

1923

KENYA

36

36663
REC'D
23 JUL 1923

FROM

GOV'S DEPUTY
NORTHCOTE

1034

DATE

3RD JULY 1923

FOR CIRCULATION

Mr. *[Signature]*

Mr.

Mr.

Asst. U.S. of S.

[Signature]

25/7/23

X Perm^t U.S. of S. ✓

Part^r U.S. of S.

Secretary of State.

SUBJECT

MURDER CHARGE

AGAINST MR JASPER ABRAHAM & THREE NATIVES

Fwd certified copy of case file. Mr Abraham has been released on bail. Trial by Supreme Court expected to take place in Aug.

Previous Paper

B.6

33029

MINUTES

The only question at this moment is whether we should communicate the result to the Ministry of Justice. He has had full letters from his own & has seen the press report of the Magisterial hearing.

The S of S would as soon as possible send anything possible, but he doubts whether this is possible (it is being a Court record?) referring as Mr. Diggins, of the 'Herald's' firm of correspondents is in England.

[Signature]

[Signature]

Subsequent Paper

H. G. C.
33800

1.0

Appt: from one or two former documents - this is really only a copy of the depositions - is the evidence given in open Court.

The accused of course is entitled to a copy & if desired, I do not think there is any objection to sending them S.O. to the Bishop for personal review.

4-3 24/7

The Bp must be already aware of the material fact - I will not add to his trouble by sending him these numerous details.

Pithy

H. J. R.

25/5/23

has been

given with his hand

let you see what

20.8

4-3 1.5

KENYA.

No. 1054.



30063

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

3rd July, 1923.

37

My Lord Duke,

With reference to my telegram No. 180 of the 25th June, I have the honour to transmit for Your Grace's information a certified copy of the case file of the preliminary proceedings against Mr. Jasper Abraham and 3 Natives from which Your Grace will observe that all the accused were committed for trial on a charge of murder.

2. Mr. Abraham has been released on bail of his cash bond for £100 and one surety for £100. The other accused persons are in custody on remand.

3. It is expected that the trial by the Supreme Court will take place in August.

I have the honour to be,

My Lord Duke,

Your Grace's most devoted
and most obedient servant,

J. H. ...
GOVERNOR'S DEPUTY.

HIS GRACE

THE DUKE OF DEVONSHIRE, K.G., P.C., G.C.M.G., G.C.V.O.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S. W.

32000

Court Case
File.

COLONY AND PROTECTORATE OF KENYA.

In the 4 Class Subordinate Court 38

at Nakuru

Supreme Court Criminal Case No. 73/23
CRIMINAL CASE No. 7341 of 1923.

Prosecutor { Chow
through Police

Accused ...
1. J. Abraham
2. Primesu arap Killet
3. Chuma arap Chebule
4. Barichi arap Chuma

Date of Issue 13 - 6 - 23

Date of Hearing 20 6 23

Charge Murder Section 302 I.P.C.

Judgment: Convicted for trial by Supreme Court.

I certify this is a true copy of the original.

[Signature]
Registrar,
Supreme Court.

13-6-23.

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Accused No 1 remanded till 20th instant at 10 a.m. to be released on his cash bond of Shs. 2000/- and one surety for Shs. 2000/-.

(Sd) H. Pedraza.

Nos. 2, 3 and 4 remanded till 20th instant at 10 a.m.

(Sd) H. Pedraza,

1st Class Magistrate.

13-6-23.

Case transferred under section 154(1) C.P.C. to II Class Magistrate, Nakuru.

(Sd) H. Pedraza,

1st Class Magistrate,

20-6-23.

Assistant Resident Commissioner's II Class Court Nakuru.

Prosecutor - Crown through Police.

versus

Accused.

- (1) J. Abraham.
- (2) Kemusu Arap Kiliel, Lumbwa.
- (3) Chuma Arap Chesale.
- (4) Baricht Arap Chumia.

20-6-23.

All four Accused are represented by Mr. F. Hopley and are present in Court.

Akari Kimari arap Cheskella, Nandi, duly sworn to interpret correctly.

(Sd) J. Gerald Hopkins.

2nd Magistrate.

Assistant Superintendent H. P. Ries states that he has superintended the investigation and asks for leave to prosecute.

Mr. Hopley has no objection and permission is granted.

(Sd) J. Gerald Hopkins.

2nd Magistrate.

witness.

LEW. 153869 KIBRONG ARAP BOH, Lumbwa, pagan, states on affirmation:-

I am a herder in the employ of Mr. Abraham. I remember

remember a Sunday about 10 days ago my master called some natives they were Arap Kille, Arap Chebale and Arap Chuma the three Accused natives, he called them to come and catch hold of a man named Kitosh which they did and he was beaten by the Swana (indicating 1st Accused) with a rein. This was the rein. He caught hold of it like this, (witness illustrates showing that the ends of the rein were held so that the man would have been beaten with the loop and not with the knotted ends. (Id) J.G.H.). I do not know how to count precisely and I do not know how many times deceased Kitosh was beaten but the Swana went on until he was tired. While he was being beaten he was being held down by some natives. When the Swana was tired of beating him he called Arap Killel (2nd Accused) and told him to beat him. Arap Killel beat him a little and then the Swana told him to stop. I do not know how many times he hit him. After Arap Killel had finished he (1st Accused) called Arap Chuma (4th Accused) and he beat him a little. When Arap Chuma had finished beating him he (Arap Chuma) said to the Swana this boy is about to die better leave him, but the Swana said no it is my affair and he then called Arap Chebale (3rd Accused) and he beat him a little. I did not count the strokes, then Kitosh fainted ("fainted" illustrated and explained by witness). At this the Swana sent me and two others to fetch water and we brought seven buckets. After the beating was finished deceased was tied up with three reins like the way with which the beating was done. The water which was brought was poured over Kitosh and then one leg and one hand were loosened from the ropes. When the water was poured over Kitosh he regained consciousness but was unable to get up himself and was helped up by me and Accused 2, 3 and 4. We took him to the Swana's house, he fell down on the floor and the Swana then hit him twice with his fist and kicked him twice. He struck him with his fists over the ribs

ribs on the right side and he kicked him at the back of the head behind the right ear. When he was kicked and hit he was in a sitting position and being held up. He was then assisted by a man to the Swana's house. When we got to the Swana's door I went away and left him with the Swana and the three Accused. The Accused 2, 3 and 4 held the rein, in the same manner as the Swana when they beat Kitosh."

Read over correct and admitted as by witness. Accused wish to reserve their cross-examination.

(Sd) J. Gerald Hopkins,

2nd Magistrate.

mentioned by Court.

The hearing took place about 6 p.m. in the evening.

(Sd) J. Gerald Hopkins,

2nd Magistrate.

witness for Prosecution.

DR. FREDERICK LOUIS HENDERSON, Christian, duly sworn states:-

"I am District Surgeon in Nakuru district. I remember on the 11th instant the body of a native was handed over to me for post mortem examination. The body was handed over to me by this safari (indicating 3rd class Constable Kimuri Arap Chepkalia). This was about 2 p.m. I carried out a post mortem examination and made this report:- (reads). The external examination of the body, rigor mortis was well marked, no sign of decomposition. The abdomen was not extended or swollen. The body was that of a well built adult native, tall, age about 30, with a small black beard. There were two cuts with purple bruises around them on the inner side of the lower lip. In my opinion ante mortem wounds, they were near the middle line. There were a few slight superficial abrasions on the inner side of the right wrist, there was a distinct swelling over the right groin. There were numerous horse-shoe shaped marks with dry blood around them on outer side of the both thighs and buttocks, these marks varied from 1/2" to 1" in diameter. Both thighs and front appeared to be somewhat swollen at the upper part. A

Ex. 1. produced and examined by Court.

2.

Ex. 2. examined by Court.

3.

At the back both buttocks were discoloured, there were swellings of the tissues over the small of the back. There was swelling at the back of the left thigh at its upper part. Internal examination:-

The incision of the buttocks showed that the fat and muscles were severely bruised, the muscles and fat were congested and full of blood. The same condition was found down the back of the left thigh and there was considerable effusion of blood. The muscles and fat in the front of both thighs were bruised and congested with blood down to the middle of the thigh. A considerable amount of blood clot was found in the swelling of the right groin and down the right chord of the testicle. The right testicle was also bruised, a considerable amount of haemorrhage had occurred in the muscles and superficial tissues in the small of the back.

The Heart:-

The heart was somewhat fatty and was empty of blood. No disease of the valve.

Lungs:-

Lungs both right and left were normal.

Stomach:-

The stomach was empty and normal, and intestines both large and small were empty and normal. Liver and Gall bladder were normal.

The Kidneys:-

The right was normal and the left had a very small amount in it.

The Pancreas was normal and bladder was normal and empty, Spleen was slightly enlarged but otherwise normal. The Brain also was normal.

(steps reading 1A/ J.C.H.)

In the absence of any other cause of death I have to conclude that these injuries described above were

the cause of death but I can make no dogmatic statement. I don't know what caused the wounds on the buttocks, externally they are not like the result of any flogging which I have seen. The internal injuries were like those of any bruise. I consider the injuries were severe. I consider this thong (Exhibit No. 1) could have caused the injuries I saw, the end of the looped thong would account for the horse-shoe cuts I saw. This is my report". (Produced)

read over and admitted correct.

(Sd) J. Gerald Hopkins,

2nd Magistrate.

Cross examination reserved.

(Sd) J. Gerald Hopkins,

2nd Magistrate.

A witness for prosecution.

NO. 181. 175812 KIBOR ARAP CHEMOK. Nandi, pagan, states on affirmation:-

"I am a herder of Mr. Abraham. I remember a Sunday evening about 10 days ago. The bwana called me and told me to go and catch hold of a man named Kiteah. I found Kiteah standing in the maize store. I caught him round the waist and the bwana was standing at the door and then called Arap Chebale (2nd Accused) and told him to ask Kiteah who gave him permission to ride on the horse. Kiteah did not make any reply, and the bwana then told me and Arap Chebale to seize him as he wanted to beat him. Kiteah was too strong for us so we called Arap Chuma and the three of us took him outside and put him down and the bwana beat him. I do not know how many times he beat him but it was very many times. I can't point to the thong with which Kiteah was beaten here in Court (indicates Exhibit 1). The bwana held the thong like this (illustrates manner which agrees with what 1st witness showed to Court, 1A/ J.C.H.). He also twisted the thong together, (illustrates how it was twisted as though plaited thus 1A/ J.C.H.). When the bwana got tired of beating

beating he called Arap Killel who beat Kitech but he so became tired and the bwana then called Arap Chuma and he beat him and when he became tired the bwana called Arap Chebale and he beat Kitech who then fainted. Water was sent for - Arap Killel went for it, it was poured over Kitech and while this was being done I went away with Killel. When we were about to leave we noticed Kitech revive on the water being poured over him".

Read over and admitted correct.

Cross examination reserved.

(Ed) J. Gerald Hopkins.

2nd Magistrate.

12.10 p.m. Court adjourned for five minutes.

(Ed) J. Gerald Hopkins,

2nd Magistrate.

12.15. Hearing resumed and all Accused present in Court.

(Ed) J. Gerald Hopkins.

2nd Magistrate.

8. 4th witness for Prosecution.

WALTER HENDERSON SCOTT, Christian, duly sworn, states:-

"I am A.P.C. in charge of Molo Station. On the morning of the 11th I received this letter from Mr. Abraham; it states "a Kitech whom I had flogged on this farm last night died just now. (the letter was written at 4 a.m.) would please come out and investigate". Letter produced and in as Exhibit No. 4 and duly examined by Court. Id/ J.C. 2nd Magistrate).

I wired to Superintendent Nakuru and proceeded to "Kveresoi" myself a distance of 17 miles. I arrived there about 2.30 p.m. on the 11th. On arrival at the farm I informed that the body was in the store next to the house. I proceeded to the store and viewed the body but did not hold an inquest as I had wired to the Superintendent if the doctor could come up. I then collected evidence on completing the same I found there were four Accused

whom I arrested. I received a wire from the Superintendent of Police, Nakuru - per Native askari - stating that the body was to be taken to the Police station at Molo. I then held an examination of the body and filed in an inquest report. I noticed a few sores on the buttocks; when I examined the body it was in the store next to the house. This is the rough plan I made of the position. The body when I examined it was on the back with legs and arms stretched out. Mr. Abraham showed me the body his brother had the key. I found on the body a belt with certificate holder and certificate and thirty two shillings. The certificate showed an endorsement of discharge by the Resident Commissioner Mr. Pedras dated 1-5-23. (Certificate produced and examined by Court. Id/ J.C.H.)

5. produ-
examined.

9.

No. 6 Exa-
ed by Court.

Superintendent

The Assistant Sub Inspector of Police arrived about 6 p.m. I was instructed to sew the body up in a blanket, this I did and handed the body to askari Kimuri Chepkella to take in to Nakuru via Molo. I examined a harness connected with the case, it was a brown harness I looked at about but could see nothing wrong with it. The 3 accused went off with the Assistant Superintendent of Police and an askari and I followed on later with Mr. Abraham. Mr. Abraham gave me every assistance in my investigation.

Read over and admitted correct.

Cross examination reserved.

(Ed) J. Gerald Hopkins.

2nd Magistrate.

20-6-23. Court adjourned until 2.15 this day.

(Ed) J. Gerald Hopkins.

20-6-23. All four accused present in Court.

Hearing resumed 2.15 p.m.

(Ed) J. Gerald Hopkins.

5th witness.

KIMURI ARAP CHEPKOLLA. Pagan states, on affirmation:-

"I am a 3rd grade Constable of the Police at Nakuru. I remember the evening of the 11th. I received the body of deceased Kitoah from H.P.C. Scott. I received it in a basket and brought it to Mele and then on to Nakuru where I delivered it to the doctor about 3 p.m. During the time I was bringing the body to the doctor it was in my possession all the time and I did not leave it".

Q. By Court.

"I received the body about 10 o'clock p.m. on the Monday and it was in my charge until the following day when I handed it over to the Doctor".

Read over and admitted correct.

Cross examination reserved.

(Sd) J. Gerald Hopkins.

2nd Magistrate.

6th witness for Prosecution.

NBI. 6450767 SEFU BIN HANAKOYO, Mahamedan, duly sworn to

"I am Mr. Abraham's house boy. I remember well the evening of 10th of this month. It was Sunday and my master called me and said when you have finished eating I want you to go at 8.30 I took my lamp and went to look after Kitoah. My master told me to go and look after him because he might run away. So I went with the kitchen boy Arap Chepkoros. This was between 8.30 and 9 p.m. When we arrived at the store Makumba (Kitoah) asked for some water. He was tied up, his hands were tied up behind his back and his leg was tied to a stick, he was leaning up against a wall (witness illustrates position). During the night I asked him why he had been beaten and he said "the bwana beat me because I rode his horses".

Mr. Hopley on behalf of Accused objects to this evidence on the ground that it is hearsay. I record his objection but I accept the evidence as a dying statement of Accused. Section 28 Evidence Act.

(Sd) J. Gerald Hopkins.

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Witness continues:-

"During the night also deceased said to me please undo me I have been with beaten with a stick and it has hurt me and I cannot run away and it is night time so I undid the ropes, this was about 2 a.m. He then after I had undone him said "If I had a knife I would kill myself". About 4 a.m. he asked me to take off the bags which were covering him as he was perspiring. He then said that he was about to die and he did die about 4 a.m. Deceased spoke to me in Kiswahili. Arap Chepkoros was present all the time. I then told Arap Chepkoros to go and tell the bwana that the man had died".

Read over and admitted correct.

Cross examination reserved.

(Sd) J. Gerald Hopkins.

2nd Magistrate.

7th witness for Prosecution.

LW. 359627 KIMETIGI ARAP CHEPKOROS: Pagan states on affirmation:-

"I am a kitchen boy of Mr. Abraham. I remember a Sunday evening about 10 days ago. I saw a man being brought to the store by the three Accused natives. The man was walking but was being pushed along. When he got into the store he sat down. The bwana told him to stand but he was unable to do so, so the three natives accused caught hold of him and stood him up. When the man nearly fell over the bwana boxed his ears and then his hands were tied and the bwana told the man not to tie them too tight. About 9 p.m. Kitoah undid his own hands. After he had undone his hands the bwana came and tied him up again, he tied his hands behind his back and also tied up one of his legs. We then went away to cook our food and the bwana said when you have finished come back and look after this man. We looked after him right into the night when he himself loosened the rope on his leg and the boy then tied him up again. About 3 a.m.

3 a.m. I noticed deceased rocking from side to side and then sat up and lay against a sack. About 4 a.m. I heard man groaning and he said he was going to die. When we went he had died the boy who was with me untied the ropes and went and told the brans who came and had a look. I know deceased by the name of Kitch. I do not know who took the body away*.

Head over and admitted correct.

Cross examination reserved.

(Sd) J. Gerald Hopkins,

2nd Magistrate.

13. 5th witness MICHAEL HUBBON ABRAHAM, Christian, duly sworn, states:-
for Prosecution.

"I live out at Mole. Accused No. 1 is my brother. Saturday 9th my brother was ill in bed. I went to see him about 6.15 p.m. and he told me that a neighbour had seen the deceased riding a valuable mare back from the station instead of leading it - on the previous Wednesday. My brother told me he did not intend to touch the boy but would tear up his ticket. I saw the mare on the evening of Wednesday 6th the day on which she was said to have been ridden. She was lame. I inspected her together with Mr. Powell Monday afternoon. I rode the mare myself she had recovered by then. My brother was ill because he had strained himself on Tuesday the 5th by lifting some heavy flax machinery. Sunday evening the 10th I had returned from the Mole Association meeting, and I unsaddled the mare down at the station and walked up towards the store, on getting near I heard noise and when I rounded the corner I saw deceased being beaten with a rein. I stayed there with Mr. Powell about 10 to 12 minutes and then I went on to my own farmhouse my boys. I should say the boy got about 15 to 20 strokes. I should not call it a cruel beating at all. I left the boy was still being beaten. The form the boy was he was given 2 strokes and then asked who gave him

him permission to ride the mare and after the second stroke he said I will tell you whereupon the rein with which he was being beaten was thrown away and sometimes inside the store - then when the boy prevailed and refused to answer, the rein was picked up again and he was beaten again until he said he would reply to the question. This happened a number of times before I went away. I heard the news of the boy's death from my brother about 5.50 on Monday morning the 11th June. I did not go and look at the body which was taken away by the Police. The boy made much noise when he was being beaten but it was not on account of the pain but because he was calling to me in the hope that I would intervene on his behalf. When he was being beaten he was being held down by 4 men, it was getting dark and I could not recognise who the four men were. I did not try to do so. The mare which was ridden by deceased was in foal*.

Head over and admitted correct.

Cross examination reserved.

(Sd) J. Gerald Hopkins,

2nd Magistrate.

A.S.P. Rice for Prosecution wishes to bring evidence to show that Accused No. 1 has been previously warned for beating deceased who was returned to Mr. Abraham's service on the understanding that it did not occur again.

15.

I disavow this evidence as it appears to me to be irrelevant and only likely to prejudice the case of the Accused No. 1.

The prosecution submits this is relevant under section 14 of the Evidence Act as showing a state of mind of Accused. I hold that its reference to the particular matter in question is too remote.

(Sd) J. Gerald Hopkins,

2nd Magistrate.

None of Accused wish to make any statement before charge is framed and all reserve their statements and defence.

(Sd) J. Gerald Hopkins.

2nd Magistrate.

All four Accused are charged with murder of Kitosh under section 300 and punishable under section 302 I.P.C. Charge read over and explained - see charge sheets attached.

(Sd) J. Gerald Hopkins.

2nd Magistrate.

None of the Accused wish to plead now but reserve pleas and defences until such time as their trial shall take place.

(Sd) J. Gerald Hopkins

2nd Magistrate.

Finding reserved until 10 a.m. tomorrow.

Accused No. 1 released on bail as before and Accused Nos. 2, 3 and 4 committed to goal.

(Sd) J. Gerald Hopkins

2nd Class Magistrate

21-6-23. All four Accused present in Court.

F I N D I N G:-

After considering carefully all the evidence before me I am of opinion that it is sufficient to support a charge of culpable homicide amounting to murder in that Accused No. 1, assisted by Accused Nos. 2, 3 and 4, did the act which caused death with the intention of causing such injury as he must have known was likely to cause the death of the boy Kitosh. Mr. Abraham was certainly provoked and deceased but I do not consider the provocation - riding mare which was in goal without permission - was sufficient to constitute a grave and sudden for exception No. 1 to section 300 of I.P.C. to apply - further legal redress for deceased's offence is provided under the Master and Servants' Ordinance 1910. Whether the provocation was grave and sudden enough is however a question of fact which must be settled finally by a jury. All four Accused moreover reserve their defence and as no other evidence has been advanced, therefore, to show that their offence comes under any of the five exceptions to section 300 I.P.C. I must bring in a charge of murder against Accused No. 1 Mr. Abraham. Accused Nos. 2, 3 and 4, though acting under instructions of Accused No. 1 were present at and assisted in the beating which caused the death of Kitosh and so I must bring in the same charge against each of them. I therefore commit all four Accused for trial before the High Court on a charge of murder as defined in section 300 and punishable under section 302 of the Indian Penal Code.

Ordinance 1910. Whether the provocation was grave and sudden enough is however a question of fact which must be settled finally by a jury. All four Accused moreover reserve their defence and as no other evidence has been advanced, therefore, to show that their offence comes under any of the five exceptions to section 300 I.P.C. I must bring in a charge of murder against Accused No. 1 Mr. Abraham. Accused Nos. 2, 3 and 4, though acting under instructions of Accused No. 1 were present at and assisted in the beating which caused the death of Kitosh and so I must bring in the same charge against each of them. I therefore commit all four Accused for trial before the High Court on a charge of murder as defined in section 300 and punishable under section 302 of the Indian Penal Code.

(Sd) J. Gerald Hopkins.

2nd Magistrate.

Mr. Hopley states that a list of witnesses for the defence will be handed with the Registrar of the High Court in due course.

(Sd) J. Gerald Hopkins.

2nd Magistrate.

Accused No. 1 released on bail as before.

" Nos. 2, 3 and 4 committed to custody.

(Sd) J. Gerald Hopkins.

2nd Magistrate.

21-6-23.

(Substance of information in brief)

No. 1 Accused Mr. J. Abraham of Awerisoi upper Molo wrote to Police Molo and informed E.P.C. in charge that a native had died as result of flogging ordered by him. On investigation by E.P.C. Scott and A.S.P. it appears that No. 1 accused gave a flogging with a rein to deceased and

(14)
and then ordered three Lumbwa, 2, 3 and 4 accused to beat
he was then taken to a store and tied up at about 7 p.m.
At 4 a.m. 11th he died. Medical Officer has performed a
mortem examination. Much bruising of buttocks and thighs
was noticed.

(SA) H. P. Rice.

A.S.P.

EAST AFRICA



PROTECTORATE 46

In the A.E.P.'s 2nd Class Court

at MARSABIT

The Crown through Police

Prosecutor:

(A.S.P. Nies).

Plaintiff

versus

Mr. J. Abraham.

Accused.

Defendant.

I John Gerald Hopkins, 2nd Class Magistrate

do hereby charge you Jasper Abraham

that you on or about the 26th June 1923, in Mole District did beat and assault and caused him to be beaten with the intention of causing such bodily injury as you knew was likely to cause death and did thereby cause his death

and thereby committed the offence of culpable homicide amounting to murder

punishable under Section 302 of Ordinance No. of the A.P.C.

and within my cognizance and I hereby direct that you be tried on the said charge.

Dated 26/6/23

(sd) J. GERALD HOPKINS,
2nd Class Magistrate.

EAST AFRICA PROTECTORATE



In the A.S.C.'s 2nd class Court

at NAKURU

THE CROWN through Police.

Prosecutor.

(A.S.P. Rice)

Plaintiff

versus

Shama Arap Chebale.
Sariishi Arap Chuma.
Kinosa Arap Killoh.

ACCUSED.

Defendant.

I, John Gerald Hopkins, 2nd Class Magistrate

do hereby charge you, Shama Arap Chebale;
Sariishi Arap Chuma, and Kinosa Arap Killoh

that you on or about the 10th June 1923, in Mole District, did

in conjunction with three other persons assist in the beating of one
Kinosa and did thereby cause his death

and thereby committed the offence of culpable homicide amounting
to murder

punishable under Section 302 of Ordinance No. of A.F.C.

and within my cognizance and I hereby direct that you be tried on the said charge.

Dated 20th June 1923

(Sd) J. Gerald Hopkins
2nd Class Magistrate

Nakuru, 12-6-23, 3 p.m.

This afternoon at 3 p.m. 12-6-23 I was shown the body of a native at the mortuary at the Native Civil Hospital. I was informed by the A. S. Police Capt. Rice and 3rd class N.P.C. Kimuru Arap Chepkuru that it was the body of Makembo Situma who had died at Upper Mole at 4 a.m. on 11-6-23. I proceeded to examine the body.

(1) EXTERNAL EXAMINATION:-

Rigor mortis well marked. No signs of decomposition. Abdomen not distended or swollen. The body was that of a well built adult native - tall - age about 30 - small black beard. There were two cuts with purple bruises around them on the inner side of the lower lip - in my opinion ante mortem wounds. They were near the middle line. The half lower incisor was missing (no signs of recent extraction).

There were a few slight superficial abrasions on the inner side of the right wrist.

There was a distinct swelling over the right groin.

There were numerous horse-shoe shaped marks - with dried blood around them on the outer side of both thighs and buttocks. These marks varied from $\frac{1}{2}$ " to 1" in diameter. Both thighs in front appeared to be somewhat swollen, at the upper part.

At the back both buttocks were discoloured. There was swelling of the tissues over the small of the back. There was swelling of the back of the left thigh chiefly at its upper part.

(2) INTERNAL EXAMINATION:-

Incision of the buttocks showed that the fat and muscles were severely bruised. The muscles and fat were congested and haemorrhagic. The same condition was found down the back of the left thigh and there was considerable effusion of blood.

EXHIBIT "1" (Contd)

The muscles and fat in front of both thighs were bruised, and congested with blood down to the middle of the thigh.

A considerable amount of blood clot was found in swelling of the right groin and down the right spermatic cord. The right testicle was also oedymatic.

Considerable amount of haemorrhage had occurred in the muscles and superficial tissues of the small of the back.

CHEST: - Heart somewhat fatty - empty of blood. No disease of valves.

Large vessels normal.

LUNGS: Right } normal, beyond slight post mortem.
Left } congestion.

ABDOMEN: - Stomach empty, normal.

Intestines: - Large empty } normal.
Small empty }

Liver: - normal.

Gall bladder: - Normal.

Kidneys: - Right normal, capsule non adherent.
Left normal, capsule non adherent, small of size.

Pancreas: - Normal.

Bladder: - Normal - empty.

Spleen: - slightly enlarged - otherwise normal.

Brain: - Normal.

Testicles: - Right slightly oedymatic.

I can find no disease that I can certify as the cause of death.

(Sd) V. L. Henderson,
District Surgeon,
12-6-23.

EXHIBIT "4"

49

Kharerasi,

Male, 11-6-23.

S.P.S. Scott,

In charge, Police Station,

Mole.

Sir,

I have to report that a Kitosh, whom I had flogged on this farm last night died just now.

Would you please come out and investigate.

Yours faithfully,

(Sd) J. Abraham.

Must have been boy
with slip & slide

200 yds.

RAILWAY → 20 Yards

RAILWAY

→ 300 Yards

RAILWAY

There has been bottom

RAILWAY 2"

