

Violence and Legal Sanction in an East African Town

メタデータ	言語: English 出版者: 公開日: 2010-02-16 キーワード (Ja): キーワード (En): 作成者: 大森, 元吉 メールアドレス: 所属:
URL	https://doi.org/10.15021/00004607

Violence and Legal Sanction in an East African Town

Motoyoshi OMORI*

<p>I. Introduction</p> <p>1. Problem and Research</p> <p>2. Judicial Organization</p> <p>3. Juridical Process</p> <p>II. Penalties on Violence Cases</p> <p>1. Crimes in General</p>	<p>2. Violence Cases</p> <p>3. Penalties</p> <p>III. Discussion</p> <p>1. Aspects of Urbanization</p> <p>2. Conventional Conflicts Solution</p> <p>IV. Conclusion</p>
--	---

I. INTRODUCTION

1. Problem and Research

Violence has posed a variety of discussions, as to its nature and its effects upon society. A demarcation lies between a negative assessment and a positive one. In the former point of view one may direct his attention solely to the violence being identified with crimes. One may attempt to list up violence cases and a variety of punishments imposed upon them. The punishments will disclose the specific values underlying the indigenous ways of thinking and behaving as well as certain specific conditions in the society. One may, however, be likely to devote oneself to a mere classification and a description of the crimes and punishments and will not go further to analyze their causes. Another may have a slightly flexible point of view and study violence in connection with social maladaptation. Those who deviated from the social norms or failed to be successful or prosperous in their work tend to be frustrated and are inclined to burst into irrational conducts. In this view one interrelates social deviation and mental depression with the causes of violence cases.

One may pose a positive assessment of violence. Any sporadic and individual exercise of physical force may be identified with an offence. The organized use of it, however, comes to be a socially recognized act. Few can deny the usefulness of such physical forces as police and army in the maintenance of social conformity and solidarity. Their existence and activities are never de-

* Faculty of Integrated Arts and Sciences, Hiroshima University.

structive to society because the latter enforces strict controls over them. A collaboration between violence and its regulation or the rules of suppression becomes here most significant. With this regulation even a personal exercise of physical force will be effective to society. "Self-help" here comes to notice. In certain tribal societies self-help supplies the sole practical measure of dispute settlement. As there is no police-force or any person holding overwhelming power over the other, the final solution or satisfaction for the injured lies simply in revenge. The retribution may initiate an enduring feud, but certain supernatural sanctions or a system of arbitrating intervention may halt the feud and help to solve the dispute peacefully. Parallel to such societies where self-help dominated as the Bushmen, the Eskimos, the Kalinga and the Thonga [GLUCKMAN 1965: 113-115], the Chiga affords another example to study a current topic; changes in stateless societies under the effects of Westernization. These small scale societies have recently come into colonial administrations and then into centralized political organization. The colonial governments as well as the centralized ones have banned self-help and penalized any arbitrary exercise of physical force in retaliation. In the process of the change there has emerged a conflict between the conventional and the converted measures of dispute settlement. This is the contemporary circumstance among the Chiga in which one can notice a surprisingly high occurrence of violence cases in the courts.

The writer visited the town, Kabale, first in 1967 and again in 1974 and spent 12 months there undertaking a field survey. In 1967 he stayed with a farmer in a suburb of the town and carried out a comprehensive, anthropological observation of a rural community, Buhara village, ten miles south. On his second visit, the writer engaged in two works concurrently, pursuing his former work at the village and initiating another work at the Township court. This time he stayed with a government officer and worked at the court as an observer to listen to and to duplicate the litigation records. The records consisted of two different register books for civil and criminal suits, and of numerous files of individual cases. The court clerks filled in the books writing the date of the complaint, names of both litigants, the reasons of the plaintiff and defendant, and the judgment and court order. The judge, then, put all the details of the suit on record in the course of the trial: he wrote every statement of the plaintiff, the accused, the witnesses of both sides and of the judge himself, even though the statements were summarized and possibly stereotyped by the judge. Since 1965 they have written all the records in their official language, English. The writer has finished duplicating all the register books between 1965 and 1974 at Buhara and Kabale. He referred to the individual case files a large number of which he copied by hand and photographed at Buhara. He failed however, in duplicating the individual case files at Kabale. The interpretation of these cases must, then, be supplemented by his being at and listening to the court trials at Kabale as well as with

that information provided by the material from Buhara. The writer has published several articles in which he tried to analyze the dynamic interactions among the kin, affinal relatives and neighbors and some causes of conflicts in the rural community under the effects of Westernization.

2. Judicial Organization

1) Courts

Kabale is the capital of the District of Kigezi, which is an administrative unit consisting of six counties and had a population of 650,000 in 1968. Kabale is the name of the county and the town. As it is also the capital of the District, there were three different courts in the town: the Township, the County and the District courts.¹⁾ In the present paper solely the suits filed at the Township and the County courts will be taken into consideration, for the writer wishes to focus his study on the effects of urbanization or Westernization upon the occurrence of violence cases. This results in the defect that such serious offences as man slaughter, murder and rape are excluded. These grave crimes, however, occur only on some extraordinary occasions and are not closely connected with the normal attitudes or behaviors of the people. The Government established these formal courts in 1956; prior to that every administrative chief had his own court. The chiefs heard the cases and imposed fines arbitrarily, for the fines were their major financial source. In 1956 the Government appointed the Magistrates as professional judges and thus separated jurisdiction from the local administration for the first time. The chiefs continued to hear the cases but the Government had deprived them of any constraint power in their court decisions.

In each Magistrate's Court there was a clerk who worked as a registrar, a cashier and an interpreter. All the trials had to be carried on in English, so the judges, prosecutors and clerks were able to use English. The litigants and their witnesses at the local courts were in common poorly educated and thus gave their statements in their own tongue, i.e., Ruchiga, which the court officials understood too. At the chief's courts there was no necessity to use English. Except for the sub-county chiefs, the junior chiefs were almost illiterate and not able to speak any English. They did not complete any written documents of the cases they had tried. The chief and elders attending the court reached their decision, being directed not by any statute law but by their customs and common sense. Any adult person could himself bring a suit to the Magistrates' Courts. At the chiefs' courts a family head or an elder had to accompany the plaintiff. In practice, then, it was not possible for one to bring a case to court against one's senior kin or locals.

1) In 1972 the Ugandan Government established in Kabale one of the thirteen Chief Magistrates' Courts. Before that the Chief Magistrate at Mbarara, the capital of the Ankore District came to Kabale and held the court of assizes there. The Chief Magistrate heard all the serious crimes as well as the appeal cases in the District.

2) Judges

There were three Magistrates at Kabale; a Chief Magistrate, a second Grade Magistrate and a third Grade Magistrate. The third Grade Magistrate was in charge of the Township court. There was a clear demarcation in the professional qualifications of a Chief Magistrate and a second Grade Magistrate. One who held a university degree of Law could be appointed to a first Grade Magistrate who would later be promoted to a Chief Magistrate. As Uganda has followed the British system of education, very few people can satisfy the qualification requirements.²⁾ The minimum education requirement of the lower grade Magistrates in contrast, was that of the Secondary School Level, i.e., eleven years schooling in total. The candidates had to be enrolled in a nine months Diploma Course at a government law school, learning about the statute law, legal practices and judicial duty.³⁾ At the completion of the course a candidate was appointed third Grade Magistrate and would later be promoted to second Grade Magistrate. Without any university degree in law one could, however, expect no further promotion.

The appointment of all these Magistrates is done by the Ministry of Justice, which placed the lower grade Magistrates at courts within their own tribal territories. Since 1956 there was one single exception at Kabale where an Ankore man was appointed a third Grade Magistrate. The Ankore and the Chiga share the same language and customs and no Ankorean has any difficulty in communicating with the Chiga people. All the trials and records had to be carried out in English and the clerks attending the courts interpreted every statement into the indigenous language. The judge himself had to be able to use or at least to understand the native tongue, in order to note incorrect summarization by the clerks. There was another marked distinction among the court officials, i.e., between the junior judges and the court clerks, who were less educated and had poorer professional training at a law training institute. Moreover these clerks, both men and women being appointed in 1974, were residents of the vicinity of the courts, being bound with the customs, conventional values and the complicated interactions of their kin and relatives residing in the area. In contrast, the Magistrates were more highly educated and better acquainted with the innovated values and norms. They were obliged to follow the norms which the statute law codified and as the Magistrates had power of constraint in persuing their

2) According to the 1969 Census [UGANDA GOVERNMENT 1973: 95] 64 African students from Kigezi were enrolled at the universities, the Makerere university being included. In contrast to this figure about 60,000 were enrolled at primary schools and 4,500 were at secondary ones in Kigezi.

Currently about 50 law students graduate from Makerere University every year. As the Asians were expelled, the current graduates are exclusively Africans.

3) A law training institute, Entebbe, was reorganized into the Law Development Centre at Kampala in 1968, which provides intermittently the 9 months Diploma Course for 3rd Grade Magistrates. The requirement for applicants was the completion of secondary level education, i.e., 11 years (or 10 years in earlier days).

court decisions. They have a marked effect and lead to a radical innovation in the local communities.

3. Juridical Process

It was established that an injured person had to file the suit himself, otherwise the offender could not be prosecuted. The registration fee was 20 shillings (less than US\$3.00) for a civil suit and free of charge for a criminal one. Any adult person could raise a claim against anybody. It was no problem at all if the plaintiff was not fluent in English: with the help of a court clerk as an interpreter he could express himself freely in his own tongue. The Magistrate's Court would summon witnesses in favor of both litigants. Thus the procedure for registration was really a simple one to follow and anybody could easily file a suit. There were two professional lawyers at Kabale, but they served very rarely at the junior Magistrate's Court. People were reluctant to employ either of them, who were both university graduates and were busy, engaged in such grave offences as rape or murder, or in commercial ones such as debts between large firms. In a criminal suit the prosecutor, a police man, stated the plea. The injured attended the court as a witness and presented certain evidences. Both litigants and their witnesses were in common cross-examined by the judge, the prosecutor and the opponent litigant in turn. The Magistrate carefully listened to every statement and simultaneously made a record of the plea, evidence, defence, cross-examinations and the responses. The judge himself summarized these statements and wrote them by hand during the trial. The attending court clerk did not engage in any writing work at all.

After having heard all the statements the judge devoted himself to reviewing them and to completing his judgment. The judge adjourned the court for a week or two before giving his final decision. He summoned the litigants and read all the documented statements without any change. The clerk interpreted them by paragraph by paragraph. Finally the judge gave his judgment and the clerk in turn interpreted it to the litigants. The defeated litigant could appeal to the senior court, i.e., the Chief Magistrat's Court. Without any new evidence the Appeal Court would dismiss the claim and in reality, except for the land disputes, few cases were pursued further. Being defeated or convicted of any crime, the loser had to pay a fine or serve at a prison in the suburb of the town. If the court acquitted the accused, he could file a claim for compensation of defilement of his honor. Occasionally the judge fined those who had given false evidence at the court.

For the initial twenty years of the colonial administration, the Gandan officials monopolized the posts of county and sub-county chiefs in Kigezi, where they used Swahili as the official language at their courts [NGOLOGOZA 1969: 57]. The Gandan chiefs acted as judges and employed a group of local elders

as their assistants who formed an advisory council and a sort of jury, serving to cross-examine the litigants and witnesses as well as making suggestions to the judges [EDEL 1957: 118]. As these foreign chiefs were ignorant of local customs and indigenous norms, they relied heavily on the council. Later the Government replaced the Gandan officials with the Chiga but the advisory council of elders survived to play the same significant role at their chiefs' courts [MORRIS 1967: 168-169]. In contrast to these, no advisory council could play any role at the Magistrates' Courts, although the judge might call one or two assessors if there were any customary norms deeply concerned in the civil suit. The Magistrates, however, gave decisions completely independent of the assessors' opinions. The Magistrates' Courts, therefore, absolutely avoided the influence of the local chiefs and the elders in the course of judicial procedures.⁴⁾

II. PENALTIES IN VIOLENCE CASES

1. Crimes in General

Between 1965 and 1970 at the Kabale county and township courts 2,546 cases were registered for hearing as criminal suits. The reasons for the claims were diversified but could be classified into the following groups: 1) offences against the safety of a person; 2) offences against public health and welfare; 3) offences against rights of property; 4) offences against legitimate trade; 5) offences against government authority; and 6) offences against miscellaneous rules and regulations (Tab. 1). This grouping does not coincide with the classifications and groupings of offences as defined in the Penal Code Act, but is used by the

Tab. 1 CRIMINAL SUITS REGISTERED AT KABALE G2/G3
MAGISTRATES' COURTS 1965-1970

Offences	1965	1966	1967	1968	1969	1970	Total
I)	94	56	231	320	279	254	1234
II)	4	5	46	63	49	36	203
III)	27	23	83	76	67	41	317
IV)	6	9	26	97	57	58	253
V)	46	44	64	92	86	59	391
VI)	13	2	14	33	33	23	118
not specified	30*	0	0	0	0	0	30
Total	220	139	464	681	571	471	2546

*Pages of the Register Book had been lost and the cases were not able to be specified.

4) Yeld [1967: 6] pointed out the decline of the headmen's authority as well as their controlling power over dependants. She explained this on the grounds of the formal appointments of local chiefs by the Government. Yeld did not, however, notice the village elders' latent but virtual influences upon the chiefs through the advisory councils they had organized.

writer for the convenience of making a comparison and an analysis of legal sanctions imposed in violence cases. The necessity for revision arose from the fact that, firstly, on account of the limit of jurisdiction offences such as treason, riot, rape, murder, kidnap were not filed at the Kabale County and Township courts. Secondly offences defined in the Penal Code Act did not actually appear in the register books for the years under examination as incest or prostitution. Thirdly, for the specific study of violence the given classification in the Penal Code was not suitable, where offences such as affray, assault, arson, for example, were grouped into Divisions. Moreover, offences as defined in other legal acts, for example, tax default (Local Administration Act), trading milk without a license (Public Health Rules), drunk and incapable (Urban Authority Rules), possession of local liquor (*Enguli* Manufacture Act), disturbance at Police Station (Police Act), also came to the court for trials.

Offences against the safety of a person consisted in: common assaults or assaults causing actual bodily harm (I-a); grievous harm, indecent assault or wounding (I-b); threatening violence (I-c); affray (I-d); possession of dangerous drugs or being armed in public (I-e); and others (I-f). The offences against public health and welfare involved: being a rogue and vagabond, idle and disorderly, drunk and incapable (II-a); rash, negligent and a nuisance (II-b); neglecting a child, and others (II-c); adulteration of milk (II-d); traffic and others (II-e). Offences against the right of property were: theft, stealing from a person, burglary, possession of stolen articles (III-a); malicious damage to property (III-b); criminal trespass (III-c); arson (III-d). The offences against normal trading comprised: trading food, liquor, milk etc. without licence (IV-a); breach of conditions of trading licence (IV-b); possession of unauthorised goods (IV-c); fraud or forgery (IV-d). Offences against the Government authority were: disobedience of lawful order or contempt of court (V-a); escaping from lawful custody, disturbance at a Police Station, resisting a Police Officer, or obstructing an officer (V-b); tax default (V-c); giving false information to officials, neglect of duty, or corruption (V-d). Offences against miscellaneous rules and regulations were: hunting or fishing without a licence (VI-a); grazing cattle in the township (VI-b); breach of the Immigration Rules (VI-c); and offences not specified (VI-d). Tab. 1 shows the numbers of these classified offences which were filed at the Kabale County and Township courts between 1965 and 1970.

Out of a total of 2,546 suits, the largest number was common assaults and assaults causing bodily harm (I-a), i.e., 946 (37.6%). The second largest was tax default (V-c), i.e., 230 (9.1%). The others were: threatening violence (I-c) 221 (8.8%), theft (III-a) 209 (8.3%), being a rogue and vagabond etc. (II-a) 156 (6.2%) and trading without a licence (IV-a) 156 (6.2%). It was noticeable that offences against the safety of a person, Group I, count as many as 1,234 and

occupy almost 50% of all the suits. Moreover, assault cases and threatening violence (I-a, I-c) number 1,164 (46.2%). This figure vividly reveals the high occurrence of violence cases. It is important to remember that the injured had to file suits by themselves. Otherwise no criminal case or legal proceeding could be instituted.⁵⁾ If there were any obstructive cause which prevented the local residents from filing their cases, this prevalence of violence would not be noticeable at least in the litigation records. In reality, however, the Chiga were ready to bring their claims to the Magistrates' Courts without any hesitation. The figures reflect the actual occurrence of violence in the locality. Having examined the litigation records of the Village court at Buhara between 1965 and 1967, the writer has demonstrated an abundance of assault cases between parent and son, siblings, uncle and nephew, and, wife and husband. The plaintiffs were fully aware of the fact that the assailant would suffer a heavy penalty inflicted by the Magistrate's Court. It is difficult to understand why that, even though they well realized the legal sanctions relating to violence, they dared to do it. This common attitude of the people deserves further examination.

2. Violence Cases

Some examples of the suits illustrate the actual circumstances vividly (See Appendix). The cited examples are not necessarily typical, for the writer could refer to only a few of the individual case files at the Kabale courts. With supplementary information from Buhara, however, he could make some conclusions about the general features of violence: the causes of violence were in common trifling; and the injuries were not usually serious. Example I is domestic trouble in which a man beat his wife. This was an everyday happening in villages. According to custom, a beaten wife had to return to her father where she remained until her husband came to make an apology. If he did not come, divorce proceedings would be instituted. It was a current trend, however, that an assaulted wife should bring a claim for penalizing the husband to the Magistrate's Court. In former days it was the right of a family head to beat any member of his family and no claim could be accepted by the chiefs' courts. Quarrels and violence in conjugal relations were routine in the rural community, for polygamy always intensifies conflicts between husband and wife, and, among co-wives. The wife in Example 1 was aged twenty and her disobedience might possibly come from jealousy towards her co-wife; a senior wife usually feels hostility toward her junior ones.

5) Schapera [1972: 385] made an instructive comment on the nature of crime. Referring to his experiences in Botswana, he insisted that any court could not penalize a breach of the social norm, unless one should first give rise certain dispute. Schapera, thus, signified that a crime is a concept consisting of a breach of norm, a dispute and an accusation at the court.

Among the Chiga, however, there were such crimes which did not cause any dispute but were penalized as those classified into Group 5) and some of those in Group 2) and 3).

Neighbours often resort to violence when they are involved in any trouble. In Example 2 the housewife was struck and lost some teeth. The cause of the trouble was her duck's straying into and damaging the defendant's field. Straying by domestic creatures such as cattle, goats and chickens is an everyday occurrence. There are no enclosures or fences to prevent them from doing so. Usually men herd the animals but the fowls are left free to pick up their food wherever it is available. As no vacant land lies between a house site and the surrounding farmlands, domestic creatures can easily enter the fields and eat beans, sorghum, maize or sweet potatoes. Custom requires the one who happens to find any straying to raise the alarm and chase out the creatures. People call the village sub-chief to assess the damage and the sum for compensation. If the chief fails to reconcile the parties, the owner of the farmland destroyed brings his case to the Magistrate's Court. The man in Example 2 did not follow this procedure, but sought revenge against the woman, who, in her turn, was careless not getting a medical certificate of injuries from the Kabale Hospital. Without this evidence the injured could not make a charge for compensation against her assailant.

One can hardly imagine what motivated the offender in Example 3 to attack and steal a small amount of money from the plaintiff. The woman insisted that the accused tried to have sexual relations with her, but the judge rejected the plea. The plaintiff may have failed to submit any concrete evidence, i.e., certain witnesses to prove this claim. It is, moreover, not rare that a woman readily charges sexual assault reckoning upon heavier punishments which would be inflicted upon the male defendant or upon concealment of her own failure in behavior. The judge, however, convicted the defendant for his assault and theft. The punishment, i.e., 18 months imprisonment, appears to be very severe when compared with penalties in other assault cases. The judge might have identified the offence with robbery, even though the stolen money was of a very small amount. This poses an interesting contrast in the judges' attitudes where they tend to convict offenders not for such sex crimes as rape or indecent assault, but for assault causing bodily harm or malicious damage to property. One may cite certain reasons for their attitudes. First of all the Chiga, who were very strict about the behavior of unmarried girls and the faithfulness of married women to their husbands, had become much more tolerant toward these sexual behaviors.⁶⁾ Secondly people have practiced marriage by elopement, in which a man takes away a girl without her father's consent and later negotiates with him for the marriage payment. It sometimes happen that an eloped girl later sued a man for a sex crime, being unsatisfied with cohabitation at the man's village. Her claim

6) An experienced Magistrate at Kabale remarked that there were many women who would not raise any alarm in peril of being raped, unless somebody be present in the vicinity and observe the matter. He also told the writer that he preferred to convict an offender not for rape but for assault on account of the heavy penalty for the former and simultaneously to make efforts to reconcile both the parties.

would naturally be rejected by the Magistrates. Thirdly, penalties for sex crimes are very heavy: more than five years imprisonment for rape, and a slightly shorter term for indecent assault. The judges as well as the kin of the offender were reluctant to convict the accused for such crimes and attempted to make reconciliation with payment of compensation. If they failed to achieve that, the Magistrate would convict the man for a less grave crime as indicated above. The court clerk would then register the case under the Magistrate's instruction.

In Example 4 the persons fought one another about payment of rent. The plaintiff himself was blamed for causing the trouble, for he failed to pay his monthly rent to the defendant. The latter was unfortunate in that he cut and bruised the plaintiff and for this reason was penalized. The accused was not patient enough to wait and bring his claim to the Magistrate's Court. He would never have lost a civil suit, if he could have submitted a written agreement about the rental. He, however, attempted to make the plaintiff pay the rent. His short temper resulted not only in a legal punishment but also an order to pay compensation for injuries suffered by the plaintiff. The judges estimated the sum of the compensation in accordance with degree of injury. The estimation was, as shown in the Example, terribly high, considering the average income of the ordinary farmer or petty trader: a man could make only 5 shillings for a day's labor helping in cultivation or building roads. The judges, then, inflicted such a large sum of money for compensation with a punitive purpose in mind.

The plaintiff in Example 5 pleaded that the two accused had attacked her intending to have sexual relations. She, however, did not come to court for the hearing and lost the case. The actual circumstances of the offence were not clear from the short description in the individual case file, even though the plaintiff insisted that the accused had knocked her down, hit her and torn her underwear. It seems that she could not yield any evidence or witnesses. If the plaintiff had submitted a medical certification of injuries suffered or, at least, her torn clothes, those accused might have been convicted for assault. As the two accused attended the court for trial, they had not achieved any reconciliation with the plaintiff. This was a criminal suit and, thus, the accused had been arrested and detained for some time by the Police: there were 40 days between the registration and the first hearing at the Magistrate's Court. In general, the acquitted would claim for compensation against the plaintiff for having been defamed.

The most common instances of threatening were those in which one threatened another with a spear, bow and arrow, or a big knife (*panga*). Example 6 is, therefore, not a typical one, for the accused threatened to set a fire to the plaintiff's house. Moreover, it was not usual to send a letter which would be sure proof of the crime. In this regard the accused was careless and was thus convicted for the offence. In the threatening letter the accused blamed the plaintiff for having made the former's wife drunk, intending adultery. Suspicion of intended

adultery was intensified for two reasons: popular consumption of local beer and labor emigration. At each village trading center there were some bars where they served locally brewed beer, *omuramba*, which both men and women loved to drink in the evening. When drunk, temptation to commit adultery was particularly strong for those women whose husbands were far off on labor emigration. A large number of Chiga men were engaged on the wageworks at various tea plantations, sugar firms and copper mines outside the Kigezi District. Regretfully no detailed information was available in the individual case file, so the writer is not sure if this might have been the case in Example 6.

Affrays occurred recurrently but usually at such places as local bars, bus terminal and markets. A local bar was a sort of social center where people often came not only to drink but also to chatter and entertain themselves in the evening. Minor chiefs also came occasionally to make closer contact with the local residents. Being drunk, people were inclined to quarrel and fight about trifling matters. The bus terminal at Kabale where a large number of passengers crowded to wait for the bus, and the struggle to get seats may have heightened tensions among the people. In the open markets excessive bargaining may have irritated the traders and led to a fight. At the stadium where soccer games were frequently held and the crowds got excited, trivial matters often developed into quarrels involving many people. No further statement emerged in the individual case record of Example 7. The offenders, however, did not harm anybody and were acquitted of the crime.

In summing-up, one may point out the general features of violence cases among the Kabale residents as follows: the litigants were in those relations of kin, affinal relatives, and neighbours; the causes were always trifling and those who were concerned in the affair were inclined to deal with it themselves rather than they rely on the Magistrate's Court to solve the problem. This attitude made them likely to resort to violence for direct retaliation. The Government did not recognize this tendency and penalized severely offenders in violence cases. The punitive policy of the Government will become clearer if one makes a comparison of the penalties for violence with those of other crimes.

3. Penalties

It is not difficult to discern a difference between the penalties for violence and those for other offences: the former were much heavier than the latter. Except for such offences as theft and malicious damage to property, offenders were fined a small sum or were sentenced to imprisonment for a short period, i.e., less than one month. (Tab. 2) In Group I (safety of a person) the penalties were fines of 35 shillings and up (351 or 27.9%), and imprisonments of over 5 months (142 or 11.3%). In Group 2 (public health and welfare) penalties were fines over 30 shillings and less than 90 shillings (49 or 26.7%), and im-

Tab. 2 CRIMINAL SUITS AND PENALTIES AT KABALE G2/G3
MAGISTRATES' COURTS 1965-1970

Offences	1)	2)	3)	4)	5)	Total
Cautioned	33	10	8	24	6	81
Strokes	54	4	14	0	0	72
Fined 30/= or less	65	26	3	29	181	304
35/=~90/=	177	23	4	30	25	259
100/= & more	174	9	8	25	2	218
Imprisonment 1 month or shorter	21	15	5	4	48	93
6 weeks~4 months	56	24	8	2	20	110
5 months & over	142	11	29	0	24	206
Discharged	388	76	56	38	95	653
Not specified*	147	16	15	8	152	338
Total	1257	214	150	160	553	2334**

* The clerks failed to record these judgments in the Register Books.

** Penalties inflicted on the crimes grouped as 6) are not counted in this Tab. 2.

prisonments from 6 weeks to 4 months (24 or 11.4%). In Group 3 (right of property) the majority of penalties were strokes (14 or 9.3%), and imprisonment of over 5 months (29 or 19.3%). In Group 4 (normal trading) one third of the punishments were fines of less than 90 shillings (59 or 36.8%). In Group 5 (Government authority) penalties were fines of less than 30 shillings (181 or 32.7%) and imprisonments less than 1 month (48 or 8.7%).

A short description of some cases will clarify the discrepancy (See Appendix). Two Examples (8, 9) illustrate offences against public health and welfare. Numbers of people were taken to Court under the charge of being idle and disorderly or being a rogue and vagabond. In most cases, however, the judges simply cautioned and released the accused. Only a few, including those accused in Example 8, were imprisoned or fined. No detailed description was available in this Example though, as there was no charge of assault or malicious damage, there being no harm done to other people as a result of the drunken quarrels. The actual sentence of 15 days imprisonment was not a heavy punishment, for the coded minimum penalty for these crimes was either 3 months imprisonment or 200 shillings fine (Penal Code Act, Section 162). It seems unavoidable for a central point such as Kabale to have crowds of people seeking good opportunities in trade or business. Munyasha in Example 8 was lucky enough to have got a steady job as a house servant. But other offenders in these crimes were mostly jobless and ordered by the Court to return to their own villages. There was not any effective means of stopping their flowing into the town, but the Police occasionally arrested them when they made some disturbance in the town.

A husband's negligence in supporting his family was one of the most popular

suits at the Magistrate Court. A neglected wife could raise a civil suit but negligence of a child was listed as a misdemeanour and filed as a criminal suit, for it endangered the child's health and welfare. There was no set penalty for the crime, however, the judge imposed a rather heavy fine, of 100 shillings. A summarized description of the individual case files reveals the nature of conjugal life in Chiga to a certain extent: after marriage a wife moves to her husband's village where she continues to cultivate farmlands which her husband has given her. She needs no help or support for she raises the crops herself. She may cooperate with her husband to exploit more land. The husband, however, may later take another wife giving her these exploited farmlands, or in the event of their shortage, retaking some land from the senior wife. In either case tension increases in the conjugal relationship. There were a large number of civil suits claiming legal prohibition against the husbands' retaking farmlands. In Example 9 the wife left her husband and in such circumstances she had no land to cultivate. Her own father had probably shared the larger portion of his farmlands among his married sons and could not raise surplus crops to feed the woman and her child. Children used to be highly valued and in the case of divorce the father's kin retained them unless the bridewealth was refunded. Nowadays children are still desired but education is costly. This is why the Government codified the father's responsibility as having to support his children and the accused in Example 9 was ordered to pay 50 shillings per month until the child was grown.

These five Examples (10-14) show penalties for offences against the right of property. They vary from a fine of 50 shillings to imprisonment for 8 months. But the two Examples (11, 12) disclose a feature of the punishments: in general penalties were very severe considering the prices of the commodities stolen or damaged. In Example 11 the judge imposed a 50 shillings fine on a thief who stole a hen worth 5 shillings only. As there was no note of any previous crime this was possibly his first offense. The local residents do not enclose their fowls nor attempt to keep them within their homesteads, so one can easily steal and then sell chickens in the town. The Court may thus have intended to discourage people by heavy fines. The judge, however, penalized much more severely a thief in Example 12, where the accused was imprisoned for 6 months as punishment for the theft of a pair of short trousers worth 19 shillings (US\$2.60). The culprit had no previous conviction of theft. In general heavier penalties were inflicted for the stealing of industrial commodities and domestic creatures than for theft of indigenous products. For instance, in Example 10 the judge gave 6 strokes each to those men who stole 6 bags of sorghum. One can sell sorghum at local bars but the price is cheaper than that manufactured or imported. Example 13 also supports this interpretation: the Court ordered a man who damaged 4 sheets of window glass to pay not only 50 shillings fine but also 40 shillings compensation.

Window glass was imported from Kenya and solely those who had a high income had glass windows, the others having wooden plates on their buildings.

People boast of their domestic animals, especially cattle. The Chiga bride-wealth used to consist of two cattle and a few head of goats or sheep. They slaughter the small animals for meat but they herd cattle not for meat or milk but solely for number. With cattle one could marry more wives and develop extensive farmlands and thus strengthen one's power in the village. Nowadays these animals can be sold at a high price due to an active demand for meat. In 1968 a head of cattle was valued at over 200 shillings and a goat or a sheep was worth more than 15 shillings. In Example 14 the court penalized a man who had killed two goats with imprisonment for 8 months. In another instance (G2 Magistrate's Court, Criminal Suit 34 of 1965), the judge convicted a man of having stolen a cattle and sentenced him to 2 years imprisonment. The Penal Code Act (Section 314) defined the maximum penalty for one who killed such animals as 7 years imprisonment. This clearly indicates that the Government endeavored to dissuade people from stealing and selling valuable property such as cattle, penalizing such conduct with punishments heavier than those for crimes other than violence.

Among illegal trading the most popular was unauthorized selling and consuming liquor, on which the penalties were nominal as seen in Example 15. In the case of a breach of conditions of a trading licence, the Court gave much more severe sanctions to offenders such as bar managers and store keepers, the majority of whom were not Chiga but Asians. *Enguli* is locally brewed and distilled from bananas and is served at bars. There were some who brewed the liquor without permission and the sub-village chief arrested them and those who consumed it. Illegal brewing was a widespread practice and well realizing it, the judge imposed on them a nominal fine of 5 shillings each. The judge imposed a much heavier penalty on the brewers. In one instance (G2 Magistrate's Court, Criminal Suit 190 of 1967), a man was arrested and his apparatus for brewing as well as a little quantity of *enguli* was confiscated. He was ordered to pay 160 shillings as a fine. There is no restriction, on the other hand, on brewing the local beer, *omuramba*, which is not as strong as the distilled liquor but consumed more by the Chiga farmers. The judge might have taken account of these circumstances in his judgments.

Five Examples (16-20) show the penalties for illegal conduct against Government Authority. The writer gained the impression that there were some who did not realize the power of constraint invested in the Magistrates' Courts. There were not a few who simply ignored the court orders and dared to use the farmlands which had to be vacated. The ignorance of a woman who might have been ignorant of the court order led to such an offence. There has never been any system of land registration at the Government offices nor any practice of

drawing up documents of land dealings which started as late as 1940s in Kigezi. There were numerous land disputes in the Magistrates' Courts and, as a consequence, many cases of disobedience to the court orders emerged. Example 17 also shows the constraining power of the Court. A man who neglected to attend a court session, though being summoned, was penalized 100 shillings. This might have been to give the local residents a lesson regarding the authority invested in the Magistrate's Court. The power to compel witnesses to attend the court is of most significance. If it is an individual litigant's liability to accompany witnesses, the poor can hardly make any claim at the Court, for they can not even afford to pay all the transportation fares. Disobedience to the court summons, therefore, threatened legal impartiality which ensured that every litigant has the witnesses whose expenses the defeated party should pay after the trial.

Obstruction to the local chiefs in their performance of duty was another common offence against Government Authority. The chiefs were in charge of collecting the poll-tax and of arresting offenders against any regulations or laws. A sub-village chief was the lowest government official. In 1967 the Government appointed retired local policemen to be sub-village chiefs. Usually they were transferred to places where their kin or relatives did not reside. Consequently the sub-village chiefs could perform their duty impartially and could bring anybody to the Magistrate's Court for any reason. The Court, in its turn, protected the chief's authority, inflicting penalties against anybody who disobeyed or obstructed him. In Example 18 the assaulter of a sub-village chief was sentenced to 3 months imprisonment. The sub-village chief sent many farmers to Court under the charge of default of poll-tax. Any man under 60 years was responsible to pay the annual tax, the minimum sum was 20 shillings in 1968 if one did not have any income in the previous year. For the first default the fine was less than 30 shillings. If one neglected to pay tax for several years, the sum would go up. In instance (G3 Magistrate's Court, Criminal Suit 49 of 1969) the judge imprisoned a tax defaulter for six months. The man had failed to pay his tax for the three preceding years. It happened however as shown in Example 20 that one man had been away from home during his labor emigration. The accused in this case had worked in a copper mine. After the trial the accused eventually paid the two years tax and the court acquitted him. There were many who did not pay and were sentenced to prison by the Court.

Fines of less than 50 shillings were reasonable amounts but those over 50 shillings were a heavy burden.⁷⁾ Without selling cattle or some land, one could

7) In 1968 the wage for a man's daily labor on the road or farmland was 5 shillings. Clerks at the Courts or at the Chiefs' offices earned between 200 shillings and 300 shillings per month. The primary school teachers who were exceptionally well educated in those rural communities, i.e., more than 10 years schooling, received between 300 and 400 shillings monthly. The average sum of the graduated poll-tax which adult men paid annually was between 40 shillings and 80 shillings a year.

hardly pay a fine over 100 shillings. In case one failed to collect enough to pay the imposed fine or compensation, one might well escape from home and emigrate to another District. The Police would not make chase but wait for one's return in the future. It was their custom that at the death of a family head his retained farmlands should be divided equally among the sons. If, however, one was away from home for a long period, the son would lose his right to inherit the divided land. When the runaway returned after his father's death, the sub-village chief arrested him for trial. The instance cited above in which a man served in a prison for 6 months might occur in such circumstances. The local residents felt no shame in serving time at the prison, and this might be the reason why some kin or relatives would not help the accused giving financial aid to suspend the sentence.

Having examined the offences and imposed penalties, one can emphasize again that offences against the safety of a person were punished more severely than others, except for those against the right of property. It was noted that these relatively severe penalties exercised a depressing effect on the rate of violence and theft cases. In theft cases there was also a distinction regarding the stolen articles: local products and industrial ones. One can easily understand the distinction since industrial articles were difficult to obtain for the ordinary farmers. They suffered from a shortage of cash income, since the chilly climate yields cash crops such as plantain, coffee and sugar cane very poorly. In contrast to this, it was not so clear why the Courts inflicted such heavy punishments on those assaulters who caused slight bodily harm such as those described in Examples 1-7 and Tab. 2. One may find a possible explanation for this in the high occurrence of violence cases. The cited Examples show the fact that the Chiga, both male and female, incline to resort to violence when obstructed or ridiculed. This aggressiveness may not be appropriately explained on the grounds of a certain impetuous disposition of the local residents nor of their frustration, but more adequately on account of their conventional method of conflict solution which long persisted during the colonial administration. One should, however, also look at the current urbanizing trends which may assumedly have effected the behavior of the local residents.

III. DISCUSSION

1. Aspects of Urbanization

Kabale is a small town located in a ravine surrounded by the ranges of steep hills. It became a local center in 1914 when the headquarters of the District administration was moved there. [BISAMUNYU 1974: 201]. In 1968 the town consisted of three distinct quarters: the Government Headquarters,

the business and commercial center, and, the suburban residential sections of the Africans. The first area occupied exclusively a low hill top where the Government offices, including the Courts and a hospital were clustered together. Houses for the senior officers' families encircled these office buildings. Before 1971 the Europeans monopolized the area except for a few high ranking African administrators' families since Independence in 1964.

The second area extended along a bus route covering a site of 500 meters in length and 100 meters in width. This quarter was again divided into two distinct sections: one for the Asians and the other for Africans. The stadium mentioned in Example 7 and a Police Station separated these two sections. The Indians, Pakistanis and Arabs lived in this section carrying on their businesses. There were some forty zinc-roofed, stone buildings in the Asian section. Apart from the site, there was a wide space for the African open market and the small shops of the African petty traders surrounded it. Most of these traders, however, were there during the daytime only and then returned to their houses located in the suburbs of the town. Residential sections such as Kigongyi, Kirigime, Kitumba, Kyanamira, and Rwakaraba were located about one kilometer respectively from the second quarter. In the daytime on weekdays the shopping areas, market place, bus terminal and a few restaurants were crowded with Africans. Late in the evening and also on Sundays the crowds remain at home and all the shops are closed. In 1969 the Uganda Census listed the population as 10,000, but the majority of them were really in the third quarter, i.e., the African residential section.

In the downtown area there were less than 400 Asians [UGANDA GOVERNMENT 1971: 148]. One can also read the names of Asian residents in the litigation records of the Township Court. They were, however, rarely involved in any violence cases with Africans. Not only geographically but also socially the Asians detached themselves from the Europeans and Africans. The three distinct groups did not intermarry, have any domestic parties together, nor join in collective excursions. The Asians ran large scale businesses and their disputes consequently were beyond the jurisdiction of the Township Court and were filed at the Chief Magistrate's Court. The Uganda Government expelled almost all the Asians from the country in 1972 and the former Asian section was repopulated by African traders with their families. Since the Asian evacuation, as they had dominated the national as well as local economy, Uganda has suffered from economic confusion and depression. By 1974 the town had erected three stone buildings along the bus route and there were a few more under construction, but the Kabale urbanizing scheme made few remarkable achievements.

Changes under the effects of Westernization were rather more remarkable in the surrounding rural areas, where conventional ways of living still predominated. They practiced slash and burn cultivation without supplying any fertiliz-

er, and raising few cash crops. More than 20% of the married men in the villages had two or more wives as disclosed in recent research [MUSHANGA 1970: 209]. The Chiga, however, experienced at least two radical changes: economic and religious. The former was their labor emigration. The current increase of industrial commodities heightened their desire to earn cash, and led the farmers to labor emigration. On account of the poor yield of cash crops due to the chilly climate, the Government established an agency to encourage the people to go out to work [YELD 1967: 7]. One researcher [MUSHANGA 1970: 203] estimated that more than 60,000 men left the Kigezi District each year to get salaried work. These wageworkers manifested Westernized ways of thinking and behaving and when they returned, they introduced new elements into the rural societies. Radical changes occurred in their views on farming, social relations, school education and so forth. The last one was probably the most important for it alone enabled one to get a salaried job. In 1968 the minimum requirement for any clerical job was the Primary School Leaving Certificate, i.e., 7 years schooling. It was, however, really hard for a polygamous farmer to give all his sons such education and this might have diminished his self-respect. The downfall of traditional beliefs and practices also acted negatively upon the fathers' controlling power over his family members. The Government banned the Chiga worship of Nyabingyi spirits and of their ancestors [BESSELL 1938].

The threatened family integrity stimulated arbitrary conduct among the rural residents and may have intensified conflict in their interactions. Here one may discern the effect of the current urbanizing trends upon the rising rate of violence cases among the people. The writer, however, wishes to examine another conceivable factor for the increase.

2. Conventional Conflict Solution

The Chiga live in a mountaineous area of the Uganda and the Ruanda border. It is said that they came from Ruanda in the early 15th century and that their estimated population was over 200,000 in the 1920s [LANGLANDS 1972: 2]. They formed individual autonomous, closed communities and did not organize any centralized government. Every village was an exclusive unit holding economic and political autonomy. Their patrilineal clan organization, however, maintained inter-village connection to a certain extent. Several kin groupings, i.e., sub-clans composed a village and the representatives of the individual kin groupings formed a council of village elders. There was no village headman exercising superior power over the others, though the one who represented the most numerous sub-clan might wield predominant power. The kin grouping, *omulyango*, included several polygamous families. The headman of a family exerted absolute power over the component family members.

Edel [1957: 113-125] elaborated the conventional ways of conflict solution

in the Chiga society. The family head regulated the relations between its members and his senior kin or relatives could not intervene in problems except for giving advice. When trouble arose between two families, the headmen directly concerned endeavored to settle the matter themselves. The injured party could claim for compensation but could not force the offender's family to punish the culprit. If the offence was a serious one such as homicide or incest, the offender's headman had to execute the culprit. The actual execution depended on the headman and nobody could compel him to do so. In the case of minor offences such as theft, bodily harm, rape or adultery, the villagers left the solution of the trouble to the parties affected. Even their kin or relatives avoided participating in the trial or execution. The council of village elders was in charge of settling inter-village disputes. They negotiated payment of cattle or goats as compensation but could hardly demand execution for the offender. If they failed to settle the matter, the injured party would begin an open fight.

Supernatural sanctions efficiently supplemented the inefficacy of legal punishments. Divinations revealed and at the same time penalized the wrongdoer. People put the suspect to a "testifying ordeal". When a house was burnt, they forced the suspect to eat ashes of the place, which they thought would kill the offender. They also made a woman jump over the open grave prepared for her deceased husband and, if she was guilty of the murder, the woman too would fall into the grave and die. Another popular device was to make the suspect lick the special soil which had been taken from a magical practitioner's place [EDEL 1957: 121]. Vengeance magic was also practiced. Rwandusya [1974: 62-63] elaborated one instance where a practitioner summoned a snake utilizing his magical horn, and ordered the snake to go to the offender. The huge snake was connected with a spirit which led it to a thief or an adulterer and made it kill the person. There were numerous other devices to discover, prevent and retaliate against evildoers who seriously feared the magic. The first part of a supernatural retribution urged the offender to be reconciled with the injured one [EDEL 1957: 123].

Edel [1957: 118-120] illustrates the common pattern of local jurisdiction in the former days. The court had three different groups of people as well as both the litigants' parties: the judge, an advisory council and bystanders. Anybody could act as a judge who was in charge of making the final decision of the court. In most cases, however, a magical practitioner or an influential village man played the role and presided over the trial. The advisory council consisted of the village elders who helped the judge to question the disputants and witnesses, giving a variety of suggestions. The bystanders could also participate in the discussion as the session proceeded until the Judge's final decision was made. Edel lists up the problems raised in the courts: marriage and divorce, cattle transactions, accusations of malicious gossip, witchcraft, loans and other economic

troubles. Local jurisdiction under British Colonial Rule followed the same pattern. Ngologoza [1969: 57-58] gives an instance in the initial period of Colonial Rule, when the Gandans ruled Chiga in favor of the Government. There was no court house or any equipment then, i.e., 1910s and 1920s, not even a table or a chair. The Gandan chiefs moves around the villages giving trials. Fines charged were the sole source of their revenue. One of these Gandan agents recorded his court trials among the Chiga [SSEBALIJJJA 1974: 193]. In 1918 he judged a man who killed a traveller and stole a bag of salt. As a county chief in Kigezi, the judge sentenced the murderer to capital punishment. The chief also made it his habit to hear cases on Mondays. First he learned the indigenous customs and listened to the cases and decisions which the local elders had given earlier. Then, the Gandan county chief rendered his own judgment [SSEBALIJJJA 1974: 185-196].

By 1930 the Government localized all the county and the sub-county chiefs but did not introduce any significant innovation into the local jurisdiction. These administrators concurrently acted as judges and the advisory council of local elders continued to take a part in rendering judgments. In 1968 the writer attended some of the court sessions of a village chief and of a sub-village chief at Buhara. The former comprised the litigants, the witnesses of each party, the local elders acting as the advisory council and a group of bystanders. The village chief held his courts in his office building. The sub-village chief held his courts, which consisted of the same categories of persons as those in the village chief's, at such arbitrary places as the yards of local bars, of the village chief's office or even on their cattle grazing land. At that time the local chiefs had already been deprived of the constraint power of their judgments. The parties being unsatisfied with the chiefs' decisions could and actually did bring their claims to the Magistrates' Courts. After the separation of jurisdiction from that of local administration, therefore, anybody could undergo a legal trial without any interference by any local influence including the plaintiff's own father.

V. CONCLUSION

The writer has investigated legal sanctions in violence cases with regard to urbanizing trends and the system of conventional conflict solution among the Chiga. Having referred to the statistics of violence cases between 1965 and 1970, in nearly a half of the suits, one has the impression that the habitual occurrence of violence may be attributed to their common disposition of having a short temper. In reality, however, one should realize the fact that the local residents are persistently subject to their conventional ways of dispute settlement. The Chiga used to form autonomous, closed communities and did not bestow any overwhelming secular power to a person or group of persons. In individual

villages elders of the component sub-clans composed a council which collaborated to settle disputes within and between the villages. Only the family headman retained the absolute power to control its members, making use of certain retributive supernatural forces connected with their ancestors or with spirits. The principle of self-help was applied to dealing with any petty offences. Accordingly people repeatedly exerted physical force as well as supernatural devices against their opponents.

The current establishment of the Magistrates' Courts has lessened a litigant's dependency upon local influences including his father. The Courts have eliminated the elders' intervention from the judicial procedure. One can file a case with an inexpensive fee and a simple procedure to follow. The Magistrates' Courts afford a most beneficial opportunity for people to discriminate between right and wrong and at the same time to inflict effective revenge upon their opponents. The court orders have constraint power and any obstruction or negligence simply brings a heavier penalty. At this stage of sudden change, however, the local residents have not yet become fully aware of the fact and tend to hark back to their conventional ways of dispute settlement. The Government, on the other hand, has suppressed the individual's, arbitrary exercise of physical force, for self-help is a sort of a challenge to the centralized political organization. The contemporary circumstances in the Chiga society, as discussed above, are manifested in the constant occurrence of violence cases and the relatively heavy penalties which are inflicted upon them.

Appendix: *Examples of Individual Cases*

Example 1(I-a). Esta Bunegura versus Magurukane at Kitumba.

G3 Mag. Court, Criminal Suit 91 of 1968.

Esta (age 20) sued her husband for having assaulted her causing bodily harm. Magurukane was convicted and fined 100 shillings. (two months imprisonment in default of the payment)

Remarks: A wife sued her own husband in the court asking for a legal penalty. The offender exercised violence when his wife refused to boil water for him.

Example 2(I-a). Kibetenga versus Tibwita at Kigongyi.

G2 Mag. Court, Criminal Suit 51 of 1969.

Tibwita was taken to the court for having assaulted Kibetenga causing bodily harm. Tibwita struck Kibetenga with a stick and knocked out two teeth. No medical evidence, however, was submitted by the plaintiff and the accused was convicted only for common assault and fined 100 shillings. (7 days imprisonment in default of the payment)

Remarks: Both litigants were neighbors. Kibetenga's duck caused damage at Tibwita's bean farm. Tibwita got angry and told the owner of the duck to kill the fowl but was refused. Tibwita then started to beat Kibetenga and knocked out her teeth.

Example 3(I-a). Kamuhabwa versus P. K. at Rwakaraba.

G2 Mag. Court, Criminal Suit 274 of 1967.

P. K. (male, age 25) stopped Kamuhabwa, knocked her down and stole 2 shillings on the road. P. K. was convicted and sentenced to 18 months imprisonment.

Remarks: Kamuhabwa insisted that P. K. forced her to have sexual relations with him but

the plea was dismissed and P. K. was convicted for assault causing bodily harm only.

Example 4(I-a). Mbuguje versus Mateeka at Kyanamira.

G2 Mag. Court, Criminal Suit 391 of 1968.

Mbuguje sued Mateeka for having assaulted him causing bodily harm. Mbuguje (age 52) was cut and bruised on the cheeks and arms by Mateeka (age 32). Mateeka was convicted and fined 100 shillings.

Remarks: The both litigants were men. Mbuguje had rented Mateeka's house for 25 shillings per month but failed to pay the rent. The two fought one another at Mbuguje's. After the criminal trial Mbuguje raised a civil suit claiming compensation and won 1,000 shillings from Mateeka.

Example 5(I-b). Bagowabo versus Rwampigyi and Bitara at Kitumba.

G2 Mag. Court, Criminal Suit 199 of 1968.

Bagowabo (age 24) sued the other two men for having committed indecent assault. She insisted that the two men had knocked her down, hit her and torn her underwear having sexual relations with her. The plaintiff, however, did not show up at the court and the case was dismissed.

Example 6(I-c). Babika versus Kafaranga at Kirigime.

G2 Mag. Court, Criminal Suit 27 of 1967.

Kafaranga was sued for having threatened to burn Babika's house. The accused had sent a letter claiming that Babika had made Kafaranga's wife drunk and threatened to burn his house. Kafaranga was convicted and fined 50 shillings. (2 months imprisonment in default of the payment)

Remarks: The threatening letter was submitted to the court as evidence.

Example 7(I-d). Kabale Police versus Niyongira and Semanzi.

G2 Mag. Court, Criminal Suit 537 of 1968.

The Police arrested the two for having committed an affray. Niyongira and Semanzi had fought in a public place, i.e., the Kabale Stadium. The case was, however, withdrawn by the Police and the two men were acquitted.

Example 8(II-a). Kabale Police versus Munysha.

G2 Mag. Court, Criminal Suit 593 of 1968.

Munysha (age 50), a house servant, was arrested by the Police when he behaved in a disorderly way at Kabale township on 2nd of December 1968. He was convicted as being an idle and disorderly person and sentenced to 15 days imprisonment.

Example 9(II-c). Lusi Nyakahima versus Fred Munyarukiko at Rwakaraba.

G2 Mag. Court, Criminal Suit 52 of 1965.

Nyakahima sued her husband, Munyarukiko for having neglected to help her and their children. The husband was ordered to pay a fine of 100 shillings and also to pay 50 shillings per month to his wife until her children grew older.

Example 10(III-a). Bujura versus Be. and By. at Kyanamira.

G3 Mag. Court, Criminal Suit 4 of 1969.

The complainant alleged that both Be. and By. broke into his house and stole 6 bags of sorghum on 6th of January 1969. The two accused were convicted of the theft of sorghum and sentenced to be given 6 strokes each.

Example 11(III-a). Bisamunyu versus Nz. at Kigata.

G2 Mag. Court, Criminal Suit 35 of 1966.

Nz. was taken to the court for having stolen a hen which was valued at 5 shillings. Nz. (age 38) was judged guilty and sentenced to 50 shillings fine. (2 months imprisonment in default of the payment)

Example 12(III-a). Bamera versus Ka. at Kabale township.

G2 Mag. Court, Criminal Suit 389 of 1967.

Bamera (age 18, an employee at a local restaurant in the town) alleged that the accused (age 25) had stolen Bamera's pair of short trousers worth 19 shillings at Kabale township on 5th of December 1967. Ka. was convicted and, even though he had no previous conviction of any crime, he was sentenced to 6 months imprisonment.

Example 13(III-b). Kanyanyunu versus Ndodo at Kirigime.

G3 Mag. Court, Criminal Suit 21 of 1968.

Ndodo (age 37) was sued for malicious damage to property. Kanyanyunu insisted that the accused had broken 4 glass windows at the complainant's house. Ndodo was judged guilty and ordered to pay 50 shillings fine as well as 40 shillings compensation to the plaintiff.

Example 14(III-b). Mutabazi versus Nyamunyu at Kigata.

G2 Mag. Court, Criminal Suit 218 of 1967.

Mutabazi complained to the court that the accused had killed 2 head of Mutabazi's goats. Nyamunyu was convicted and sentenced to 8 months imprisonment.

Example 15(IV-a). Sub-village chief versus Zirumani and 4 others.

G2 Mag. Court, Criminal Suit 395 of 1967.

The sub-village chief of Muyanja sued the accused for their having consumed local liquor, *enguli*, at Rwakaraba village on 12th of December 1967. The all accused were convicted of illegal consumption of *enguli* and fined 5 shillings each.

Example 16(V-a). Nyeihuri versus Mbaoneho at Bushuro.

G2 Mag. Court, Criminal Suit 5 of 1966.

The plaintiff alleged that the accused (a house wife) had refused to vacate some land against the Court Order issued in a Civil Suit 127 of 1965. The woman was convicted of contempt of court and fined 50 shillings.

Example 17(V-a). Kabale Police versus Butamanya.

G2 Mag. Court, Criminal Suit 184 of 1967.

Butamanya was sued for his having refused to attend the court, even though he had been summoned. The accused was convicted of contempt of court and ordered to pay 100 shillings fine. (2 months imprisonment in default of the payment)

Example 18(V-b). Sub-village Chief versus Kayanda at Muyanja.

G2 Mag. Court, Criminal Suit 321 of 1968.

Kayanda was sued for having beaten the chiefs when they were collecting the poll tax. The accused was convicted and sentenced to 3 months imprisonment.

Example 19(V-c). Sub-village Chief versus Rweizire and Kamuhanda at Kitumba.

G3 Mag. Court, Criminal Suit 45 of 1969.

The accused were taken to the court when they failed to pay their graduated poll-tax for 1968. Both were fined 30 shillings but neither could pay and were committed to prison for 1 month imprisonment.

Example 20(V-c). Sub-village Chief versus Rwangalinda at Kyanamira.

G3 Mag. Court, Criminal Suit 67 of 1969.

Rwangalinda was charged that he had not paid any graduated poll-tax for the past 4 years (1966-1969). At the court the accused disclosed the fact that he had paid taxes for 1966 and 1967 in another District, i.e., Toro, and he had later paid 75 shillings for 1968 and 50 shillings for 1969 to the village chief. Rwangalinda was then acquitted from the charge.

Bibliography

BESSELL, M. J.

1938 Nyabingi. *Uganda Journal* 6(2): 73-86.

BISAMUNYU, E. N.

1974 Baganda Agency 1911-1924. In D. Denoon (ed.), *A History of Kigezi in South-West Uganda*, Adult Education Centre, pp. 200-210.

DENOON, Donald (ed.)

1974 *A History of Kigezi in South-West Uganda*. Adult Education Centre.

EDEL, Mandelbaum.

1957 *The Chiga of Western Uganda*. Oxford Univ. Press.

GLUCKMAN, Max.

1965 *Politics, Law and Ritual in Tribal Society*. Blackwell.

LANGLANDS, B.

1971 *The Population Geography of Kigezi District*. Makerere Geography Department Occasional Paper, No. 26.

MORRIS, H. F.

1967 Two Early Surveys of Native Courts in Uganda. *Journal of African Law* 11(3): 159-174.

MUSHANGA, M.

1970 Polygamy in Kigezi. *Uganda Journal* 34(2): 201-209.

NGOLOGOZA, Paul.

1969 *Kigezi and its People*. East African Literature Bureau.

1974 Population in the Colonial Period in Kigezi. In D. Denoon (ed.), *A History of Kigezi in South-West Uganda*, Adult Education Centre, pp. 280-285.

RWANDUSYA, Z.

1974 The Origin and Settlement of People of Bufumbira. In D. Denoon (ed.), *A History of Kigezi in South-West Uganda*, Adult Education Centre, pp. 56-69.

SCHAPERA, Issac.

1972 Some Anthropological Concepts of 'Crime'. *British Journal of Sociology* 23(4): 381-394.

SSEBALIJJJA, Y.

1974 Memories of Rukiga and Other Places. In D. Denoon (ed.), *A History of Kigezi in South-West Uganda*, Adult Education Centre, pp. 179-199.

UGANDA GOVERNMENT.

1973 *Report on the 1969 Population Census*, Vol. 3. The Government Printer.

YELD, Rachel.

1967 *Continuity and Change in Kiga Pattern of Marriage*. Makerere Institute of Social Research Conference Papers.