may extend to seven hundred and fifty rupees and the fine shall be in addition to any rate or other charge to which the goods may be liable.

Unlawfully bringing dangerous or offensive goods upon a railway.

107. If in contravention of section 59 a person takes with him any dangerous or offensive goods upon a railway, or tenders or delivers any such goods for carriage upon a Railway, he shall be punished with fine which may extend to five hundred rupees, and shall also be responsible for any loss, injury or damage which may be caused by reason of such goods having been so brought upon the railway.

Needlessly interfering with means of communication in a train.

108. If a passenger, without reasonable and sufficient cause, makes use of or interferes with any means provided by a railway administration for communication between passengers and the railway servants in charge of a train he shall be punished with fine which may extend to fifty rupees.

109. (1) If a passenger, having entered a compartment which is reserved by a railway administration for the use of another passenger, or which already contains the maximum number of passengers exhibited therein or thereon under section 63, refuses to leave it when required to do so by any railway servant, he shall be punished with fine which may extend to twenty rupees.

Entering compartment reserved or already full or resisting entry into a compartment not full.

(2) If a passenger resists the lawful entry of another passenger into a compartment not reserved by the railway administration for the use of the passenger resisting or not already containing the maximum number of passengers exhibited therein or thereon under section 63, he shall be punished with fine which may extend to twenty rupees.

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

Entering or refusing to leave ship already full.

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

the person so offending shall for each offence be liable to a fine not exceeding one hundred rupees and may be removed from the ship by a railway servant or other person.

110. If any person smokes in any part of any ship or any compartment of any carriage or in any building or enclosure belonging to a railway in which a notice is exhibited stating that smoking is prohibited he shall be punished with a fine which may extend to fifty rupees and may be removed from such part of the ship or from such compartment, building or enclosure by any railway servant.

Smoking.

111. If a person, without authority in this behalf, pulls down or wilfully injures any board or document set up or posted by order of a railway administration on a railway or any rolling-stock, or obliterates or alters any of the letters or figures upon any such board or document or puts up any notice without permission on any railway or rolling-stock, he shall be punished with fine which may extend to fifty rupees.

Defacing public notices or posting notices on Railway premises without authority.

112. If a person, with intent to defraud a railway administration,—

(a) enters in contravention of section 68 any carriage on a railway, or ship, or

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

Fraudulently travelling or attempting to travel without proper free pass or ticket.

he shall be punished with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

113. (1) If a passenger travels in a train or ship without having a proper free pass or a proper ticket with him or, being in or having alighted from a train or ship, fails or refuses to present for examination or to deliver up his free pass or ticket immediately on requisition being made therefor under section 69, he shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the

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

excess charge hereinafter in this section mentioned, in addition to the ordinary single fare for the distance which he has travelled or, where there is any doubt as to the station or port from which he started, the ordinary single fare from the station or port from which the train or ship originally started, or, if the tickets of passengers travelling in the train have been examined since the original starting of the train, the ordinary single fare from the place where the tickets were examined or, in case of their having been examined more than once, were last examined.

(2) If a passenger travels or attempts to travel in or on a carriage, or by a train or in a cabin or portion of a ship of a higher class than that for which he has obtained a free pass or purchased a ticket, or travels in or on a carriage or ship beyond the place authorized by his free pass or ticket, he shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this section mentioned, in addition to any difference between any fare paid by him and the fare payable in respect of such journey as he has made.

(3) The excess charge referred to in sub-section (1) and sub-section (2) shall,—

- (a) where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to a railway servant on duty with the train or ship the fact of the charge having been incurred be one rupee, 12 cents or 50 cents and
- (b) in any other case, be six rupees, one rupee or three rupees,

according as the passenger is travelling or has travelled or has attempted to travel in a carriage or cabin or portion of a ship of the highest class or in a carriage or cabin or portion of a ship of the lowest class or in a carriage or cabin or portion of a ship of any other class or kind :

Provided that such excess charge shall in no case exceed,—

- (a) where the liability to pay it arises under sub-section (1), the amount of the ordinary single fare which the passenger incurring the charge is liable to pay under that sub-section, or
- (b) where such liability arises under sub-section (2) the amount of the difference between the fare paid by the passenger incurring the charge and the fare payable in respect of such journey as he has made.

(4) If a passenger liable to pay the excess charge and fare mentioned in sub-section (1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on demand being made therefor under one or other of those sub-sections, as the case may be, his luggage, if any, may be detained by the Railway administration and disposed of as provided under Section 55 or the sum payable by him shall, on application made to any Magistrate by any railway servant appointed by the railway administration in this behalf, be recovered by the Magistrate from the passenger as if it were a fine imposed on the passenger by the Magistrate and shall, as it is recovered, be paid to the railway administration.

Transferring
any half
of return
ticket.

114. If a person sells or attempts to sell or parts or attempts to part with the possession of a season ticket or any half of a return ticket or free pass in order to enable any other person to travel therewith, or purchases or receives such season ticket or half of a return ticket, or free pass, he shall be punished with fine which may extend to fifty rupees, and, if the purchaser or receiver of such season ticket or half of a return ticket or free pass travels or attempts to travel therewith, he shall be punished with an additional fine which may extend to the amount of the single fare for the journey authorized by the ticket or free pass.

115. That portion of any fine imposed under section 112 or the last foregoing section which represents the single fare therein mentioned shall, as the fine is recovered, be paid to the railway administration before any portion of the fine is credited to the Government.

Disposal of fines under the two last foregoing sections.

116. If a passenger wilfully alters or defaces his free pass or ticket so as to render the date, number or any material portion thereof illegible, he shall be punished with fine which may extend to fifty rupees.

Altering or defacing free pass or ticket.

117. (1) If a person suffering from an infectious or contagious disorder enters or travels upon a railway in contravention of section 71, sub-section (2), he, and any person having charge of him upon the railway when he so entered or travelled thereon, or who brought him to the railway with the intention of causing him to travel thereon, shall be punished with fine which may extend to two hundred rupees, in addition to the forfeiture of any fare which either of them may have paid, and of any free pass or ticket which either of them may have obtained or purchased, and may be removed from the railway by any railway servant.

Being or suffering person to travel on railway with infectious or contagious disorder.

(2) If any such railway servant as is referred to in section 71, sub-section (2), knowing that a person is suffering from any infectious or contagious disorder, wilfully permits the person to travel upon a railway without arranging for his separation from other passengers, he shall be punished with fine which may extend to one hundred rupees.

118. (1) If a passenger enters or leaves, or attempts to enter or leave, any carriage while the train is in motion, or elsewhere than at the side of the carriage adjoining the platform or other place appointed by the railway administration for passengers to enter or leave the carriage, or opens the side-door of any carriage while the train is in motion, he shall be punished with fine which may extend to twenty rupees.

Entering carriage in motion, or otherwise improperly travelling on a railway.

(2) If a passenger, after being warned by a railway servant to desist, persists in travelling on the roof, steps or footboard of any carriage or on an engine, or in any part of a train or ship not intended for the use of passengers, he shall be punished with fine which may extend to fifty rupees and may be removed from the railway by any railway servant.

119. If a male person, knowing a carriage, compartment, cabin, room or other place to be reserved by a railway administration for the exclusive use of females, enters the place without lawful excuse, or, having entered it, remains therein after having been desired by any railway servant or other person to leave it, he shall be punished with fine which may extend to one hundred rupees, in addition to the forfeiture of any fare which he may have paid and of any free pass or ticket which he may have obtained or purchased, and may be removed from the railway by any railway servant.

Entering carriage or other place reserved for females.

120. (1) If a person in any railway carriage or upon any ship or upon any part of a railway—

Drunkennes or nuisance on a railway

- (a) is in a state of intoxication, or
- (b) commits any nuisance or act of indecency, or uses obscene or abusive language, or
- (c) wilfully and without lawful excuse interferes with the comfort of any passenger or extinguishes any lamp,
- (d) without authority or lawful excuse wilfully stops a train between stations or at any unauthorised place,

he shall be punished with fine which may extend to one hundred rupees, and may be removed from the railway by any railway servant at any place.

(2). The master of any ship may refuse to receive on board thereof any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance or injury to passengers on board and a person so refused admittance shall not be entitled to the return of any fare he has paid.

(3). Any person removed from a railway carriage or ship or any part of a railway under the provisions of this section and who may have already completed a portion of the journey for which he has obtained a ticket shall not be entitled to the return of any fare he may have paid for such ticket.

Obstructing railway servant in his duty.

121. If a person wilfully obstructs or impedes any railway servant in the discharge of his duty, he shall be punished with fine which may extend to one hundred rupees.

Trespass and refusal to desist from trespass.

122. (1) If a person unlawfully enters upon a railway, he shall be punished with fine which may extend to twenty rupees.

(2) If a person so entering refuses to leave the railway on being requested to do so by any railway servant, or by any other person on behalf of the railway administration, he shall be punished with fine which may extend to fifty rupees, and may be removed from the railway by such servant or other person.

Disobedience of omnibus drivers to directions of railway servants.

123. If a driver or conductor of a tramcar, omnibus, carriage or other vehicle while upon the premises of a railway disobeys the reasonable directions of any railway servant or police-officer, he shall be punished with fine which may extend to twenty rupees.

Opening or not properly shutting gates.

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

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

(b) if, in the absence of a gate-keeper, a person omits to shut and fasten such a gate as aforesaid as soon as he and any animal, vehicle or other thing under his charge have passed through the gate,

the person shall be punished with fine which may extend to fifty rupees.

Cattle-trespass.

125. (1) The owner or person in charge of any cattle straying on a railway provided with fences suitable for the exclusion of cattle shall be punished with fine which may extend to five rupees for each head of cattle.

(2) If any cattle are wilfully driven, or knowingly permitted to be, on any railway otherwise than for the purpose of lawfully crossing the railway or for any other lawful purpose, the person in charge of the cattle or, at the option of the railway administration, the owner of the cattle shall be punished with fine which may extend to ten rupees for each head of cattle.

(3) If any person shall wilfully or negligently drive or bring, or cause or permit to be driven or brought upon or into any station yard, shed or premises belonging to a railway any animal suffering from any disease whatsoever he shall be punished with a fine which may extend to rupees one hundred for each animal so brought.

(4) For the purposes of this section, cattle includes also camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats, kids and ostriches and other domesticated animals of a similar kind.

Maliciously wrecking or attempting to wreck a train or ship.

126. If a person unlawfully—

(a) puts or throws upon or across any railway any wood, stone or other matter or thing, or,

(b) takes up, removes, loosens or displaces any rail, sleeper or other matter or thing belonging to any railway, or,

(c) turns, moves, unlocks or diverts any points or other machinery belonging to any railway, or

(d) makes or shows, or hides or removes, any signal or light upon or near to any railway, or lighthouse or removes buoys, or

(e) does or causes to be done or attempts to do any other act or thing in relation to any railway or ship,

with intent, or with knowledge that he is likely, to endanger the safety of any person travelling or being upon the railway or ship, he shall be punished with penal servitude for life or with imprisonment for a term which may extend to ten years.

127. If a person unlawfully throws or causes to fall or strike at, against, into or upon any rolling-stock forming part of a train or any part of a ship any wood, stone or other matter or thing with intent, or with knowledge that he is likely, to endanger the safety of any person being in or upon such rolling-stock or in or upon any other rolling-stock forming part of the same train or in or upon such ship, he shall be punished with penal servitude for life or with imprisonment for a term which may extend to ten years.

Maliciously hurting or attempting to hurt persons travelling by railway.

128. If a person, by any unlawful act or by any wilful omission or neglect, endangers or causes to be endangered the safety of any person travelling or being upon any railway, or obstructs or causes to be obstructed or attempts to obstruct any rolling-stock upon any railway or machinery or mechanism on any ship, he shall be punished with imprisonment for a term which may extend to two years.

Endangering safety of persons travelling by railway by wilful act or omission.

129. If a person rashly or negligently does any act, or omits to do what he is legally bound to do, and the act or omission is likely to endanger the safety of any person travelling or being upon a railway, he shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Endangering safety of persons travelling by railway by rash or negligent act or omission.

130. (1) If a minor under the age of twelve years is with respect to any railway guilty of any of the acts or omissions mentioned or referred to in any of the four last foregoing sections, he shall be deemed, notwithstanding anything in section 82 or section 83 of the Indian Penal Code, to have committed an offence, and the Court convicting him may, if it thinks fit, direct that the minor, if a male, shall be punished with whipping, or may require the father or guardian of the minor to execute, within such time as the Court may fix, a bond binding himself, in such penalty as the Court directs, to prevent the minor from being again guilty of any of those acts or omissions.

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

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

(3) If a father or guardian fails to execute a bond under sub-section (1) within the time fixed by the Court, he shall be punished with fine which may extend to fifty rupees.

131. If a person gives or offers to a railway servant any money or anything of value for the purpose of evading payment of any sum due from him under this Ordinance he shall be punished with a fine which may extend to five hundred rupees.

Offering or giving gratuity to railway servant with purpose of evading payment of money due.

Procedure.

132. (1) If a person commits any offence mentioned in section 99, 100, 119, 120, 121, 126, 127, 128, or 129 or in section 130, sub-section (1), he may be arrested without warrant or other written authority by any railway servant or police-officer or by any other person whom such servant or officer may call to his aid.

Arrest for offences against certain sections.

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

133. (1) If a person commits any offence under this Ordinance other than an offence mentioned in the last foregoing section, or fails or refuses to pay any excess charge or other sum demanded under section 113, and there is reason to believe that he will abscond, or his name and address are unknown, and he refuses on demand to give his name and address, or there

Arrest of persons likely to abscond or unknown.

is reason to believe that the name or address given by him is incorrect, any railway servant or police-officer, or any other person whom such railway servant or police-officer may call to his aid, may, without warrant or other written authority, arrest him.

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

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

Magistrates
having juris-
diction
under
Ordinance.

134. No Magistrate whose powers are less than those of a Magistrate of the first class shall try any offence under this ordinance.

Place of
trial.

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

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

CHAPTER X.

SUPPLEMENTAL PROVISIONS

Taxation of
railways by
local authori-
ties.

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

(1) A railway administration shall not be liable to pay any tax in aid of the funds of any local authority unless the Governor in Council has by notification in the *Gazette* declared the railway administration to be liable to pay the tax.

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

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

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

(5) "Local authority" in this section means a Municipal Committee, district board, body of Port Commissioners or other authority legally entitled to, or entrusted by the Government with the control or management of a municipal or local fund.

Restriction
on execution
against rail-
way pro-
perty.

137. (1) None of the rolling-stock, ships, machinery, plant, tools, fittings, materials or effects used or provided by a railway administration for the purpose of the traffic on its railway, or of its stations or workshops, shall be liable to be taken in execution of any decree or order of any Court or of any local authority or person having by law power to attach or distrain property or otherwise to cause property to be taken in execution without the previous sanction of the Governor in Council.

(2) Nothing in sub-section (1) is to be construed as affecting the authority of any Court to attach the earnings of a railway in execution of a decree or order.

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

Railway servants to be public servants.

(2) In the definition of "legal remuneration" in Section 161 of that code the word "Government" shall for the purposes of sub-section (1), be deemed to include any employer of a railway servant as such.

(3) A railway servant shall not—

(a) purchase or bid for, either in person or by agent in his own name or in that of another, or jointly or in shares with others, any property put up to auction under section 55 or section 56, or,

(b) in contravention of any direction of the railway administration in this behalf, engage in trade.

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

Arrest of Railway servant.

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

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

Procedure for summary delivery to railway administration of property detained by railway servant

141. Any notice, determination, direction, requisition, appointment, expression of opinion, approval or sanction to be given or signified on the part of the Governor in Council, for any of the purposes of, or in relation to, this Ordinance or any of the powers or provisions therein contained, shall be sufficient and binding if in writing signed by a Secretary, or Assistant Secretary to the Government, or by any other officer or servant authorised to act on behalf of the Governor in Council in respect of the matters to which the same may relate, and the Governor in Council shall not in any case be bound in respect of any of the matters aforesaid unless by some writing signed in manner aforesaid.

Mode of signifying communications from the Governor in Council.

142. Any notice or other document required or authorized by this Ordinance to be served on a railway administration may be served, in the case of a railway administered by the Government, on the Manager and, in the case of a railway administered by a railway company, on the Agent in Africa of the railway company,—

Service of notices on railway administrations.

(a) by delivering the notice or other document to the Manager or Agent; or

(b) by leaving it at his office; or

- (c) by forwarding it by post in a prepaid registered letter addressed to the Manager or Agent at his office.

Service of notices by railway administrations.

143. Any notice or other document required or authorized by this Ordinance to be served on any person by a railway administration may be served—

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

Presumption where notice is served by post.

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

Limitation of actions against a Railway administration.

145. (1) No action shall be brought against a railway Administration unless the same be commenced within twelve months after the cause of action arose.

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

Action against Railways administered by the Government.

146. (1) Any claim against the Government in respect of a railway administered by the Government which would if such claim had arisen against a Railway Company be the ground of an action in any competent Court shall be cognizable by the said Court whether such claim shall arise out of any contract entered into by the railway administration or out of any wrong committed by any railway servant acting in his capacity and within the scope of his authority as such servant.

(2) In any action by or against a railway administered by the Government the Manager of the railway shall be nominal plaintiff or defendant as the case may be.

(3) In any action against such Railway Administration no execution or attachment or process in the nature thereof shall be issued against the nominal defendant in such suit as aforesaid or against any property of His Majesty but it shall be lawful for the Manager to pay out of the funds of the Railway Administration such sums of money as shall by the judgment of the Court be awarded to the plaintiff.

Provisions with respect to rules.

147. (1) A rule under section 22, section 34 or section 83 or the cancellation, rescission or variation of a rule under any of those sections or under section 47, sub-section (4), shall not take effect until it has been published in the *Gazette*.

(2) Where any rule made under this Ordinance or the cancellation, rescission or variation of any such rule, is required by this Ordinance to be published in the *Gazette* it shall, besides being so published, be further notified to persons affected thereby in such manner as the Governor in Council, by general or special order, directs.

(3) The Governor in Council may cancel or vary any rule made by him under this Ordinance.

Representation of Managers and Agents of railways in Court.

148. (1) The Manager of a railway administered by the Government and the Agent in East Africa of a railway administered by a railway company, may, by instrument in writing, authorise any railway servant or other person to act for or represent him in any proceeding before any Civil, Criminal or other Court.

(2) A person authorized by a Manager or Agent to conduct prosecution on behalf of a railway administration shall be entitled to conduct such prosecutions without the permission of the Magistrate.

149. The Governor in Council may, by notification in the *Gazette* extend this Ordinance or any portion thereof to any tramway worked by steam or other mechanical power.

Power to extend Ordinance to steam-tramways.

150. The Governor in Council may, by a like notification, exempt any railway from any of the provisions of this Ordinance.

Power to exempt railways from Ordinance.

151. (1) For the purposes of section 3, clauses (13), (14) and (15), and sections 4 to 19 (both inclusive), 47 to 52 (both inclusive), 59, 79, 82 to 91 (both inclusive), 95, 96, 97, 99, 100, 102, 103, 104, 107, 111, 122, 124 to 133 (both inclusive), 135 to 140 (both inclusive), 142, 143, 145, 146, 148 and 150, the word "railway" whether it occurs alone or as a prefix to another word, has reference to a railway or a portion of a railway under construction and to a railway or portion of a railway not used for the public carriage of passengers, animals or goods as well as to a railway falling within the definition of that word in section 3, clause (12).

Matters supplemental to the definitions of "railway" and "railway servant."

(2) For the purposes of sections 5, 21, 82, 99, 100, 102, 103, 121, 122, 138, sub-sections (1), (2) and section 140, the expression "railway servant" includes a person employed upon a Railway in connection with the service thereof by a person fulfilling a contract with the railway administration.

(The First Schedule.—Enactments repealed.)

THE FIRST SCHEDULE.

[ENACTMENTS REPEALED.]

(See Section 2.)

| Number & year. | Title. | Extent of repeal. |
|----------------------|--|---|
| | Indian Railways Act, 1890, applied by Article 11 (b) of the East Africa order in Council, 1897. | In its application to the Protectorate, the whole. |
| | The Railways (Amendment) Ordinance, 1905. | The whole. |

(The Second Schedule.—Articles to be declared and insured.)

THE SECOND SCHEDULE.

ARTICLES TO BE DECLARED AND INSURED.

(See Section 75.)

- (a) gold and silver, coined or uncoined, manufactured or unmanufactured ;
- (b) plated articles ;
- (c) cloths and tissue and lace of which gold or silver forms part, not being the uniform or part of the uniform of an officer, soldier, sailor, police-officer or person enrolled as a volunteer or of any public officer, British or Foreign, entitled to wear uniform ;
- (d) pearls, precious stones, jewellery and trinkets ;
- (e) watches, clocks and timepieces of any description ;
- (f) Government securities ;
- (g) Stamps ;
- (h) bills of exchange, hundis, promissory-notes, bank-notes and orders or other securities for payment of money ;
- (i) maps, writing and title-deeds ;
- (j) paintings, engravings, lithographs, pictures, photographs, carvings, statuary, sculpture and other works of arts ;
- (k) art pottery and all articles made of glass, china or marble ;
- (l) silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials ;
- (m) shawls ;
- (n) lace, furs and ostrich feathers ;
- (o) opium and narcotic preparations of hemp such as ganja, charas, bhang, etc. ;
- (p) ivory, ebony, coral and sandalwood ;
- (q) musk, sandalwood-oil and other essential oils used in the preparation of *itr* or other perfume. Trophies such as tusks, rhino horns and hippo teeth.
- (r) musical and scientific instruments ;
- (s) jade and jade-stone and amber.
- (t) Crude India rubber.
- (u) any article of special value which the Governor in Council may by notification in the *Gazette* add to this schedule.

Passed in the Legislative Council the 20th day of April in the year of Our Lord, one thousand nine hundred and ten.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

H. W. GRAY,
Clerk of Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

R. M. COMBE,
Crown Advocate.

C. C. BOWRING,
Treasurer.

Assented to in His Majesty's name this 18th day of May 1910.

E. P. C. GIROUARD,
Governor.

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EAST AFRICA PROTECTORATE.

PROCLAMATION.

The Trading Ordinance 1904.

In exercise of the powers conferred upon me by The Trading Ordinance 1904, I hereby prohibit Trade within the District of Gosha by persons other than persons licensed under the provisions of the said Ordinance.

Nairobi,

E. P. C. GIROUARD

Dated this 27th day of May, 1910.

Governor.

PROCLAMATION.

Under the Diseases of Animals Ordinance 1906.

In pursuance of the Powers conferred upon me by Section 4 of the Diseases of Animals Ordinance 1906, I hereby declare the following areas to be infected areas within the meaning of the aforesaid Ordinance, namely:—

| Farm No. | Land Office No. | Owner. |
|-------------------------|-----------------|------------------------|
| 61 | 97 | H. B. Dunman |
| 60 | 96 | Coldham |
| 55 | 95 | H. A. Quin |
| 73 | 98 | R. C. Muirhead |
| 74 | 99 | F. S. Clarke |
| 75 | 101 | J. C. Pryce |
| 76 | 102 | Coleman Browne |
| 77 | 103 | Coleman Browne |
| 78 | 104 | G. S. Kendall |
| Northern portion of 70 | 92 | T. Russell |
| 80 | 114 | Roberts |
| 82a | 111 | Hindlip & Fawcus |
| 81 | 112 | " " |
| 82b | 110 | I. Marcus |
| 79 | 113 | Native Reserve |
| 92 | 116 | G. W. MacReady |
| 93 | 116a | |
| 94 | 115 | Adams |
| 382 | 119 | T. H. Howitt |
| 83,84 & 85 | 107, 108 & 109 | P. A. Bennett |
| 396 | 294 | F. Tompson |
| 464 | 295 | White Sisters |
| 5 | 8 | Upper Nairobi Township |
| 6 | 9 | " " |
| 327 | 6 | French Mission |
| 95 | 21 | G. Newton-Wilson |
| South of Masari River 4 | 10 | Evans Langmore & Marsh |
| South of Road 4 | 11 | A. H. Tompson |
| 2 | 13 | H. D. Cooper |
| 2 | 1002 | |
| | 189 | Government Farm |

and that part of the Native Reserve enclosed by a direct line from the S. E. boundary of the Scotch Mission to the Dagoretti Road, together with that road to Farm 330 on the South, and the Railway line on the North.

Nairobi,

E. P. C. GIROUARD,

Dated this 27th day of May 1910.

Governor.

RULE.

Rule issued by His Excellency the Governor of the East Africa Protectorate under the Crown Lands Ordinance 1902.

Nairobi,

E. P. C. GIROUARD,

Dated this 26th day of May, 1910.

Governor.

Surveyors.

1. Rule 3 of the Rules published in the "Official Gazette" and dated February 13th, 1904, is amended as follows:—

By deleting "Rs. 375" and substituting therefor "Rs. 75".

RULES.**The Land Titles Amendment Ordinance 1910.**

Rules issued by His Excellency the Governor of the East Africa Protectorate in pursuance of the powers conferred upon him by section 31 of the Land Titles Amendment Ordinance 1910.

Nairobi,

E. P. C. GIROUARD,

Dated this 25th day of May, 1910.

Governor.

1. A copy of a judgment, decree, or order of a Court transmitted to a Registrar by a Court under Section 12 of the Land Titles Amendment Ordinance 1910, and a will, letters of Administration or an order of a Court presented for registration under Section 13 (1) (a) of the aforesaid Ordinance shall not be copied into the Register Book, but, on receipt of the prescribed fees, shall be filed in the office of the Registrar in such manner as the Principal Registrar shall prescribe, and a note referring to the judgment, decree, order, will or letters of Administration and to book in which the same is filed shall be entered by the Registrar in the volume and folium of the Register Book in which the holding affected is registered. On the filing of any such document as aforesaid and on the entry being made in the Register Book, such document shall be deemed to be duly registered for the purposes of the Ordinance.

2. The file of documents under the preceding rule shall be open to inspection on the like terms and on payment of the like fees as may, from time to time, be prescribed for search in the Register Book.

3. (1) It shall be the duty of the Court or person required to apply for the Registration of a will or letters of Administration or an order of a Court under Section 13 (1) (a) or to transmit a document as required by Section 13 (1) (b) of the aforesaid Ordinance to transmit to the Registrar out of the monies of the Estate the fee prescribed for the registration of the will, letters of Administration, order of the Court or document, as the case may be.

(2) In the case of a will, letters of Administration or order of a Court the prescribed fee shall be transmitted to the Registrar as soon as monies belonging to the estate and sufficient to pay the same have been received by the Executor Administrator, Wasi or Court, as the case may be.

(3) In the case of a document transmitted in pursuance of Section 13 (1) (b) the prescribed fee shall be sent to the Registrar together with the document.

THE LAND TITLES AMENDMENT ORDINANCE 1910.

In pursuance of the powers conferred upon me by Section 30 Sub-section (1) of the Land Titles Amendment Ordinance 1910, I hereby direct that the fees and charges hereinafter set forth shall be levied under Part II of the aforesaid Ordinance.

Nairobi,

E. P. C. GIROUARD,

Dated this 25th day of May, 1910.

Governor.

Scale of Fees and Charges to be Levied Under Part II of the Land Titles Amendment Ordinance 1910.

(1) On the registration of any document not otherwise charged.

| | Rs. | cts. |
|--|-----|------|
| (a) For the first 100 words or part thereof, where the value of the property conveyed or affected is less than 100 Rupees | 4 | 00 |
| (b) For the first 100 words or part thereof, where the value of the property conveyed or affected is 100 Rupees or over but does not exceed 500 Rupees | 6 | 00 |
| (c) For the first 100 words or part thereof, where the value of the property conveyed or affected is over 500 Rupees | 8 | 00 |

| | Rs. | Cts. |
|---|-----|------|
| (d) For every further 100 words or part thereof ... | 0 | 50 |
| (2) On the registration of a judgment, decree or order of a Court, other than a certificate of sale, and not otherwise charged ... | 3 | 00 |
| (3) On the registration of a will, letters of Administration or order of a Court appointing a Wasi or declaring that an estate shall be administered by the Court ... | 3 | 00 |
| (4) On the registration of a document transmitted to the Registrar under Section 13 Sub-Section (1) (b) of the Ordinance. | | |
| (a) If the value of the immovable property does not exceed 100 Rupees ... | 4 | 00 |
| (b) If the value of the immovable property is 100 Rupees or over ... | 6 | 00 |
| (5) For the translation of a document not written in English, Arabic or Kiswahili. | | |
| (a) For the first 100 words or part thereof ... | 8 | 00 |
| (b) For every further 100 words or part thereof ... | 4 | 00 |
| (6) On the registration of any document affecting more holdings than one situate in the area of one Registrar, in addition to the fee otherwise prescribed and in respect of each additional holding affected ... | 3 | 00 |
| (7) On lodging a caveat under Section 21 ... | 10 | 00 |
| (8) On search in respect of each holding ... | 3 | 00 |
| (9) For copies of documents | | |
| Certified. | | |
| (a) For first 100 words or part thereof ... | 2 | 00 |
| (b) For every further 100 words or part thereof ... | 1 | 00 |
| Uncertified. | | |
| (a) For first 100 words or part thereof ... | 1 | 00 |
| (b) For every further 100 words or part thereof ... | 0 | 50 |
| (10) For copies of plans. | | |
| (a) Certified ... 12 Rupees or such sum as the Registrar may direct. | | |
| (b) Uncertified ... 6 Rupees or such sum as the Registrar may direct. | | |
| (11) In respect of every affidavit accepted by the Principal Registrar under Section 17 ... | 3 | 00 |
| (12) For the Principal Registrar or any Registrar attending at any place beyond the Registration Office ... and in addition, for any distance beyond one mile, the expenses incurred. | 5 | 00 |
| (13) On appeal to the Principal Registrar from an order refusing to register a document ... | 5 | 00 |
| Provided that such fee shall be refunded if the Principal Registrar or the High Court shall order the document to be registered unconditionally. | | |

RULE.

The Diseases of Animals Ordinance 1906.

Rule issued by His Excellency the Governor of the East Africa Protectorate under the Diseases of Animals Ordinance 1906.

Nairobi,

E. P. C. GIROUARD,

Dated this 27th day of May, 1910.

Governor.

Rule 4 of the Rules issued under the Diseases of Animals Ordinance 1906 and dated the 29th day of April, 1910, shall be and is hereby amended by the deletion from line 3 of the said Rule of the words "be removed" and by the substitution of the words "remove such cattle"

RULES.

Rules issued by His Excellency the Governor of the East Africa Protectorate under the Provisions of the Trading Ordinance 1904.

Nairobi,

E. P. C. GIROUARD,

Dated this 27th day of May, 1910.

Governor.

1. A Trader's licence may be taken out on any date, and shall run for 12 months from the date of issue.

2. The Provincial Commissioner or such other officer as he may appoint may issue such licence and may prescribe conditions which shall be endorsed upon the licence upon which any licence may be granted and may also require the proposed licensee to furnish security either in cash or by bond for the observance of the conditions.

3. Each Trader's licence carries with it permission to trade within the District of Gosha in any products or goods except Alcoholic liquor, firearms, ammunitions, petroleum explosives and other things the importation or use of which is restricted by the Customs Ordinance or by any other law for the time being in force.

4. The fee for a Trader's licence shall be Rs. 40 per annum.

5. These Rules shall apply to the District of Gosha only.

NOTICE.**Under the Crown Lands Ordinance 1902.**

WHEREAS by an Indenture of Lease made the 20th day of November 1907, BETWEEN His late Most Gracious Majesty King Edward the Seventh of the one part and David Wolffe of Nairobi (thereinafter referred to as the Lessee) of the other part. ALL that piece or parcel of land situate on the Thika River in the East Africa Protectorate comprising four thousand acres or thereabouts and therein described was demised unto the Lessee for the term of 99 years as therein mentioned, AND WHEREAS the Lessee covenanted to use the said land for the purpose of grazing only. AND WHEREAS the Lessee impliedly covenanted by virtue of Section 14 (e) of the Crown Lands Ordinance 1902, to use and develop the natural resources of the land leased with all reasonable speed having regard to all the circumstances of the case. AND WHEREAS the Lessee has failed to use the said land for the purpose of grazing and further has committed a breach of the Lessee's covenant implied by virtue of Section 14 (e) of the said Crown Lands Ordinance 1902. NOW THEREFORE by virtue of the provisions of Section 18 (1) of the said Crown Lands Ordinance 1902, I, Colonel Sir Edouard Percy Cranwill Girouard, K.C.M.G., D.S.O., R.E., Governor of the East Africa Protectorate, do hereby give notice to the said Lessee, that I intend after one month from the publication of this notice to commence an action in the High Court for a declaration that the said lease be forfeited.

Nairobi,

Dated this 27th day of May, 1910.

E. P. C. GIROUARD,

Governor.

NOTICE.**An Ordinance to amend the laws relating to the taxation of Natives.
No. 2 of 1910.**

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the above Ordinance.

By Command of His Excellency,

W. J. MONSON,

Secretary.

NOTICE.

The next Swahili Examination will be held on the 1st and 2nd, and the next Law Examination on the 4th and 5th, of July next.

Intending applicants should submit their names through the usual channel as early as possible.

Nairobi,

11th March, 1910.

W. J. MONSON,

Secretary.

SECRETARIAT,

NAIROBI,

June 1st, 1910.

APPOINTMENTS.

His Excellency the Governor has been pleased to make the following appointments:—

To be Principal Registrar for the purposes of Part II of The Land Titles Amendment Ordinance 1910,

J. C. Ward.

To be a Registrar under Part II of the Land Titles Amendment Ordinance 1910 for the Malindi District,

The District Commissioner, Malindi.

To be District Commissioner, Machakos,

K. Dundas to date 1st April, 1910.

To be Acting District Commissioner, Kitui,

G. H. Osborne to date 11th April, 1910.

To be Assistant District Commissioner, Ravine,

M. W. H. Beech, to date 25th April, 1910.

To be Assistant District Commissioners,

J. O. Hughes.

J. E. Lawson Walton.

to date 26th March, 1910.

W. J. MONSON,

Secretary.

NOTICE.**The following Telegram from His Majesty's Principal Secretary of State for the Colonies is Published for General Information.**

His Majesty commands me to convey the following message for publication:—

To my people beyond the seas, the innumerable messages of kindness from my loyal subjects beyond the seas have deeply touched my heart, and have assured me that I have in a full measure their sympathy in the great trial which has befallen me and them, that my sorrow is their sorrow, that I share a common loss. The happiness of all his people throughout his dominions was dear to the heart of my beloved father for them he lived and worked, in their service he died and I cannot doubt that they will hold his name in grateful remembrance. I am now called to follow in his footsteps and carry on the work which prospered in his hands. As a sailor I have been brought into constant touch with the oversea dominions of the Crown and I have personally realised the affectionate loyalty which holds together many lands and diverse peoples in one glorious fellowship.

Nine years ago I travelled through the Empire accompanied by my dear wife and had the late King lived, we should together at his expressed wish have visited South Africa in the coming autumn, to open the first parliament of the South African Union, the latest and greatest evidence of the peace and harmony which my father ever loved to promote. It will be my earnest endeavour to uphold constitutional Government and to safeguard in all their fullness the liberties which are enjoyed throughout my dominions, and under the good guidance of the Ruler of all men, I will maintain on the foundation of freedom, justice and peace, the great heritage of the United British Empire.

NOTICE.

The following applications have been received for licences under the Liquor Ordinance 1909, in the Ukamba Province.

| Applicant. | Class of license. | Premises. |
|--|---|--|
| Traffic Manager, Uganda Railway. | Railway Station liquor licence. | Dak Bungalow, Makindu. |
| do | do | Refreshment Room Nairobi Railway Station. |
| H. Diamond per H. Fein. | Restaurant liquor licence. | On Mr. Fein's farm Ndarugu, Kyambu district. |
| Mackinnon Bros. | Wine Merchant's & Grocer's licence. | Corner of Government Road and 6th avenue Nairobi. |
| British East Africa Trading Coy., Ltd. | Wholesale liquor licence. | Victoria Street, immediately behind "Stanley Hotel" Nairobi. |
| Ramal Shivdial. | General Retail liquor licence. | Victoria Street, Nairobi. |
| H. de Souza | do | Native Market Road, Nairobi. |
| Beliram Parimal & Coy. | Wine Merchants & Grocer's liquor licence. | No. 79, 1st Street Indian Bazaar, Nairobi. |

Note:—The Licensing Court will sit on second Monday in June next at the District Commissioner's Court, Nairobi, at 10 o'clock in the forenoon.

Nairobi,

25th May, 1910.

C. W. HOBLEY,
Provincial Commissioner.

NOTICE.

The following applications have been made in the Kenya Province, for Licences under Section 24 of the Liquor Ordinance.

| Applicant. | Class of Licence. | Premises. |
|-------------------------|---|------------|
| Messrs. Nazareth & Bro. | Wine Merchant's and Grocer's Licence for a period of 6 months ending 31st December, 1910. | Fort Hall. |
| Mr. J. L. Elkington | General Retail Liquor Licence, for a period of 6 months ending 31st December, 1910. | Thika. |
| Mr. R. O. Hamilton | Wine Merchants and Grocer's Licence, for a period of 6 months ending 31st December, 1910. | " |

Fort Hall,

12th May, 1910.

J. W. T. McCLELLAN,
Provincial Commissioner.

NOTICE.

The following Applications have been received for Licences under the Liquor Ordinance 1909, in the Seyidie Province.

| Applicant. | Class of Licence. | Premises. |
|--------------------------------|-------------------------------------|---------------------------|
| Messrs. Hansing & Co. | Wholesale Liquor Licence | 29 Ndia Kuu Mombasa |
| " Wm. O'Swald & Co. | " " " | 21 Palmer Lane " |
| C. Schwentasky | Hotel " " | 13 Vasco da Gama Street " |
| British E. A. Corporation Ltd. | Wholesale " " | 10a MacDonald Terrace " |
| Mackinnon Bros. | Wine Merchants and Grocer's Licence | 29a " " |

Mombasa,

19th May, 1910.

R. SKENE,

for Ag. Provincial Commissioner.

NOTICE.

The following applications have been made in the Nyanza Province for licenses under section 24 of the Liquor Ordinance 1909 :—

| Applicant. | Class of Licence. | Premises. |
|-------------------------|---|-----------|
| Boustead & Clarke, Ltd. | Wine Merchant's and Grocers liquor licence for a period of 6 months ending 31st December, 1910. | Kisumu. |
| J. A Nazareth & Brother | General Retail liquor licence for a period of 6 months ending 31st December, 1910. | " |
| D. C. Mendonca & Son. | General Retail liquor licence for a period of 6 months ending 31st December, 1910. | " |

Traffic Manager, Uganda Railway:—

| | | |
|-----------------|---------------------------------------|------------------|
| Railway Station | Liquor Licence for Dak Bungalow | Port Florence. |
| " " | Liquor Licence | Muhoroni. |
| Steamship " | Liquor Licence for S. S. Clement Hill | Victoria Nyanza. |
| " | Liquor Licence for S. S. Winifred | " " |
| " | Liquor Licence for S. S. Sybil | " " |

NOTICE.

His Majesty King George V. has directed that there shall be no celebration of His Birthday this year, either in Great Britain or elsewhere in the Empire.

In consequence of these instructions His Majesty's Birthday will not be observed Officially in any way on the 3rd of June nor will that day be a Government Holiday.

ERRATA.

"Official Gazette" April 15th, 1910, page 185, the accepted tender for kerosine oil, is given as "Rs. 6/25 per case," this should read "Rs. 7/50 per case."

"Official Gazette" May 15th, 1910, page 272. Arrival and departure of Captain Whish and Lieut. Wilson should read Captain J. K. S. Whish Subaltern 3rd K. A. Rifles and Lieut. H. S. Wilson, Subaltern 3rd K. A. Rifles and not as shewn.

NOTICE.**Public Works Department.**

Tenders are invited for an extension to the Government Press, Nairobi, and for the erection of a house and outbuildings at the Government Farm, Kabete, near the Railway line at mile 333.

Drawings and Specifications may be seen at the Office of the Executive Engineer, Public Works Department, Nairobi during Office hours.

Tenders to be delivered at the Executive Engineer's Office before 4 p.m. on the 17th June, 1910, marked "BUILDING TENDERS,"

The lowest or any tender will not necessarily be accepted.

C. H. REYNOLDS,
Executive Engineer.

CURRENCY BOARD.**NOTICE.**

Notice is hereby given that the Left hand half of Currency Note No. $\frac{A}{1}$ 01306 for Rs. 20 has been presented to the Currency Commissioner for payment by Ziaul Hag who has certified that the other half of the said note was lost whilst in his possession. Any person claiming to be entitled to payment in respect of the said note, should communicate forthwith with the Currency Commissioners. In the absence of any such claim being established within three month's of this date, payment for the said note will be made to the said Ziaul Hag and the note will be cancelled.

Mombasa,
26th May, 1910.

J. W. H. PARKINSON,
for the Currency Commissioners.

SWAHILI EXAMINATION.

Mr. C. M. Dobbs has passed the Lower Standard Swahili Examination.

ARRIVALS.

| Name in full | Rank | From leave or on 1st Appointment | Date of leaving Southampton. | Date of Embarkation. | Date of arrival at Mombasa or Kilindini. |
|---------------------|--------------------------|----------------------------------|------------------------------|----------------------|--|
| J. O. Hughes | Asst. Dist. Commissioner | 1st appoint. | Mar. 26th 1910. | | May 7th 1910. |
| J. E. Lawson-Walton | Asst. Dist. Commissioner | do | " 26th " | | " 7th " |

DEPARTURES.

| Name in full. | Rank. | On leave or termination of appointment | Date of departure. | Date due to return Mombasa. |
|---------------------|----------------------------|--|--------------------|------------------------------|
| W. Rigby | Asst. Dist. Supdt. Police | Leave | May 3rd 1910. | Nov. 3rd 1910. |
| C. M. Bunbury | Asst. Engineer Uganda Rly. | " | " 3rd " | Oct. 2nd " |
| T. H. Jolley | Chief Clerk, Police | " | " 11th " | Nov. 11th " |
| S. Couper | Dist. Engineer Uganda Rly. | " | " 11th " | Nov. 11th " |
| Capt. H. P. Bennitt | 2nd K. A. Rifles | Termination | " 3rd " | Not returning to East Africa |
| Capt. R. C. Dobbs | 2nd K. A. Rifles | " | " 3rd " | Not returning to East Africa |

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

PROBATE AND ADMINISTRATION.

CAUSE No. 25 OF 1910.

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE OF DANIEL HOCKLEY
LATE OF MANDERSTON, NATAL, DECEASED.

Take notice, that application having been made in this Court by Ernest Hockley of Naiyasha for the administration with Will of the estate of DANIEL HOCKLEY late of Manderston, Natal who died at Manderston, Natal, South Africa on the 17th day of July, 1909, this Court will proceed to make a decree in the same unless cause be shown to the contrary and appearance in this respect entered on or before the 15th day of June, 1910.

Nairobi,

5th May, 1910.

J. W. BARTH,

Judge.

PROBATE AND ADMINISTRATION.

IN THE MATTER OF R. W. JOHNSON, DECEASED.

To all to whom it may concern.

Take notice that on or after the 15th day of June, 1910, I intend to apply to the High Court of East Africa at Mombasa for an order to administer the estate of the above named R. W. JOHNSON who died at Nairobi on the 13th day of May, 1910.

Mombasa,

19th May, 1910.

J. W. H. PARKINSON,

Administrator General.

IN THE TOWN MAGISTRATE'S COURT, NAIROBI.

INSOLVENCY JURISDICTION.

CAUSE No. 1 OF 1910.

RE. N. SAFI, INSOLVENT.

To all whom it may concern.

NOTICE IS HEREBY GIVEN—that by an order of the Court made on the 11th instant, N. SAFI is declared to be an Insolvent under the Provincial Insolvency Act of 1907 and Mr. S. C. Fichat of Nairobi is appointed Receiver of the said Insolvent's property. All the property of the said Insolvent (except that particularly specified in the first proviso to Section 266 of the Civil Procedure Code, not being the books of accounts) is vested in the Receiver from the date of his appointment and the Receiver is authorized to collect and realize the property of the Insolvent and discharge his debts and liabilities according to law.

Nairobi,

Dated this 27th day of May, 1910.

G. H. PICKERING,

Town Magistrate.

IN THE TOWN MAGISTRATE'S COURT, AT NAIROBI.

INSOLVENCY JURISDICTION.

CAUSE No. 2 OF 1910.

RE: MAJOR COLIN CAMPBELL BOILEAU, INSOLVENT.

WHEREAS the said Colin Campbell Boileau was on the 24th March, 1909, by an order of the High Court declared an Insolvent under the Provisions of the Provincial Insolvency Act of 1907 AND WHEREAS the said Insolvent applied under Section 44 (1) of the said Act to be discharged and the said application coming on for hearing on the 21st April, 1910, the said C. C. Boileau was discharged from his Insolvency.

NOTICE IS HEREBY GIVEN to all the creditors of the above-named Insolvent, who have notified their claims but have not yet proved the same, and also to those who have not at all notified their claims, that if their claims are not proved before the Court in the manner prescribed in the Provincial Insolvency Act within two months from the date hereof the Court will proceed to make a final dividend without regard to their claims.

Nairobi,

26th May, 1910.

G. H. PICKERING,

Town Magistrate.

POST OFFICE NOTICE.

List of Newspapers, Magazines etc., received without addresses at the Mombasa, Post Office during the months of March and April, 1910.

| No. | Description. | Date. |
|-----|--|--|
| 1 | Calendario del Santuario Di Pompai Basilica Pontifica del S. S. Rosario | 1910 |
| 2 | The Christian (3 copies) | 10th, 17th, 24th, Feb. 1910 |
| 3 | The Statesman, Weekly Edition | 16th December 1909 |
| 4 | The Live Stock Journal (2 copies) | 4th and 11th February 1910 |
| 5 | Het Laatste Nieuws (18 copies) | 9th to 26th January 1910 |
| 6 | Het Laatste Nieuws (12 copies) | 1st to 12th February 1910 |
| 7 | Modern Society | 5th February 1910 |
| | The Daily Mail (2 copies) | 21st and 23rd February 1910 |
| 8 | The Weekly Illustrated Paper | 12th February 1910 |
| 9 | Annalen der Afrikaansche Missior. | February 1910 |
| 10 | Our Own Gazette | " " |
| 11 | The African World | 12th February 1910 |
| 12 | The Impartial Reporter | 17th February " |
| 13 | The Financial Post | 18th December 1909 |
| 14 | Orde, divini officii recitandi, Missaque Celebrandae, S. S. Romanae Ecclesiae, | 1910 |
| 15 | Modern Society | 12th February 1910 |
| 16 | The People | 20th February " |
| 17 | Journal of the Royal United Service Institution | February 1910 |
| 18 | La Croix (7 copies) | 31st Dec. 1909, 2nd Jan. 4th to 8th January 1910 |
| 19 | The Times Weekly Edition | 18th February " |
| 20 | The Leader, British East Africa (3 copies) | 17th 19th and 26th Feb. 1910 |
| 21 | Engineering Record | 12th February 1910 |
| 22 | Neue Freie Presse | |
| 23 | The Glasgow Herald (4 copies) | 19th Feb. and 21st to 23rd February 1910 |
| 24 | The Strand Magazine | March 1910 |
| 25 | The British Weekly | 10th February 1910 |
| 26 | The Maryport News | 12th " |
| 27 | The Times Weekly Edition | 31st December 1909 |
| 28 | 1 Bundle Greek Newspapers | |
| 29 | L'echo de Paris (8 copies) | 17th 19th 25th to 28th Feb. 1st and 2nd March 1910 |
| 30 | Cork Weekly News | 5th February 1910 |
| 31 | The Advertiser, B. E. Africa (2 copies) | 4th ", and 4th March 1910 |
| 32 | The Evangelical Messenger | 2nd February 1910 |
| 33 | The Tablet | 29th January 1910 |
| 34 | The Leader | 5th February " |
| 35 | The Saturday Blade | 19th " " |
| 36 | The Christian World | 17th " " |
| 37 | The People | 6th " " |
| 38 | The Winning Post | 29th January " |
| 39 | The African World | 26th February " |
| 40 | The Hitabidi Weekly Edition | 11th March " |
| 41 | The London Free Press | 17th February " |
| 42 | Daily Express | 26th " " |
| 43 | L'echo de Paris | 1st March " |
| 44 | Irish Weekly Mail | 12th " " |
| 45 | The Kikuy News | March " |
| 46 | The Sligo Champion | 12th February " |
| 47 | The Daily News | 22nd " " |
| 48 | The Aere | 25th January " |
| | Daily Sketch | 18th February " |
| | Daily Mirror | 18th " " |
| | The Winning Post (3 copies) | 8th 15th Jan. and 19th February 1910 |
| 49 | Le Nouvelliste de Bretagne (5 copies) | 7th to 11th March 1910 |
| 50 | L'avenir du Dimanghe (3 copies) | 27th Feb. 13th & 20th Mar. 1910 |
| 51 | Pearson's Weekly | 20th January 1910 |
| 52 | Trade Catalogue of Bristol Wagon and Carriage Wads | |
| 53 | Canadian Churchman | 10th March 1910 |
| 54 | St. Stephen's Parish Magazine | Feb. and March 1910 |

| No. | Description. | Date. |
|-----|---|-------------------------------|
| 55 | St. Bartholomew's Hospital Medical Missionary Society's News | January 1910 |
| 56 | La Belgique | March " |
| 57 | John Bull | 15th January 1910 |
| | Public Opinion | 7th " " |
| 58 | The African World | 12th February " |
| 59 | The Kirkendbright shire Advertiser | 25th March " |
| 60 | Cromer and North Walsham Post | 11th " " |
| 61 | Church Family Newspaper | 18th " " |
| 62 | Public Opinion | 4th and 11th March 1910 |
| | News of the World | 27th February 1910 |
| 63 | La Nature (3 copies) | 5th 12th and 19th March 1910 |
| | Le Monde Illustre (3 copies) | 5th 12th and 19th March 1910 |
| 64 | Illustrated London News | 5th March 1910 |
| 65 | The Graphic | 19th " " |
| 66 | Stratford Express | 19th " " |
| 67 | Sunday Times | 13th " " |
| 68 | The Morning Post | 5th and 7th March 1910 |
| 69 | The Engineering and Mining Journal | 5th March 1910 |
| 70 | Live Stock Journal | 4th February 1910 |
| 71 | Poultry | |
| 72 | The Weekly Notes | 26th February 1910 |
| 73 | The Liverpool Weekly | 19th March " |
| 74 | A packet of envelopes addressed to Khoja Ismail Ahmed and Co. Marari via Voi Uganda Railway | |
| 75 | Daily Express | 22nd February 1910 |
| 76 | The Chicago Ledger | 26th " " |
| | The Saturday Blade | 26th " " |
| 77 | The Arya Patrika | 19th March " |
| 78 | La Semaine Religieuse | |
| 79 | The New Acts (2 copies) | March 1910 |
| 80 | Meierijsche Courant | 15th March 1910 |
| 81 | La Tribune Congolaise (3 copies) | 3rd, 10th and 17th March 1910 |
| 82 | The Advertiser of East Africa | 15th April 1910 |
| 83 | Dartmouth and South Hams Chorinckle | 25th March 1910 |
| 84 | Aristes ("The Best") Shorthand by A. Janes | |
| 85 | Halali | 15th March 1910 |
| 86 | The Colonial & Continental Church Society Report for the year 1908-1909 | |
| 87 | Tropical Life | March 1910 |
| 88 | The East Africa Standard (2 copies) | 26th Feb. and 6th March 1910 |
| 89 | The Naval and Military Record | 6th April 1910 |
| 90 | The Morning Post (3 copies) | 9th 11th and 12th April 1910 |
| 91 | Co-operative Supply, Ltd. Illustrated Catalogue (2 copies) | April 1910 |
| 92 | Hope The Hermit by Edana Lyall | |
| 93 | The East African Standard | 16th April 1910 |

Owners of the above should make early application at this Office together with evidence of ownership.

Mombasa, Post Office,
17th May, 1910.

RALPH HART,
Postmaster.

NOTICE.

All Applications or Remittances should be sent to the Editor
The rates of subscription are as follows :

| | One year | | Six months | | Three months | | Single Copy | |
|---|----------|--------|------------|--------|--------------|--------|-------------|--------|
| | Rs. | Cents. | Rs. | Cents. | Rs. | Cents. | Rs. | Cents. |
| Subscription (Including Postage) | 5 | 50 | 2 | 75 | 1 | 25 | 0 | 25 |
| " (Exclusive of Postage.) | 4 | ... | 2 | ... | 1 | ... | 0 | 20 |
| Price of one Copy one month old | ... | ... | ... | ... | ... | ... | 0 | 37 |
| " " six months old | ... | ... | ... | ... | ... | ... | 0 | 75 |
| " " one year old | ... | ... | ... | ... | ... | ... | 1 | 50 |

IMPERIAL INSTITUTE.**Result of the examination of****WATTLE BARK FROM THE EAST AFRICA PROTECTORATE.**

| | | | | | | | | | | | | | | | | | | | | | | |
|---|--|------------------------|-----------|------|-----|-----------|------|-----|-----|-----|-----|-----|--------------------------------|-----|-----|-----|------|--------------------------------|-----|-----|-----|------|
| Imperial Institute. | No. 27781-1 | Date 14th March, 1910. | | | | | | | | | | | | | | | | | | | | |
| Reference. | Letter No. 200 dated 2nd February 1909 from the Acting Chief Conservator of Forests at Nairobi. | | | | | | | | | | | | | | | | | | | | | |
| Number or mark and weight of sample. | "No. 1. Grown by Caine Bros., Limoru. Age 5 years." | | | | | | | | | | | | | | | | | | | | | |
| Description. | Large quills and some small strips of reddish-brown bark about $\frac{1}{8}$ to $\frac{3}{16}$ inch thick, with dark reddish-brown inner surface. The fracture was fibrous and light in colour. | | | | | | | | | | | | | | | | | | | | | |
| Results of examination expressed on material as received. | <table><tr><td>Moisture</td><td>...</td><td>...</td><td>per cent</td><td>12.9</td></tr><tr><td>Ash</td><td>...</td><td>...</td><td>" "</td><td>2.4</td></tr><tr><td>Tannin (by hide powder method)</td><td>...</td><td>...</td><td>" "</td><td>38.4</td></tr><tr><td>Extractive matter (non-tannin)</td><td>...</td><td>...</td><td>" "</td><td>12.2</td></tr></table> | | Moisture | ... | ... | per cent | 12.9 | Ash | ... | ... | " " | 2.4 | Tannin (by hide powder method) | ... | ... | " " | 38.4 | Extractive matter (non-tannin) | ... | ... | " " | 12.2 |
| Moisture | ... | ... | per cent | 12.9 | | | | | | | | | | | | | | | | | | |
| Ash | ... | ... | " " | 2.4 | | | | | | | | | | | | | | | | | | |
| Tannin (by hide powder method) | ... | ... | " " | 38.4 | | | | | | | | | | | | | | | | | | |
| Extractive matter (non-tannin) | ... | ... | " " | 12.2 | | | | | | | | | | | | | | | | | | |
| | The bark produced a light-pinkish leather of good texture. | | | | | | | | | | | | | | | | | | | | | |
| Commercial value. | The sample was described by brokers as well-grown, mostly of good substance, clean, and rather dark on the inner side, with some bough bark. It was valued at about £8 per ton. | | | | | | | | | | | | | | | | | | | | | |
| Imperial Institute. | No. 27781-2 | Date 14th March, 1910. | | | | | | | | | | | | | | | | | | | | |
| Reference. | Letter No. 200 dated 2nd February 1909 from the Acting Chief Conservator of Forests at Nairobi. | | | | | | | | | | | | | | | | | | | | | |
| Number or mark, and weight of sample. | "No. 2. Grown by D. O. Roberts, Nairobi. Age $4\frac{1}{2}$ years." | | | | | | | | | | | | | | | | | | | | | |
| Description. | Long quills of smooth dark-coloured bark, varying from $\frac{1}{8}$ to $\frac{3}{8}$ inch thick. The thicker pieces were fibrous and had a reddish inner surface, whilst the thinner pieces were of dull walnut colour on the inner surface. In both cases the fracture was light in colour. | | | | | | | | | | | | | | | | | | | | | |
| Results of examination expressed on material as received. | <table><tr><td>Moisture</td><td>...</td><td>...</td><td>per cent.</td><td>9.0</td></tr><tr><td>Ash</td><td>...</td><td>...</td><td>" "</td><td>2.7</td></tr><tr><td>Tannin (by hide powder method)</td><td>...</td><td>...</td><td>" "</td><td>43.6</td></tr><tr><td>Extractive matter (non-tannin)</td><td>...</td><td>...</td><td>" "</td><td>10.4</td></tr></table> | | Moisture | ... | ... | per cent. | 9.0 | Ash | ... | ... | " " | 2.7 | Tannin (by hide powder method) | ... | ... | " " | 43.6 | Extractive matter (non-tannin) | ... | ... | " " | 10.4 |
| Moisture | ... | ... | per cent. | 9.0 | | | | | | | | | | | | | | | | | | |
| Ash | ... | ... | " " | 2.7 | | | | | | | | | | | | | | | | | | |
| Tannin (by hide powder method) | ... | ... | " " | 43.6 | | | | | | | | | | | | | | | | | | |
| Extractive matter (non-tannin) | ... | ... | " " | 10.4 | | | | | | | | | | | | | | | | | | |
| | The bark produced a light-pinkish leather of good stiff texture. | | | | | | | | | | | | | | | | | | | | | |
| Commercial value. | The remarks and valuation quoted under sample No. 1 apply also in this instance. | | | | | | | | | | | | | | | | | | | | | |
| Imperial Institute. | No. 27781-3 | Date 14th March, 1910. | | | | | | | | | | | | | | | | | | | | |
| Reference. | Letter No. 200 dated 2nd February 1909 from the Acting Chief Conservator of Forests at Nairobi. | | | | | | | | | | | | | | | | | | | | | |
| Number or mark, and weight of sample. | "No. 3. Grown by the Uganda Railway at Nakuru. Age $3\frac{1}{2}$ years." | | | | | | | | | | | | | | | | | | | | | |
| Description. | Quills of bark, larger and thicker than the two preceding samples, and rough externally. The inner surface was dark orange brown. The fracture was light in colour. | | | | | | | | | | | | | | | | | | | | | |
| Results of examination expressed on material as received. | <table><tr><td>Moisture</td><td>...</td><td>...</td><td>per cent</td><td>10.6</td></tr><tr><td>Ash</td><td>...</td><td>...</td><td>" "</td><td>3.2</td></tr><tr><td>Tannin (by hide powder method)</td><td>...</td><td>...</td><td>" "</td><td>39.6</td></tr><tr><td>Extractive matter (non-tannin)</td><td>...</td><td>...</td><td>" "</td><td>11.2</td></tr></table> | | Moisture | ... | ... | per cent | 10.6 | Ash | ... | ... | " " | 3.2 | Tannin (by hide powder method) | ... | ... | " " | 39.6 | Extractive matter (non-tannin) | ... | ... | " " | 11.2 |
| Moisture | ... | ... | per cent | 10.6 | | | | | | | | | | | | | | | | | | |
| Ash | ... | ... | " " | 3.2 | | | | | | | | | | | | | | | | | | |
| Tannin (by hide powder method) | ... | ... | " " | 39.6 | | | | | | | | | | | | | | | | | | |
| Extractive matter (non-tannin) | ... | ... | " " | 11.2 | | | | | | | | | | | | | | | | | | |
| | The bark produced a light-coloured leather, very similar to that given by sample No. 2. | | | | | | | | | | | | | | | | | | | | | |
| Commercial value. | This sample was described by the brokers as stout bark, of rather better colour than Nos. 1 and 2, and was value at £8. 5s. per ton. | | | | | | | | | | | | | | | | | | | | | |
| Imperial Institute. | No. 7781-4 | Date 14th March, 1910. | | | | | | | | | | | | | | | | | | | | |
| Reference. | Letter No. 200 dated 2nd February 1909 from the Acting Chief Conservator of Forests at Nairobi. | | | | | | | | | | | | | | | | | | | | | |
| Number or mark, and weight of sample. | "No. 4. Grown by R. C. Muirhead, Kyambu. Age $3\frac{1}{2}$ years." | | | | | | | | | | | | | | | | | | | | | |

A mixture of thin flat strips and large thick quills of bark. The outer surface was dark green and striated with orange-brown marks; the inner surface smooth and dark brown. The fracture was light-coloured and fibrous.

| | | | | | |
|--------------------------------|-----|-----|----------|------|---|
| Moisture | ... | ... | per cent | 9.9 | Results of examination expressed on material as received. |
| Ash | ... | ... | " " | 3.0 | |
| Tannin (by hide powder method) | ... | ... | " " | 40.3 | |
| Extractive matter (non-tannin) | ... | ... | " " | 10.3 | |

The bark gave a firm light-coloured leather, of stiff texture but free from harshness.

The brokers described this sample as apparently of very good quality and colour, and equal to the best Natal bark. They valued it at £ 8 10s. to £ 8 15s. per ton.

No. 27781-5

Date 14th March, 1910.

Imperial Institute.

Letter No. 200 dated 2nd February 1909 from the Acting Chief Conservator of Forests at Nairobi.

"No. 5 Grown at Karuris, Kikuyu country. Age about 6½ years."

Number or mark, and weight of sample.

Description.

Rather narrow quills of dark brown, somewhat tough bark, about ⅛ inch thick. The inner surface was light reddish brown. The fracture was fibrous and of fawn colour.

| | | | | | |
|--------------------------------|-----|-----|----------|------|--|
| Moisture | ... | ... | per cent | 11.0 | Result of examination expressed on material as received. |
| Ash | ... | ... | " " | 1.9 | |
| Tannin (by hide powder method) | ... | ... | " " | 35.8 | |
| Extractive matter (non-tannin) | ... | ... | " " | 12.2 | |

The bark gave a light-coloured leather, similar in character to that furnished by the preceding sample.

This sample was described by the brokers as not quite so well handled as No. 4 and not so stout in substance, and it was valued at about £ 8 10s per ton.

General Conclusions and Recommendations.

The principal factors of importance with regard to these barks may be summarised as follows :—

| No of sample | Age of tree years. | Percentage of tannin. | Percentage of non-tannin extractive matter. | Nature of Leather produced. |
|--------------|--------------------|-----------------------|---|-----------------------------|
| 1 | 5 | 38.4 | 12.2 | Good colour and texture |
| 2 | 4½ | 43.6 | 10.4 | " " „ stiff texture |
| 3 | 3½ | 39.6 | 11.2 | " " " " " |
| 4 | 3½ | 40.3 | 10.3 | " " " " " |
| 5 | 6½ | 35.8 | 12.2 | " " " " " |

These barks are all rich in tannin and represent materials which would be readily saleable in the United Kingdom. As a general rule it is necessary to maintain wattle plantations for at least 5 years before they yield bark of marketable quality, and in this connection samples 2, 3 and 4, which are the richest of the series, though derived from trees only 3½ to 4½ years old, are of special interest. The leathers produced by these barks are all of good quality, being of a pleasant light colour, of good texture and free from harshness.

The brokers who valued these samples on the basis of the results given above stated that they would be glad to receive consignments of similar quality for sale, and the Imperial Institute will be pleased to make arrangements with them for the disposal of any consignments that may be available in the East Africa Protectorate. In this connection it should be noted that in preparing wattle bark for export great care should be taken that the bark is stored under cover and thoroughly dried before shipment, as otherwise loss of tanning and darkening in colour are likely to occur. Wattle bark is usually sold according to brand, and it is therefore advisable that each plantation should endeavour to market its bark in uniform condition from year to year and thus establish a recognised standard for its produce.

For information regarding the cultivation, etc. of wattle bark, reference should be made to the article on this subject in the "Bulletin of the Imperial Institute," Vol. VI, (1908,) pp, 157-171.

IMPERIAL INSTITUTE,**(South Kensington, London, S.W.)****REPORT ON MINERALS FROM THE KISII AND KAVIRONDO DISTRICTS
OF THE EAST AFRICA PROTECTORATE,**by **PROFESSOR WYNDHAM R. DUNSTAN, M.A., F.R.S.** Director.

Reg. No. 28695.

The specimens which are the subject of this report were collected by Mr. J. S. Coates, the Geologist accompanying the Anglo-Congolese Boundary Commission, who was subsequently deputed to examine certain areas in Uganda and the East Africa Protectorate. The present report covers the work done in the Kisii and Kavirondo Districts of East Africa.

The field observations made in these areas are described in an interim report dated the 15th March, 1909, by Mr. Coates, of which the following is a summary.

Between the lake shore at the Kongo Bay landing place and the foot of the hills to the south, there is a strip of coarse alluvium, which is covered in the immediate neighbourhood of the crater-lake Simbi by volcanic tuff. The hills are formed of gneiss, and this rock forms the stony country as far as the northern Awach river and for a short distance beyond it. South of the gneiss area the rocks consist partly of granite and partly of metamorphosed sedimentary rocks, with extensive intrusions of diorite. The granite occupies the western part of the South Kavirondo country.

The greater part of the district traversed is occupied by the intrusive diorites. These are exposed in all the valleys of the Kisii highlands, and form the lower hills immediately west of the highland country. In some places the diorites are much altered, epidote being abundantly developed. Pyrite occurs here and there in the diorites, sometimes in the form of veins and sometimes as impregnations.

Wire hill is formed of metamorphic rocks, including quartzites, quartz schists and phyllites. Some large bands of ironstone are interbedded with those metamorphic rocks of Wire hill.

The hills of the Kisii highlands are capped by slightly metamorphosed sediments, which are mainly quartzitic sandstones and grits with underlying shales and mudstones.

A trace of gold can be found in almost every stream in the district, and in most cases the gold can be followed up to the head of the stream. Except in the Kuja river, the "colours" are always very fine. In the Kuja river, rather coarser grains, not much flattened, are found below the Kabar lode, and fairly large, well-flattened scales occur occasionally higher up the stream.

Several well-marked quartz veins traverse the country, but with the exception of the lode formerly proved by the East Africa Syndicate at Kabar, on the Kuja, and a small lode near Pija Hill in South-west Mumbo district, they proved barren at all points where they were sampled.

Gold was found to occur in the altered portions of the diorite, where the rock is converted into a felspar-epidote rock, permeated with chalcedonic silica and traversed by quartz stringers. The amount of gold present in the rock is very small, and cannot be expected to approach a paying value. Its occurrence there is chiefly of interest as possibly explaining the origin of the gold, which is widely distributed over the surface of the district.

A deposit of graphite occurs at Kokwanyo, about 7 miles south of Nyakach Bay and close to one of the tributaries of the northern Awach river in the south Kavirondo District.

Examination of Specimens.

The twelve samples collected by Mr. Coates for examination at the Imperial Institute included crushed quartz from the Pija lode, material from the North Awach "Pyrite Reef", and samples of "graphite." The samples were forwarded to the Imperial Institute by the Commissioner of Mines for the East Africa Protectorate and were referred to in his letter of the 10th April 1909. They have given the following results on analysis :

EaA 45-51.

"Crushed quartz from the Pija lode." Seven samples of this material were supplied. They were in the condition of brownish powders, varying slightly in colour. The following table shows the amount of gold present in each case as found by assaying the samples.

No silver was present in any of the samples.

| | | | |
|-----------|-------------------|-----------|-----------------------------|
| "No. 1." | Nil | "No. 3b." | 1 dwt per ton |
| "No. 2." | 2 grains per ton. | "No. 4. " | Less than 2 grains per ton |
| "No. 3a." | 2 " " " | "No. 5. " | 2 grains per ton. |
| | | "No. 6. " | Less than 2 grains per ton. |

None of these samples from the Pija lode represented a gold ore of any commercial value.

EaA 52.

"Pyrite reef, North Awach." This sample consisted partly of quartz and partly of quartzite, and contained some pyrite and pyrrhotite. On being assayed and partly analysed, it yielded the following results:

| | |
|--------------|----------------------------|
| Gold | Less than 2 grains per ton |
| Silver | Nil. |
| Nickle oxide | 0.035 per cent |
| Cobalt oxide | 0.006 " " |
| Copper oxide | 0.004 " " |

The material represented by the sample is of no commercial value.

EaA 53-56.

"Graphite, Kokwanyo, South Kavirondo district." There were four samples of this product. They consisted of black earthy material impregnated with amorphous carbonaceous matter. The following results were obtained on analysis:

| | A. | B. | C. | D. |
|------------------------------|-----------|-----------|----------------|-----------------------------|
| | Selected. | Selected. | Average sample | Sales from edge of deposit. |
| | Per Cent. | Per Cent. | Per Cent | Per Cent. |
| Carbon | 18.99 | 12.93 | 12.82 | 10.70 |
| Ash | 77.47 | 83.25 | 83.36 | 86.10 |
| Moisture and volatile matter | 3.54 | 3.82 | 3.82 | 3.20 |

These results showed that the material was of no value. The amorphous condition of the samples indicated that payable graphite deposits were not likely to be found at the locality where these samples were obtained.

15th April, 1910.

NOTICE.

Is hereby given that the Schedule of claims drawn up by the undersigned in the Insolvent Estate of Lalaprasad Luxmanprasad will be open for inspection at the Town Magistrates Office, Nairobi for a period of fourteen (14) days from the 1st proximo, and if there be no objections thereto the assets of the said Insolvent will be paid away by the undersigned in a final dividend.

Nairobi,

25th May, 1910.

SYDNEY C. FICHAT,

Receiver Insolvent Estate of Lalaprasad Luxmanprasad.

EAST AFRICA PROTECTORATE.

Statement showing number of trade packages and value in Rupees of various articles imported into Mombasa during March, 1910.

| ITEMS. | | | Number of Packages. | Value in Rupees. | ITEMS. | | | Number of Packages. | Value in Rupees. |
|--|--|--------|---------------------------|---------------------------------------|--|--------|----------|---------------------------|------------------|
| | | | | | Brought forward ... | | | | 5,48,328 |
| Agricultural implements ... No. of packages | | | 870 | 21,705 | LIVE STOCK:— | | | | |
| Ale and beer ... gallons | | | 1,319 | 3,001 | Horses ... numbers | | 11 | 3,500 | |
| Ammunition ... cartridges | | | 54,980 | 7,569 | Mules ... " |  | ..... | ..... |  |
| Apparel ... packages | | | 132 | 16,637 | Camels ... " | | 3 | 156 | |
| Bags and sacks ... numbers | | | 28,794 | 8,092 | Cattle ... " |  | ..... | ..... |  |
| Beads ... lbs. | | | 7,504 | 3,332 | Donkeys ... " | | 8 | 230 | |
| Books, maps and printed matter packages | | | 65 | 4,372 | Sheep ... " | | 16 | 107 | |
| Boots and shoes ... pairs | | | 821 | 3,505 | Goats ... " | | 539 | 2,782 | |
| Brass and copperwares ... packages | | | 169 | 16,153 | Dogs ... " | | 34 | 1,065 | |
| Building materials ... " | | | 1,741 | 26,256 | Poultry ... " | | 35 | 620 | |
| Coal ... tons |  |  | ..... | ..... | Machinery and parts of ... No. of packages | | 177 | 13,601 | |
| Cotton goods ... yards | | | 9,75,875 | 2,26,964 | Provisions of all sorts ... " | | 4,194 | 75,960 | |
| Cotton yarns ... lbs. |  |  | ..... | ..... | Salt ... cwts. | | 3,871 | 4,041 | |
| Drugs, medicines and chemicals packages | | | 130 | 4,025 | Seeds and plants for cultivation packages | | 138 | 1,763 | |
| Earthen and glasswares ... " | | | 344 | 9,253 | Silk goods ... yards | | 1,665 | 2,796 | |
| Fire arms ... numbers | | | 120 | 23,551 | Spirits and liqueurs ... gallons | | 2,037 | 15,463 | |
| Furniture ... packages | | | 235 | 12,598 | Sugar ... cwts. | | 2,820 | 32,083 | |
| | | | | | Surgical instruments ... packages |  | ..... | ..... |  |
| GRAIN:— | | | | | Tea ... lbs. | | 14,548 | 10,228 | |
| Rice ... cwts. | | 22,026 | 1,14,177 | Tobacco ... " | | 42,767 | 36,771 | | |
| Flour ... " | | 2,079 | 17,506 | Wines ... gallons | | 2,871 | 12,768 | | |
| Wheat ... " | | 83 | 745 | Wood ... tons | | 5 | 349 | | |
| Dhall (pulse) ... " | | 196 | 1,386 | Woollen goods ... yards | | 3,628 | 5,407 | | |
| Other sorts ... " | | 582 | 2,628 | All other sorts ... packages | | 2,173 | 1,19,988 | | |
| Gun powder ... lbs. |  | ..... | ..... |  |  |  |  |  |  |
| Iron and steelware ... packages | | 594 | 20,064 | | | | | 8,88,006 | |
| Kerosine oil ... gallons | | 22,384 | 4,809 | Goods in transit & transhipment ... " | | 5,015 | 4,24,004 | | |
| Carried forward ... | | | ... | 5,48,328 | Total Rupees ... | | | ... | 13,12,010 |

Total value of trade imports in March, 1909

... Rs. 14,55,969

Total decrease in value

... „ 1,43,959

F. W. MAJOR,
Chief of Customs.

EAST AFRICA PROTECTORATE.

Statement showing number of trade packages and value in Rupees of trade goods re-exported from Mombasa to different countries during March, 1910.

| ITEMS. | | | Quantity. | Portuguese Colonies. | United States of America. | German East Africa. | Miscellaneous Ports of Asia. | Zanzibar. | India. |
|--------------------------------|-----|---------------------|-----------|----------------------|---------------------------------|---------------------------|------------------------------------|-----------|--------|
| | | | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| Ale and beer | ... | ... No. of packages | 392 | | | 637 | | | |
| Ammunition | ... | ... „ cartridges | ..... |  |  | ..... |  |  |  |
| Apparel | ... | ... „ packages | 12 | | | 2,431 | | | |
| Beads | ... | ... „ lbs. | 5,922 | | | 2,209 | | | |
| Boots and shoes | ... | ... „ pairs | ..... |  |  | ..... |  |  |  |
| Brass and copperwares | ... | ... „ packages | 33 | | | 3,127 | | | |
| Building materials | ... | ... „ „ | 48 | | | 586 | | | |
| Cotton goods | ... | ... „ yards | 1,32,951 | | | 19,445 | 581 | 11,452 | |
| Drugs, medicines and chemicals | ... | ... „ packages | 1 | | | 97 | | | |
| Earthen and glasswares | ... | ... „ „ | 9 | | | 381 | | | |
| Firearms | ... | ... Numbers | ..... |  |  | ..... |  |  |  |
| Rice | ... | ... „ cwts. | ..... |  |  | ..... |  |  |  |
| Flour | ... | ... „ „ | 147 | | | 701 | | 447 | |
| Salt | ... | ... „ „ | 9 | | | 12 | | | |
| Other sorts of grain | ... | ... „ „ | ..... |  |  | ..... |  |  |  |
| Iron and steelwares | ... | ... „ packages | 35 | | | 1,265 | | | |
| Kerosine oil | ... | ... „ gallons | 790 | | | 423 | | | |
| Timber | ... | ... „ tons | 18 | | | 888 | | | |
| Machinery and parts of | ... | ... „ packages | ..... |  |  | ..... |  |  |  |
| Provisions of all sorts | ... | ... „ „ | 42 | | | 931 | | | |
| Spirits and liqueurs | ... | ... „ gallons | 86 | 34 | | 879 | | | |
| Sugar | ... | ... „ cwt | 88 | | | 896 | | | |
| Tea | ... | ... „ lbs. | 660 | | | 476 | | | |
| Tobacco | ... | ... „ „ | 2,310 | | | 1,076 | | 751 | |
| Wines | ... | ... „ gallons | 63 | | | 779 | | | |
| All other sorts | ... | ... „ packages | 98 | 103 | | 2,174 | | 272 | |
| Total Rupees | | | | 137 | | 39,413 | 581 | 12,922 | |

Total value of Re-exported goods ... Rs. 53,053

F. W. MAJOR,
Chief of Customs.

Statement showing value in Rupees of various articles exported from Mombasa, during March, 1910.

| | |
|---------------------------------------|-----------|
| Total value of exports in March, 1909 | 1,000,000 |
| Total Increase in value | 100,000 |

F. W. MAJOR,
Chief of Customs.

EAST AFRICA PROTECTORATE.

Statement showing value in Rupees of Imports made into Mombasa,

from different countries during March, 1910.

| COUNTRIES. | Value in Rupees. |
|---|---------------------|
| United Kingdom | 3,14,106 |
| India and Burmah | 2,52,182 |
| Ceylon | 8,539 |
| Mauritius | 4,805 |
| Zanzibar | 3,782 |
| Uganda Protectorate... .. | ..... |
| South African Colonies | 1,961 |
| Australian Colonies ... .. | ..... |
| Austria | 49,291 |
| Belgium | 2,455 |
| France and French Colonies | 30,264 |
| Germany | 75,405 |
| Holland | 56,586 |
| Italy | 7,840 |
| Sweeden | 1,395 |
| Portugal and Portuguese Colonies | 995 |
| Russia | 752 |
| Switzerland | 7,000 |
| Miscellaneous Ports of Europe | 2,317 |
| Miscellaneous Ports of Asia | 13,278 |
| United States of America | 54,135 |
| German East Africa | 518 |
| Other British Possessions ... .. | ..... |
| Italian East Africa | 400 |
| | 8,88,006 |
| Goods in transit & Transhipment... | 4,24,004 |
| Total value Rupees ... | 13,12,010 |

F. W. MAJOR,
Chief of Customs.

UGANDA PROTECTORATE.**WANTED.**

Wanted a European for the post of Assistant Storekeeper in the Public Works Department, Entebbe, Uganda.

Terms £180 per annum and house accommodation if available. Applications with testimonials should be sent to the undersigned as early as possible.

Railway fare will be paid from Mombasa or Nairobi to Entebbe.

Wanted a European skilled tradesman in smithing or fitting or both. Wage £150 to £200 per annum by gradual increments with quarters if available.

Apply P. W. D. Entebbe.

P. O. G. USBORNE,
Chief Engineer, P. W. D.

NOTICE.

It is hereby notified in connection with the Transit Traffic from German East Africa, the Congo Free State, or the Soudan, *via* the Uganda Protectorate that the **Original** copy of the Transit Manifest will in all cases be the Transit Certificate of the Merchandise and it should accompany the Goods right through to Mombasa. No refund of duty will be made except in exchange for the original copy duly endorsed by the Chief of Customs, Mombasa.

It is further notified in connection with the clearance outwards at Mombasa of Goods having their origin in the Uganda Protectorate that the authority for passing such Goods will be the Uganda Customs Pass Notes which are issued at the Ports of Exit from that Protectorate.

Entebbe,
10th May, 1910.

G. D. SMITH,
Treasurer.

UGANDA RAILWAY.

Rate Circular.

No. 6 of 1910.

The following special rates and additions to Goods Tariff will come into force on and from date hereof.

Maize and Matama Flour,—including mixed consignments of both when in full wagon loads, from Stations Port Florence to Mackinnon Road inclusive to Mombasa or Kilindini, to be charged wagon rates on page 42 of Goods Tariff.

Manure,—when in full wagon loads, from Stations Port Florence to Mackinnon Road inclusive to Mombasa or Kilindini, to be charged wagon rates on page 42 of Goods Tariff.

Traffic Manager Office,
Nairobi, 20th May, 1910.

A. E. CRUICKSHANK,
Traffic Manager.

UGANDA RAILWAY**Catering Department.****TENDERS FOR THE SUPPLY OF FRESH PROVISIONS.**

1. Tenders are invited for the supply of fresh Butter, Fruit, Bread, Eggs, Vegetables, Fowls, Meat and Potatoes for the refreshment room for six months from the 1st July 1910.
2. All deliveries to be made to the nearest Railway Station, at such times and in such quantities as may be required by the Catering Manager.
3. Tenders must be submitted to the Traffic Manager, Nairobi by the 15th June, 1910.
4. The undersigned does not bind himself to accept the lowest or any tender.
5. Form of Contract may be obtained on application to the Traffic Manager, Nairobi.

Traffic Manager's Office Nairobi,
26th May, 1910.

A. E. CRUICKSHANK,
Traffic Manager.

UGANDA PROTECTORATE.**Public Works Department.****TENDER No. 87.**

Tenders are invited for the following:—

| | | | | | |
|---|-----|-----|-----|-------|---------|
| Matchboarding best quality (state dimensions) | ... | ... | ... | f. r. | 100,000 |
| Glue | ... | ... | ... | lbs | 112 |
| Size (in packets) | ... | ... | ... | " | 28 |
| Whitelead ground in oil | ... | ... | ... | " | 672 |
| Blue paint mixed | ... | ... | ... | Galls | 10 |
| Grey paint mixed | ... | ... | ... | " | 30 |
| Distemper, colours to choice, dry | ... | ... | ... | lbs | 224 |
| French polish | ... | ... | ... | galls | 10 |
| Oil Engine | ... | ... | ... | " | 50 |
| Oil cylinder | ... | ... | ... | " | 25 |
| Oil benzine | ... | ... | ... | " | 48 |
| Fluid soldering bottles small | ... | ... | ... | No. | 18 |
| Fluid soldering bottles large | ... | ... | ... | " | 12 |
| Brushes whitewash | ... | ... | ... | doz | 2 |
| Brushes varnish | ... | ... | ... | " | 1 |
| Nails wire 6" | ... | ... | ... | cwt | 6 |
| " " 5" | ... | ... | ... | " | 3 |
| " " 4" | ... | ... | ... | " | 12 |
| " " 3" | ... | ... | ... | " | 6 |
| " " 2" | ... | ... | ... | " | 6 |
| " " 1" | ... | ... | ... | " | 1 |
| Screws iron 1" No. 10 | ... | ... | ... | gross | 50 |
| " " 1" " 8 | ... | ... | ... | " | 100 |
| " " $\frac{3}{4}$ " " 6 | ... | ... | ... | " | 100 |
| Screws japanned round head $\frac{3}{4}$ " No 9 | ... | ... | ... | " | 10 |
| Bolts iron (tower) with sockets complete 4" | ... | ... | ... | No. | 500 |
| " " (") " " 6" | ... | ... | ... | " | 300 |
| " " (") " " 9" | ... | ... | ... | " | 100 |
| Reaping hooks | ... | ... | ... | " | 100 |
| Slashers | ... | ... | ... | " | 100 |
| Hinges brass butt 2" | ... | ... | ... | prs | 50 |
| Solder | ... | ... | ... | cwt | 2 |
| Belting laces | ... | ... | ... | doz | 2 |
| Cabin hooks iron japanned 3" | ... | ... | ... | " | 12 |
| Twine bricklayers thick balls | ... | ... | ... | " | 3 |
| Locks 6" rim (half right, half left) | ... | ... | ... | " | 12 |

The supply must be immediate from stock held at present and if one or more qualities of goods are stocked specific prices should be given.

All goods or supplies will be inspected by a qualified inspector before being put on rail.

All tenders must reach the Chief Engineer, Public Works Department, Uganda Protectorate on or before 15th June, 1910.

NOTE.—If merchants in East Africa and Uganda are able to supply such stores at reasonable rates, the Public Works Department, Uganda, will not necessarily in future import such stores from England as heretofore, although the comparison of prices will be most carefully considered. Goods must be delivered intact and in first rate condition free in godown at Entebbe, Kampala or Jinja; road and wharfage dues will not be charged.

P. O. G. USBORNE,

Chief Engineer, P. W. D.

Uganda Protectorate.