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JUDICIAL DEPARTMENT  
ANNUAL REPORT  
1932

# Judicial Department Annual Report

*For the Year 1932*

## PART I—ADMINISTRATION.

### **Changes in and Leave Movements of the European Staff.**

Mr. Justice Thomas went on leave on 4th January and returned on 26th August. Mr. Justice Dickinson went on leave on 5th October. Mr. S. H. Carnelley, Resident Magistrate, was superannuated on 31st December. Mr. F. C. Gamble, Resident Magistrate, acted as Judge at Nairobi from 18th March to 31st December with a break of only twenty days. Mr. C. A. G. Lane, Resident Magistrate, returned from leave on 21st February. Mr. B. V. Shaw, Resident Magistrate, was seconded to the Seychelles from 31st August to 17th September *ad hoc* for the purpose of conducting a civil case there. Mr. R. F. Palethorpe, Resident Magistrate, returned from leave on 10th July and was seconded to the Administration *pro tempore*. Mr. E. G. S. Tisdall was seconded from the Administration as Acting Resident Magistrate, Nairobi, as from 29th August to 22nd September.

### **Changes in the Non-European Staff.**

The following clerks retired during the year under the temporary provisions relating to voluntary retirement:—Mr. U. P. Jikar, Chief Clerical Interpreter; Mr. V. S. d'Mello, 1st Grade Clerk; Mr. P. K. Jhalla, 1st Grade Clerk; Mr. G. N. Amin, 1st Grade Clerk.

The following appointments were terminated during the year:—F. J. Chevalier, Assistant Chief Clerical Interpreter, Milkhi Ram Varma, 3rd Grade Clerk; Nand Kishore Soni and F. X. D'Souza, Asiatic Process Servers. During the year E. D. Mehta was appointed as a temporary clerk, and C. J. A. Noronha as Asiatic Process Server.

### **Changes in the Arab and African Staff.**

The Chief Kathi Mohamed bin Omar retired and Sheikh Suleman bin Ali, Kathi of Mombasa, was appointed Chief Kathi. Felix Manasseh, Frederick Manasseh, Charles Wainaina, Stephen Tegere, and Shariff Mohamed Abdulla were appointed to the establishment, and the appointments of Muson Barek, Simeon Isaiah, Charles Wainaina, Saleh bin Mohamed, Hassan Shekarimdad, Jonathan Nyumu and Stephen Tegere were terminated.

**Health.**

Among the European members of the staff a total of 13 days was lost by absence owing to sickness as against 50 days in the previous year. Among the non-European staff a total of 285 days was lost by absence owing to sickness as compared with 289 in 1931.

**PART II—ORGANIZATION.**

There has been no change in the constitution of Courts since last report. The Courts and their jurisdiction remain as shown on pages 3 and 4 of last annual report (1931). The Northern Frontier and Turkhana Provinces have been created Special Districts within the meaning of sections 14 and 15 of the Criminal Procedure Code and the Provincial Commissioners of these provinces are the officers specially authorized under the latter section. The District Commissioners in the Northern Frontier Province have been given first class powers.

**PART III—SUPREME COURT.**

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

**A—CIVIL CASES.**

			1931		1932
Nairobi	...	...	470	...	363
Mombasa	...	...	162	...	146
Nakuru	...	...	64	...	39
Eldoret	...	...	53	...	32
Kisumu	...	...	12	...	5
			<hr/>		<hr/>
			761		585
			<hr/>		<hr/>

**B—PROBATE AND ADMINISTRATION CAUSES.**

			1931		1932
Nairobi	...	...	89	...	117
Mombasa	...	...	52	...	32
Kisumu	...	...	21	...	10
Eldoret	...	...	9	...	8
Nakuru	...	...	5	...	6
			<hr/>		<hr/>
			176		173
			<hr/>		<hr/>

## C—BANKRUPTCY CAUSES.

			1931		1932
Nairobi	...	...	106	...	60
Mombasa	...	...	22	...	12
			<hr/>		<hr/>
			128		72
			<hr/>		<hr/>

## D—TRUST CAUSES.

			1931		1932
Nairobi	...	...	2	...	1
Mombasa	...	...	6	...	4
			<hr/>		<hr/>
			8		5
			<hr/>		<hr/>

## E—DIVORCE CAUSES.

			1931		1932
Nairobi	...	...	20	...	29
Mombasa	...	...	6	...	1
Eldoret	...	...	4	...	3
Nakuru	...	...	—	...	1
Kisumu	...	...	2	...	1
			<hr/>		<hr/>
			32		35
			<hr/>		<hr/>

## F—CIVIL APPEALS.

Forty-nine civil appeals were filed, of which 27 were dismissed and 7 allowed in whole or part. The remainder were pending or remitted for trial.

## G—CRIMINAL APPEALS.

Thirty-five criminal appeals came before the Supreme Court, of which 21 were dismissed or withdrawn; 12 allowed in whole or part, and the remainder were pending.

## H—CRIMINAL REVISION.

One hundred and eighty-one cases were before the Court, and in 103 cases retrials were ordered or the judgment varied; in 76 cases sentences were reversed and two 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 812, involving 1,041 persons, and 1,093 convictions, as follows :—

	<i>Offences against</i>		<i>Other Offences</i>
	<i>Person</i>	<i>Property</i>	
Confirmed without alteration ...	84	762	53
Reduced ...	5	65	10
Retrial Ordered ...	3	36	2
Acquittal Ordered	5	52	11
Sentence increased	—	5	—
	—	—	—
	97	920	76
	—	—	—

J—ORIGINAL CRIMINAL CASES.

The number of Criminal Cases committed for trial to the Supreme Court aggregated 171, involving 236 charges against 223 individuals. These figures compare with 175 cases and 312 charges during 1931.

The following table shows the details of cases disposed of in 1932 including those carried forward from 1931 :—

**TABLE I.**  
CHARGES BROUGHT FOR TRIAL IN THE SUPREME COURT

CRIME	Convictions		Acquittals		Discharges	
	M.	F.	M.	F.	M.	F.
<b>EUROPEANS.</b>						
Offences against the Person ..	5	..	..	..	2	..
Offences against Property ..	4	..	5	..	1	..
Total .. ..	9	..	5	..	3	..
<b>ASIATICS.</b>						
Offences against the Person ..	4	..	..	..	1	..
Malicious Injury to Property ..	..	..	1	..	..	..
Offences against Property ..	..	..	..	..	1	..
Offences under Highway, Revenue and Social Economy .. .. .	2	..	1	..	..	..
Total .. ..	6	..	2	..	2	..
<b>NATIVES.</b>						
Offences against the Person ..	180	3	37	3	29	1
Stock and Produce Theft Ordinance .. .. .	1	..	..	..	..	..
Offences against Property ..	1	..	..	..	..	..
Total .. ..	182	3	37	3	29	1
<b>GRAND TOTAL</b> ..	<b>197</b>	<b>3</b>	<b>44</b>	<b>3</b>	<b>34</b>	<b>1</b>
	200		47		35	
	282					

**Punishments.**

<b>EUROPEANS—</b>						
Fined .. .. .	..	..	..	..	1	
Peremptory Imprisonment .. .. .	..	..	..	..	7	
Death Sentence .. .. .	..	..	..	..	1	
					9	
<b>ASIATICS—</b>						
Peremptory Imprisonment .. .. .	..	..	..	..	6	
					6	
<b>NATIVES—</b>						
Detention Camp .. .. .	..	..	..	..	4	
Peremptory Imprisonment .. .. .	..	..	..	..	55	
Whipping with Fine or Imprisonment or both ..	..	..	..	..	14	
Whipping .. .. .	..	..	..	..	1	
Bound Over or otherwise Disposed of ..	..	..	..	..	4	
Death Sentences .. .. .	..	..	..	..	91	
Detained Pending His Excellency's Orders ..	..	..	..	..	16	
					185	
					200	

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**

	1932	1931	1930	1929	1928
Murder .. .. .	108	43	26	26	35
Manslaughter .. .. .	34	43	41	38	13
Attempted murder and suicides ..	5	11	3	3	6
Rape .. .. .	19	12	30	31	28
Attempted rape .. .. .	3	5	2	5	8
Unnatural crime .. .. .	1	1	..	..	1
Other offences against the person ..	22	10	12	15	39
Stock theft .. .. .	1	1	..	5	..
Other offences against property ..	5	6	19	7	17
Other offences .. .. .	2	6	6	1	3
<b>Total Number of Convictions in the Supreme Court ..</b>	<b>200</b>	<b>138</b>	<b>139</b>	<b>131</b>	<b>150</b>

**Juveniles.**

Seventeen juveniles were convicted by the Supreme Court for offences against the person. Of these two were convicted for an offence against morality and sentenced to whipping with fine or imprisonment or both; fourteen for murder or manslaughter, three were sentenced to detention camp, eleven to be detained pending the Governor's orders; and one for assault, sentenced to detention camp.

*Death Sentences*

The death sentence was passed on ninety-two persons. Of these persons twenty-two were hanged during the year. The following table shows the details of the persons sentenced to death, including those pending in 1931 and the ultimate result as at 31st December, 1932. This compares with thirty-six sentenced to death in 1931. The increase is due to one case (No. 175 of 1931) in which sixty accused persons were convicted for beating an alleged witch to death.

RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1932

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
75/31	Okumu s/o Odako ..	Native male	Death	28-8-31	Dismissed	23-12-31	Hanged	
83/31	1. Chepto a. Kaisomo alias Chepkiso .. ..	"	"	11-8-31	21-12-31	..	..	Accused No. 1—Sentence commuted by the Governor's order on 7-1-32 to three years H.L.
	2. Ngumba s/o Kaseko alias Mohamed .. ..	"	"	11-8-31	21-12-31	..	..	Accused No. 2—Sentence commuted by the Governor's order on 7-1-32 to ten years H.L.
84/31	Wanyama Eroba M. M. Luvagaia .. ..	"	"	30-12-31	21-3-32	12-4-32	30-4-32	
104/31	Wainaina Ngabora ..	"	"	14-8-31	21-12-31	2-1-32	11-1-32	
106/31	Kingori s/o Kibiro alias Nyamu .. ..	"	"	6-11-31	21-12-31	2-1-32	11-1-32	
111/31	1. Rubenyi s/o Ogotu ..	"	"	24-9-31	8-12-31	23-12-31	9-1-32	
	2. Torione s/o Ngwale ..	"	"	24-9-31	8-12-31	23-12-31	9-1-32	
	3. Mafuta s/o Teringuthing	"	"	24-9-31	8-12-31	23-12-31	8-1-32	
117/31	Kipsang a. Tembor ..	"	"	27-8-31	8-12-31	23-12-31	2-1-32	
121/31	Kimotho wa Wanjohi ..	"	"	19-9-31	8-12-31	24-12-31	8-1-32	
124/31	Melilo arap Chepangurur	"	"	6-10-31	9-12-31	23-12-31	9-1-32	
135/31	Nyamwoko w/o Abisi ..	Native female	"	24-11-31	21-3-32	..	..	Sentence commuted to ten years H.L. by the Governor on 13-4-32.

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RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1932—(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
137/31	1. Ali s/o Wahafa ..	Somali male	Death	24-10-31	Dismissed	5-1-32	Hanged	
	2. Mohamed Aden ..	"	"	24-10-31	21-12-31	2-1-32	16-1-32	
139/31	Wambogo wa Murenyeri ..	Native male	"	7-10-31	9-12-31	23-12-31	8-1-32	
140/31	Sabakaki s/o Tufani ..	"	"	5-11-31	16-12-31	2-1-32	11-1-32	
165/31	Mwololo s/o Munyinyi ..	"	"	4-1-32	21-3-32	12-4-32	25-4-32	
167/31	Wacho Abdi ..	"	"	18-1-32	21-3-32	12-4-32	23-4-32	
168/31	Okoto Debaso ..	"	"	18-1-32	21-3-32	12-4-32	23-4-32	
175/31	1. Kumwaka wa Mulumbi ..	"	"	5-2-32	26-3-32	..	..	Sentence commuted on 4-4-32 by the Governor to three years H.L.
	2. Ndunga wa Muli ..	"	"	"	"	..	..	Sentence commuted on 4-4-32 by the Governor to 6 months H.L.
	3. Kimomdiu wa Muli ..	"	"	"	"	..	..	ditto.
	4. Musongo wa Ibuti ..	"	"	"	"	..	..	ditto.
	5. Mbeba wa Mataba ..	"	"	"	"	..	..	ditto.
	6. Kabila wa Kunyalita ..	"	"	"	"	..	..	ditto.
	7. Kithuka wa Mulili ..	"	"	"	"	..	..	ditto.
	8. Kitali wa Muluu ..	"	"	"	"	..	..	ditto.
	9. Mutinda wa Ndolo ..	"	"	"	"	..	..	ditto.
	10. Kithung wa Munuku ..	"	"	"	"	..	..	ditto.
	11. Nzinza wa Ibuti ..	"	"	"	"	..	..	ditto.
	12. Makau wa Mutio ..	"	"	"	"	..	..	ditto.
	13. Musoo wa Nzwili ..	"	"	"	"	..	..	ditto.
	14. Mangili wa Sunza ..	"	"	"	"	..	..	ditto.
	15. Kilonzo wa Ibuti ..	"	"	"	"	..	..	ditto.

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RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1932—(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
16.	Nguta wa Mataba ..	Native male	Death	5-2-32	Dismissed 26-3-32	..	..	Sentence commuted on 4-4-32 by the Governor to 6 months H.L.
17.	Munyoki wa Mboni..	"	"	"	"	"	"	ditto.
18.	Ngumba wa Ndibo ..	"	"	"	"	"	"	ditto.
19.	Nyanzuu wa Nthwi..	"	"	"	"	"	"	ditto.
20.	Kyala wa Mutiauviu..	"	"	"	"	"	"	ditto.
21.	Malu wa Mytaba ..	"	"	"	"	"	"	ditto.
22.	Nzeki wa Mabi ..	"	"	"	"	"	"	ditto.
23.	Musioka wa Nzama..	"	"	"	"	"	"	ditto.
24.	Kilongo wa Makau ..	"	"	"	"	"	"	ditto.
25.	Kasolo wa Malili ..	"	"	"	"	"	"	ditto.
26.	Mboya wa Kyalo ..	"	"	"	"	"	"	ditto.
27.	Mwange wa Kinyae..	"	"	"	"	"	"	ditto.
28.	Kayalo wa Musyimi..	"	"	"	"	"	"	ditto.
29.	Ngaa wa Kanyasia ..	"	"	"	"	"	"	ditto.
30.	Nzubi wa Kinyae ..	"	"	"	"	"	"	ditto.
31.	Mailu wa Mabubi ..	"	"	"	"	"	"	ditto.
32.	Ndanangi wa Maketi..	"	"	"	"	"	"	ditto.
33.	Muthomi wa Musomba	"	"	"	"	"	"	ditto.
34.	Mailu wa Ngilla ..	"	"	"	"	"	"	ditto.
35.	Mukunda wa Mbatha	"	"	"	"	"	"	ditto.
36.	Nzioka wa Mutio ..	"	"	"	"	"	"	ditto.
37.	Nyalo wa Masyula..	"	"	"	"	"	"	ditto.

RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1932—(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 Confirma- tion by H.E. the Governor	Manner and date of Execution	Remarks
38.	Kisabi wa Nzioki ..	Native male	Death	5-2-32	Dismissed 26-3-32	..	..	Sentence commuted on 4-4-32 by the Governor to 6 months H.L.
39.	Mutinda wa Simba ..	"	"	"	"	..	..	ditto.
40.	Wambua wa Simba ..	"	"	"	"	..	..	ditto.
41.	Maweu wa Masya ..	"	"	"	"	..	..	ditto.
42.	Mbani wa Mwanika..	"	"	"	"	..	..	ditto.
43.	Mutinda wa Mbondo..	"	"	"	"	..	..	ditto.
44.	Mulandi wa Mbondo..	"	"	"	"	..	..	ditto.
45.	Makau wa Ngilla ..	"	"	"	"	..	..	ditto.
46.	Maitha wa Kilunjia ..	"	"	"	"	..	..	ditto.
47.	Eliu wa Kabita ..	"	"	"	"	..	..	ditto.
48.	Nthesu wa Kiliku ..	"	"	"	"	..	..	ditto.
49.	Tumbo wa Silla ..	"	"	"	"	..	..	ditto.
50.	Nyengo wa Kilabi ..	"	"	"	"	..	..	ditto.
51.	Kimbe wa Maweu ..	"	"	"	"	..	..	ditto.
52.	Kalli wa Ngao ..	"	"	"	"	..	..	ditto.
53.	Maitha wa Ngao ..	"	"	"	"	..	..	ditto.
54.	Salimu wa Nzioki ..	"	"	"	"	..	..	ditto.
55.	Kyondi wa Manthi ..	"	"	"	"	..	..	ditto.
56.	Mukunga wa Ndambuki	"	"	"	"	..	..	ditto.
57.	Mwilu wa Ndambuki..	"	"	"	"	..	..	ditto.
58.	Kithoki wa Ndambuki	"	"	"	"	..	..	ditto.
59.	Kingoku wa Kitolo ..	"	"	"	"	..	..	ditto.
60.	Kiloi wa Kitolo ..	"	"	"	"	..	..	ditto.

RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1932—(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
4/32	Odeya s/o Nyambone ..	Native male	Death	3-3-32	Dismissed 13-6-32	..	..	Sentence commuted to imprisonment for life with H.L. by the Governor on 8-7-32.
5/32	Amulala s/o Akoti ..	"	"	2-2-32	21-3-32	..	..	Sentence commuted to 15 years H.L. by the Governor on 13-4-32.
6/32	Mutiso wa Muwania ..	"	"	5-2-32	21-3-32	12-4-32	Hanged 25-4-32	
11/32	Buba s/o Mugane ..	"	"	9-3-32	15-6-32	5-7-32	19-7-32	
15/32	Waita wa Ngunga ..	"	"	10-3-32	15-6-32	5-7-32	16-7-32	
21/32	Karia arap Suge ..	"	"	10-3-32	13-5-32	..	..	Sentence commuted to 15 years H.L. by the Governor on 6-7-32.
26/32	Andrea Heka s/o Murange	"	"	16-3-32	2-7-32	25-7-32	13-8-32	
29/32	Kimission a. Kibossan ..	"	"	16-2-32	21-3-32	..	..	Sentence commuted to five years H.L. by the Governor on 13-4-32.
33/32	Bere s/o Chebukoris ..	"	"	9-3-32	2-7-32	..	..	Accused found insane. Conviction and sentence set aside. On 18-7-32 accused confined in Mathari Mental Hospital during His Excellency's pleasure.
59/32	Ogonji Dianga .. ..	"	"	21-5-32	26-6-32	5-7-32	19-7-32	

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RETURN OF CAPITAL SENTENCES AND EXECUTIONS FOR THE YEAR 1932—(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
60/32	Thuku wa Waithaka ..	Native male	Death	9-5-32	..	..	..	Sentence commuted to imprisonment for life with H.L. by the Governor on 6-7-32.
75/32	Toya s/o Mamure ..	"	"	16-8-32	Dismissed	All pending	..	Pending.
79/32	Masuri s/o Lasena ..	"	"	5-9-32	5-12-32		..	"
80/32	Ziro wa Mao ..	"	"	17-8-32	6-12-32		..	"
83/32	Nyansu s/o Mwita ..	"	"	25-8-32	5-12-32		..	"
85/32	Naitale Wero Lokobo alias Loyamorok Alemelorat wero Lokobo ..	"	"	10-11-32	20-12-32		..	"
95/32	1. Kipkorir arap Chemwor	"	"	2-9-32	5-12-32		..	"
	2. Kipkoske arap Nandi..	"	"	2-9-32	5-12-32		..	"
97/32	Kimbatu s/o Okelo ..	"	"	30-8-32	6-12-32		..	"
103/32	Atonga s/o Mantu ..	"	"	30-8-32	6-12-32		..	"
104/32	Waiswa s/o Mitala ..	"	"	5-9-32	5-12-32		..	"
115/32	Musa Misnago s/o Mugeta	"	"	24-11-32	28-12-32		..	"
117/32	Juma bin Mzee ..	"	"	16-11-32	21-12-32		..	"
125/32	Wafula s/o Sitati ..	"	"	18-11-32	..		..	..
128/32	Mabinga s/o Libale ..	"	"	17-11-32	20-12-32	All pending	..	Pending.
129/32	Ruwa s/o Mwarua ..	"	"	17-11-32	20-12-32		..	"
133/32	Charles William Ross ..	European m.	"	1-12-32	29-12-32	..	..	"
139/32	Chelugoye arap Sang ..	Native male	"	26-11-32	..	..	..	Appeal allowed 28-12-32. Accused released.
141/32	Osoo s/o Ongina ..	"	"	26-11-32	..	..	..	Appeal pending.

## K—SCHEDULE OF SUPREME COURT CASES.

The details of cases filed in the Supreme Court in 1932, compared with the four previous years, are as follows:—

	1928	1929	1930	1931	1932
<b>ORIGINAL CIVIL CASES:</b>					
Filed at Nairobi ..	515	380	440	470	363
"   Mombasa ..	135	145	134	162	146
"   other District Registries ..	140	139	133	129	76
*Divorce Causes ..	..	..	..	32	35
Probate and Administration Causes ..	213	217	173	176	173
Bankruptcy Causes ..	110	91	141	128	72
Trust Causes ..	4	3	3	8	5
Civil Appeal from Subordinate Courts ..	44	55	44	50	49
<b>ORIGINAL CRIMINAL CASES</b> ..	162	169	173	175	171
Criminal Appeals from Subordinate Courts ..	28	49	69	65	35
Criminal Confirmation Cases ..	824	659	626	680	812
Criminal Revision Cases ..	148	130	46	89	181
<b>TOTAL CASES..</b>	<b>2,343</b>	<b>2,011</b>	<b>2,037</b>	<b>2,164</b>	<b>2,118</b>

\*Figures for years 1928 to 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 perusal of monthly returns.

**Rules of Court.**

During the year Rules of Court were promulgated relating to:—(1) Expert witnesses' remuneration fees; (2) Divorce; (3) Deeds of Arrangements; (4) Court Fees (Amendment) (Shorthand Writers); (5) Mortgage Suits; (6) Attachment and Sale of Property; (7) Advocates' Remuneration and Taxation of Costs (Amendment). Amendments were made to the Civil Procedure Rules, and the Bankruptcy Rules were amended relating to Court Brokers' charges. Reciprocity Rules under the Bankruptcy Ordinance were introduced.

### **Circulars to Magistrates.**

Circulars to Magistrates were issued on the following subjects: (1) Economy; (2) Raw Opium; (3) Corporal Punishment; (4) Criminal Procedure Code (sections 154, 184, 215 and 224); (5) Civil Process (Execution by Police); (6) Peremptory Imprisonment; (7) Observation of Alleged Lunatics; (8) Raising of Attachments; (9) Criminal Procedure Code (section 195); (10) Service Fees in Zanzibar (11) Caning; (12) The Indian Lunatic Asylums Act, 1858.

### **Travelling.**

During the year a total of 8,702 miles was traversed, of which 5,215 miles were by rail, 2,717 miles by car, and 770 miles by sea, and the places visited once were: Kitale, Moyale, Kampala, Mombasa and Dar es Salaam; Nyeri was visited three times, and Eldoret, Nakuru and Kisumu four times.

### **Court of Appeal for Eastern Africa.**

His Majesty's Court of Appeal for Eastern Africa held four ordinary and two special sessions during the year. The total number of appeals filed was 245, of which Kenya's total was 136—29 Civil and 107 Criminal. Kenya's proportion of appeals allowed was 4 Criminal and 12 Civil; appeals dismissed 102 Criminal and 11 Civil, and 6 Civil and 1 Criminal pending. At Kampala 115 appeals were heard; at Mombasa 42 were heard; at Dar es Salaam 26 were heard; and at Nairobi 60 were heard. Seven appeals were pending at the end of the year.

### **Advocates.**

The number of advocates who renewed their practising certificates or were admitted in 1932 was 68, including Government law officers, representing no change on the 1931 figures. Seven native vakils were licensed to practice in native subordinate courts. Fourteen commissioners for oaths and 22 notaries public were in practice in 1932.

### **Law Examination for Administrative Officers.**

Three law examinations were held during the year and seventeen candidates passed.

### **Revenue.**

The total revenue collected by the Supreme Court and Resident Magistrates' Courts under various heads for 1932 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**

	1928	1929	1930	1931	1932
	<i>Sh. cts.</i>	<i>Sh. cts.</i>	<i>Sh. cts.</i>	<i>Sh. cts.</i>	<i>Sh. cts.</i>
Court Fees .. .. .	398,236 34	375,654 11	445,808 78	493,369 19	340,009 67*
Court of Appeal for Eastern Africa Fees	11,434 90	20,413 95	20,560 00	17,332 20	23,397 10
Fines .. .. .	660,927 89	667,026 70	595,713 36	452,611 78	111,322 09*
Interest .. .. .	..	18,056 89	5,634 00	243 00	6,986 00
Legal Practitioners Fees .. .. .	3,780 00	5,730 00	6,040 00	6,220 00	6,009 00
Sale of Law Reports etc. . . . .	138 80	1,255 30	62 52	422 25	775 60
Costs of Crown Prosecutions .. .. .	..	..	252 00	341 00	..
Unclaimed and Confiscated Goods ..	21 70	65 75	124 00	27 65	144 65
Unclaimed Deposits .. .. .	..	29,061 20	1,656 53	14,653 98	33,021 22
Legal Library Subscriptions and Locker Fees .. .. .	1,030 00	1,392 00	1,494 00	1,750 00	2,075 00
Commissioners for Oaths .. .. .	..	60 00	90 00	..	..
Notaries Public Fees .. .. .	2,300 00	2,260 00	2,260 00	1,860 00	1,860 00
Estate Duty Fees .. .. .	7,020 00	100 00	..	..	..
Sundry .. .. .	..	..	..	45 25	337 15
<b>TOTAL ..</b>	<b>1,084,889 63</b>	<b>1,121,075 90</b>	<b>1,079,695 19</b>	<b>988,876 30</b>	<b>525,937 48</b>

\* 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 :—

	1929	1930	1931	1932
<b>NAIROBI—</b>				
Civil Cases filed . . . . .	4,391	5,156	5,328	4,848
Criminal Cases filed . . . . .	6,825	8,358	6,152	6,323
<b>MOMBASA —</b>				
Civil Cases filed . . . . .	1,434	2,107	2,418	2,770
Criminal Cases filed . . . . .	3,414	3,587	3,601	3,292
<b>NAKURU—</b>				
Civil Cases filed . . . . .	810	905	1,038	774
Criminal Cases filed . . . . .	2,637	4,052	3,675	3,931
<b>KISUMU—</b>				
Civil Cases filed . . . . .	606	737	727	638
Criminal Cases filed . . . . .	1,687	2,100	3,166	2,457
<b>ELI-ORET—</b>				
Civil Cases filed . . . . .	891	707	810	718
Criminal Cases filed . . . . .	2,533	3,954	4,648	3,973
TOTAL . . . . .	25,228	31,663	31,563	29,724

**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 (13,334) shows a decrease of 939 as compared with the previous year.

RETURN OF CIVIL CASES TRIED IN THE COLONY AND  
PROTECTORATE OF KENYA DURING THE YEAR 1932, 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	75	18	..	3	96
Masai Province .. ..	90	26	..	2	118
Kikuyu Province .. ..	3,669	1,920	176	84	5,849
Turkana Province .. ..	24	..	..	1	25
Nyanza Province .. ..	637	339	1	24	1,001
Coast Province .. ..	3,134	815	75	64	4,088
Ukamba Province .. ..	150	24	..	5	179
Nzoia Province .. ..	622	327	18	10	977
Rift Valley Province ..	624	290	25	62	1,001
TOTAL..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
1928..	7,158	4,537	336	212	12,243

C—NATIVE SUBORDINATE COURTS.

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

**General Criminal Work.**

A total of 46,051 convictions was recorded in the Subordinate Courts and the following comparative table shows the comparison for the last four years. The figure represents an increase of 2,140 convictions over 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.

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

	1932	1931	1930	1929
Offences against the Person ..	1,049	1,130	1,231	910
Malicious Injury to Property and Cruelty to Animals .. ..	152	220	208	173
Offences under Stock and Produce Theft Ordinance .. ..	1,441	820	787	917
Offences against Property..	3,192	3,175	2,783	2,537
Highway, Revenue and Social Economy .. ..	15,004	13,742	10,948	
Offences against Township and Municipal Corporation Rules	8,927	9,991	8,275	
Offences against Native Registration Ordinance.. ..	5,289	5,682	5,069	22,449
Offences against Hut and Poll Tax Ordinance .. ..	7,583	4,637	4,417	
Offences against Employment of Natives Ordinance .. ..	1,626	2,434	1,614	1,492
Offences against Resident Native Labourers Ordinance.. ..	1,363	1,260	903	901
Other Offences .. ..	425	820	488	404
<b>TOTAL CONVICTIONS ..</b>	<b>46,051</b>	<b>43,911</b>	<b>36,723*</b>	<b>29,783*</b>

\*Includes Supreme Court.

**Punishments.**

The following table compares the sentences with those inflicted in 1931.

SENTENCES	1932	1931
Fine .. .. .	13,938	18,215
Detention camp in default of payment of fine or surety .. .. .	10,187	7,360
Imprisonment in default of fine or surety.. ..	1,843	1,555
Fine and detention camp .. .. .	393	319
Fine and peremptory imprisonment .. .. .	1,329	965
Detention camp .. .. .	3,388	4,022
Peremptory imprisonment .. .. .	3,911	3,832
Whipping with fine or imprisonment or both ..	88	100
Whipping .. .. .	304	331
Whipping with fine or detention camp or both..	33	14
Bound over or otherwise disposed of ; Cautioned ; Repatriated .. .. .	6,115	5,400
Other punishments ; Tax or Compensation ; Wages paid .. .. .	4,501	1,798
Detained pending Governor's Orders .. ..	4	—
Committed to prison for failing to find security..	7	—
	<b>46,051</b>	<b>43,911</b>

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.
1927	23,112	448	1.93
1928	21,380	439	2.05
1929	25,772	435	1.69
1930	32,600	450	1.38
1931	*41,585	445	1.07
1932	*44,254	430	0.97

\* Includes Asiatics

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

#### General Remarks as to Crime.

Owing to the necessity for economy and as the appendix is comprehensive, it is not considered necessary to comment further on the various aspects of the report in its relation to offences, nor to the sex or age of offenders.

J. W. BARTH,  
*Chief Justice.*

Nairobi,  
27th February, 1933.







