

1938

35208

C0533/496  
KENYA

35208

Returns of Corporal Punishment.

Previous		Mr <sup>Chaitkin</sup> <del>Kamarsky</del>	
		Mr Parkin	12
	1934	Mr East <del>East</del>	
		Mr <del>Cherish</del> <sup>Cherish</sup>	14/11
Subsequent		Mr Eastwood	6
	see 7580/1/39		18/1
	year	1899 X	
	297	7/9	
	304	8/9	
	Mr Parkin	5/9	
	Mr <del>Duncan</del>	14/11/38	
	Mr <del>East</del>	18/9	
	Mr <del>East</del>	18/9	
	R297	28/10	
	Mr Biggs	28/10	
	Mr Parkin	1/11	
	c	4/11	
	R299	4/11	
	C.B.		
	R299	7/11	
	297		
	R98	5/11	
	R99	9/11	

Gov's dep. 503  
 The returns for 1937 in accordance  
 with Regulations

1938

	1936	1937
Adults (Table A)	69	49
Juveniles (Table B)	219	280

The returns have been carefully  
 scrutinised, so in view of the minute  
 of 10/2/38 at -/37 there is no need  
 to examine them carefully again. Only  
 two cases of canines being infected  
 ultra vires occurred in 1937, <sup>as in 1936</sup> ~~as in 1936~~  
 The figures above show that there  
 was a large increase in the number  
 of juveniles caused by order of the court.

? Put by

Clark White

8/9

J. P. [Signature]  
8/9

1 Gov's dep 503  
 The returns for 1937 in accordance  
 with Regulations

	1936	1937
Adults (Table A)	69	49
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The returns have been carefully  
 scrutinised, so in view of the minute  
 of 10/2/38 at -/37 there is no need  
 to examine them carefully again. Only  
 two cases of caning being inflicted  
 ultra vires occurred in 1937, <sup>as in 1936.</sup> ~~at least~~  
 The figures above show that there  
 was a large increase in the number  
 of juveniles cared by order of the Court.

? Put by

Clough White

8/9

J. P. [Signature]  
 8/9

Kenya is not submitting these returns as requested in the Secretary of State's circular of 28th January, 1937. Table A is all right, so are tables C and D, although one return for the two would have sufficed. Table B, however, is not satisfactory.

Colonial Governments were told in the circular despatch that it was not necessary to include in the return of "Court" cases, cases of corporal punishment awarded to juvenile offenders. This was done to save Colonial Secretariats unnecessary duplication of work, since the information was already included in the return asked for in Lord Passfield's circular of 11.9.30. Unfortunately Kenya is one of the very few territories which have not submitted an annual juvenile offenders return in accordance with the request in Lord Passfield's despatch, and table B is not a satisfactory substitute.

From table B it will be seen that as against 220 cases of corporal punishment of juvenile offenders in 1936, there were 280 in 1937, an increase of 60. I think we might ask the Governor for his observations.

I submit draft for conson.

*Mumford*  
24/9. 38.

*The present is hardly an appropriate time to pursue this.*

*Revs. time in a month's time*

*to J. H. J.*  
28/9 atome

*Recirculated as directed in minute of 28/9.*

*J Jackson 29/1*  
28/10

*I agree that we should ask for the separate returns of juvenile offenders, but we need hardly comment on the increase*

*to J. H. J.*  
28/10

*2 V. Kenya 666. 1 Observed. Cons. 7. 11. 38.*

*P.I. Juvenile Offenders*  
*see table B*

*3 Dep J. 752*

*28/12/38*

*Ref. E. states that separate return of juvenile offenders will in future be submitted.*

*Put by*

*C. Clarke, J. H. J.*

*7/1*

*J. H. J.*  
*12/1*

*I attach the vic. dispatches.*  
*No comments.*

*J. H. J.*  
*14. 1. 39.*

*C. Clarke*

*19*  
*atome*

4 Bl. Sec 3p.

11/1/39

corrects reference in No 3.

DESTROYED UNDER STATUTE

Put by  
Clougue

4/1  
atam

~~2/1~~

KENYA  
No. 752



43  
GOVERNMENT HOUSE  
NAIROBI  
KENYA

28 December, 1938.  
C. O. I.

Sir,

With reference to your despatch No. 666 of the 7th November, 1938, commenting upon the returns of corporal punishment awarded in Kenya during the year 1937, I have the honour to express my regret that the terms of Lord Harlech's Circular despatch of the 28th January, 1937, were not strictly adhered to and that cases of corporal punishment awarded to juvenile offenders were included in this Colony's return in error.

2. As regards the separate return relating to the punishment of juvenile offenders asked for in paragraph 6 of Lord Passfield's Circular despatch of the 11th September 1930, it is regretted that owing to a misunderstanding no such separate return has so far been furnished to you in respect of Kenya. *Sed (14)*

The desired information was included in the Judicial Annual Report for 1934 on pages 40, 46 and 57 to 66. Owing to a recommendation by the Expenditure Advisory Committee in paragraph 325 of its Report regarding the curtailment of departmental annual reports the then Chief Justice, Sir Jacob Barth, issued his Annual Report for 1932 with the following statement on page 19:-

" 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".

A return

THE RIGHT HONOURABLE

MALCOLM MACDONALD, M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W. 1.

2.

A return of juvenile offenders is given on page 24 of the Judicial Annual Report for 1932 and since then information has been included in the last page of the Appendix to such Reports.

3. The attention of the Chief Justice has, however, been drawn to the necessity for the submission of a separate return of juvenile offenders as asked for by Lord Passfield and he has arranged for its compilation in the manner you require. The return will be forwarded to you in due course in future years.

I have the honour to be,

Sir,

Your most obedient, humble servant,

*A. W. H. W. S.*

GOVERNOR'S DEPUTY.

38208/36. Kenya.

2/6

C. O.

Mr. Kennedy.

Mr. Bigg.

Mr. Paskin.

Mr. A. J. Dawe.

Mr. H. Moore.

Sir G. Tomlinson.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

*Amad. 3+*  
*1/11/36 4*  
*S.H.*

Downing Street.

September, 1936.

2/10/1936

Sir,

(1)

I have etc. to acknowledge the receipt of your despatch No. 503 of the 1st of September, forwarding returns of corporal punishment awarded in ~~the territory~~ <sup>Kenya</sup> during the year 1937.

DRAFT.

KENYA.

NO. 666.

GOVERNOR.

2. In Lord Harlech's Circular despatch of the 28th of January <sup>1937,</sup> it was pointed out that cases of corporal punishment awarded to juvenile offender need not be included in the return of corporal punishments inflicted by order of the Court, since such cases ~~would~~ <sup>would</sup> already be included in the separate return relating to the punishment of juvenile offenders. ~~The~~ <sup>The</sup> separate return <sup>referred to</sup> ~~above~~ <sup>to</sup> the one asked for in

FURTHER ACTION.

paragraph



Paragraph 6 of Lord Passfield's Circular

despatch of the 11th of September, 1930.

3. <sup>I observe</sup> ~~I observe~~ that ~~no~~ such returns relating to juvenile offenders in Kenya ~~has~~ <sup>have not</sup> so far been furnished by you as requested. ~~The information in Table B in the despatch under acknowledgment~~

~~is not satisfactory since it includes only these cases in which were awarded corporal punishment, and it has not even in respect of these cases given the information desired.~~ <sup>and not all cases of juvenile offenders dealt with by the courts.</sup>

In the circumstances, I shall be obliged if you will arrange for a separate return of <sup>all</sup> cases of juvenile offenders brought before the Courts to be furnished to in <sup>future</sup> ~~the~~ each years. The return should show in tabular form the age and sex of each offender; the nature of the offence and full details of the sentence awarded, together with any remarks which it may be considered desirable to make in any specific case, particularly for example, where it has been found necessary to

impose

C. O.

- Mr.
- Mr.
- Mr.
- Mr. A. J. Davis.
- Sir H. Moore.
- Sir G. Tomlinson.
- Sir J. Shuckburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT.

impose a sentence of imprisonment or detention. It is not necessary for the names of the offenders to be given but each case should be otherwise identified, e.g. by a serial number.

~~4. I observe from table B. that there has been a considerable increase in the number of cases of corporal punishment awarded to juvenile offenders in the year 1937 as compared with <sup>the</sup> previous years, and I shall be obliged if you will furnish me with your observations <sup>to the charge of this matter.</sup> on the matter.~~

I have, etc.

(Signed) MALCOLM MacDONALD.

FURTHER ACTION.

*of 3m 8/14*

paragraph 6 of Lord Passfield's Circular  
despatch of the 11th of September, 1930.

3. <sup>in W office</sup> I observe that ~~no~~ such returns relating  
to juvenile offenders in Kenya ~~has~~<sup>has not</sup> so far been  
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~~in Table B in the despatch under acknowledgment~~

~~is not satisfactory since it includes only~~  
~~these cases of juvenile offenders awarded~~  
~~corporal punishment, and it has not even in~~  
~~respect of these cases given the information~~  
~~desired.~~ <sup>in which were</sup>  
<sup>and not all cases of juvenile offenders</sup>  
<sup>desirable by</sup>  
<sup>the courts.</sup>

In the circumstances, I shall be  
obliged if you will arrange for a separate  
return of <sup>all</sup> cases of juvenile offenders

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C. O.

- Mr.
- Mr.
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- Mr. A. J. Dawe.
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- Sir G. Tomlinson.
- Sir J. Shackburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

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DRAFT.

~~4) I observe from table B.  
that there has been a considerable  
increase in the number of cases of  
corporal punishment awarded to  
juvenile offenders in the year 1937  
as compared with previous years,  
and I shall be obliged if you will  
furnish me with your observations  
on the matter.~~

I have, etc.

(Signed) MALCOLM MacDONALD.

FURTHER ACTION.

*of 30 88514*

KENYA

No. 503



GOVERNMENT HOUSE  
NAIROBI  
KENYA

September, 1938.

Sir,

With reference to the Circular despatch of the 28th January, 1937, from Mr. Ormsby-Gore (now Lord Harlech) regarding the form of returns of Corporal Punishment required to be furnished to you annually in accordance with Colonial Regulation No.155 and Appendix 7 to those Regulations, I have the honour to transmit the accompanying returns in respect of the year 1937.

2. The returns have been carefully scrutinised as requested in paragraph 5 of the despatch under reference and I am advised that in two cases canings inflicted by order of the Courts have been found to be ultra vires.

In one case the Chief Justice has commented as follows:- "The accused was apparently 17 years old and therefore a young person under Ordinance XXII of 1954. This, however, by itself would not justify corporal punishment and the punishment would appear to have been contrary to the law".

As regards the other case, the Chief Justice observes:- "The sentence of caning was ultra vires; the accused was, under Section 20(b), Ordinance XXII/1954, brought before the Court as being a juvenile not under proper care and was treated as such by the Court. Under Section 20 there is no power to award a sentence of

THE RIGHT HONOURABLE  
MALCOLM MACDONALD, M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W. 1

2.

"of caning, but merely to give orders as to custody.

"There is no such power either under  
"Section 21 even if the boy had been dealt with under  
"that section, as he apparently could have been, since  
"he had left the custody of his parents to whom he had  
"previously been consigned.

"As the strokes have been inflicted there  
"is no object in setting aside or altering the sentence;  
"that part relating to custody by the parents is valid".

3. In addition to the two cases referred to  
above, there are three cases in which the sentences of  
caning are of doubtful legality and a test case is  
being taken to clarify the position.

I have the honour to be,

Sir,

Your most obedient, humble servant,

*Arn. Wade*

GOVERNOR'S DEPUTY.

ANALYSIS OF CASES OF CORPORAL PUNISHMENT INFLICTED ON  
ADULTS BY ORDER OF THE COURT FOR THE YEAR ENDING 31ST DECEMBER, 1957.  
1957 - TABLE "A".

No.	"A" Offence	"B" Authority for sentence	"C" number of persons	"D" Average number of strokes	"E" Greatest number of strokes in any one case	"F" Remarks.
1.	Indecent assault	Sec. 127 P.C.	5	14	15	Punishment in all cases with a light cane.
2.	Rape	Sec. 125 P.C.	1	20	20	
3.	Assault causing actual bodily harm	Sec. 229 P.C.	7	11.57	15	
4.	Indecent assault	Sec. 127(1) P.C.	8	13.37	20	
5.	Defilement of a girl under the age of 16 years.	Sec. 128(1) P.C.	4	16.75	20	
6.	Attempted rape	Sec. 124 P.C.	1	12	12	
7.	Rape	Sec. 125 P.C.	3	17.33	20	
8.	Theft	Sec. 252 P.C.	1	8	8	
9.	Unnatural offence	Sec. 145 P.C.	2	9	12	
10.	Attempted robbery	Sec. 275 P.C.	1	15	15	
1.	Robbery with violence	Sec. 272 P.C.	7	11.85	18	
2.	Indecent assault	Sec. 127(2) P.C.	1	6	6	
5.	Having carnal knowledge with a heifer	Sec. 145(2) P.C.	2	16	20	
4.	Indecent assault	Sec. 151/1 P.C.	1	12	12	
5.	Intent to commit felony	Sec. 281 P.C.	1	15	15	
8.	Escape from lawful custody	Sec. 110 P.C.	1	10	10	

ANALYSIS OF CASES OF CORPORAL PUNISHMENT INFLICTED ON  
ADULTS BY ORDER OF THE COURT FOR THE YEAR ENDING 31ST DECEMBER, 1937.

1937 - TABLE "A".

"A"	"B"	"C"	"D"	"E"	"F"	
No.	Offence	Authority for sentence	number of persons	Average number of strokes	Greatest number of strokes in any one case	Remarks.
1.	Indecent assault	Sec. 127 P.C.	5	14	15	Punishment in all cases with a light cane.
2.	Rape	Sec. 125 P.C.	1	20	20	
3.	Assault causing actual bodily harm	Sec. 229 P.C.	7	11.57	15	
4.	Indecent assault	Sec. 127(1) P.C.	8	13.57	20	
5.	Defilement of a girl under the age of 16 years.	Sec. 128(1) P.C.	4	16.75	20	
6.	Attempted rape	Sec. 124 P.C.	1	12	12	
7.	Rape	Sec. 125 P.C.	5	17.33	20	
8.	Theft	Sec. 252 P.C.	1	8	8	
9.	Unnatural offence	Sec. 145 P.C.	2	9	12	
10.	Attempted robbery	Sec. 275 P.C.	1	15	15	
11.	Robbery with violence	Sec. 272 P.C.	7	11.85	18	
12.	Indecent assault	Sec. 127(2) P.C.	1	6	6	
13.	Having carnal knowledge with a heifer	Sec. 145(2) P.C.	2	16	20	
14.	Indecent assault	Sec. 151/1 P.C.	1	12	12	
15.	Intent to commit felony	Sec. 281 P.C.	1	15	15	
16.	Escape from lawful custody	Sec. 110 P.C.	1	10	10	

ANALYSIS OF CASES OF CORPORAL PUNISHMENT INFLICTED ON  
ADULTS BY ORDER OF THE COURT FOR THE YEAR ENDING 31ST DECEMBER, 1957.  
(CONTINUED)

1957 - TABLE "A".

No.	"A" Offence	"B" Authority for sentence.	"C" Number of persons	"D" Average number of strokes.	"E" Greatest number of strokes in any one case	"F" Remarks
17.	Robbery	Sec. 271 P.C.	5	18	18	Punishment in all cases with a light cane.
18.	Unlawful possession of <b>Bhang</b>	Sec.10(e)Ord.45/52	1	6	6	
19.	Stock theft	Sec.255 P.C.	1	12	12	

49

12

ANALYSIS OF CASES OF CORPORAL PUNISHMENT INFLICTED ON  
PERSONS UNDER 16 YEARS OF AGE BY ORDER OF THE COURT FOR THE YEAR ENDING  
31ST DECEMBER, 1937.

1937 - TABLE "B".

"A"	"B"	"C"	"D"	"E"	"F"	
Item No.	Offence.	Authority for sentence.	Number of persons.	Average number of strokes	Greatest number of strokes in any one case	Remarks
1.	Theft	Sec.252 P.C.	111	6.95	12	Punishment in all cases with a light cane.
2.	Theft	Sec.256 P.C.	1	10	10	
3.	Leaving the custody of parents after being repatriated contra Sec.14(2) Cap.63 Laws of Kenya.	Sec.14 Cap.63 L. of K.	8	6	6	
4.	Doing an act likely to endanger the lives of persons travelling, contra Sec.51(a) Ord.15/27.	Sec.51 Ord.15/27	2	6	6	
5.	Housebreaking, contra Sec.280/1 P.C.	Sec.280 P.C.	12	10.83	12	
6.	Being in unlawful possession of native intoxicating liquor Sec.16/1 Ord.36/30.	Sec.54 Ord.36/30	4	5.75	10	
7.	Possession of stolen property, contra Sec.295 P.C.	Sec.295 P.C.	6	8.5	10	
8.	Theft by servant, contra Sec.258 P.C.	Sec.258 P.C.	27	8.11	12	
9.	Breaking and entering a building, contra Sec.282 P.C.	Sec.282 P.C.	1	6	6	
10.	Unlawful possession of intoxicating liquor Sec.41 Liquor Ord.62/34.	Sec.41 Ord.62/34	1	4	4	
11.	Entering a dwelling house with intent to commit felony, contra Sec.281 P.C.	Sec.281 P.C.	2	8	10	
12.	Assault, causing actual bodily harm, contra Sec.229 P.C.	Sec.229 P.C.	7	8.57	12	
13.	Assault causing grievous harm Sec.214 P.C.	Sec.214 P.C.	5	9.66	12	
14.	Escape from lawful custody, Sec.110 P.C.	Sec.110 P.C.	2	6.5	8	
15.	Theft, contra Sec.256 P.C.	Sec.256 P.C.	4	10	10	
16.	Stealing goods in transit Sec.256(c) P.C.	Sec.256 P.C.	2	6	6	
17.	Unlawful possession of bhang, contra Sec.10(e) Ord.45/32	Sec.17(2)(b) Ord. 45/32	7	8.57	8	
18.	Breaking a window of native Tribune house Sec.310 P.C.	Sec.310 P.C.	1	4	4	
19.	Possession of stolen property, contra Sec.295 P.C.	Sec.295 P.C.	1	6	6	
20.	Assault, Sec.228 P.C.	Sec.228 P.C.	5	6.8	8	
21.	Stock theft, Sec.255 P.C.	Sec.255 P.C.	5	8.8	10	
22.	Hunting game without a licence, Sec.44(1)Cap.161 L.of K.	Sec.44(1)Cap.161 L.of K.	5	4	4	
23.	Defilement Sec.128(1) P.C.	Sec.128(1) P.C.	1	10	10	
24.	Being upon premises without permission Sec.Rule 3(a) Township Rules,1931.	Sec.Rule 3 T.R.,1931.	1	6	6	
25.	Being in the Township over 24 hours without work or pass Sec.3/d T.R.,1931	Sec.3/d T.R.,1931	1	6	6	
26.	Drunk and incapable Sec.22 & 34 Ord.56/30	Sec.54 Ord.56/30	1	8	8	
27.	Desertion, contra Sec.48/5 Cap.139 L.of K.	Sec.48 Cap.139 L.of K.	24	6.42	8	

(Continued).



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ANALYSIS OF CASES OF CORPORAL PUNISHMENT INFLICTED ON  
PERSONS UNDER 16 YEARS OF AGE BY ORDER OF THE COURT FOR THE YEAR ENDING  
31ST DECEMBER, 1937.

1937 - TABLE "B".

"A"	"B"	"C"	"D"	"E"	"F"	
Item No.	Offence.	Authority for sentence.	Number of persons.	Average number of strokes	Greatest number of strokes in any one case	Remarks.
1.	Theft	Sec.252 P.C.	111	6.95	12	Punishment in all cases with a light cane.
2.	Theft	Sec.256 P.C.	1	10	10	
3.	Leaving the custody of parents after being repatriated contra Sec.14(2) Cap.65 Laws of Kenya.	Sec.14 Cap.65 L. of K.	8	6	6	
4.	Doing an act likely to endanger the lives of persons travelling, contra Sec.51(a) Ord.15/27.	Sec.51 Ord.15/27	2	6	6	
5.	Housebreaking, contra Sec.280/1 P.C.	Sec.280 P.C.	12	10.83	12	
6.	Being in unlawful possession of native intoxicating liquor Sec.16/1 Ord.36/30.	Sec.54 Ord.36/30	4	5.75	10	
7.	Possession of stolen property, contra Sec.295 P.C.	Sec.295 P.C.	6	8.5	10	
8.	Theft by servant, contra Sec.258 P.C.	Sec.258 P.C.	27	8.11	12	
9.	Breaking and entering a building, contra Sec.282 P.C.	Sec.282 P.C.	1	6	6	
10.	Unlawful possession of intoxicating liquor Sec.41 Liquor Ord.62/34.	Sec.41 Ord.62/34	1	4	4	
11.	Entering a dwelling house with intent to commit felony, contra Sec.281 P.C.	Sec.281 P.C.	2	8	10	
12.	Assault, causing actual bodily harm, contra Sec.229 P.C.	Sec.229 P.C.	7	8.57	12	
13.	Assault causing grievous harm Sec.214 P.C.	Sec.214 P.C.	5	9.66	12	
14.	Escape from lawful custody, Sec.110 P.C.	Sec.110 P.C.	2	6.5	8	
15.	Theft, contra Sec.256 P.C.	Sec.256 P.C.	4	10	10	
16.	Stealing goods in transit Sec.256(c) P.C.	Sec.256 P.C.	2	6	6	
17.	Unlawful possession of bhang, contra Sec.10(e) Ord.43/32	Sec.17(2)(b) Ord. 43/32	7	8.57	8	
18.	Breaking a window of native Tribune house Sec.310 P.C.	Sec.310 P.C.	1	4	4	
19.	Possession of stolen property, contra Sec.295 P.C.	Sec.295 P.C.	1	6	6	
20.	Assault, Sec.228 P.C.	Sec.228 P.C.	5	6.8	8	
21.	Stock theft, Sec.255 P.C.	Sec.255 P.C.	5	8.8	10	
22.	Hunting game without a licence, Sec.44(1)Cap.161 L.of K.	Sec.44(1)Cap.161 L.of K.	5	4	4	
23.	Defilement Sec.128(1) P.C.	Sec.128(1) P.C.	1	10	10	
24.	Being upon premises without permission Sec.Rule 3(a) Township Rules,1931.	Sec.Rule 3 T.R.,1931.	1	6	6	
25.	Being in the Township over 24 hours without work or pass Sec.5/d T.R.,1931	Sec.5/d T.R.,1931	1	6	6	
26.	Drunk and incapable Sec.22 & 34 Ord.36/30	Sec.34 Ord.36/30	1	8	8	
27.	Desertion, contra Sec.48/5 Cap.139 L.of K.	Sec.48 Cap.139 L.of K.	24	6.42	8	

(Continued).

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ANALYSIS OF CASES OF CORPORAL PUNISHMENT INFLICTED ON  
PERSONS UNDER 16 YEARS OF AGE BY ORDER OF THE COURT FOR THE YEAR ENDING  
31 DECEMBER, 1957.

1957 - TABLE "B" E

"A"	"B"	"C"	"D"	"E"	"F"	
Item No.	Offence.	Authority for sentence.	Number of persons.	Average number of strokes	Greatest number of strokes in any one case	Remarks
28.	Wilfully and unlawfully destroying Government property Sec.310/1 P.C.	Sec.310/1 P.C.	2	5	6	Punishment in all cases with a light cane.
29.	Unlawfully attempting to strike another with a knife, Sec.211(2) P.C.	Sec.211 P.C.	1	6	6	
30.	Gambling in public place Sec.5/1 Cap.72 L.of K.	Sec.5 Cap.72 L.of K.	3	7	10	
31.	Trespass, Sec.42/a Rly.Ord.and as amended by Ord.50/1953	Sec.42/a Rly.Ord.	1	1	1	
32.	Storebreaking and theft Sec.282 P.C.	Sec.282 P.C.	2	5	5	
33.	Attempting to remove the property of the High Commissioner from the Harbour Area Sec.24/f H.R.1928.	Sec.24/f H.R.1928.	1	2	2	
34.	Doing an act likely to endanger the lives of persons travelling, Sec.51(a) Ord.15/27	Sec.51 Ord.15/27	1	12	12	
35.	Setting fire to grass Sec.2 Cap.76 L.of K.	Sec.2 Cap.76 L.of K.	1	10	10	
36.	Being out of Lumbwa Reserve without pass Sec.6 L.P.R/54	Sec.6 L.P.R/54	1	6	6	
37.	Absenting himself from place appointed Sec.47/2 Cap.139	Sec.47/2 Cap.139	1	6	6	
38.	Travelling without a ticket on Railway Sec.17 Rly.Ord.1927	Sec.17 Rly.Ord.1927	1	8	8	
39.	Refusing to obey lawful orders Sec.47/7 Cap.139 L.of K.	Sec.17 Cap.139 L.of K.	1	6	6	
40.	Obtaining money by false pretence Sec.287 P.C.	Sec.287 P.C.	1	10	10	
41.	Carelessly leading an ox cart Sec.32 T.Ord 1928	Sec.32 T.Ord.1928	2	2	2	
42.	Indecent assault Sec.127(1) P.C.	Sec.127(1) P.C.	1	12	12	
43.	Throwing stone in a public place Sec.189/2 Cap.82 L.of K.	Sec.189 Cap.82 L.of K.	2	2.5	3	
44.	Throwing stones in a public place Sec.3 Eldoret Municipal Bye-Laws 1954.	Sec.3 Eld. Bye-Laws, 1954.	2	4.5	6	
45.	Being on premises without permission Sec.4 Eldoret Municipal Bye-Laws 1951.	Sec.4 Eld. Municipal Bye Laws.	6	5.85	6	
46.	Firing grass and undergrowth in the Forest Reserve, contra Rules under Cap.149 L.of K.	Cap.149 L.of K.	1	10	10	
47.	Cruelly beating a dog Sec.3(1) Cap.160 L.of K.	Sec.3(1) Cap. 160 L.of K.	1	5	5	
48.	Not being under care of parents Sec.20/b Juveniles Ordinance, 1954.	Sec.20/b Juv.Ord.1954	1	3	3	
49.	Theft of cash Sec.256 P.C.	Sec.256 P.C.	1	10	10	
50.	Insulting behaviour to his master Sec.47(6) Cap.139 L.of K.	Sec.47(6) Cap.L.of K.	1	8	8	

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ANALYSIS OF CASES OF CORPORAL PUNISHMENT AWARDED TO  
ADULTS BY ORDER OF THE PRISON AUTHORITIES FOR THE  
YEAR ENDING 31ST DECEMBER, 1937.

1937 - TABLE "C".

A	B	C	D	E	F	G.
Name of convict.	Age.	Number of strokes	Instrument.	Offence	Authority	Remarks.
Nanyoka Manwa	29	6	Light cane	Sodomy Sec.57(34) & Sec.61(1)(d) Pris.Ord.1930	Sec.61(1)(d) P.Ord.1930.	
Sowe Malaba	32	6	"	Refusing to work Sec.57(29) P.Ord.1930 Causing a disturbance Sec.57(27) & Sec.61(1) Pris.Ord.1930.	"	
John Mwaura	30	12	"	Flatly refusing to obey an order Sec.57(27) & Sec.61(1)(d) P.Ord.1930.	"	
Waka Makala	33	12	"	Refusing to work and eat Sec.57(27)(7) Destroying Government property Sec.57(7)(22) (27) and Sec.61(1)(a) Pris.Ord.1930.	Sec.61(1)(a) Pris.Ord.1930.	
Njeroge Kabeti	29	10	"	Stealing food Sec.57(8) Attempting to strike a warder Sec.57(32) P.O.	Sec.61(1)(b) Pris.Ord.1930.	
Kibelat arap Rotich	29	8	"	Refusing to work Sec.57(29) P.O.1930 Striking a Prison Officer Sec.57(32) P.O.	Sec.61(1)(b) "	
Mukore Menya	31	10	"	Eating food not assigned to him Sec.57(8) Treatening Prison Officer with a Jembe (Hoe) Sec.57(35) P.O.	Sec.61(1)(b) "	
Ramazan Hassen	36	12	"	Leaving his allotted place and proceeding to Prison Hospital and demanding medicine from convict dresser without permission Sec.57(30) P.O. Refusing to take food assigned to him and throwing some away Sec.57(7)(10) P.O.	Sec.61(1)(a) "	
Badziwa Machanji	31	8	"	Sodomy Sec.61(1)(d) P.O.	Sec.61(1)(d) "	
Ayika Magwanga	30	6	"	Refusing to obey an order Sec.57(27) P.O. Creating a disturbance Sec.57(35) P.O. Refusing and violently resisting escort Sec.61(1)(d) P.O.	- do -	
Kubisia Lishulala	30	6	"	Destroying Government property Sec.57(22)P.O.	Sec.61(1)(a) "	
Fogi Ruderu	24	6	"	- do -	- do -	
Kibiego Kipkoris Musos	30	6	"	Contra Sec.57(3)(27)(29)(33) P.O.	Sec.61(1)(b) "	
Mukwana Masedi	24	6	"	Attempting to steal a prison key Sec.57(16)	Sec.61(1)(a) "	
Njinji Githendie	30	12	"	Destroying prison property Sec.57(22) P.O.	" "	
Muthigani Kareai	35	5	"	Fighting in the cell Sec.57(32) P.O.	Sec.61(1)(b) "	
Njoka Muruangungi	30	5	"	- do -	" "	
Mwanga wa Nguta	32	8	"	Prison Ord. 1930 Sec.57(29)	Sec.61(1)(d) "	
Muranya wa Nyaga	30	6	"	Attempted escape Sec.57(38 & 39) P.O.	Sec.61(1)(b) "	
Agonga s/o Ragot	29	6	"	Striking a warder Sec.57(32) P.O.	" "	
Orina s/o Orina	20	4	"	Fighting Sec.57(32) P.O.	" "	
Mosirigwa Onsongo	23	4	"	- do -	" "	
Njinji Githendie	30	10	"	Refusing to obey a lawful order Sec.57(27) Attempting to assault a prison officer Sec.57(32)P.O.	" "	

ANALYSIS OF CASES OF CORPORAL PUNISHMENT AWARDED TO  
JUVENILES BY ORDER OF THE PRISON AUTHORITIES FOR  
THE YEAR ENDING 31ST DECEMBER, 1937.

1937 - TABLE "D".

A.	B	C	D	E	F	G
Name of convict.	Age	Number of Strokes	Instru-ment.	Offence	Authority	Remarks.
Kabanda wa Mugo	17	12	Light cane	Escape from Approved School	Sec.8(2) A.S.Rules, 1934.	
Macharia Mwangi	16	12	"	- do -	"	
Karioki Kamosne	15	12	"	Refusing to work in the Penal Class and plotting to assault the Sergeant.	Sec.8(2) "	
Wambua Ndolo	16	12	"	- do -	" "	
Gatnogo Kanugo	15	12	"	- do -	" "	
Karanja Nyamu	15	12	"	Gross indecency with another inmate	" "	
Njeroze Kimani	13	12	"	- do -	" "	
Karioki Gakuru	14	6	"	Interfering with a smaller inmate with a view to indecency.	8(1) "	
Karanja Njeroze	17	6	"	- do -	" "	
Kiture Mwaniki	16	12	"	Escape from Approved School	Sec.8(2) "	
Kamau Wangoya	15	6	"	Leaving his work and stealing sweet potatoes from the Reserve.	Sec.8(1) "	
Kigoru Kitui	14	4	"	Destroying Government property	" "	
Caungule Ngongera	14	6	"	Putting another inmate's blanket in a latrine bucket and attempting sodomy.	" "	
Njonge Kigothe	16	6	"	Sleeping with another boy with a view to indecency.	" "	
Olwel Ayendo	15	12	"	Blinding an ox by hitting it over the face	8(2) "	
Oganga Wanga	17	6	"	Being in possession of money and pieces of match box striker, and lying.	8(a) "	
Ali Asman	16	4	"	Being in possession of money	" "	
Munio Kahoko	14	6	"	Insolence to another instructor and refusing to obey orders.	" "	
Kimaru Ochuma	15	6	"	Sodomy	" "	
Mungai Kamau	14	12	"	Escape from Approved School	Sec.8(2) "	
Karioki Kamau	15	12	"	- do -	" "	
Mohamed Juma	15	12	"	- do -	" "	
Butere Karanja	17	6	"	Being in possession of smoking and gambling materials.	Sec.8(1) "	
Kabanda wa Mugo	17	12	"	Escape from Approved School	Sec.8(2) "	
Karioki Kamoshe	15	6	"	Going to another boy with a view to indecency	Sec.8(1) "	
Hamisi Yusuf	17	6	"	- do -	" "	
Karioki Kamau	15	12	"	Escape from the Penal House	Sec.8(2) "	
Ondiek Abuyu	16	6	"	Malingering	Sec.8(1) "	
Elijah Kamau	15	6	"			

(Continued).

1937 - TABLE "D".

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A.	B.	C.	D.	E.	F.	G.
Name of Inconvict	Age	Number of strokes	Instrument.	Offence	Authority	Remarks.
Chege Ruathe	15	6	Light cane	Attempted escape from Approved School shamba	Sec.8(1) A.S.Rules,1934.	
Salim Said	11	4	"	Leaving his work without permission, and lying to the Superintendent and to the Assistant.	Sec.8(1) "	
Justice Solomon	15	6	"	Stealing maize from native shamba	" "	
Okoma Ocharo	18	6	"	Breaking open the door of his room at Dagoretti, and being absent from the School during the night.	" "	
Macharia Mwangi	17	6	"	Breaking out of the Bungalow at Dagoretti, and stealing maize from a native shamba.	" "	
Mwangi Gichua	14	8	"	Leaving his work and stealing from a native shamba.	" "	
Juma Mohamed	17	8	"	- do -	" "	
Mweu Mutisia	17	6	"	Being in possession of cents 10	" "	
Kariuki Gakuru	15	6	"	Leaving the School premises, and stealing sweet potatoes at 6 p.m.	" "	
Okoma Ocharo	18	12	"	Assaulting an instructor	"8(2) "	
Juma Mohamed	17	6	"	Escape from the School	Sec.8(1) "	
Kabanda Mugo	18	12	"	- do -	"8(2) "	
Ndingure Migwe	16	12	"	Committing an act of gross indecency on another boy.	Sec.8(2) "	
Mururu Mugo	16	6	"	Breaking into the kitchen and stealing potatoes.	"8(1) "	
Mwangi Gichua	14	12	"	Escape from the Approved School	Sec.8(2) "	
Njuguna Mwaniki	16	12	"	Committing an act of gross indecency with another inmate	Sec.8(2) "	
John Joseph	16	12	"	- do -	" "	
Kipruto Mutui	17	12	"	Taking advantage of his position to commit an act of gross indecency with another inmate	" "	
Hamisi Ali	17	6	"	Leaving the School and buying cigarettes at a native duka.	"8(1) "	
Ibrahim bin Abdalla	10	6	"	Attempted sodomy	" "	
Salim bin Zaidi	13	6	"	Disobedience, stealing a cigarette and taking another inmate's blankets.	" "	
Kamau wa Mwohi	9	4	"	Sodomy	" "	
Wanyonyi wa Sasi	10	6	"	"	" "	
Munyi wa Njage	15	6	"	Stealing food	" "	
Charo wa Beweda	9	6	"	"	" "	
Njau wa Kamau	15	12	"	Sodomy	"8(2) "	
Mwok wa Choto	16	12	"	"	" "	
Mwangi wa Kamau	16	12	"	"	" "	

COMPARATIVE TABLE OF AWARDS OF CORPORAL  
PUNISHMENT FOR THE YEARS 1952 - 1957 INCLUSIVE.

TABLE "E".

TOTAL AWARDS OF CORPORAL PUNISHMENT.

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END

Table	1957	1956	1955	1954	1953	1952
A.	49	70	45	60	44	65
B.	280	220	221	522	249	546
C.	25	35	25	47	28	17
D.	57	50	25	22	1	-

Approved Schools gazetted 2nd half 1954.