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JUDICIAL DEPARTMENT
ANNUAL REPORT
1934

Judicial Department Annual Report

For the Year 1934

PART I—ADMINISTRATION.

Changes in and Leave Movements of the European Staff.

Sir Jacob Barth, C.B.E., Chief Justice, retired on 20th May, after thirty-two years' service. Sir Joseph Sheridan was appointed Chief Justice as from 4th October, arrived in the Colony on 28th October and was sworn in as Chief Justice on 1st November. Mr. Justice Lucie-Smith, O.B.E., V.D., acted as Chief Justice until 27th October and went on leave on 28th November. Mr. Justice Horne was transferred to Mombasa in September and Mr. Justice Webb, K.C., was transferred to Nairobi. Mr. F. C. Gamble, R.M., returned from privilege leave on 16th April and acted as Judge from 20th April to 27th October and again from 9th November till the end of the year. Mr. C. A. G. Lane, R.M., acted as Judge from the beginning of the year to 19th April; and again from 31st August to 9th September and from 30th November to 4th December. Mr. D. Edwards, R.M., went on leave on 10th November. Mr. B. V. Shaw went on leave on 14th April. Mr. G. G. Robinson, Resident Magistrate, returned from leave on 9th July and was posted to Nakuru. Mr. B. V. Shaw, R.M., returned from leave on 25th November, and was posted to Mombasa. Mr. G. L. Howe, Resident Magistrate, was transferred to the Gold Coast and left for England on 8th July. Mr. C. F. G. Doran, Crown Counsel, was appointed Resident Magistrate and returned to the Colony from leave on 28th October. He was posted to Mombasa until 29th November and to Nairobi on 30th November. In addition to the two Administrative Officers mentioned in the 1933 Report the following Administrative Officers were seconded for duty as Resident Magistrates during 1934: Mr. H. G. Oldfield; Mr. H. H. Low; and Mr. E. M. Hyde-Clarke. Mr. Murray M. Jack, Registrar of the Supreme Court, went on leave on 21st March and returned on 15th November. Mr. E. J. O'Farrell, Deputy Registrar, acted as Registrar during Mr. Jack's absence, and reverted to his substantive appointment on 19th November. Mr. J. H. Flynn, Administrative Officer, acted as Deputy Registrar at Mombasa from 6th March to 11th December. Mr. W. Lee, shorthand writer, returned from leave on 5th

April. Mr. J. H. Gitsham, shorthand writer, went on leave on 14th April, and was transferred to the Secretariat on probation on his return to the Colony. Mr. A. H. Price, European Process Server, was on leave from 9th April to 5th November, and Mr. G. S. Francis acted temporarily in his place.

Changes in the Non-European Staff.

Mr. Noah Manasseh went on leave on 1st September prior to retirement after thirty years' service. Two temporary clerks resigned and two temporary clerks and one process server were engaged during the year.

Health.

As in the previous year a total of 41 days was lost by absence owing to sickness among the European staff. Among the Non-European staff a total of 326 days was lost by absence owing to sickness as compared with 180 days in 1933.

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 Courts of the Northern Frontier and Turkana tried ten cases for murder. Seven persons were convicted and sentenced to death; one was discharged and two were acquitted. Of the seven sentenced to death, six sentences were confirmed by the Supreme Court and in one case a retrial was ordered. The details of the persons sentenced to death are shown in the table of Death Sentences.

PART III—SUPREME COURT.

The following shows the number of Supreme Court cases instituted in the various Registries.

		A—CIVIL CASES.	
		1933	1934
Nairobi	...	312	268
Mombasa	...	93	79
Nakuru	...	26	22
Eldoret	...	23	14
Kisumu	...	19	35
		<hr/>	<hr/>
		473	418
		<hr/>	<hr/>

B—PROBATE AND ADMINISTRATION CAUSES.

	1933	1934
Nairobi	114	93
Mombasa	37	36
Nakuru	6	3
Eldoret	9	7
Kisumu	8	11
	<u>174</u>	<u>150</u>

C—BANKRUPTCY CAUSES.

	1933	1934
Nairobi	52	36
Mombasa	16	8
	<u>68</u>	<u>44</u>

D—TRUST CAUSES.

	1933	1934
Nairobi	—	2
Mombasa	3	3
	<u>3</u>	<u>5</u>

E—DIVORCE CAUSES.

	1933	1934
Nairobi	16	9
Mombasa	2	1
Nakuru	2	—
Eldoret	1	—
Kisumu	3	2
	<u>24</u>	<u>12</u>

F—CIVIL APPEALS.

Forty-three civil appeals were filed, of which 15 were dismissed and 14 allowed in whole or in part. The remainder were pending or remitted for trial.

G—CRIMINAL APPEALS.

Eighty-five criminal appeals were filed in the Supreme Court, of which 48 were dismissed or withdrawn, 27 were allowed in whole or in part; in 4 cases the sentences were enhanced, and the remainder were pending.

H—CRIMINAL REVISION.

Three hundred and eleven cases came before the Court and in 223 cases retrials were ordered or the judgment varied; in 49 cases the sentences were reversed; in 29 cases the sentences remained unaltered and 10 cases were pending.

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 873 involving 1,128 persons and 1,221 convictions as follows :—

	<i>Offences against Persons</i>		<i>Other Property Offences</i>
Confirmed without alteration	93	906	43
Sentences reduced	14	92	7
Retrials ordered	3	23	7
Acquittals ordered	5	27	—
Sentences increased	1	—	—
	116	1,048	57

J—ORIGINAL CRIMINAL.

The number of criminal cases committed for trial to the Supreme Court aggregated 181, involving 300 charges against 276 individuals, as compared with 165 cases and 234 charges during 1933.

The following table shows the details of cases disposed of in 1934 including those carried forward from 1933 :—

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 ..	..	1	..	1	..	..
Offences against Property ..	1	..	..	..	..	..
Total	1	1	..	1	..	..
ASIATICS.						
Offences against the Person..	..	..	1	1	..	..
Other Offences	19	..	1	..	2	..
Total	19	..	2	1	2	..
NATIVES.						
Offences against the Person..	143	6	41	1	20	..
Offences against Property ..	1	..	..	..	..	..
Other Offences	16	..	..	..	..	..
Total	160	6	41	1	20	..
GRAND TOTAL ..	180	7	43	3	22	..
	187		46		22	

Punishments.

EUROPEANS—					
Peremptory Imprisonment .. .. .	..	..	..	..	2
					<u>2</u>
ASIATICS—					
Fine and Peremptory Imprisonment .. .. .	..	..	..	..	1
Peremptory Imprisonment .. .. .	..	..	..	..	17
Bound Over or otherwise Disposed of .. .. .	..	..	..	..	1
					<u>19</u>
NATIVES—					
Fine .. .. .	..	..	..	..	2
Imprisonment in default of Fine or Surety .. .. .	..	..	..	..	1
Detention Camp .. .. .	..	..	..	..	3
Peremptory Imprisonment .. .. .	..	..	..	..	80
Whipping with Fine or Imprisonment or both .. .. .	..	..	..	..	9
Bound Over or otherwise Disposed of .. .. .	..	..	..	..	3
Imprisonment for Life or Deportation .. .. .	..	..	..	..	15
Death Sentences .. .. .	..	..	..	..	47
Detained Pending His Excellency's Orders .. .. .	..	..	..	..	6
					<u>166</u>
					<u>187</u>

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

	1934	1933	1932	1931	1930
Murder	53	39	108	43	26
Manslaughter	65	60	34	43	41
Attempted murder and suicides	10	6	5	11	3
Rape	20	21	19	12	30
Attempted rape .. .. .	..	2	3	5	2
Unnatural crime .. .. .	..	..	1	1	..
Other offences against the person	2	10	22	10	12
Stock theft .. .. .	..	..	1	1	..
Offences against property	2	5	5	6	19
Other offences	35	3	2	6	6
Total Number of Convictions in the Supreme Court ..	187	146	200	138	139

Death Sentences.

The death sentence was passed on 53 persons (47 by the Supreme Court and 6 by Special Courts, Northern Frontier District and Turkana). Fifteen persons were executed during the year. The following table shows the details of the persons sentenced to death, including those pending in 1933 and the ultimate result as at 31st December, 1934.

RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1934

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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
76/33	Njuguna alias Kirundi ..	Native Male	Death	9-9-33	Dismissed	16-1-34	Hanged	Appeal to Privy Council dismissed Sentence of accused No. 1 commuted to 10 years imprisonment with hard labour by H.E. the Governor on 16-1-34. Court of Appeal altered the conviction from murder to manslaughter and sentenced to 5 years imprisonment with hard labour on 2-1-34. Court of Appeal altered the conviction from murder to manslaughter and sentenced to 3 years imprisonment with hard labour on 8-3-34. Sentence commuted by H.E. the Governor to 10 years imprisonment with hard labour on 27-3-34.
87/33	Khim Singh ..	Indian Male	"	21-8-33	2-1-34	16-1-34	27-1-34	
10/33	Ahmed bin Abdul Hafid..	Arab Male	"	17-11-33	2-1-34	11-5-34	26-1-34	
13/33	1. Laldonga ole Kioki ..	Native Male	"	10-10-33	2-1-34	..	19-5-34	
	2. Legamata ole Ngeishan	"	"	10-10-33	Allowed	..	..
	3. Tokiyai ole Seren ..	"	"	10-10-33	Allowed	..	..
114/33	Kangara s/o Karanja ..	"	"	10-10-33	..	..	..
120/33	Lewa wa Mwangandilo ..	"	"	13-12-33	..	..	..
122/33	1. Kimemia s/o Kimani ..	"	"	9-11-33	Dismissed	16-1-34	26-1-34	
	2. Waweru s/o Gachuni ..	"	"	9-11-33	2-1-34	16-1-34	26-1-34	
136/33	Lute Luzala ..	"	"	27-11-33	7-3-34	

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RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1934—(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
143/33	Njeroge wa Karira ..	Native male	Death	16-1-34	Dismissed ..	..	Hanged ..	Conviction and sentence quashed by the Court of Appeal for E.A. on 21-3-34. Under new trial in Cr. C. No. 51/34 accused sentenced to 3 years for manslaughter on 18-5-34.
150/33	Kidedela wa Zumuka ..	"	"	12-12-33	8-3-34	..	..	Sentence commuted by H.E. the Governor to 5 years imprisonment with hard labour on 12-4-34
163/33	Odongo s/o Kasala ..	"	"	15-1-34	21-3-34	9-4-34	28-4-34	
18/34	Mamukowa s/o Walunyolo ..	"	"	23-2-34	3-5-34	19-5-34	9-6-34	
23/34	Mohamed Nasibu..	Arab Male	"	27-8-34	20-9-34	..	..	Sentence commuted by H.E. the Governor to imprisonment with hard labour for life on 24-10-34
24/34	Mberu ole Legeru ..	Native Male	"	16-5-34	..	..	..	Court of Appeal altered the conviction from murder to manslaughter and sentenced to 10 years imprisonment with hard labour on 29-6-34.
25/34	Rupilia Mwita ..	"	"	6-3-34	5-5-34	19-5-34	6-6-34	
29/34	Opome s/o Chiundu ..	"	"	2-3-34	3-5-34	Sentence commuted by H.E. the Governor to the punishment of imprisonment for life on 23-5-34 and ordered accused to be detained in lunatic asylum.

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RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1934—(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
30/34	Mundu wa Kieti	Native male	Death	13-3-34	Dismissed 4-5-34	..	Hanged ..	Sentence commuted by H.E. the Governor to the punishment of imprisonment for life on 6-6-34.
31/34	Singi wa Mwanza	"	"	19-4-34	6-6-34	..	..
41/34	Mafumo wa Bwayo	"	"	30-5-34	2-8-34	Sentence commuted by H.E. the Governor to 7 years imprisonment with hard labour on 4-9-34
42/34	Mongella Ngui	"	"	16-4-34	29-6-34	14-7-34	28-7-34	Sentence against second accused commuted by H.E. the Governor to 15 years imprisonment with hard labour on 12-7-34.— Sentence of death against first accused commuted to one of imprisonment for life with hard labour, and against second accused commuted to 5 years imprisonment with hard labour by H.E. the Governor on 4-9-34
46/34	Karioki wa Njagga	"	"	13-4-34	6-6-34	23-6-34	14-7-34	
49/34	1. Kariman ole Lengala..	"	"	15-5-34	8-6-34	12-7-34	13-10-34	
	2. Longure ole Lenkalas..	"	"	15-5-34	8-6-34	..	..
52/34	1. Karanja wa Chege ..	"	"	29-5-34	2-8-34	..	..
	2. Wagotaera wa Kamau	"	"	29-5-34	2-8-34	..	..
55/34	1. Njeroge wa Chege ..	"	"	12-4-34	Allowed Dismissed	Appeal of first accused allowed and sentence quashed.
	2. Njeroge wa Mukonu ..	"	"	12-4-34	29-6-34	14-7-34	28-7-34	

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RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1934—(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
61/34	1. Karioki wa Gatibo .. 2. Wanjohi wa Waiharu ..	Native Male "	Death "	16-5-34 16-5-34	Dismissed 29-6-34 29-6-34	.. .. ..	.. .. ..	Sentence of death against both accused commuted by H.E. the Governor to imprisonment for life on 16-7-34.
68/34	1. Chemon a. Cheboi .. 2. Yego a. Chesaina ..	" "	" "	22-8-34 22-8-34	20-9-34 20-9-34	.. .. ..	.. .. ..	Death sentence of both accused commuted by H.E. the Governor to 10 years imprisonment with hard labour on 24-10-34.
69/34	Wanjiko d/o Karigo ..	Native female	..	..	..	..	..	Accused found guilty of murder on 27-8-34 but insane at the time when the act was committed and committed to the prison as a lunatic prisoner pending the H.E. the Governor's order. H.E. the Governor ordered the prisoner to be detained in the Mathari Mental Hospital on 24-9-34.
70/34	Malima binti Wanirgwa ..	"	Death	2-6-34	2-8-34	..	..	Sentence of death commuted by H.E. the Governor to one of imprisonment for life on 4-9-34.
80/34	Kilonzo Mateta	Native Male	"	2-7-34	2-8-34	Sentence commuted to 5 years imprisonment by H.E. the Governor on 4-9-34.

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RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1934—(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
81/34	Mwambu wa Ngatu ..	Native male	Death	3-7-34	..	..	..	Court of Appeal altered the conviction from murder to manslaughter and sentenced to 3 years imprisonment with hard labour on 4-8-34.
82/34	Solu wa Tutu	"	"	8-8-34	Allowed 24-9-34	..	..	Court of Appeal quashed the conviction passed against him and acquitted on 24-9-34.
92/34	Kimno arap Kipturji ..	"	"	21-8-34	..	..	..	Court of Appeal reduced the charge of murder to manslaughter and sentenced him to 5 years imprisonment with hard labour on 24-9-34.
94/34	Kinguru s/o Kabutui ..	"	"	3-10-34	Allowed 4-12-34	..	..	Court of Appeal for E.A. allowed the appeal and ordered the accused to be released on 4-12-34.
97/34	Arome Chiringa .. ..	"	"	..	..	..	..	Accused found guilty but insane. Ordered to be kept in prison pending the order of H.E. the Governor on 26-7-34. Accused confined in Mathari Mental Hospital by order of 21-8-34 of the Hon. the Act. Colonial Secretary.

RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1934—(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
98/34	Paulo Mondo s/o Achilili..	Native male	Death	20-8-34	Dismissed 20-9-34	22-10-34	Hanged 3-11-34	
103/34	Olenger s/o Euweton ..	"	"	24-8-34	20-9-34	22-10-34	3-11-34	
104/34	William Agere s/o Kiroge	"	"	30-8-34	1-12-34	17-12-34	29-12-34	
119/34	Muli wa Mbai	"	"	8-9-34	6-12-34	..	..	Sentence of death commuted by H.E. the Governor to 10 years imprisonment with hard labour on 19-12-34.
123/34	1. Kibet arap Rongi .. 2. Kipruto a. Momuilong 3. Kiplangat a. Komuilong 4. Kiplangat a. Chepkoye 5. Kipkeech a. Mugerechi 6. Kiprono a. Seni .. 7. Kiplangat a. Cherio ..	" " " " " " "	" " " " " " "	22-9-34 22-9-34 22-9-34 22-9-34 22-9-34 22-9-34 22-9-34	4-12-34 4-12-34 4-12-34 4-12-34 4-12-34 4-12-34 4-12-34	17-12-34 17-12-34 17-12-34 17-12-34 17-12-34 17-12-34 17-12-34	.. .. .. .. .. .. ..	Execution pending.
134/34	1. Muthoni wa Mbunja .. 2. Mbunja wa Kambogo..	Native female Native male	" "	4-10-34 4-10-34	30-11-34 30-11-34	Sentence of death against first accused commuted to 3 months imprisonment with hard labour and against second accused to 2 years imprisonment with hard labour on 20-12-34.

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RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1934—(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
151/34	Kangthe wa Njomu ..	Native male	Death	14-11-34	Dismissed 3-12-34	..	..	Sentence of death commuted to the imprisonment for life by H.E. the Governor on 21-12-34.
155/34	Sote d/o Chemangoi ..	Native female	..	12-11-34	4-12-34	..	..
156/34	Keteme wa Mutuku ..	Native male	..	..	..	..	..	Found guilty of murder but insane at the time he committed the offence and ordered to be detained as a criminal lunatic in the prison pending H.E. the Governor's order on 10-12-34. Hon. Colonial Secretary ordered accused to be detained in Mathari Mental Hospital on 5-1-35 pending further orders.
162/34	Keruge ole Lamelaji ..	..	..	26-11-34	Pending	..	..
163/34	Wanjiru wa Murigo ..	Native female	..	10-12-34	..	..	..	Sentence be postponed until the result of pregnancy be known under Sec. 316 Cr. P.C.
165/34	Mutwiwa s/o Maingi ..	Native male	..	13-12-34	..	..	..
166/34	Oreiya s/o Dido ..	..	..	23-11-34	..	..	..

RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1934—(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
Special District Court, N.F.D. Isiolo Cr. Case No. 6/33. Conf. C. 563/33	1. Musa Abdi 2. Halaki Boru	Native Male "	Death "	6-9-33 6-9-33	Dismissed 2-1-34 2-1-34	16-1-34 16-1-34	Hanged 27-1-34 27-1-34	
Special District Court, N.F.D. Isiolo Cr. Case No. 1/34. Conf. C. 184/34	1. Odda Tore 2. Guyo Halake	" "	" "	13-2-34 13-2-34	14-5-34 14-5-34	19-5-34 19-5-34	9-6-34 9-6-34	
Special District Court, Turkana, Lodwar Cr. Case No. 1/34. Conf. C. 431/34	Ethekon s/o Lokomarr ..	"	"	3-5-34	2-8-34	31-8-34	15-9-34	
Special District Court, N.F.D. Isiolo Cr. C. 2/34. Conf. C. 587/34	1. Golicha s/o Kukaa 2. Galgallo Hante	" "	" "	12-7-34 12-7-34	20-9-34 20-9-34	5-11-34 5-11-34	10-11-34 10-11-34	
Special District Court, N.F.D. Isiolo (Moyale) Cr. Case 5/34. Conf. C. 681/34 ..	Ia Eake	"	"	21-8-34	30-11-34	17-12-34	..	Execution pending.

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K—SCHEDULE OF SUPREME COURT CASES.

The details of cases filed in or dealt with by the Supreme Court in 1934, compared with the four previous years, are as follows :—

SUPREME COURT

	1930	1931	1932	1933	1934
ORIGINAL CIVIL CASES :					
Filed at Nairobi	440	470	343	312	268
„ Mombasa	134	162	146	93	79
„ other District ..					
Registries	133	129	76	68	71
*Divorce Causes .. ..	..	32	35	24	12
Probate and Administration Causes	173	176	173	174	150
Bankruptcy Causes	141	128	72	68	44
Trust Causes	3	8	5	3	5
Civil Appeals from Subordinate Courts ..	44	50	49	48	43
ORIGINAL CRIMINAL CASES	178	175	171	165	181
Criminal Appeals from Subordinate Courts ..	69	65	35	57	85
Criminal Confirmation Cases	626	660	812	821	873
Criminal Revision Cases ..	46	89	181	259	311
TOTAL CASES ..	2,037	2,164	2,118	2,092	2,122

* Figures for 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) Mortgage Suits Consolidation; (2) Advocates' Remuneration and Taxation of Costs (Amendment); (3) Attachment and Sale of Property (Amendment). The Court of Appeal Rules and the Bankruptcy Rules were also amended during the year.

Circulars to Magistrates.

Circulars to Magistrates were issued on the following subjects: (1) Raw Opium; (2) Warrants of arrest in Civil Cases; (3) Proceedings against serving soldiers; (4) Certificate of Magistrates, section 219 (4) Criminal Procedure Code; (5) Sentences of Detention exceeding six months; (6) Defence, section 197 Criminal Procedure Code; (7) Extra Judicial Statements (e.g. Confessions made not in the course of Judicial proceedings); (8) Detention Camps; (9) Returns under sections 296 and 296a P.C., sections 9 and 10 Stock and Produce

Theft Ordinance, 1933, section 4 Cap. 153 Laws of Kenya, and section 85 Ordinance 51/1930; (10) Sentences of Whipping; (11) Returns under section 14 Cap. 161 Laws of Kenya, section 16 Native Liquor Ordinance No. 36/1930 and section 2 Native Liquor (Amendment) Ordinance 39/1931; (12) Detention Camps, Committal for unexpired portion; (13) The Diseases of Animals Rules, 1931; (14) Contents of Summons or Warrant; (15) Plea; (16) Bail on arrest or remand; (17) Examination of Witnesses; (18) Cross-Examination by the Accused; (19) Fine; (20) Compensation; (21) Exhibits. Nos. 14 to 20 issued as the result of points discussed by the Bushe Commission Report.

Travelling.

During the year the following stations were visited by the Judges on Court of Appeal duty or on Supreme Court Circuits : Dar es Salaam, Mombasa, Kampala, Kisii, Kapenguria, once; Kisumu, four times; Eldoret and Nyeri, five times; and Nakuru, six times.

Court of Appeal for Eastern Africa.

His Majesty's Court of Appeal for Eastern Africa held three ordinary and four special sessions during the year. The total number of appeals filed was 217, of which Kenya's total was 80—16 civil and 64 criminal. Kenya's proportion of appeals allowed was 5 criminal and 4 civil; appeals dismissed 55 criminal and 7 civil; pending 5 civil and 4 criminal. At Kampala 37 appeals were heard, at Mombasa 55 were heard, at Dar es Salaam 44 were heard, and at Nairobi 67 were heard, 14 appeals were pending at the end of the year.

Advocates.

The number of Advocates who renewed their practising certificates or were admitted in 1934 was 72 including Government Law Officers. Seven Native Vakils were licensed to practice in Native Subordinate Courts. Eighteen Commissioners for Oaths and twenty Notaries Public were in practice in 1934.

Law Examination for Administrative Officers.

Three Law Examinations were held during the year, three candidates presented themselves for examination and two passed.

Revenue.

The total revenue collected by the Supreme Court and Resident Magistrates' Courts under various heads for 1934, 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

	1930	1931	1932	1933	1934
	<i>Sh. cts.</i>	<i>Sh. cts.</i>	<i>Sh. cts.</i>	<i>Sh. cts.</i>	<i>Sh. cts.</i>
Court Fees	445,808 78	493,369 19	432,919 51	378,383 29	239,142 03*
Court of Appeal for Eastern Africa Fees	20,560 00	17,332 20	23,397 10	40,889 90	18,558 56
Fines	595,713 36	452,611 78	333,416 56	277,433 36	77,186 92*
Interest	5,634 00	243 00	6,986 00	1,064 00	660 50
Legal Practitioners Fees	6,040 00	6,220 00	6,009 00	6,300 00	5,505 00
Sale of Law Reports etc	62 52	422 25	775 60	621 00	452 90
Costs of Crown Prosecutions	252 00	341 00	..	200 00	1,310 90
Unclaimed and Confiscated Goods	124 00	27 65	144 65	329 70	225 54
Unclaimed Deposits	1,656 53	14,653 98	33,021 22	2,553 38	215 41
Legal Library Subscriptions and Locker Fees	1,494 00	1,750 00	2,075 00	2,310 00	2,109 00
Commissioners for Oaths	90 00	..	..	90 00	120 00
Notaries Public Fees	2,260 00	1,860 00	1,860 00	1,800 00	2,100 00
Sundry .. .. .	..	45 25	337 15	250 50	887 06
Professional Licences .. .. .	..	..	..	8,550 00	14,685 00
TOTAL ..	1,079,695 19	988,876 30	840,941 79	720,775 13	363,158 82

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

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:—

	1931	1932	1933	1934
NAIROBI—				
Civil Cases filed	5,328	4,848	4,397	4,641
Criminal Cases filed	6,152	6,323	4,292	4,932
MOMBASA —				
Civil Cases filed	2,418	2,770	1,329	1,097
Criminal Cases filed	3,601	3,292	2,552	3,573
NAKURU—				
Civil Cases filed	1,036	774	576	642
Criminal Cases filed	3,675	3,931	2,424	3,794
KISUMU—				
Civil Cases filed	727	638	521	499
Criminal Cases filed	3,166	2,457	2,862	2,493
*Bankruptcy Cases filed .. ..	..	..	6	2
ELDORET—				
Civil Cases filed	810	716	414	305
Criminal Cases filed	4,548	3,973	2,872	3,013
TOTAL ..	31,563	29,724	22,255	24,991

* Special power delegated under section 94 of the Bankruptcy Ordinance, 1930.

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 (9,319) shows a decrease of 1,970 as compared with the previous year.

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

	1930	1931	1932	1933	1934
	<i>Sh. cts.</i>	<i>Sh. cts.</i>	<i>Sh. cts.</i>	<i>Sh. cts.</i>	<i>Sh. cts.</i>
Court Fees	445,808 78	493,369 19	432,919 51	378,383 29	239,142 03*
Court of Appeal for Eastern Africa Fees	20,560 00	17,332 20	23,397 10	40,889 90	18,558 55
Fines	595,713 36	452,611 78	333,416 56	277,433 36	77,186 92*
Interest	5,634 00	243 00	6,986 00	1,064 00	660 50
Legal Practitioners Fees	6,040 00	6,220 00	6,009 00	6,300 00	5,505 00
Sale of Law Reports etc	62 52	422 25	775 60	621 00	452 90
Costs of Crown Prosecutions	252 00	341 00	..	200 00	1,310 90
Unclaimed and Confiscated Goods	124 00	27 65	144 65	329 70	225 54
Unclaimed Deposits	1,656 53	14,653 98	33,021 22	2,553 38	215 41
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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 (9,319) shows a decrease of 1,970 as compared with the previous year.

RETURN OF CIVIL CASES TRIED IN THE COLONY AND
PROTECTORATE OF KENYA DURING THE YEAR 1934, 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
Coast Province	1,447	605	40	71	2,163
Central Province	3,460	1,182	112	104	4,858
Rift Valley Province	806	298	30	6	1,140
Nyanza Province	661	282	21	19	983
DISTRICTS					
Masai District	97	5	..	2	104
Turkana District . . .	8	..	..	..	8
Northern Frontier District	57	6	..	..	63
TOTAL..1934..	6,536	2,378	203	202	9,319
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

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 50,465 convictions was recorded in the Subordinate Courts and the following table shows the comparison for the last four years. This figure represents an increase of 6,112 convictions as compared with the previous year. A detailed statement showing race and sex, nature of offences and sentences imposed is attached to this report as an appendix. The figures therein show an increase of 684 convictions of Europeans as compared with 1933, most of the convictions being under the Traffic Ordinance. The total convictions recorded in 1933 against Asiatics amounted 1975, while in 1934 the total aggregated 2,172. As will be seen the greater number of convictions were had under the Traffic Ordinance and the Trades Licensing Ordinance. With regard to natives the total convictions recorded in 1933 was 40,204, while the total for 1934 is 45,435—an increase of 5,231. A perusal of the Schedule and of the following table will show generally the

various heads under which charges were brought. Apart from an increase of 668 cases in respect of offences against property, the total increase of 6,112 convictions is in respect of non-venial offences.

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

	1934	1933	1932	1931
Against the Person	1,034	1,046	1,049	1,130
Malicious Injury to Property and Cruelty to Animals	144	125	152	220
Stock and Produce Theft	1,118	1,141	1,441	820
Against Property	3,846	3,178	3,192	3,175
Highway, Revenue and Social Economy	16,476	13,576	15,004	13,742
Township and Municipal Corporation Rules	9,231	6,860	8,927	9,991
Native Registration	4,003	3,532	5,289	5,682
Hut and Poll Tax Ordinance	10,616	11,837	7,583	4,637
Employment of Natives	2,095	1,417	1,626	2,434
Resident Native Labour	1,220	1,095	1,363	1,260
Other Offences	622	546	425	820
TOTAL CONVICTIONS ..	50,465	44,353	46,051	43,911

Punishments.

The following table compares the sentences with those inflicted in 1933.

SENTENCES	1933	1934
Fine	11,464	12,773
Detention camp in default of payment of fine or surety	13,469	14,106
Imprisonment in default of payment of fine or surety	2,017	3,143
Fine and detention camp	203	307
Fine and peremptory imprisonment	1,008	885
Detention camp	2,604	3,556
Peremptory imprisonment	3,905	4,731
Whipping with fine or imprisonment or both	44	62
Whipping	236	338
Whipping with fine or detention camp or both	17	13
Bound over or otherwise disposed of ; Cautioned ; Repatriated	4,865	6,165
Other punishments ; Tax or Compensation ; or Wages paid ; Bail estreated	4,516	4,383
Detained pending Governor's Orders	5	3
Committed to prison for failing to find security	—	—
	44,353	50,465

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

Year.	Convictions against Natives	Sentences of Whipping	Percentage of charges where sentences of whipping ordered
1929	25,772	435	1.69
1930	32,600	450	1.38
1931	*41,585	445	1.07
1932	*44,254	430	0.97
1933	*42,179	297	0.70
1934	*47,607	413	0.86

* Includes Asiatics

Nairobi,

22nd May, 1935.

JOSEPH SHERIDAN,
Chief Justice.

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 Peremptory Imprisonment		Peremptory Imprisonment		Whipping with Fine or Imprisonment		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 .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Connected with Murder and Suicide .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Endangering Life or Health; Assaults	33	..	4	..	..	..	1	..	..	..	5	1	..	..	2	..	..	..	..	..	..	..	..	45	1	39	..	48	5
Total	33	..	4	..	..	..	1	..	..	..	6	1	..	..	2	..	..	..	..	..	..	..	..	46	1	39	..	49	5
MALICIOUS INJURY TO PROPERTY.																													
Causing Injury to Property .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Cruelty to Animals	6	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	7	..
Total	6	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	7	..
AGAINST PROPERTY.																													
Theft of Stock or Produce	6	..	1	..	1	..	6	..	..	..	1	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Robbery, Burglary etc	3	..	..	..	3	..	6	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
False Pretences, Rec. Stolen Property .. .. .	..	..	1	..	..	..	2	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Forgery	1	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total	10	..	2	..	4	..	14	..	..	1	..	4	..	..	4	..	..	..	..	..	..	..	..	..	..	..	..	..	..
HIGHWAY, REVENUE AND SOCIAL ECONOMY.																													
Corruption; Nuisances etc.	14	..	4	..	..	..	5	..	..	..	1	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Counterfeiting	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Bankruptcy Ordinance .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Traffic Ordinance	746	2	21	..	..	..	2	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Diseases of Animals	13	..	..	..	..	..	..	..	..	..	..	..	..	..	83	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Game and Game Birds Ordinances	6	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Liquor Ordinances	13	1	6	..	..	..	1	..	..	..	..	..	..	..	5	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Railway and Harbour Ordinances	47	..	3	..	..	..	1	..	..	..	..	..	..	..	4	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Arms and Ammunition	8	..	2	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Shop Hours Ordinance	83	..	..	..	..	..	..	..	..	..	..	..	..	..	7	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Tavern Licences	110	2	2	..	..	..	..	..	..	..	..	..	..	..	5	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Gambling	11	..	1	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Immigration and Vagrancy Ordinances	11	..	..	..	..	..	9	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Weights and Measures	24	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..	13	..	..	..	..	..	..	..	..	..	..	..	..
Public Health	22	..	..	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Local Laws, Proclamations etc.	62	..	8	..	..	..	2	..	..	..	1	..	..	..	15	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total	1,171	5	49	..	..	..	22	..	..	..	8	..	..	..	130	1	13	..	4	..	7	..	..	1,404	6	45	..	107	..
EMPLOYMENT OF NATIVES ORDINANCE																													
REGISTRATION OF DOMESTIC SERVANTS	19	..	4	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total	32	1	4	..	..	..	..	..	..	..	1	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
TOWNSHIP AND MUNICIPAL CORPORATION RULES																													
NATIVE REGISTRATION ORDINANCE.. .. .	302	2	3	..	..	..	..	..	..	..	4	..	..	..	67	1	..	..	1	..	4	..	..	..	381	3	11	..	29
OTHER OFFENCES	5	..	1	..	..	..	2	..	..	..	5	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
ASIATICS TOTAL	1,743	8	64	..	4	..	39	..	1	..	29	1	..	..	244	2	13	..	13	..	11	..	..	2,161	11	114	..	317	5

