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**JUDICIAL DEPARTMENT
ANNUAL REPORT
1933**

Judicial Department Annual Report

For the Year 1933

PART I—ADMINISTRATION.

Changes in and Leave Movements of the European Staff.

Mr. Justice Dickinson retired on 28th January, 1933. Mr. Justice Horne was transferred from The Gambia and arrived in Kenya on 2nd October. Mr. Justice Thomas was appointed Chief Justice of the Federated Malay States and left the Colony on 14th September. Mr. Justice Webb, K.C. was transferred from Palestine and arrived in Kenya on 29th October. Sir Jacob Barth, C.B.E., Chief Justice, left the Colony on leave pending retirement on 28th October and Mr. Justice Lucie-Smith, O.B.E., V.D., acted as Chief Justice from that date. Mr. F. C. Gamble continued as an Acting Judge from 1st January to 3rd September and went on leave on 6th September and Mr. C. A. G. Lane was appointed Acting Judge as from 4th September. Mr. R. F. Palethorpe, Resident Magistrate, returned to duty as Resident Magistrate on 3rd January from secondment to the Administration. Mr. G. L. Howe and Mr. G. G. Robinson, Resident Magistrates, went on leave on 14th May and 28th October respectively. Mr. A. Phillips, Cadet from the Administration, was seconded temporarily as Acting Resident Magistrate from 1st May. Mr. E. J. O'Farrell, Deputy Registrar, went on leave on 21st January and returned on 20th October. Mr. R. L. Underwood, Deputy Registrar, was retrenched as from 6th May. Capt. C. G. Usher, M.C., was seconded from the Administration temporarily as Acting Deputy Registrar, Mombasa, from 18th January and as Acting Resident Magistrate from 28th October. Mr. W. Lee, Shorthand Writer, went on leave on 6th September.

Changes in the Non-European Staff.

It is with great regret that I have to record the death of Mr. U. P. Jikar, Chief Clerical Interpreter, whose retirement on pension was reported in the 1932 Annual Report. He died on 15th January before the expiry of his leave. The members of the department mourn the loss of an able and energetic public servant.

Mr. E. W. E. Battye, Chief Clerk, Mombasa, retired on pension on 26th March after 30 years service in this department. Prior to publication of this Report information had been received that in appreciation of his long and devoted service His Majesty had conferred on Mr. Battye the honour of M.B.E.

Seven temporary clerks were engaged during the year to fill the vacancies created by retirement of senior clerks.

Health.

Among the European members of the staff a total of 41 days was lost by absence owing to sickness, as against 13 days in the previous year. Among the non-European staff a total of 180 days was lost by absence owing to sickness as compared with 285 days in 1932.

PART II—ORGANIZATION.

There has been no change in the constitution of the Courts since the Reports for 1931 and 1932.

Special Districts.

The Special District Court of the Northern Frontier Province tried twelve persons for murder and two for manslaughter. In the former cases seven were convicted and sentenced to death, of which in two cases the convictions were confirmed and five death sentences were set aside and the accused acquitted. The two persons sentenced to death are shown in the return of capital sentences. In the cases of manslaughter one person was convicted and sentenced to five years imprisonment with hard labour and the other was acquitted.

The Special District Court in Turkana tried eight persons. Of these one was convicted on a charge of rape and sentenced to six months' imprisonment with hard labour and to receive 24 strokes; one was convicted of defilement of a girl under 16 years and sentenced to receive 12 strokes and to pay a fine of Sh. 25 and three were convicted of manslaughter and sentenced to imprisonment with hard labour (two for three years each and one for six months) and to pay fines of Sh. 300, Sh. 300 and Sh. 200 respectively. All the sentences were confirmed. Two persons were discharged on charges of manslaughter and murder respectively and one acquitted on a charge of manslaughter.

PART III—SUPREME COURT.

The following shows the number of Supreme Court cases in the various Registries :—

A—CIVIL CASES.

		1932		1933
Nairobi	... ..	363	...	312
Mombasa	... ..	146	...	93
Nakuru	... ..	39	...	26
Eldoret	... ..	32	...	23
Kisumu	... ..	5	...	19
		<hr/>		<hr/>
		585		473
		<hr/>		<hr/>

B—PROBATE AND ADMINISTRATION CAUSES.

		1932		1933
Nairobi	... ..	117	...	114
Mombasa	... ..	32	...	37
Nakuru	... ..	6	...	6
Eldoret	... ..	8	...	9
Kisumu	... ..	10	...	8
		<hr/>		<hr/>
		173		174
		<hr/>		<hr/>

C—BANKRUPTCY CAUSES.

		1932		1933
Nairobi	... ..	60	...	52
Mombasa	... ..	12	...	16
		<hr/>		<hr/>
		72	...	68
		<hr/>		<hr/>

D—TRUST CAUSES.

		1932		1933
Nairobi	... ..	1	...	—
Mombasa	... ..	4	...	3
		<hr/>		<hr/>
		5	...	3
		<hr/>		<hr/>

E—DIVORCE CAUSES.

			1932		1933
Nairobi	...	...	29	...	16
Mombasa	...	...	1	...	2
Nakuru	...	...	1	...	2
Eldoret	...	...	3	...	1
Kisumu	...	...	1	...	3
			35	...	24

F—CIVIL APPEALS.

Forty-eight civil appeals were filed of which 28 were dismissed and eight allowed in whole or in part. The remainder were pending or remitted for trial.

G—CRIMINAL APPEALS.

Fifty-seven criminal appeals came before the Supreme Court of which 37 were dismissed or withdrawn, 18 were allowed in whole or in part and the remainder were pending.

H—CRIMINAL REVISION.

Two hundred and fifty-nine cases were before the Court and in 162 cases retrials were ordered or the judgment varied; in 92 cases the sentences were reversed and in five cases remained unaltered.

I—CONFIRMATION CASES.

The number of cases in which sentences imposed required confirmation by the Supreme Court under section 11 of the Criminal Procedure Code was 821 involving 1,153 persons and 1,254 convictions, as follows:—

		<i>Offences against</i>		<i>Other</i>
		<i>Person</i>	<i>Property</i>	<i>Offences</i>
Confirmed without alteration	...	116	844	18
Sentences reduced		6	147	3
Retrials ordered	...	6	28	—
Acquittals ordered		12	70	2
Sentences increased		1	1	—
		141	1,090	23

J—ORIGINAL CRIMINAL.

The number of criminal cases committed for trial to the Supreme Court aggregated 165, involving 234 charges against 219 individuals, as compared with 171 cases and 236 charges during 1932.

The following table shows the details of cases disposed of in 1933 including those carried forward from 1932 :—

TABLE I.
CHARGES BROUGHT FOR TRIAL IN THE SUPREME COURT

CRIME	Convictions		Acquittals		Discharges	
	M.	F.	M.	F.	M.	F.
EUROPEANS.						
Offences against the Person ..	5	..	..	..	3	..
Offences against Property ..	2	..	7	..	1	..
Under Traffic Ordinance ..	..	..	..	..	1	..
Total	7	..	7	..	5	..
ASIATICS.						
Offences against the Person..	6	..	8	..	2	..
Offences against Property ..	3	..	2	..	..	..
Other Offences	2	..	..	..	4	..
Total	11	..	10	..	6	..
NATIVES.						
Offences against the Person..	124	3	56	2	19	1
Injury to Property .. ..	..	..	..	..	1	..
Other Offences	1	..	..	..	..	..
Total	125	3	56	2	20	1
GRAND TOTAL ..	143	3	73	2	31	1
	146		75		32	
	253					

Punishments.

EUROPEANS—

Fined	1
Peremptory Imprisonment	2
Bound Over or otherwise Disposed of	3
Death Sentence	1
	7

ASIATICS—

Fined	1
Peremptory Imprisonment	8
Death Sentences	2
	11

NATIVES—

Detention Camp	1
Peremptory Imprisonment	76
Whipping with Fine or Imprisonment or both	5
Whipping	1
Whipping with Fine or Detention Camp or both	4
Bound Over or otherwise Disposed of	1
Death Sentences	36
Detained Pending His Excellency's Orders	4
	123
	146

The following table shows the convictions under various heads for the last five years :—

TABLE II.

COMPARATIVE TABLE SHOWING CONVICTIONS IN SUPREME COURT FOR VARIOUS CRIMES AND OFFENCES FOR THE LAST FIVE YEARS

	1933	1932	1931	1930	1929
Murder	39	108	43	26	26
Manslaughter	60	34	43	41	38
Attempted murder and suicides ..	6	5	11	3	3
Rape	21	19	12	30	31
Attempted rape	2	3	5	2	5
Unnatural crime .. .. .	..	1	1	..	..
Other offences against the person ..	10	22	10	12	15
Stock theft .. .. .	..	1	1	..	5
Offences against property	5	5	6	19	7
Other offences	3	2	6	6	1
Total Number of Convictions in the Supreme Court ..	146	200	133	139	131

Juveniles.

One juvenile was tried in the Supreme Court on a charge of murder and found guilty. He was ordered by His Excellency the Governor to be detained in prison for 10 years.

Death Sentences.

The death sentence was passed on 39 persons, of whom 11 were executed during the year. The following table shows the details of the persons sentenced to death, including those pending in 1932 and the ultimate result as at 31st December, 1933.

RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1933

Serial No. of Cases	Name of Accused	Nationality and Sex	Sentence	Date of Sentence	If appeal filed, result of appeal to the Court of Appeal for E.A.	Date of Confirmation by H.E. the Governor	Manner and date of Execution	Remarks
					Dismissed		Hanged	
75/32	Toya s/o Mamure ..	Native male	Death	16-8-32	29-12-32	24-1-33	26-1-33	
79/32	Masuri s/o Lasena ..	"	"	5-9-32	5-12-32	3-1-33	14-1-33	
80/32	Ziro wa Mae	"	"	17-8-32	6-12-32	3-1-33	26-1-33	
83/32	Nyansu s/o Mwita ..	"	"	25-8-32	5-12-32	3-1-33	30-1-33	
85/32	Naitale wero Lokobo alias Zoyomorko alias Aleme-lorat wero Lokobo ..	"	"	10-11-32	20-12-32	..	..	Sentence commuted to 5 years H.L. by H.E. the Governor—12-1-33.
95/32	1. Kipkorir arap Chemwor 2. Kipkoske arap Nandi..	"	"	2-9-32	5-12-32	3-1-33	14-1-33	
		"	"	2-9-32	5-12-32	..	..	Sentence commuted to 15 years H.L. by H.E. the Governor—6-1-33.
97/32	Kimbatu s/o Okelo ..	"	"	30-8-32	6-12-32	..	..	Sentence commuted to 7 years H.L. by H.E. the Governor—12-1-33.
103/32	Atonga s/o Mantu ..	"	"	30-8-32	6-12-32	..	..	Sentence commuted to 7 years H.L. by H.E. the Governor—10-1-33.
104/32	Waiswa s/o Mitala ..	"	"	5-9-32	5-12-32	3-1-33	14-1-33	
115/32	Musa Misnago s/o Mugeta	"	"	24-11-32	23-12-32	..	..	Sentence commuted to imprisonment with H.L. for life by H.E. the Governor on 12-1-33
117/32	Juma bin Mzee	"	"	16-11-32	21-12-32	10-1-33	26-1-33	

RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1933—(Contd.).

Serial No. of Cases	Name of Accused	Nationality and Sex	Sentence	Date of Sentence	If appeal filed, result of appeal to the Court of Appeal for E.A.	Date of Confirmation by H.E. the Governor	Manner and date of Execution	Remarks
118/32	Boya Tura	Native male	Death	12-1-33	Dismissed	..	..	Sentence commuted to 7 years H.L. by H.E. the Governor—12-4-33.
119/32	Diba Mole Boran Jilitu ..	"	"	12-1-33	6-3-33	7-4-33	20-4-33	*
128/32	Mahinga s/o Libale ..	"	"	17-11-32	20-12-32	10-1-33	14-1-33	
129/32	Ruwa s/o Mwarua ..	"	"	17-11-32	20-12-32	24-1-33	26-1-33	
133/32	Charles William Ross ..	European m.	"	1-12-32	29-12-32	5-1-33	11-1-33	
134/32	Frederick Ernest Joce ..	"	"	3-2-33	29-3-33	11-4-33	22-4-33	
141/32	Osao s/o Ongina ..	Native male	"	26-11-32	..	..	..	Appeal allowed on 4-1-33 and accused set at liberty.
152/32	Kwewu Shirru	"	"	24-2-33	20-6-33	..	..	Sentence commuted to 5 years H.L. by H.E. the Governor—5-7-33.
156/32	Njeroge s/o Gichuhi ..	"	"	6-1-33	6-3-33	7-4-33	20-4-33	
157/32	Sonaati ole Miinda ..	"	"	5-1-33	6-3-33	..	..	Sentence commuted to 10 years H.L. by H.E. the Governor—11-4-33.
163/32	1. Galme Jilo	"	"	12-1-33	6-3-33	7-4-33	20-4-33	
	2. Wario Wakisso ..	"	"	12-1-33	6-3-33	8-4-33	20-4-33	
166/32	Nyawa wa Nyawa ..	"	"	15-2-33	24-3-33	..	..	Sentence commuted to imprisonment for life by H.E. the Governor—2-5-33.
170/32	1. Chebiegon s/o Cheron	"	"	18-2-33	30-6-33	1-7-33	8-7-33	
	2. Kiptilit arap Munyaken	"	"	18-2-33	30-6-33	1-7-33	8-7-33	

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RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1933—(Contd.).

Serial No. of Cases	Name of Accused	Nationality and Sex	Sentence	Date of Sentence	If appeal filed, result of appeal to the Court of Appeal for E.A.	Date of Confirmation by H.E. the Governor	Manner and date of Execution	Remarks
5/33	Kiguta wa Ndegwa ..	Native male ..	Death ..	13-5-33	Dismissed ..	..	..	Accused transferred to Mathari Mental Hospital by order of the Hon. Colonial Secretary, dated 27-6-33.
21/33	Muisha wa Ngao ..	..	..	11-3-33	25-5-33	17-6-33	8-7-33	
26/33	Ababa Sulam ..	..	..	11-5-33	8-7-33	29-7-33	12-8-33	
44/33	1. Kotoi w/o Kakamega..	Native female	..	5-6-33	1-8-33	..	..	Sentence commuted to imprisonment for life by H.E. the Governor, 2-9-33.
	2. Katiri s/o Kalakati ..	Native male	..	5-6-33	..	..	..	Appeal allowed and accused set at liberty, 1-8-33.
50/33	M'Rugiri wa M'Tturu ..	..	..	12-5-33	8-7-33	..	..	Sentence commuted by H.E. the Governor to one of confinement to lunatic asylum during his pleasure on 3-9-33.
51/33	Obau s/o Amimi ..	..	..	7-6-33	21-7-33	..	..	Sentence commuted by H.E. the Governor to 10 years H.L. on 12-8-33.
55/33	1. Chacha s/o Naragucha	8-6-33	Court of Appeal altered the charge to manslaughter in each case and altered the sentence to 2 months H.L. in each case on 1-8-33.
	2. Wangoi s/o Kadi	8-6-33				

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RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1933—(Contd.).

Serial No. of Cases	Name of Accused	Nationality and Sex	Sentence	Date of Sentence	If appeal filed, result of appeal to the Court of Appeal for E.A.	Date of Confirmation by H.E. the Governor	Manner and date of Execution	Remarks
56/33	Chuma arap Kimenja ..	Native male	Death	27-5-33	Dismissed	29-7-33	Hanged	
63/33	Nyanchache s/o Mwita ..	"	"	7-6-33	21-7-33 29-7-33	..	12-9-33 ..	Sentence commuted to 15 years H.L. by H.E. the Governor on 27-8-33.
71/33	Khoridass Bhowan ..	Indian male	"	28-6-33	..	..	..	Court of Appeal reduced the charge to manslaughter and sentenced the accused to 5 years H.L. on 11-9-33.
76/33	Njuguna alias Kirundi ..	Native male	"	9-9-33	..	..	..	Appeal pending.
77/33	Purungat ole Motuli ..	"	"	10-8-33	7-9-33	29-9-33	7-10-33	
86/33	Kipkoikor arap Kipkinda ..	"	"	2-8-33	4-9-33	..	..	Sentence commuted to 15 years H.L. by H.E. the Governor--22-9-33.
87/33	Khim Singh ..	Indian male	"	21-8-33	..	..	..	Appeal pending.
99/33	Mbera wa Jambuya ..	Native male	"	9-9-33	..	..	..	Sentence commuted by H.E. the Governor to one of confinement to lunatic asylum on 2-11-33.
103/33	Okware s/o Aloo ..	"	"	21-8-33	6-10-33	..	..	Sentence commuted to 10 years H.L. by H.E. the Governor--3-11-33.

RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1933—(Contd.).

Serial No. of Cases	Name of Accused	Nationality and Sex	Sentence	Date of Sentence	If appeal filed, result or appeal to the Court of Appeal for E. A.	Date of Confirmation by H.E. the Governor	Manner and date of Execution	Remarks
110/33	Ahmed bin Abdul Hafid..	Arab male	"	17-11-33	..	..	..	Appeal pending.
113/33	1. Laldonga ole Kioki ..	Native male	"	10-10-33	..	..	..	" "
	2. Legamata ole Negishan	"	"	10-10-33	..	..	..	" "
	3. Tokiyai ole Seren ..	"	"	10-10-33	..	..	..	" "
14/33	Kangara s/o Karanja ..	"	"	10-10-33	..	..	..	" "
120/33	Tewa wa Mwangandilo ..	"	"	13-12-33	..	..	..	" "
122/33	1. Kimemia s/o Kimani ..	"	"	9-11-33	..	..	..	" "
	2. Waweru s/o Gachuni ..	"	"	9-11-33	..	..	..	" "
136/33	Lute Luzala	"	"	27-11-33	..	..	..	" "
150/33	Kidedela wa Zumuka ..	"	"	12-12-33	..	..	..	" "
	Special District Court, N.F.P. Isiolo Cr. C. 6/33 1. Musa Abdi..	"	"	6-9-33	" "
	Conf. C. 563/33 2. Halaki Boru	"	"	6-9-33	" "

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K—SCHEDULE OF SUPREME COURT CASES.

The details of cases filed in or dealt with by the Supreme Court in 1933, compared with the four previous years, are as follows :—

SUPREME COURT					
	1929	1930	1931	1932	1933
ORIGINAL CIVIL CASES:					
Filed at Nairobi ..	380	440	470	363	312
„ Mombasa ..	146	184	162	146	93
„ other District Registries ..	139	133	129	76	68
*Divorce Causes .. ..	..	..	32	35	24
Probate and Administration Causes	217	173	176	173	174
Bankruptcy Causes ..	94	141	128	72	68
Trust Causes	3	3	8	5	3
Civil Appeals from Subordinate Courts ..	55	44	50	49	48
ORIGINAL CRIMINAL CASES	169	178	175	171	165
Criminal Appeals from Subordinate Courts ..	49	69	65	35	57
Criminal Confirmation Cases	659	626	680	812	821
Criminal Revision Cases ..	130	46	89	181	259
TOTAL CASES ..	2,041	2,037	2,164	2,118	2,092

*Figures for years 1929 and 1930 included in number of Original Civil Cases

L—OTHER WORK OF THE SUPREME COURT.

Monthly returns of all civil and criminal cases were received and scrutinized from all Subordinate Courts other than Native Tribunals. The attention of magistrates was drawn to any irregularities arising in the conduct of the cases, and the majority of revision cases arose as the result of the perusal of monthly returns.

Rules of Court.

During the year Rules of Court were promulgated relating to :—

- (1) The Adoption of Children.
- (2) Legitimacy.
- (3) Non-Native Poll Tax Appeal.
- (4) The Companies (Supreme Court) Fees.
- (5) Court Fees (Amendment).

Three amendments were made to the Civil Procedure Rules and the Court of Appeal Rules were also amended during the year.

Circulars to Magistrates.

Circulars to Magistrates were issued on the following subjects :—

- (1) Raw Opium.
- (2) Attachment of Property in Native Reserves.
- (3) Service of Civil Process by Station Masters.
- (4) Severity of Sentences and Appeals from Subordinate Courts.
- (5) Certification of Lunatics.
- (6) Award of Compensation in Criminal Cases.
- (7) Expert Witness Fees to Government Medical Officers.
- (8) Escape of Detainees.
- (9) Sentences for Escape from Lawful Custody.
- (10) Detention Camps.
- (11) Criminal Procedure Code, Section 319.
- (12) Vagrancy Ordinance (Warrants for Committal).
- (13) Institution of Proceedings in Criminal Cases, Section 87 of Criminal Procedure Code.
- (14) Confirmation of Sentences, Section 11 (1) of Criminal Procedure Code.
- (15) Sentences of Whipping.

Travelling.

During the year the following stations were visited in the course of Court of Appeal and Criminal sessions: Zanzibar, Kampala and Meru, once; Kitale, twice; Mombasa and Nyeri, three times; and Kisumu, Eldoret and Nakuru, four times.

Court of Appeal for Eastern Africa.

His Majesty's Court of Appeal for Eastern Africa held four ordinary and five special sessions during the year. The total number of appeals filed was 198, of which Kenya's total was 59—16 civil and 43 criminal. Kenya's proportion of appeals allowed was 8 criminal and 2 civil; appeals dismissed, 32 criminal and 2 civil; pending, 12 civil and 3 criminal. At Kampala, 49 appeals were heard, at Mombasa, 34 were heard, at Zanzibar, 22 were heard, and at Nairobi, 61 were heard. Twenty appeals were pending at the end of the year.

Advocates.

The number of Advocates who renewed their practising certificates or were admitted in 1933 was 72, including Government Law Officers, representing an increase of four on the 1932 figures. Seven native Vakils were licensed to practice in Native Subordinate Courts. Sixteen Commissioners for Oaths and 20 Notaries Public were in practice in 1933.

Law Examination for Administrative Officers.

One Law Examination was held during the year and two candidates passed.

Revenue.

The total revenue collected by the Supreme Court and Resident Magistrates' Courts under various heads for 1933 is shown in the following table, which also shows the total revenue collected in the Courts of the Colony and Protectorate for the previous four years.

COMPARATIVE ANALYSIS OF FEES AND FINES COLLECTED IN THE COURTS OF THE COLONY
AND PROTECTORATE OF KENYA FOR THE LAST FIVE YEARS

	1929	1930	1931	1932	1933
	<i>Sh. cts.</i>	<i>Sh. cts.</i>	<i>Sh. cts.</i>	<i>Sh. cts.</i>	<i>Sh. cts.</i>
Court Fees	375,654 11	445,808 78	493,369 19	432,919 51	277,318 98*
Court of Appeal for Eastern Africa Fees	20,413 95	20,560 00	17,332 20	23,397 10	40,889 90
Fines	667,026 70	595,713 36	452,611 73	333,416 56	75,847 12*
Interest	18,056 89	5,634 00	243 00	6,936 00	1,064 00
Legal Practitioners Fees	5,730 00	6,040 00	6,220 00	6,009 00	6,300 00
Sale of Law Reports etc	1,255 30	62 52	422 25	775 60	621 00
Costs of Crown Prosecutions .. .. .	..	252 00	341 00	..	200 00
Unclaimed and Confiscated Goods	65 75	124 00	27 65	144 65	329 70
Unclaimed Deposits	29,061 20	1,656 53	14,653 98	33,021 22	2,553 38
Legal Library Subscriptions and Locker Fees	1,392 00	1,494 00	1,750 00	2,075 00	2,310 00
Commissioners for Oaths	60 00	90 00	..	..	90 00
Notaries Public Fees	2,260 00	2,260 00	1,860 00	1,860 00	1,800 00
Estate Duty Fees	100 00	..	..	..	..
Sundry .. .. .	..	..	45 25	337 15	250 50
Professional Licences .. .. .	..	..	..	..	8,550 00
TOTAL ..	1,121,075 90	1,079,695 19	988,876 30	840,941 79	418,124 58

* These figures represent the revenue collected by Judicial Department only. Further figures are to be supplied by the Treasury.

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PART IV—SUBORDINATE COURTS.

A—RESIDENT MAGISTRATES' COURTS.

During the year Resident Magistrates operated at Nairobi, Mombasa, Nakuru, Kisumu and Eldoret. The work performed by all the Resident Magistrates' Courts, together with that for the preceding three years, was as follows:—

	1930	1931	1932	1933
NAIROBI—				
Civil Cases filed.. ..	5,156	5,323	4,843	4,397
Criminal Cases filed	8,358	6,152	6,323	4,292
MOMBASA —				
Civil Cases filed.. ..	2,107	2,418	2,770	1,329
Criminal Cases filed	3,587	3,601	3,292	2,552
NAKURU—				
Civil Cases filed	905	1,038	774	586
Criminal Cases filed	4,052	3,675	3,931	2,424
KISUMU—				
Civil Cases filed	737	727	638	521
Criminal Cases filed	2,100	3,166	2,457	2,862
*Bankruptcy Cases filed .. ..	..	..	..	6
ELI-ORET—				
Civil Cases filed	707	810	713	414
Criminal Cases filed	3,954	4,648	3,973	2,872
TOTAL ..	31,663	31,563	29,724	22,255

* Special power delegated under section 54 of the Bankruptcy Ordinance, 1933.

B—GENERAL CIVIL WORK.

The following table contains the statistics relating to the civil work of all courts in the Colony and Protectorate of Kenya and a comparative table for the last five years. They include the Supreme Court figures. The total number of civil cases (11,289) shows a decrease of 2,045 as compared with the previous year.

RETURN OF CIVIL CASES TRIED IN THE COLONY AND
PROTECTORATE OF KENYA DURING THE YEAR 1933, AS
COMPARED WITH THE LAST FIVE YEARS

PROVINCES	Under Sh. 200	Over Sh. 200 to Sh. 2,000	Over Sh. 2,000	Other Cases	Total
Northern Frontier Province	54	13	..	..	67
Masai Province	63	9	..	3	75
Kikuyu Province	3,470	1,679	144	86	5,379
Turkana Province	35	3	..	1	39
Nyanza Province	622	309	9	29	969
Coast Province	2,177	593	46	77	2,883
Ukamba Province	202	20	..	1	223
Nzoia Province	474	246	14	10	744
Rift Valley Province ..	578	312	11	9	910
TOTAL..1933..	7,675	3,174	224	216	11,289
1932..	9,025	3,759	295	255	13,334
1931..	8,661	4,656	435	521	14,273
1930..	8,452	3,524	493	427	12,896
1929..	6,863	4,340	297	664	12,164

C—NATIVE SUBORDINATE COURTS.

The Native Subordinate Courts in the Coast Province have performed their duties with apparent satisfaction.

D—GENERAL CRIMINAL WORK.

A total of 44,353 convictions was recorded in the Subordinate Courts and the following table shows the comparison for the last four years. This figure represents a decrease of 1,698 convictions as compared with the previous year. A detailed statement showing races and sexes, the nature of offences and sentences imposed is attached to this report as an appendix. The figures therein show an increase of 377 convictions of

Europeans as compared with 1932, but of this increase 347 are accounted for by additional convictions recorded under the Traffic Ordinance in the year 1933. The total convictions recorded in 1932 against Asiatics amounted to 2,224 while in 1933 the total aggregated 1,975. With regard to natives, the total convictions recorded in 1932 was 42,030, while the total for 1933 is 40,204—a decrease of 1,826.

It will be seen on a comparison of the 1932 Report with this Report that although generally there was a decrease in the number of convictions recorded against natives, there was a substantial increase in the number of convictions recorded under the Native Hut and Poll Tax Ordinance and particularly in the number of cases where natives were committed to detention camp or imprisonment in default of payment of taxes—the latter increase being 4,154. This increase is undoubtedly due to the period of depression through which the Colony has passed during the year under review and the consequent reduction in employment and impoverishment of the native population.

COMPARATIVE TABLE SHOWING THE NUMBER OF CONVICTIONS FOR VARIOUS CRIMES AND OFFENCES FOR THE LAST FOUR YEARS IN SUBORDINATE COURTS.

	1933	1932	1931	1930
Against the Person	1,046	1,049	1,130	1,231
Malicious Injury to Property and Cruelty to Animals	125	152	220	208
Stock and Produce Theft	1,141	1,441	820	787
Against Property	3,178	3,192	3,175	2,783
Highway, Revenue and Social Economy	13,576	15,004	13,742	10,948
Township and Municipal Corporation Rules	6,860	8,927	9,991	8,275
Native Registration	3,532	5,289	5,682	5,069
Hut and Poll Tax Ordinance	11,837	7,533	4,637	4,417
Employment of Natives	1,417	1,626	2,434	1,614
Resident Native Labour	1,095	1,363	1,260	903
Other Offences	546	425	820	480
TOTAL CONVICTIONS ..	44,353	46,051	43,911	36,723*

*Includes Supreme Court.

Punishments.

The following table compares the sentences with those inflicted in 1932.

SENTENCES	1933	1932
Fine	11,464	13,938
Detention camp in default of payment of fine or surety	13,469	10,187
Imprisonment in default of payment of fine or surety	2,017	1,843
Fine and detention camp	203	398
Fine and peremptory imprisonment	1,008	1,329
Detention camp	2,604	3,388
Peremptory imprisonment	3,905	3,911
Whipping with fine or imprisonment or both ..	44	88
Whipping	236	304
Whipping with fine or detention camp or both..	17	33
Bound over or otherwise disposed of; Cautioned; Repatriated	4,865	6,115
Other punishments; Tax or Compensation; or Wages paid; Bail estreated	4,516	4,501
Detained pending Governor's Orders	5	4
Committed to prison for failing to find security..	—	7
	44,353	46,051

The statistics for the last five years relating to whipping are as follows :—

Year.	Convictions against Natives.	Sentences of Whipping.	Per enage of charges where sentences of whipping ordered.
1929	25,772	435	1.69
1930	32,600	450	1.33
1931	*41,585	445	1.07
1932	*44,254	430	0.97
1933	*42,179	297	0.70

* Includes Asiatics

It will be observed that there is a further diminution of the percentage of cases in which sentences of whipping were imposed.

Nairobi,

31st March, 1934.

J. LUCIE SMITH,
Acting Chief Justice.

APPENDIX

CHARGES BROUGHT AND CONVICTIONS RECORDED UNDER DIFFERENT HEADS OF PUNISHMENTS IN SUBORDINATE COURTS FOR CRIMES AND OFFENCES DURING 1933

CRIME OR OFFENCE	Fine		Imprisonment in Default of Fine or Surety		Fine and Peremptory Imprisonment		Peremptory Imprisonment		Bound over or otherwise disposed of		Other Punishments		Committed to Prison for failing to find Security		Cautioned		Committed to House of Detention		Compensation or Wages Paid		Bail Forfeited		Total Convictions		Total Acquittals		Total Discharges					
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.				
EUROPEANS.																																
AGAINST THE PERSON:																																
Marriage and Domestic Obligations .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	
Murder and Manslaughter .. .. .	..	..	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..		
Endangering Life or Health	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Assaults	20	..	3	..	..	..	..	1	..	1	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	6	..	7	1
Total	23	..	3	..	..	..	1	..	3	..	..	..	..	..	1	..	..	2	..	..	..	..	..	33	..	6	..	10	1		
MALICIOUS INJURY TO PROPERTY.																																
Causing Injury to Property	2	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	5	..
Cruelty to Animals	3	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total	5	..	1	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	5	..
AGAINST PROPERTY:																																
Theft	2	..	6	..	1	..	2	..	2	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	5	..
Allied to Stealing	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
False Pretences	1	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Receiving Stolen Property and like Offences	1	..	..	..	1	..	..	..	2	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total	6	..	6	..	2	..	4	..	4	1	1	10	..
HIGHWAY, REVENUE AND SOCIAL ECONOMY.																																
Miscellaneous against Public Authority	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Nuisances against Health and Convenience	2	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Traffic Ordinance	803	72	1	..	..	..	..	..	..	..	..	..	..	..	195	21	..	..	..	..	..	..	..	1,001	93	14	..	2	78	7	
Diseases of Animals and Plants	25	1	2	..	..	..	..	..	..	..	..	..	..	..	9	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Game Ordinance	3	..	6	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trespass	9	..	..	..	..	..	..	..	..	..	..	..	..	..	6	1	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..
Local Laws, etc.	4	1	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Traders' Licences	2	..	..	..	..	..	..	..	1	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Liquor Ordinances	18	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Defence Force Ordinance	4	..	..	..	..	..	..	..	..	..	..	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Companies Ordinance	5	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trout Protection	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Harbour Regulations	1	..	1	..	..	..	..	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Railway Ordinance	1	..	2	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Immigration Ordinance	1	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Crop and Live Stock Protection	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Vagrancy	13	1	5	..	..	..	..	..	..	..	..	..	..	..	19	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Mining Ordinance	45	2	..	..	..	..	..	..	..	..	..	..	..	..	12	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Arms and Ammunition	1	..	..	..	..	..	..	..	..	..	..	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Outlying Districts .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Prevention of Fire .. .. .	..	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Marriage Ordinances .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Weights and Measures Ordinance .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total	942	82	15	..	..	..	2	1	5	..	1	..	..	..	239	28	19	..	2	..	1	..	1,226	111	24	3	123	8			
EMPLOYMENT OF NATIVES ORDINANCE	183	6	103	..	..	..	..	..	1	..	..	..	..	..	22	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
REGISTRATION DOMESTIC SERVANTS	4	1	..	..	..	..	..	..	..	..	..	..	..	..	8	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
TOWNSHIP AND MUNICIPAL CORPORATION ORD.	99	15	..	..	..	..	..	..	..	..	..	..	..	..	10	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..
NATIVE REGISTRATION ORDINANCE	146	22	..	..	..	..	..	..	..	..	..	..	..	..	35	7	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
RESIDENT NATIVE LABOURERS	21	2	7	..	..	..	..	..	..	..	..	..	..	..	33	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
OTHER OFFENCES .. .. .	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
EUROPEAN TOTAL	1,429	128	135	..	2	..	7	1	14	..	1	..	..	..	350	38	19	..	47	2	1	..	2,005	169	69	13	338	36			

* Juveniles.

APPENDIX—(Contd.).

CHARGES BROUGHT AND CONVICTIONS RECORDED UNDER DIFFERENT HEADS OF PUNISHMENTS IN SUBORDINATE COURTS FOR CRIMES AND OFFENCES.—Contd.

CRIME OR OFFENCE	Fine		Imprisonment in Default of Fine or Surety		Fine and Penemptory Imprisonment		Penemptory Imprisonment		Whipping		Bound over or otherwise disposed of		Other Punishments		Cautioned		Committed to House of Detention		Compensation or Wages Paid		Bail Estreated		Total Convictions		Total Acquittals		Total Discharges		
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
ASIATICS.																													
AGAINST THE PERSON.																													
Against Morality																												1	1
Murder or Manslaughter																												5	1
Endangering Life or Health	4						4					4															43		
Assaults	26			6																									
Total	30			6			4					4															50	2	
MALICIOUS INJURY TO PROPERTY.																													
Causing Injury to Property							1																						
Crucity to Animals	3																												
Total	3						1																						
AGAINST PROPERTY.																													
Theft	7			6			5			10																		12	
Robbery and Extortion																												4	
Burglary, Housebreaking, etc.	2			2						14																		5	
False Pretences	2									8																		1	
Receiving Stolen Property etc.	3									2																		2	
Total	14			8			5			24																		25	
HIGHWAY, REVENUE AND SOCIAL ECONOMY.																													
Miscellaneous against Public Authority	2									2																			
Nuisances and against Health &c.	3																												
Counterfeiting										1																			
Corrupt Practice	3																												
Local Laws, Proclamations Rules and Regulations	8									1																			
Traffic Ordinance	679			19																									
Crown Lands Ordinance	3																												
Diseases of Animals and Plants	17																												
Game and Game Birds Ordinances	9																												
Abuse of Opiates Prevention	1																												
Native Lands Trust Ordinance	1																												
Liquor Ordinances	13			5																									
Brokers and Money Changers Ordinance	1																												
Traut Protection Ordinance	1																												
Railway and Harbour Ordinances	17			3																									
Crop and Live Stock Protection	16																												
Arms and Ammunition	10																												
Shop Hours Ordinance	10																												
Trespass	1																												
Outlying Districts	1			1																									
Poll Tax Ordinance	3																												
Dangerous Petroleum				1																									
Traders' Licences	61			1																									
Immigration	18																												
Vagrancy	1																												
Gambling	1																												
Prevention of Fire	1																												
Weights and Measures	51																												
Public Health	14																												
Native Authority	12																												
Sugar Ordinance	1																												
Mining Ordinance	1																												
Adulteration of Produce	13																												
Total	970	1		32						9																			
EMPLOYMENT OF NATIVES ORDINANCE																													
.....	59			37			2			2																			
REGISTRATION OF DOMESTIC SERVANTS																													
.....	6																												
TOWNSHIP AND MUNICIPAL CORPORATION RULES																													
.....	169			2																									
NATIVE REGISTRATION ORDINANCE																													
.....	184	1		4						1																			
RESIDENT NATIVE LABOURERS																													
.....	4			1																									
OTHER OFFENCES																													
.....	6			1						3																			
ASIATICS TOTAL																													
.....	1,445	2		91			7			44																			

*Includes one juvenile.

†Includes three juveniles.

‡Juvenile.

§Includes fourteen juveniles.

