



THE
OFFICIAL GAZETTE
OF THE
COLONY AND PROTECTORATE OF KENYA.
(SPECIAL ISSUE).

Published under the Authority of His Excellency the Governor of the
Colony and Protectorate of Kenya.

[Vol. XXVII.— No. 1,004] NAIROBI, April 4, 1925.

[PRICE 50 CENTS]

Registered as a Newspaper at the G. P. O.

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Payments
into Local
Native Funds

3. The Principal Ordinance is hereby amended by the addition of the following section :—

“10. (1) The Governor-in-Council may direct that the Trustees shall pay into any specified Local Native Fund any specified monies in the hands of the Trustees and thereupon the Trustees shall pay such monies into such Local Native Fund and the receipt of the Local Native Council administering such fund shall be a complete discharge to the Trustees in respect of such monies.

(2) The Governor-in-Council may direct that any monies which may lawfully be paid into the fund under the provisions of Section 6 hereof shall in lieu of being so paid be paid into a Local Native Fund.”

AN ORDINANCE.

No. 3 OF 1925.

Assented to in His Majesty's name this 28th day of March, 1925.

EDWARD B. DENHAM,
Acting Governor.

An Ordinance Relating to Mining.

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

PART I.

Preliminary.

Short title and
commencement.

1. This Ordinance may be cited as the “ Mining Ordinance, 1925,” and shall come into operation on such date as the Governor by notice in the Gazette shall determine.

Definition.

2. In this Ordinance unless there shall be something repugnant in the subject or context :—

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

“ Banket ” means a sedimentary deposit interbedded among the strata of the country and containing or supposed to contain gold.

“ Coal ” includes all descriptions of coal, lignite, and carbonaceous shale.

“ Commissioner of Mines ” shall include a person appointed to act for the Commissioner of Mines.

“ Common minerals ” includes sand, clay, marble, stone, lime, diatomite, murrum, gypsum, mineral waters, salt, soda and such minerals as are declared from time to time to be common minerals by the Commissioner of Mines by notice under this Ordinance.

“ Contiguous claims ” means claims adjoining or touching each other at a common point on their boundaries or having the land between any two points on their boundaries wholly occupied by roads, railways, rivers, dedicated ground, water, or land set aside for public purposes.

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

“ Inspector ” means an Inspector of Mines appointed for the purposes of this Ordinance.

“ Land-owner ” includes also a grantee, a lessee, and a person occupying land under a licence from the Crown.

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

“ Minerals ” and “ all minerals ” includes gold and other metals and precious stones, but does not include coal, oil, or common minerals.

“ Mining ” or “ to mine ” includes all modes of prospecting and mining for obtaining, treating and making merchantable minerals, common minerals, and coal.

“ Mining lease ” means a lease issued under this Ordinance for minerals other than common minerals or coal.

“ Native Reserve ” includes any land which is considered by the Government to be required by and necessary to be reserved for natives whether gazetted or not.

“ Oil ” includes all descriptions of mineral oil, natural gas, bitumen, asphalt and other bituminous substances with the exception of coal.

“ Prescribed ” means prescribed by this Ordinance, or by Regulations issued under this Ordinance.

“ Private land ” shall include lands privately owned and land the subject of a grant, lease or licence from the Crown.

“ Prospecting ” includes all modes of prospecting for minerals, common minerals, and coal.

“ Salt licks ” means those deposits of salt or other mineral or common mineral which have been or are being used as salt licks for cattle whether privately owned or not.

3. The several enactments mentioned in Schedule I hereto, are hereby repealed, but such repeal shall not affect any right, interest, or liability already created, existing or incurred, nor anything lawfully done or suffered under any enactment hereby repealed, and any proceedings in respect of such right, interest or liability may be carried on as if such repeal had not taken place. Repeal.

4. The provisions of this Ordinance shall extend to all lands situate in the Colony. Provided, however, nothing herein contained shall be deemed to authorise any person to prospect or mine on or under :— Application and prohibited areas.

(a) Lands dedicated or set apart for any public purpose.

(b) Lands held under grants or leases giving the holder rights of working the gold, precious stones, minerals, common minerals and coal which are recognised by the Governor.

(c) Land situate within any township or municipal area except with the consent of the owner of the land, and of the Governor or municipal authority.

(d) Land over which exclusive prospecting rights have been or may be granted by the Governor or by or on behalf of His Majesty and during such time as such rights shall be subsisting except by, or on behalf of, the person to whom such rights shall have been granted.

(e) Land reserved for the purposes of any railway or situate within 100 yards of any railway, except with the consent of the Railway Administration.

(f) Land, the property of the Crown or of the Government, being the site of or within 300 yards of any Government building, or the site of or within 500 yards of any Government artificial dam or reservoir, except with the permission of the Governor in writing first obtained.

(g) Land lawfully and *bona fide* used as a yard, garden, cultivated field or as the site of any building or artificial dam or reservoir, or land within 300 yards of any building or within 500 yards of any artificial dam or reservoir and the property of or leased by the owner of such building, artificial dam or reservoir, except with the consent of the owner and occupier of the land; provided however, such exemption shall cease upon payment of compensation to the land-owner for the loss resulting from the cesser of such exemption, such compensation, if not otherwise agreed upon, to be determined by arbitration. The person desiring the cesser of such exemption and the land owner shall be deemed parties to such arbitration.

(h) Lands declared by the Governor by notice in the Gazette to be exempt from the operation of this Ordinance.

(i) A street, road or highway without the consent in writing of the Governor or of the Municipal Authority or other public body having the control thereof.

(j) Land within a Native Reserve except with the consent in writing of the Commissioner of the Province within which the Reserve is situate and on such conditions as may be prescribed.

(k) Salt licks, except as prescribed.

(l) Closed districts, except with a licence from the proper authority.

Unauthorised
mining

5. Any person who prospects or mines without being authorised to do so by virtue of this Ordinance or of some enactment theretofore in force or without the licence or authority of the Governor, shall be guilty of an offence, and shall, on conviction, be liable to pay for each offence a penalty not exceeding twenty shillings for every day on which he shall so prospect or mine.

PART II.

Departmental and Official.

Commissioner
of Mines.

6. There shall be a Commissioner of Mines to be appointed from time to time by the Governor and such Commissioner of Mines or the officer for the time being acting for him shall have charge of the administration of this Ordinance and of the Department of Mines.

Appointment of
wardens, etc.

7. The Governor may appoint such wardens, inspectors, registrars, and other officers as may be necessary for the purposes of this Ordinance.

8. (1) The Commissioner of Mines may hear and determine in a summary way all suits concerning any right, claimed in, under, or in relation to a prospecting claim or prospecting licence, or any advantage thereof or liability thereunder, or any contract in respect thereof.

Jurisdiction of
commissioner in
suit.

(2) The jurisdiction of the Commissioner of Mines shall extend not only to cases where the litigants are the parties originally interested in the cause of suit, but to cases where the title of litigants is derived from or through any of such parties.

9. The Commissioner of Mines may decide any suit and any matter arising therein, in such a manner as may be just, and may make and give all orders and directions necessary for enforcing his decision, and may award reasonable costs.

Power of
hearing.

10. The mode of proceeding in a suit before the Commissioner of Mines shall be as follows :—

Mode of
proceeding
before
commissioner.

(1) The person suing shall lodge a plaint note in duplicate at the office of the Commissioner of Mines.

(2) The plaint note shall be substantially in Form A. in Schedule II, and shall specify shortly the subject matter of the complaint and the relief claimed.

(3) Upon receipt of the plaint note the Commissioner of Mines shall give notice substantially in Form B. in Schedule II, by post or otherwise, to the party sued of the nature of the suit, and the time and place at which the same will be heard and determined.

(4) At the time and place appointed the parties shall attend and state their cases before the Commissioner of Mines, and may call evidence on oath (which oath the Commissioner of Mines is hereby authorised to administer) in support thereof, and the Commissioner of Mines, having heard such statement and evidence shall give his decision.

(5) The Commissioner of Mines may adjourn the hearing of a suit to any other time or place, and may, either at the original hearing or at any adjournment, proceed in the absence of either party provided that such parties have been duly served with notice of hearing.

(6) Either party may be represented by an Advocate of the Supreme Court.

(7) Save as in the Ordinance otherwise expressly provided no person who is not the holder of a prospecting licence in his own name shall have any right to institute proceedings before the Commissioner of Mines.

(8) Each party may procure the attendance of witnesses substantially in Form C. in Schedule II. Every witness so summoned shall be entitled to require payment of his expenses, as if summoned as witnesses in civil proceedings before a subordinate court of the first class. A witness who has been duly summoned and who fails to appear or to produce any book, paper, document, plan or thing in his custody, possession or power, unless privileged by law, or unless a head of a Government Department states that it is not desirable in the public interest that such should be disclosed, shall be liable to a fine not exceeding three hundred shillings, and in default of payment, to imprisonment not exceeding one month.

(9) Save as otherwise prescribed in Schedule IV hereto, the fees to be charged for matters in the Court of the Commissioner of Mines shall be in accordance with the scale of fees for the time being prescribed for a subordinate court of the first class.

Commissioner's order need not be formally drawn up.

11. The order or decision of the Commissioner of Mines need not be formally drawn up, but shall be entered in a book which he is hereby required to keep for the purpose and which shall be conclusive evidence of the order or decision, and any person may obtain a copy of the record on payment to the Commissioner of Mines of the prescribed fee.

Commissioner may order minerals, etc., to be seized.

12. The Commissioner of Mines, upon the hearing of a suit, may cause any minerals, common minerals, or coal to be summarily seized and delivered to the person entitled thereto.

Inspection by Commissioner.

13. The Commissioner of Mines or any Inspector or any person authorised by the Commissioner of Mines, may at all reasonable times, enter and inspect any mine held under a claim or mining lease, and examine and take extracts from all books, accounts, vouchers, and documents relating thereto, or to any minerals, common minerals, or coal, obtained therefrom.

Law regulating proceedings before and enforcement of orders of the Commissioner.

14. The law for the time being regulating proceedings before and the powers of a magistrate of a subordinate court of the first or second class in the exercise of its civil jurisdiction shall, so far as practicable, and subject to any modifications, alterations, or additions which may be prescribed, apply to proceedings before the Commissioner of Mines and to the enforcement of his decisions in like manner as if such decisions were the decisions of a magistrate of a subordinate court of the first or second class.

Appeal.

15. There shall be an appeal from any determination in any suit of the Commissioner of Mines or from any order of dismissal which appeal shall be to the Supreme Court and shall be conducted in manner provided for an appeal from a magistrate of a subordinate court of the first or second class.

Jurisdiction of ordinary courts not excluded.

16. (1) Nothing in the preceding sections contained shall be deemed to prevent the holder of a prospecting licence from bringing in any of the ordinary courts of the Colony any suit which might be heard and determined by the Commissioner of Mines. Provided, however, that whereas it is the intention of this Ordinance that all suits brought by the holder of a prospecting licence concerning any right, claimed in, under, or in relating to a prospecting licence, area or claim, or any advantage thereof or liability thereunder, or any contract in respect thereof shall, so far as may be proper and convenient, be heard and determined by the Commissioner of Mines, the Supreme Court or any court subordinate thereto before which any such suit as aforesaid may be brought, may, on the application of the defendant, or if there be more defendants than one, on the application of any one or more of the defendants, and if satisfied that the suit could be properly and conveniently heard and determined by the Commissioner of Mines, direct that the suit be brought before the Commissioner of Mines.

(2) The Governor may, by notice in the Gazette confer upon any warden or inspector the powers and jurisdiction vested in the Commissioner of Mines by sections eight to fifteen (both inclusive) of this Ordinance, and may in like manner define the area within which such warden shall exercise such powers and jurisdiction.

Governor may confer upon a warden jurisdiction in suits.

PART III.

Acquisition of Rights of Prospecting and Mining.

I.—GENERAL.

17. Nothing contained in this Ordinance shall confer any right of searching for, prospecting for, obtaining, treating, refining, buying or selling oil.

18. Prospecting and mining shall be permitted pursuant to this Ordinance by virtue of :—

- (a) A prospecting licence, or
- (b) A sole exploration licence, or
- (c) A protection area, or
- (d) A registered claim, or
- (e) A mining lease, or coal lease.

II.—PROSPECTING LICENCES.

19. A prospecting licence, to be in force for one year from the date thereof, may be issued by :—

Prospecting licence.

- (a) The Commissioner of Mines, or
- (b) A warden.

Provided, however, that any applicant who is dissatisfied with the decision of such officer may appeal to the Governor in Council.

20. (1) A prospecting licence shall be substantially in Form D. in Schedule II hereto, and shall be issued on payment of a fee of twenty shillings.

Form of licence.

(2) A certified copy of a prospecting licence may be issued to the holder on payment of a fee of twenty shillings.

(3) Application for a prospecting licence shall be made substantially in Form E. in Schedule II hereto.

21. A prospecting licence shall be not transferable.

Not transferable.

22. When a prospecting licence is issued to an individual representing a company, syndicate, partnership or other body of persons, it shall be so stated on the licence, and the licence shall be deemed to be held by the body represented.

Companies.

23. A prospecting licence shall authorise the holder thereof :—

Privileges.

(a) To prospect for any minerals, common minerals, or coal, the property of the Crown, in the area shown on the licence.

(b) To peg claims and to acquire protection areas.

(c) To take action in the Court of the Commissioner of Mines.

Black list.

24. The Governor may forbid the issue of a prospecting licence to any person, or may cancel a prospecting licence held by any person, on conviction of an offence under this Ordinance.

III.—SOLE EXPLORATION LICENCES.

Sole licences.

25. The Governor may, at his sole discretion, grant sole exploration licences to search for minerals, common minerals, or coal, over any area and subject to such fee, terms and conditions as he may think fit, provided that the purpose for which such licence is granted is of great public importance, and that the mineral, common mineral, or coal for which the licence is granted would be, if found, of great public or imperial utility.

Proof of means.

26. Every application for a sole exploration licence must be accompanied by proof of means to the extent of one hundred shillings for each square mile of the area under application.

Privileges.

27. A sole exploration licence shall confer upon the holder the sole right of prospecting within the area concerned for the mineral, common mineral, or coal mentioned in the licence, and the sole right during the currency of the licence to peg claims as prescribed.

Extension of term.

28. The Governor may, by notice in the Gazette, extend the term of any sole exploration licence.

Notice in Gazette.

29. Notice of every sole exploration licence granted shall be published in the Gazette.

IV.—PROTECTION AREAS.

Protection areas.

30. (1) The holder of a prospecting licence may erect a prospecting notice which shall be substantially in Form F. in Schedule II hereto. The erection of such a notice shall, subject to registration as hereinafter mentioned, confer upon the licensee the exclusive right of prospecting and of pegging claims within an area of one thousand feet from the notice in all directions for a period of thirty-one days from the date of erection. The area so affected shall be known as a protection area.

Posting of prospecting notice.

(2) A prospecting notice shall be posted in a conspicuous place :—

(a) On a substantial post not less than four feet above the ground, or

(b) On a tree around which a circular trench shall be dug of a section not less than six inches wide and six inches deep, or

(c) On a stone monument, and

(d) In any case not less than four feet above the ground.

Registration.

31. (1) Within fourteen days from the date of posting a prospecting notice a licensee shall cause the same to be registered.

(2) Application for registration shall be made to the district commissioner in which the protection area is situated, substantially in Form G. in Schedule II hereto. A receipt for the fee paid for registration shall be sufficient evidence of registration.

(3) Protection areas shall be registered in the Mining Register.

32. No holder of a protection area shall establish another protection area until the protection area already held by him shall have been abandoned as such. Limitation.

V.—CLAIMS.

33. (1) A prospector pegging out a claim shall erect at the point of discovery a post not less than three inches through and four feet above the ground or a stone monument three feet high on which a notice substantially as in Form H., Schedule II, shall be posted. Mode of taking possession of claim.

(2) The date of the erection of the post or monument at the point of discovery and the posting of the notice aforesaid shall be deemed to be the date of the pegging out of the claim. Provided that the prospector shall, before registering the claim, place at each corner of the claim a substantial post four feet above the ground, or a stone monument three feet above the ground, on which shall be marked or advertised the initial of the prospector and the date of pegging out, and shall further cut two trenches not less than six feet long and six inches deep in the direction of the boundary lines of which the post is intended to form the corner. Such corner posts or monuments shall be maintained in position while the claim is held.

(3) The pegging of any claim shall be invalid in the following circumstances :— Validity.

(a) If the person pegging does not hold a prospecting licence at the time of pegging, or

(b) If the person in whose name the claim is pegged does not hold a prospecting licence at the time of pegging.

(c) If the claim is pegged between the hours of 6 p.m. and 6 a.m.

(d) If the claim pegged is not a rectangular parallelogram, as far as the contour of the land allows, the length of the longer side being not more than twice the length of the shorter side.

(e) If the claim is not pegged in the prescribed manner.

34. Claims shall not exceed the following dimensions :— Size of claims.

(a) A gold claim, reef or banket, three hundred feet in length along the supposed line of the reef or banket, and six hundred feet in width across the line.

(b) A gold or precious stones claim, alluvial or placer, one hundred feet by one hundred feet.

(c) A precious stones claim, other than alluvial, twenty acres.

(d) A mineral claim, other than gold or precious stones, forty acres.

(e) A coal claim, six hundred and forty acres.

(f) A common mineral claim, forty acres.

35. (1) The holder of a claim of whatever nature, within thirty days after the claim is first pegged out, or within such additional time (if any) as the Commissioner of Mines may, on the ground of sickness, absence or other like disability of any such holder, or for other reasonable cause, allow, shall register the claim in the office of the district commissioner of the district wherein the claim is situated. Registration of claim.

A monthly return of all claims registered shall be furnished by the district commissioner to the Senior Commissioner concerned, who shall furnish a monthly return of all claims registered in his province to the Commissioner of Mines.

(2) Any person desiring to register a claim shall sign an application for registration substantially in Form I., in Schedule II hereto. Such application, together with the prospecting licence under which the claim was pegged out, shall be forwarded to or produced at the office of the officer authorised to register such claim. The officer shall thereupon, on payment of the prescribed fee, enter in a book to be called "the Mining Register" full particulars of each application clearly specifying the class of claim and shall fill in and sign a certificate of registration substantially in Form J., in Schedule II hereto, and shall hand or send such certificate and the prospecting licence to the person producing or forwarding such application.

(3) A mining register shall be substantially in Form O. of Schedule II hereto.

Neglect to register.

36. If any person neglects to register his claim in the manner and time aforesaid he shall forfeit all rights in respect thereof.

False representations.

37. Any person who shall, by false representations or fraudulent concealment of facts, obtain registration of any claim under this Ordinance, shall forfeit his rights in the claim in respect of which such registration has been obtained, and be liable to a penalty not exceeding one thousand five hundred shillings.

Rights.

38. The ownership of a claim shall confer the following rights in respect thereof :—

(a) As to a gold, precious stones or other mineral claim, the preferential right to a mining lease.

(b) As to a coal claim, the preferential right to a coal lease.

(c) As to a common mineral claim, the preferential right to an export permit.

Rent.

39. The holder of a claim of whatever nature shall pay an annual rent at the rate of twenty shillings to the Commissioner of Mines for each claim. Such rent shall be payable in advance on the first day of January in each year.

Over-pegging.

40. No area which is pegged out under one class of claim shall be pegged out, except by the owner of such claim or with his sanction, under the same or any other class of claim unless forfeiture of the first mentioned claim has been declared or such claim has been abandoned.

Restrictions on pegging.

41. No claim shall be pegged out on any area held under a mining lease except by the lessee or with his permission.

No claim to be pegged out within fifty yards of a shaft.

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

43. Whenever the same area shall be included in different classes of claims, the different classes shall have priority in the following order :—

Priority of claims.

(a) Alluvial or placer gold or precious stones claim.

(b) A precious stones claim, other than alluvial, a gold claim, reef or banket.

(c) Mineral and coal claims,

but the owners of all claims shall comply with prescribed requisites for securing to each the benefit of his claim, and for preventing unnecessary interference with any right previously existing.

44. (1) A claim holder shall, within a period of four months from the date of registration of his claim, execute at least ten feet of development work upon his claim of the nature set forth in Schedule III hereto.

Development work.

(2) For each succeeding year a claim holder shall execute at least sixteen feet of development work of the nature set forth in Schedule III hereto.

(3) At any time the Commissioner of Mines may permit the execution of a smaller amount of development work upon any claim, provided that the claim holder has produced good and sufficient reason why he has been unable, or expects to be unable, to execute the prescribed amount of development work; and provided also that in the event of the prescribed amount of development work not having been executed during any year, the Commissioner of Mines may at his discretion stipulate a corresponding amount of the development work additional to that prescribed for the following year.

Suspension of work.

(4) Within fourteen days after the expiration of the period of one year from the date of registration of a claim, a claim holder shall forward to the Commissioner of Mines a statement showing what development work has been executed on his claim.

Return of work.

(5) For each succeeding year from the close of the period mentioned in section forty-four (1) hereof, a claim holder shall forward to the Commissioner of Mines a statement showing what development work has been executed on his claim.

45. Excess work on one claim shall be allowed to count towards the working conditions on contiguous claims under the same ownership.

Excess work.

46. No mineral, common mineral or coal may be exported from a claim except for assay purposes.

Assay.

47. Any number of claims may be held by one person.

Number of claims.

VI.—COMMON MINERALS.

48. The holder of a common minerals claim shall not export any common minerals from his claim either in the crude state, refined, or manufactured state, except he first obtain an Export Permit in Form P. of Schedule II hereto. Applications for an Export Permit shall be in Form Q. of Schedule II hereto.

Common minerals.

VII.—LEASES.

- Size.** **49.** The Commissioner of Mines may, with the approval of the Governor, grant to the holder of a claim a mining lease over the following maximum areas :—
- (a) Gold or precious stones, twenty acres.
- (b) Minerals other than gold or precious stones, forty acres.
- Size of coal lease.** **50.** The Commissioner of Mines may with the approval of the Governor grant to the holder of a coal claim a coal lease over a maximum of six hundred and forty acres.
- Coal.** **51.** The Governor may prescribe the terms and conditions under which a coal lease may be granted.
- Term.** **52.** A mining lease shall be for a term not exceeding ten years and shall contain a proviso for renewal for further periods of ten years each upon proof by the lessee of compliance with the terms and conditions of the lease; provided that any renewal so granted will be subject entirely to the law existing at the date of renewal.
- Rent.** **53.** The annual rent to be reserved by and payable in respect of any lease shall be at the rate of two shillings per acre, and shall be payable in advance on the first of January in each year.
- Working conditions.** **54.** The holder of a lease shall during each year of the lease, and in the case of a lease for gold or precious stones, for every five acres or part thereof demised by the lease, execute at least sixteen feet of development work of the nature set forth in Schedule III hereto and shall forward to the Commissioner of Mines at the expiration of each year a statement showing what development work has been executed on the areas leased.
- Royalty on gold.** **55.** (1) A royalty of two and a half per cent. on the gold won shall be due and payable quarterly to the Commissioner of Mines when the profits earned by the lessee exceed the sum of one hundred pounds per month. In ascertaining the profits earned the following shall not be taken into account or reckoned :—
- (a) Remuneration for the service of the lessee.
- (b) Option money, rent, or tribute paid by any holder working under option, sublease or tribute agreement in an amount greater than ten per cent. of the value of the gold won.
- (2) Proper books and accounts shall be kept by the lessee showing the expenses incurred and the profits earned and the Commissioner of Mines or other official authorised by him shall at all times have access to such books and accounts.
- Application for lease.** **56.** Application for mining leases should be substantially in Form K. of Schedule II hereto, and shall be accompanied by the proportion of rent due to the thirty-first of December next following the date of application, and by an affidavit showing the work done on the area; provided that no lease shall be granted unless a minimum of development work shall be in existence on the property at the rate of thirty feet for each claim over which a lease is desired.

57. So soon as an applicant for a lease is informed that a lease will be granted to him he shall, if so desired by the Commissioner of Mines, cause the land to be surveyed at his own cost under the direction of the Director of Surveys and shall supply the Commissioner of Mines also at his own cost with suitable plans for attachment to the lease. Survey.

58. A mining lease for gold or precious stones shall confer the right to mine, win and dispose of all minerals, subject to the payment of the prescribed royalties, provided that the mining lease for gold or precious stones is not granted over an area already held under a mining lease for minerals other than gold or precious stones. Rights.

PART IV.

Private Land, Native Reserves and Surface Rights.

59. For the purpose of this Ordinance :—

Native
Reserves.

(a) Every Native Reserve shall be deemed to be private land, and the Chief Native Commissioner or such officer as he may nominate for the purpose shall be deemed to be the owner; provided that any monies received by that authority by way of compensation, fees or penalties, shall be devoted to the use of the tribe concerned, and

(b) Every proclaimed forest area shall be deemed to be private land and the Conservator of Forests shall be deemed to be the owner; provided that any monies received by him by way of compensation, fees or penalties shall be paid into the general revenues of the Colony.

60. Before the holder of a prospecting licence may enter private land to prospect, he shall, if called upon by the owner, deposit with the Commissioner of Mines a sum of two hundred shillings as security against the payment of grazing fees or against repair of damage to the land. Deposit for
prospecting.

61. So soon as the holder of a prospecting licence shall peg a claim or claims on private land, he shall, if called upon by the owner, deposit with the Commissioner of Mines the sum of two shillings for each acre pegged subject to a minimum deposit of two hundred shillings and a maximum deposit of one thousand shillings. Such deposit shall be held against the payment of grazing fees or compensation for loss of land or against repair of damage to the land on abandonment. Deposit for
claims.

62. In lieu of the deposits prescribed in sections sixty and sixty-one hereof, the holder of a prospecting licence may, with the approval of the land-owner, enter into a bond with two sureties to be approved by the Commissioner of Mines, in the sum of one thousand shillings for himself, and five hundred shillings for each of two sureties. Bond.

63. (1) No mining lease shall be granted over private land until the Commissioner of Mines is satisfied that compensation has been paid by the applicant to the land-owner, such compensation, if not otherwise agreed upon, to be determined by arbitration. Lease.

(2) No claims for common minerals may be pegged on private land except by the owner or with his consent in writing. The registration of a claim for common minerals on private land shall be *prima facie* evidence that the owner has given his consent and shall be sufficient authority for the Commissioner of Mines to issue an export permit as prescribed. Common
minerals.

Surface rights.

64. A prospecting licence, claim, or lease under this Ordinance shall confer upon the holder surface rights only so far as may be absolutely required for or in connection with *bona fide* mining purposes. Whenever a disagreement shall arise between the owner, in the case of private land, and the holder of the mining privileges, in connection with surface rights, the same shall be determined by arbitration.

Owner of private land entitled to compensation for disturbance, etc.

65. An owner of private land who shall be disturbed in his possession, or damaged or injured in any way by reason or in consequence of any right or power conferred by any lease of such land for mining purposes shall be entitled to claim from the lessee compensation in respect of such disturbance, damage or injury, the amount of which compensation shall, in all cases of disagreement, be determined by arbitration.

Additional rights of a prospector.

66. A prospecting licence, claim, or a lease for mining purposes shall confer upon the holder the following rights when engaged actively in prospecting or mining, namely :—

(1) On unoccupied Crown land to take fuel and water for his domestic use, provided, however, that he shall not have the right to cut any standing timber in any proclaimed forest area, or any reserved tree unless he shall have obtained permission in writing from the Conservator of Forests, or other prescribed officer.

(2) On any land on which he is entitled to prospect to take for his domestic use water from any lake, river or stream, and, with the consent of the owner or occupier of private land or on tendering to the owner or occupier a reasonable sum in payment therefor, any fuel other than standing live timber.

Right of residence and grazing on claim.

67. The holder of a claim shall have the right to reside on his claim and of grazing on his claim for six horses or mules, or for sixteen oxen or donkeys, free of charge, on unoccupied Crown land, and if on any private lands on payment to the owner or occupier of the land where such licence is exercised of fifty cents per diem. Provided, however, that on private land the holder of the claim shall only exercise the rights conferred on him by this section on such portion of the claim as shall be indicated by the owner or occupier.

If any question shall arise between the owner or occupier of the land, and the holder of the claim, as to the suitability of land indicated by the owner or occupier it shall be determined by the Commissioner of Mines or other prescribed officer.

Mining lessees' rights in respect of standing timber.

68. Mining rights granted in respect of private land shall not confer upon the lessee the right to cut timber on the lands the subject of the lease, except the removal of any tree which shall be necessary for or in connection with mining purposes. The holder shall, if required by the owner of the tree cut, pay to him the value of any tree, and shall not without the consent of such owner be entitled to use the timber cut, unless and until he has paid or tendered such value.

A lease of land, other than private land or land situate within a proclaimed forest area, for mining, shall confer upon the holder the right to cut and utilise for or in connection with mining purposes any tree growing on the land the subject of the lease, provided, however, that the prescribed royalty shall be paid to the Forest Department in respect of any tree which may be protected by virtue of rules issued under section thirteen of the Forest Ordinance, 1911, or any law substituted therefor.

Whenever a lease for mining purposes shall be granted in respect of land situate within a proclaimed forest area, the holder may cut down any tree growing on the land the subject of the lease, provided the removal of the tree is necessary for or in connection with mining purposes, but the holder shall pay to the Forest Department the prescribed royalty on any such tree. Unless the sole right to cut such tree has been granted under the Forest Ordinance, 1911, or any law substituted therefor, to some other person the holder may, on paying such royalty, sell or use the timber cut for any purpose he may think fit. If the sole right to cut such tree has been granted to some other person as aforesaid the holder shall pay to such person the value of the timber cut and on paying or tendering such value shall be at liberty to sell or use the timber for any purpose he may think fit.

69. No prospector, claim holder or lessee shall divert water from any stream or lake or take water from any dam, race or reservoir without the sanction of the Director of Public Works, nor permit sludge or other noxious matter to flow to any stream, lake, dam, race, or reservoir.

No water to be diverted without sanction. Pollution of water prohibited.

PART V.

Abandonment of Mining Rights.

70. A claim shall be deemed to be abandoned in the following circumstances :—

Claims, when deemed abandoned.

(a) If the claim has not been registered in the manner prescribed ; or

(b) If the Commissioner of Mines has declared forfeiture ; or

(c) If the holder has not produced to the Commissioner of Mines, within such period as he may allow, satisfactory evidence of compliance with the working conditions prescribed ; or

(d) If the rent payable is not paid to the Commissioner of Mines within thirty-one days from the date when it became due, or within such additional time as the Commissioner of Mines may allow ; or

(e) If the holder fails to render any prescribed return when due, or within such additional time as the Commissioner of Mines may allow ; or

(f) If the holder shall notify the Commissioner of Mines in writing of his intention to abandon the claim.

Nothing in this section contained shall impose any obligation on the Commissioner of Mines to declare forfeiture of a claim.

71. Any person who shall abandon mining or prospecting operations on any land shall forthwith fill in or secure to the satisfaction of the Commissioner of Mines or other prescribed officer all shafts, pits, holes, and excavations in such a manner as to prevent persons or stock inadvertently entering the same. Any person who shall have failed to comply with the provisions of this section shall be liable to pay to the Commissioner of Mines, if on unoccupied Crown land, or to the land-owner if on private land, such sums as the Commissioner of Mines or other prescribed officer shall certify will be the cost of filling up or securing all shafts, pits, holes and excavations on the abandoned land.

Restoration of surface.

Owner may
remove plant.

72. The owner of any plant, machinery, engines, or tools of any forfeited or abandoned area shall have three months in which to remove such plant, machinery, engines, or tools, from the date of forfeiture or abandonment, but shall not, under a penalty of not more than three thousand shillings or less than one hundred and fifty shillings for each such offence, be permitted to remove or to interfere with any timber in any mines.

PART VI.

Transfers.

Transfers
prohibited.

73. Protection areas shall not be transferable.

Claims.

74. (1) The holder of a registered claim may transfer the same or any interest therein by forwarding a form duly completed in Form L. of Schedule II hereto to the office where the claim was registered. On receipt of this form, if in order and properly stamped, and on receipt of the necessary fee the registering officer shall enter the transfer in the Mining Register and shall issue to the transferee a certificate in Form M. of Schedule II hereto.

Lien on claims
and shares
therein.

(2) The owner of any claim or share or interest therein may give a lien upon the same as security for the due payment of any debt, and upon the execution by the lienor of a lien ticket duly attested substantially in Form N. of Schedule II hereto, and upon the production of such lien ticket to the officer in charge of the office at which the claim is registered, and on payment of a fee of four shillings, such officer shall register in the Mining Register a lien upon the claim share or interest, and shall then issue to the lienee a duplicate of the lien ticket, and every such lien registered as aforesaid shall be a specific charge upon such mining claim, share or interest until the debt has been paid in full, and if more than one lien has been effected on any claim share or interest, such liens shall take precedence according to the dates of their respective registrations. Provided that on production to the officer in charge of the office of the registration of such lien by the lienor of a receipt, duly signed by the lienee in the presence of a magistrate or justice of the peace, for the debt or liability for which such lien was held, such officer shall forthwith cancel such lien. In the event of the lienor failing to redeem such claim, share or interest at the time appointed the lienee may cause the same to be sold by public auction, having first advertised his intention of doing so in a paper circulating in the locality, and posted a copy of such advertisement on a conspicuous part of the claim, not less than seven days before the day of sale, and the lienee shall hold the proceeds of the sale upon trust to pay all costs consequent on such default, then to pay the debts secured by the lien, and to pay the balance (if any) to the lienor. The lienor shall be entitled to redeem at any time before the sale upon payment of the debt and expenses incurred; and in case of any sale under the powers herein containing the officer in charge of the registration office, upon production of the lien ticket accompanied by a statutory declaration of default having been made in payment of the money secured thereby, and in the case of a purchase of the claim, the prospecting licence of the purchaser, shall register such purchaser as the owner or holder of the claim, share or interest in lieu of the lienor. A lienee shall not, by virtue of the lien, be held to be a copartner in any claim, share or interest on which he holds a lien.

75. In the event of a claim being transferred in respect of which a deposit shall have been made under sections sixty and sixty-one hereof, the deposit shall be deemed to have been made by the transferee and shall be held on his account. If a bond has been executed in lieu of a deposit, transfer of a claim shall render the bond null and void, and the transferee shall be required to execute a bond as prescribed, or to make a deposit in lieu thereof, if required by the land-owner. **Private land.**

76. An export permit attached to a claim shall be deemed to be transferred to the transferee of the claim. **Export permit.**

PART VII.

Inspection of Mines.

77. An inspector at all reasonable times by day or night, but so as not unreasonably to impede or obstruct the working of the mine may :— **Powers of inspector.**

(1) Enter, inspect, and examine any mine.

(2) Examine into and make inquiry respecting the condition and ventilation thereof, and all matters relating to the safety and health of the persons employed.

(3) Inspect and examine the state of the machinery used upon or in the mine, and the state of all plant, works, and ways.

(4) The inspector shall, in case he finds any mine or any part thereof or any matter, thing, or practice in or connected therewith, to be defective, give notice in writing to the owner, agent, or manager, of the mine stating particulars in which he considers such mine or any part thereof, or any matter, thing or practice, to be defective, and requiring the same to be remedied.

(5) Inspect the storage of explosives upon any mine and direct in what manner the same shall be stored.

(6) Exercise all powers necessary for carrying this part of the Ordinance into effect.

78. If the owner, agent, or manager of the mine objects to remedy the matter complained of in any notice under the last preceding section, he may within twenty-one days after the receipt thereof, send his objection in writing stating the grounds thereof, to the Commissioner of Mines, and thereupon the matter shall be submitted to and determined by the Commissioner of Mines, or by such officer as he may appoint in that behalf. **Proceedings on objection to comply with notice.**

79. If the owner, agent, or manager of the mine fail to comply with the requisition of the notice, where no objection is sent within the time aforesaid, or with the decision of the Commissioner of Mines or other officer as aforesaid within twenty-one days after the expiration of the time for objection or decision (as the case may be), he shall be liable on conviction by a court to a penalty not exceeding ten thousand shillings. **Proceedings on failure to comply with notice.**

80. The court, if satisfied that the owner, agent or manager has taken active measures for complying with the notice or decision of the Commissioner of Mines or other officer, but has not been able with reasonable diligence to complete the work, may adjourn any proceedings for punishing such offence, and if the works are completed within a reasonable time no penalty shall be inflicted. **Adjournment.**

Agreement not to preclude or exempt.

81. No person shall be precluded or exempted by any agreement from doing such acts as may be necessary to comply with the provisions of the last preceding three sections or be liable under any contract to any penalty or forfeiture for doing such acts.

Special inquiry may be directed.

82. The Commissioner of Mines may direct an inspector to make a special inquiry and report with respect to an accident in or about a mine causing loss of life or personal injury, and shall cause such report to be made public at such time and in such manner as he thinks expedient.

Notice of accident to be given.

83. (1) Where in or about a mine, whether above or below ground, loss of life or serious personal injury occurs by reason of any accident whatever, the owner, agent or manager of the mine shall, within twenty-four hours next after the accident, send notice in writing of the accident, and of the loss of life or personal injury occasioned thereby, to the Commissioner of Mines or other prescribed officer, and shall specify in such notice the nature of the accident, and the number of persons killed and injured respectively.

Notice when death results.

(2) Where any personal injury of which notice is required to be sent under this section results in the death of the person injured, notice in writing of the death shall be sent to the Commissioner of Mines within twenty-four hours after such death comes to the knowledge of the owner, agent or manager.

Penalty.

(3) Every owner, agent or manager who neglects to comply with this section shall be liable to a penalty not exceeding one thousand five hundred shillings.

Penalty for refusing means of inspection.

84. Every owner, agent or manager of a mine who refuses or neglects to furnish an inspector with the means necessary for making an entry, inspection, examination or inquiry under this Ordinance, in relation to such mine, shall be liable to a penalty not exceeding one thousand five hundred shillings or to be imprisoned, with or without hard labour, for any period not exceeding six months.

PART VIII.

Government Protection Areas.

Government servant.

85. No person in the service of Government may peg or register a claim in his own interest without the previous sanction of the Governor.

By whom pegged.

86. Any person in the service of Government may peg a Government Protection Area for any minerals, common minerals, or coal, not exceeding six hundred and forty acres.

Gazette.

87. Notice of every Government Protection Area shall be published in the Gazette as soon as possible after the date of pegging.

Term.

88. A Government Protection Area shall be for a term of one year from the date of pegging, during which time the Government shall decide whether to work the area or whether to dispose of the rights of working the area.

Work by Government.

89. If during the currency of a Government Protection Area the Government decides to work the area, the term of that Government Protection Area shall be deemed to be indefinite and the Government shall have the right of working the area until notice is published in the Gazette of abandonment.

90. It shall be unlawful for any person to prospect or mine in a Government Protection Area without the consent of the Commissioner of Mines.

Prospecting by public.

91. In the event of revenue accruing to Government from a Government Protection Area the Governor may pay from such revenue as a reward to the servant who pegged the area, or to any person who gave information which led to the pegging of the area, such sum as he may think fit; provided that no reward shall be paid to any Government servant who pegs a Government Protection Area in the ordinary course of his duties.

Reward.

PART IX.

Miscellaneous.

92. Every holder of a claim or lease, other than alluvial claim, shall half-yearly, in the months of January and July, furnish to the Commissioner of Mines or other prescribed officer, a full and true return, showing the quantity of stone or ore treated, and the quantity of gold, precious stones, minerals, common minerals and coal taken from such claim or lease during the preceding half year, and full details of any information and samples obtained which the Commissioner of Mines shall require, and if default shall be made in compliance with this section, shall be liable on conviction, to forfeit and pay a sum not exceeding three hundred shillings for every such default.

Claim holders and lease holders to furnish half-yearly returns.

93. The rent reserved by any mining lease or payable in respect of any claim may be levied or recovered by or under the authority of the Commissioner of Mines, in like manner as rent is or shall be leviable or recoverable by law in cases where private persons only are concerned, and, in case such rent is leviable by distress, an order under the hand of the Commissioner of Mines or other prescribed officer shall be sufficient warrant and authority to distrain. This section shall not affect any other remedy for recovery of the rent.

Rent, how recoverable.

94. In every case where the rent of land held under a mining lease is unpaid for more than three months after the day on which the rent is payable under such lease, the Governor may cancel such lease, and the Governor shall thereupon insert a notice in the Gazette declaring the lease to be forfeited, and in every case where the Governor has reason to believe that there has been a breach of any of the covenants or conditions contained in such lease, except in the case of non-payment of the rent as aforesaid, and except in cases of non-compliance with the working conditions of any lease, the Governor shall give written notice to the lessee specifying the covenants or conditions which he has reason to believe are not being complied with, and notifying him that such lease will be liable to forfeiture at the expiration of one month from the date of such notice, unless in the meantime such covenants and conditions are duly complied with; and if at the expiration of such notice such covenants or conditions are still not being complied with by the lessee, the Governor may cancel such lease, and shall thereupon insert a notice in the Gazette declaring the lease to be forfeited. In case of non-payment of rent or the non-compliance with the working conditions, the Governor may exercise the powers of cancelling without giving the written notice hereinbefore mentioned. Every such notice shall be conclusive evidence that the lease therein mentioned was legally cancelled and forfeited, and the land included therein may be dealt with as if such lease had never been granted.

Forfeiture of lease.

Extension after
breach.

95. Whenever a lease for mining purposes is liable to forfeiture, and in the opinion of the Governor a less penalty than forfeiture would meet the justice of the case, the Governor may extend the period during which the lessee may perform the conditions of his lease, for such time and subject to such terms and conditions as he may think fit; and the terms and conditions so imposed by the Governor shall bind the lessee and all transferees, mortgagees, assignees, and other persons claiming through or under him, and the lease shall thereafter be construed as if such terms and conditions were inserted therein.

Persons under
sixteen not to
hold mining
leases, etc.

96. No persons under the age of sixteen years shall hold, directly or indirectly, any interest prescribed under section eighteen hereof.

Survey may
be required.

97. (1) The Commissioner of Mines or any warden may, if satisfied that a survey is necessary for the prevention of differences as to the boundaries of the land included in any claim or licence or for securing a proper definition of the area included therein, give to the holder of such claim or licence a notice that a survey is required to be made of the land included in such claim, and that a plan thereof must be furnished to the Department of Mines and may demand the cost of the survey and plan to be estimated as hereinafter provided. Such holder shall within the time specified in such notice pay to the Commissioner of Mines, or warden giving such notice, the cost of such survey and plan demanded.

Survey to be
made on
payment of fee.

(2) As soon as conveniently may be after payment of the cost demanded the Director of Surveys shall cause to be made a proper survey of the land included in such claim and shall forward a plan thereof to the Department of Mines, together with a report in writing upon all matters which appear necessary to the surveyor, or upon which the Commissioner of Mines or a warden shall, by written instructions, require him to report.

Non-compliance
with notice
requiring
survey.

(3) In case the owner to whom the notice has been given in pursuance of section ninety-seven (1) fails to pay the amount demanded as the cost of such survey within the specified time, the claim in respect of which such survey is required shall become liable to forfeiture.

Commissioner of
Mines or warden
may order
survey whilst
suit pending.

(4) The Commissioner of Mines or warden authorised to hear suits under this Ordinance, may, during the hearing of a suit before him if it shall appear necessary, order any party to the suit to cause a survey and a plan to be made of any land forming the subject of a suit, and in the meantime may adjourn the hearing of the suit; and the Commissioner of Mines or the warden may make such order as to payment of the costs of such survey and plan as he may think fit.

No survey to
be for the
purposes of the
Ordinance or
regulations
except by or
through the
Survey
Department.

(5) No person shall make a survey required to be made by this Ordinance or any regulations thereunder unless under the instructions of the Director of Surveys, nor shall any plan which has not been passed and signed by the Director of Surveys or an officer acting under his authority, be received or acted upon by the Commissioner of Mines or any warden, nor shall the making of a survey or preparation of a plan be deemed to be a compliance with a notice requiring survey given by an officer duly authorised in that behalf, unless the survey is made under the instructions of the Director of Surveys and the plan is passed as aforesaid.

Cost of survey.

(6) The cost of a surface survey shall be estimated and charged in accordance with the scale of charges for the time being levied by the Survey Department for a survey for the purposes of a lease of Crown land.

98. Every statement required by sections forty-four and fifty-four hereof shall be supported by an affidavit sworn before a magistrate or a justice of the peace, or a commissioner for oaths.

Statements to be supported by affidavit.

99. Every arbitration in pursuance of this Ordinance shall be under the Arbitration Ordinance, 1913, or any Ordinance substituted therefor, and the parties to the submission shall, for the purposes of such arbitration and of such last mentioned Ordinance, be deemed to have entered into a written agreement to submit the differences in respect of the matter in question to the arbitration of two arbitrators, one to be appointed by each party.

Arbitration.

100. Any person who shall wilfully obstruct, hinder or assault, or resist a warden or inspector, or any person duly authorised by a warden or inspector or a person authorised by this Ordinance to exercise any right or power or execute any duty or shall wilfully disobey a warden's order other than an order for the payment of money, or shall be guilty of contempt of the Commissioner of Mines or warden acting in a judicial capacity, shall be liable to a penalty not exceeding one thousand five hundred shillings, or to imprisonment of either description for any period not exceeding six months.

Obstructing officer.

101. Any person who shall illegally alter, move, or remove any monument, post, boundary or survey mark erected in pursuance of this Ordinance or any regulations thereunder shall, on conviction, be liable to imprisonment of either description for a term not exceeding three years, or to a fine not exceeding three thousand shillings.

Penalty for removing beacons, etc.

102. Any person who infringes a provision of this Ordinance for the infringement whereof no penalty is prescribed shall be liable for every offence to a penalty not exceeding three hundred shillings.

Infringement of Ordinance.

103. In every case of the adjudication of a fine or pecuniary penalty or amends under this Ordinance, and of non-payment thereof, the court may commit the offender or person making default in payment to gaol for a term not exceeding twelve months, the imprisonment to cease on payment of the sum due, and any costs which may have been awarded.

Imprisonment in default of payment of penalty.

104. The fees prescribed in Schedule IV hereto shall be levied in respect of the matters therein mentioned.

Fees.

PART X.

Regulations.

105. The Governor in Council may make all such regulations, not inconsistent with the provisions of this Ordinance, as he may deem necessary or expedient to give force or effect thereto, or for the proper carrying out of any of the provisions thereof, or for its better administration, and specially for the proper and efficient working of all mining locations, mines or diggings within the limits of this Ordinance or any part thereof, for the inspection of all books and documents relating thereto, for the regulation of all works and machinery within such limits in so far as the protection of life and limb is concerned, for the regulation of all matters regarding sanitation and health, the establishment of graveyards, the reporting of all cases of accident and death occurring in any mining location, and generally for the proper and

Governor in Council may make, alter or repeal regulations.

efficient management of all mines and mining operations, and the fixing and providing for the payment of royalties payable on minerals, common minerals and coal, other than gold. Such regulations may prescribe, for any first breach, a penalty not exceeding the sum of four hundred shillings, or imprisonment of either description for a period not exceeding three months, or both such fine and imprisonment; and for a second or subsequent breach double such penalty and punishment.

SCHEDULE I.

LAW REPEALED.

The Mining Ordinance, 1912.
The Mining (Amendment) Ordinance, 1915.

SCHEDULE II.

FORM A. SECTION 10 (2).

The Mining Ordinance, 1925.

PLAINT NOTE.

To the Commissioner of Mines.
A. B., of , complains of
E. F., of , and says :—

- 1. That, etc.
 - 2. That, etc.
- (Set forth the subject matter of complaint in paragraphs).

The Complainant therefore prays (set forth relief sought) or such other or further relief as shall be just. The amount sought to be recovered so far as the demand is pecuniary is
Shs.

Dated the day of 192...
.....
A. B.

FORM B. SECTION 10 (3).

The Mining Ordinance, 1925.

NOTICE OF SUIT.

Plaint No.
To (insert the name of the defendants) of
You are hereby summoned to appear before me at
on the day of 192..., at
o'clock in the noon precisely, to answer the complaint, a copy of which is sent herewith, of (insert name of complainants). You may have a summons to compel the attendance of any witness, or for the production of any books or documents, by applying at my office.

Given under my hand day of 192...
.....
Commissioner of Mines.

FORM C. SECTION 10 (8).

The Mining Ordinance, 1925.

WITNESS SUMMONS.

IN THE COURT OF THE COMMISSIONER OF MINES.

Plaint No between
..... Plaintiff.
..... Defendant.

To

You are hereby required to attend before me
on the day of, 192...,
at o'clock in the noon, to give evidence
on behalf of the And you are hereby
required to produce to the court (here state particular things
required to be produced), and also all other books, papers,
documents, plans or things in your custody, possession or
power, relating to the subject matter of this case.

If you neglect to comply with this summons, you will be
liable to a fine of Shs. 300, or, in default of payment, to
imprisonment for one month.

Dated the day of 192...

.....
Commissioner of Mines.

FORM D. SECTION 20 (1).

The Mining Ordinance, 1925.

PROSPECTING LICENCE.

Kenya.	COLONY OF KENYA.
No.	No. Date
Issued to	Prospecting Licence under the Mining Ordinance, 1925.
Address	Issued to
Date of issue	Address
Area	Nationality
Fee Shs. 20. Paid.	Term, one year from the date hereof.
.....	Area
.....	Fee, Shs. 20. Paid.
.....
	<i>Commissioner of Mines.</i>

FORM E. SECTION 20 (3).

The Mining Ordinance, 1925.

APPLICATION FOR PROSPECTING LICENCE.

Name in full

Address

Nationality Race

Fee, Shs. 20, enclosed.

I hereby declare the above particulars to be true.

Date

(Signature of Applicant).

FORM F. SECTION 30 (1).

The Mining Ordinance, 1925.

PROSPECTING NOTICE.

Notice is hereby given that the undersigned, being lawfully entitled to act under Prospecting Licence No. issued at the Mining Department, dated, hereby claims for a period of thirty-one days from the undermentioned date of posting this notice the exclusive right of prospecting (apart from oil) on all ground open to prospecting within the area described by the radius of 1,000 feet from this notice.

Date of posting notice Hour

(Signature of locator).

FORM G. SECTION 31 (2).

The Mining Ordinance, 1925.

District Commissioner,

I enclose herewith a true copy of a prospecting notice which I have erected at
(here describe the situation of the notice.)

I enclose Shs. 10 for registration.

Signature

Address

Date

FORM K. SECTION 56.

The Mining Ordinance, 1925.

APPLICATION FOR MINING LEASE.

Name

Nationality Race

Address

No. of claim

Area required under lease (attach sketch)

Rent Shs. enclosed.

.....
(Signature of Applicant).

FORM L. SECTION 74 (1).

The Mining Ordinance, 1925.

TRANSFER OF CLAIM OR INTEREST THEREIN.

Name of Transferor

Name of Transferee

Registered No. of claim District

Consideration in shillings

The above transfer is subject to the provisions of the Mining Ordinance, 1925.

I, the Transferor, declare that the above stated sum truly represents the consideration which I have received in respect of the transfer of this claim (if the whole claim is not transferred, state the interest transferred).

Date

.....
(Transferor).

I, the Transferee, declare that I have paid the above stated sum to the Transferor, and that I accept transfer of this claim.

Date

.....
(Transferee).

Nationality Race

Address

This form is subject to stamp duty on the consideration passing, according to stamp laws.

FORM M. SECTION 74 (1).

The Mining Ordinance, 1925.

CERTIFICATE OF TRANSFER OF CLAIM OR INTEREST THEREIN.

Certified that
 Address
 Nationality Race
 is the registered holder of
 Claim No. District
 Date of transfer No. in Mining Register
 Fee, Shs. 40. Paid.

.....
District Commissioner.

.....District.

FORM N. SECTION 74 (2).

The Mining Ordinance, 1925.

FORM OF LIEN TICKET.

I, of, do hereby
 grant to of a lien upon my
 claim (or share in the claim) being
(description of claim or share)
registered No. at and
 situate at as security for the payment on or
 before the day of, 192..., of the
 sum ofbeing the amount due and owing by
 me to the said; and until the sum aforesaid
 shall have been paid in full I hereby engage and bind myself
 not to transfer or assign the said
(description of claim, share or interest charged)
, or any portion thereof without the
 written consent of the said and I the said
 (lienee) accept this lien as security for the payment within the
 time specified of the aforesaid sum of and upon
 payment thereof to me I undertake to discharge this lien.

Dated this day of 192...

..... Lienor.

..... Lienee.

CERTIFICATE OF REGISTRATION.

The above lien is registered at No
 Book

Dated this day of 192...

.....
Registering Officer.

District.....

No.	
Name.	
Nationality and Race.	
Address.	
Prospecting notice or claim or transfer.	
Situation.	
Prospecting licence No.	
Nature of Claim.	
Date of pegging.	
Date of registration.	
For transfer see No.	
Signature of Registrar.	

Commissioner of Mines.

FORM Q. SECTION 48.

The Mining Ordinance, 1925.

APPLICATION FOR EXPORT PERMIT.

Name

Nationality Race

Address

Common minerals Claim No District.....

I hereby declare as follows :—

(a) That the above claim has been pegged and registered according to law.

(b) That with regard to any private land contained within the said claim I hold the written consent of the owner to peg and register the claim.

(c) That rent and all other fees payable on the said claim have been duly paid.

Fee, Shs. 10, enclosed.

.....
(Signature of Applicant).

Date

SCHEDULE III.

SECTIONS 44 (1), (2), 54.

Development work shall consist of shafts, drives, tunnels, winzes, rises upon the block, and boreholes of a minimum diameter of one inch from which a core is extracted. Development work need not be done upon a reef, but it is requisite that it shall be or have been done with a view to actual development of a reef and that it shall be new work and not the restoration or clearing out of development work previously done or of old workings. The minimum dimensions for development work and the ratio in which work of larger dimensions or at certain distances from the surface shall be allowed to be reckoned as development work shall be as follows :—

GRADING OF FOOTAGE.

No shafts, winzes, rise, drive, adit or tunnel of less superficial area than 15 square feet shall count as development work.

Each foot of any shaft, winze, or rise of 15 to 40 square feet superficial area shall count as one foot of development work.

Each foot of any shaft, winze or rise of over 40 and up to 65 square feet superficial area shall count as two feet of development work.

Each foot of any shaft, winze or rise of over 65 square feet superficial area shall count as three feet of development work.

Each foot of any drive, and adit or tunnel from surface, of 48 square feet superficial area and over shall count as two feet of development work.

DEPTH.

Each foot of any portion of a shaft, winze or rise or any drive, the floor of which is 45 feet below the natural surface at the working point shall count as one foot of development work, and thereafter as follows :—

Exceeding 45 feet and up to 75 feet as $1\frac{1}{2}$ feet.

„	75	„	„	„	100	„	„	2	„
„	100	„	„	„	130	„	„	$2\frac{1}{2}$	„
„	130	„	„	„	160	„	„	3	„
„	160	„	„	„	200	„	„	$3\frac{1}{2}$	„
„	200	„	„	„	250	„	„	4	„
„	250	„	„	„	300	„	„	$4\frac{1}{2}$	„
„	300	„	„	„	350	„	„	5	„
„	350	„	„	„	400	„	„	$5\frac{1}{2}$	„
„	400	„	„	„		„	„	6	„

DISTANCE FROM ENTRANCE.

Each foot of any portion of any adit or tunnel from surface which is 100 feet to 300 feet from a point in the centre of the roof at the entrance, shall count as one and a half feet of development work, and each foot of any portion 300 feet or more from such point, shall count as two feet of development work.

GENERAL.

All dimensions must be taken at right angles to the line of direction of work, and in the clear between outside timbers if in position or allowing for them if they are to be put in later.

Depth incline work is to be measured on the incline. The allowances for dimensions and depth or distance from entrance will be cumulative, viz., each foot of any portion of a shaft of over 65 square feet superficial area, which is over 100 feet from surface, shall count as six feet of development work.

ALLOWANCE FOR DIAMOND DRILLING.

Each foot drilled either vertically or horizontally for a distance of 300 feet below the natural surface to count as one foot of development work; exceeding 300 feet and up to 600 feet as two feet; exceeding 600 feet and up to 900 feet as three feet; exceeding 900 feet and up to 1,200 feet as four feet, exceeding 1,200 feet as five feet.

ALLOWANCE FOR TRENCHING.

Development work also includes trenching or excavating of a minimum depth of three feet which has been performed for the purpose of trenching a reef or of proving a deposit, provided that trenching and excavating shall only count as footage for development work in the ratio of three cubic yards of excavation being equal to one foot of development work.

SCHEDULE IV.

SECTIONS 10 (9) AND 104.

The Mining Ordinance, 1925.

COURT FEES.

	Shs.	Cts.
For every plaint	2	00
For every notice to defendant	2	00
For every order of the Commissioner of Mines ...	4	00
For every witness summons	2	00
Hearing fee for every suit	6	00

GENERAL FEES.

	Shs.	Cts.
Prospecting Licence	20	00
Certified true copy of Prospecting Licence ...	20	00
Registration of Prospecting Notice	10	00
Registration of each claim	10	00
Registration of any claim pegged before the promulgation of this Ordinance	1	00
Registration of transfer of claim	40	00
Registration of lien on claim	10	00
Preparation of lease	50	00
Registration of lease	20	00
Search in Mining Register	2	00
Export permit	10	00
Certified copy of :—		
(a) Lease	50	00
(b) Any other document or certificate as prescribed	20	00
Registration of any document not otherwise provided	10	00