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SUPPLEMENT

KENYA PROCLAMATIONS, RULES AND REGULATIONS

## GOVERNMENT NOTICE No. 446

## ARRIVAL

Name	Rank	From leave or on 1st Appointment	Date of leaving England	Date of Embarkation	Date of arrival at Mombasa
Miss M. Smart	Nursing Sister, Medical Dept.	Leave	10th May, 1934*	13th June, 1934 †	23rd June, 1934

\* Date of leaving New Zealand † Date of leaving Bombay.

## DEPARTURES

Name	Rank	On leave or termination of appointment	Date of Departure
E. B. Horne, C.M.G., O.B.E. R. C. A. Cavendish Captain V. K. H. Channer	Provincial Commissioner Commissioner of Police 2nd in Command, Military	Leave pending retirement Leave do	22nd June, 1934 12th June, 1934 25th June, 1934 ‡

‡ Not 21st May as previously notified.

## APPOINTMENTS.

LIEUTENANT J. F. MACNAB to be Acting Officer Commanding, "F" Company, 3rd Battalion, King's African Rifles, with effect from 1st June, 1934, inclusive.

GERALD REECE to act as His Britannic Majesty's Consul for Southern Abyssinia at Mega, with effect from 15th June, 1934.

PRELIMINARY ORAL SWAHILI EXAMINATION.  
PASS.

2/Grade Assistant Inspector E. K. Cowen, Police Department.

Mrs. E. C. V. Bunbury, Housekeeper, Government House.

Miss A. M. D. Cloete, Temporary Clerk, Government House.

Miss E. M. A. Lloyd (in Uganda), Posts and Telegraphs Department.

LOWER STANDARD SWAHILI EXAMINATION.  
PASS (ORAL PART ONLY).

LIEUTENANT H. A. BORRADAILE, 5th King's African Rifles.  
Miss E. M. A. Lloyd (in Uganda), Posts and Telegraphs Department.

## CORRIGENDUM.

Reference Government Notice No. 424, page 822, Official Gazette No. 29 of 19th June, 1934.

Appointment—Richard Desmond Fetherstonhaugh Ryland.

The above notice should read as follows:—

Richard Desmond Fetherstonhaugh Ryland to be District Commissioner, Machakos District, Central Province, with effect from 26th May, 1934.

JUXON BARTON,  
for Colonial Secretary.

## Colony and Protectorate of Kenya

### GOVERNMENT NOTICE NO. 447

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

J. F. G. TROUGHTON,  
*Acting Clerk of the Legislative Council.*

### **A Bill to Provide for the Removal and Settlement of Laibons.**

WHEREAS there are now living among the Lumbwa Tribe in the Nyanza Province considerable numbers of Laibons, a people alien alike to the Province and to its inhabitants:

AND WHEREAS the Lumbwa tribe has petitioned the Government of Kenya that the said Laibons be removed from among them:

AND WHEREAS it is deemed necessary for the preservation of peace and order and in the interests of good government that the said Laibons should be so removed to and settled in some selected area:

AND WHEREAS an area suitable for such purpose has now been selected:

AND WHEREAS it is expedient to make provision for the removal to and settlement in such area of the said Laibons:

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

1. This Ordinance may be cited as the Laibons Removal Ordinance, 1934, and shall come into operation upon such date as the Governor shall by proclamation appoint. **Short title and commencement.**

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

“Laibon” means an adult male member of the Talai clan;

“settlement area” means the area referred to in section 3 of this Ordinance;

“removal” means the removal to the settlement area and the compulsory settlement therein referred to in section 4 of this Ordinance;

“Provincial Commissioner” means the Provincial Commissioner, Nyanza Province, or any other officer duly authorized to act in such appointment.

Establishment of a Laibon settlement area.

**3.** There shall be set apart for the use of the Laibons a settlement area as defined in the First and Second Schedules to this Ordinance.

Power of Provincial Commissioner to remove Laibons.

**4.** Upon the coming into operation of this Ordinance the Provincial Commissioner shall cause all adult male Laibons in the Nyanza Province, together with all the members of their families, to be removed to and compulsorily settled in the settlement area.

Laibons to be restricted to settlement area.

**5.** Every Laibon and every member of such Laibon's family so removed to and settled in the settlement area shall thereafter be restricted in his movement to the boundaries of such area and shall be and is hereby prohibited from moving out of such area at any time unless he is in possession of a written pass granted to him in that behalf by a Provincial Commissioner, or some officer authorized by him, in accordance with the provisions of section 14 of this Ordinance.

Offences; penalties.

**6.** If any person removed and settled under the provisions of section 4 of this Ordinance leaves the settlement area without the written permission of the Provincial Commissioner or of some officer authorized by him (the burden of proving the possession of such permission being on the person charged) such person may be arrested without warrant and shall be guilty of an offence and shall be liable—

- (a) on a first conviction, to imprisonment for a period not exceeding one year;
- (b) on a second conviction, to imprisonment for a period not exceeding two years;
- (c) on any subsequent conviction, to imprisonment for a period not exceeding three years,

or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

Registers.

**7.** The Provincial Commissioner, before issuing directions for the removal of Laibons, shall cause registers of all Laibons and their families in his Province to be prepared and shall for that purpose cause notices to be published calling upon all such persons—

- (a) to appear at times and places therein specified before him or a person appointed by him in that behalf;

- (b) to give to him or to such person such information as may be necessary to enable the registers to be prepared; and
- (c) to allow their finger impressions to be recorded for the purposes of this Ordinance.

**8.** (1) The registers when completed shall be retained in the custody of the Provincial Commissioner or of an officer authorized by him. Custody of registers.

(2) Save in the case of a successful appeal under section 9 of this Ordinance no addition to, or alteration or removal of any entry in the registers shall be made except by the direction in writing of the Provincial Commissioner. Alterations.

**9.** (1) Any person who, on the ground that he is not a Laibon, is aggrieved by any entry relating to him or his family made or proposed to be made in a register may appeal to the Provincial Commissioner against such entry. Appeals.

(2) Every such appeal shall be lodged within a period of seven days next after the date of the making of such entry in the register.

(3) No further action shall be taken for the purpose of effecting the removal of any person so appealing until a decision has been reached upon his appeal.

(4) On any such appeal the burden of proving that the person so appealing is not a Laibon shall lie on that person.

(5) On any such appeal the Provincial Commissioner may hear such witnesses and call for such documents as he thinks fit and may, if it is deemed necessary, take evidence on oath.

**10.** For the purposes of carrying out the removal of the Laibons and their families it shall be lawful for the Provincial Commissioner— Power of Provincial Commissioner relating to removal.

- (a) to establish **concentration camps** and to collect and detain the Laibons and their families therein;
- (b) to organize the compulsory movement of the Laibons and their families, flocks and herds to the settlement area;
- (c) to arrange for the guarding of the Laibons and their families in **concentration camps**, on the move, or at temporary halting places, and for the taking of due precautions to prevent their escape;

(d) to issue, generally for the foregoing, and for all the purposes of this Ordinance, such directions as he may deem necessary.

Provincial  
Commissioner's  
order to be  
sufficient  
authority.

**11.** An order in writing of the Provincial Commissioner relating to any matter necessary for the carrying into effect of any of the purposes of this Ordinance shall be sufficient authority to the person to whom it is directed or delivered for execution to receive and detain the person or persons therein described and to remove him or them in custody to the place named in the order.

Persons  
removed to be  
deemed to be  
in custody.

**12.** All persons ordered under the provisions of this Ordinance to be detained in any camp or other place or to be moved from one place in the Colony to another shall be deemed during such detention or removal to be in lawful custody, and the law for the time being in force in the Colony relating to persons in custody shall apply to all such persons.

Power of  
Provincial  
Commissioner  
to issue  
directions.

**13.** The Provincial Commissioner if he considers it expedient, may from time to time issue under his hand, in respect of all or certain specified Laibons in the settlement area, all or any of the following directions:—

- (a) a direction that they report themselves as he may require at fixed intervals of time;
- (b) a direction that they shall notify their place of residence within such area and any change of and any absence or intended absence from such place of residence;
- (c) a direction that the carrying of any arms (as defined by the Native Arms Ordinance) by them be restricted or prohibited;
- (d) a direction that they be restricted in their movements to any specified locality in such area or be settled in any specified place of residence in such area;
- (e) a direction that the holding by them of public meetings of any kind be restricted or prohibited.

Cap. 137.

Power of  
Provincial  
Commissioner  
to grant  
passes and  
to revoke  
orders for  
removal.

**14.** Notwithstanding the restriction and prohibition in section 5 of this Ordinance the Provincial Commissioner may in his discretion—

- (a) grant passes to persons in the settlement area, giving permission to leave the area; such passes shall be

signed by the Provincial Commissioner or by officers authorized by him, and shall be in such form and valid for such periods and subject to such conditions as he shall think fit; and

- (b) by writing under his hand vary or revoke in its application to any person or persons in the settlement area any order of removal and settlement made by virtue of the provisions of this Ordinance.

**15.** It shall be lawful for the Provincial Commissioner to take all such measures and to issue all such directions as he shall deem necessary for the permanent settlement of the Laibons and their families in the settlement area.

Measures relating to settlement of Laibons.

**16.** Save as provided in section 9 of this Ordinance, no appeal shall lie against any removal or compulsory settlement made in accordance with section 4 of this Ordinance.

No appeal from removal save as in section 9.

**17.** No prosecution, suit or other legal proceedings shall lie against any person for anything done or in good faith intended to be done under this Ordinance, and no compensation shall be payable to any person for any act done in good faith under the provisions of this Ordinance.

Protection for persons acting under the Ordinance.

**18.** The Governor in Council may make Rules for the carrying out of the purposes of this Ordinance and may in such Rules prescribe penalties for breaches thereof.

Rules.

**19.** Any person who without lawful excuse, the burden of proving which shall lie upon him—

Penalties.

- (a) fails to appear in compliance with any notice issued under section 7 of this Ordinance; or
- (b) intentionally withholds or omits to furnish any information required under that section; or
- (c) when required to furnish information under that section, furnishes as true any information which he knows or has reason to believe to be false; or
- (d) refuses to allow his finger impressions to be taken by any person in accordance with section 7; or
- (e) fails to obey any order or direction given, in accordance with the provisions of section 10 or section 13 of this Ordinance, by the Provincial Commissioner or by any officer authorized by him; or

(f) in any way obstructs or interferes with any officer or any person duly authorized to exercise any right or power or to execute any duty under this Ordinance,

may be arrested without warrant, and shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding six months or to a fine not exceeding fifteen pounds or to both such imprisonment and fine.

Saving.

No. 9 of 1930.

**20.** The provisions of this Ordinance shall be in addition to and not in derogation of the provisions of the Native Lands Trust Ordinance, 1930, and any Ordinance amending the same.

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FIRST SCHEDULE.

Commencing at a cairn on the shore of Lake Victoria at Mungeri Bay;

thence in an easterly direction by a line of cairns to the summit of Bukini Hill;

thence along the ridge in a north-easterly direction by a line of cairns to point 6,380 feet;

thence down the stream bed immediately south of that point in a south-easterly direction to a cairn on the track passing through point 3,920 feet;

thence by a line of cairns following that track to a cairn on the right bank of the Lambwe River;

thence by a line of cairns following the right bank of that river to a cairn at the head of the Lambwe Valley;

thence in a south-westerly direction by a line of cairns to a cairn on the lake shore at Ukudu point;

thence by the lake shore to the point of commencement.

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SECOND SCHEDULE.

The islands of Mbaiyu, Mkai, Kiua, Seyusi and Mageta.



## OBJECTS AND REASONS.

This Bill gives the necessary powers to the Provincial Commissioner, Nyanza Province, to remove to a specified area the hereditary witchdoctors known as Laibons.

2. Government is satisfied that the presence of the Laibons among the Lumbwa people has been directly responsible for the recent unrest and crime in the Nyanza Province. It is imperative, therefore, in the interests of law and order, that these people should be removed, more particularly as the Lumbwa have themselves petitioned Government to take this step.

3. If this Bill becomes law, it is anticipated that Extraordinary Expenditure amounting to £850 will be involved in 1934. No Recurrent Expenditure will be necessitated.

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