

1934

23264

KENYA

1934

23264

C0533/450

Invoice Cases.

T. M. W. Sheppard & R. L. Sheppard & M. P. Barnard.

Previous

Subsequent

Aug 27	25/5
Aug 27	30/5
W. B. B. B. B.	1/7/54 110.
Aug 27	2/10
W. B. B. B.	3/10
M. Wood	5-10
S. C. Bottomsep	6-10
R. 247	

P.S.

Divorce cases. 1. Sir J. Barth (s. 0) _____ 28 Aug '33
T. M. W. Sheppard Encls. copies of relevant papers in the divorce petition
of Mr T. G. W. Sheppard, gives details on the case & on questions
that happened in the English suit.
R. S. Sheppard
Mr. A. Barrow

Divorce decree granted
in Kenya made inoperative
by subsequent suit in
England. 2 To Sir J. Barth (s. 0) - 1st award - 28 Aug '33

3 To Sir C. Schuster (s. 0) - 28 Aug '33

Memorial

4 To Mr. Waters (p) _____ 29 Aug '33

Encls. No 3 & state that paper will be placed before Sir C.

~~REMOVED~~ ~~REMOVED~~ ~~REMOVED~~

5 To Sir J. Barth (s. 0) _____ 29 August '33

Encls. a letter from Mrs Barrow enquiring whether any
decision has been reached on her case & gives his views on
the matter.

6 To Sir J. Barth (s. 0) _____ 29 Aug '33

7 To The Hon. A. E. A. Napier _____ 30 Aug '33

8 To Mr. Waters (s. 0) _____ 30 Aug '33

DESTROYED UNDER STATUTE

States that Sir C. Schuster suggested a discussion in Oct 1933
that Sir C. Schuster would be willing to discuss matter again
if it is considered desirable.

I rang up Colonel Waters this morning, and
was answered by Mr. Harrington. I told him that
Mr. Bushe had gone on leave; that Sir C. Schuster's
letter to him of September 14th, 1933, could not be
found; and that his (Colonel Waters's) letter would be
brought to Mr. Bushe's notice on his return from
leave at the end of September.

Mr. Harrington said that in the meantime he
would see if he could find a copy of the letter of
September

September 14th, 1933. If so, he would send me one.

(10)

Please recirculate to Mr. Bushe on

October 1st. *Noted.*

1/8/34

H. Duncan

*W. Harrington. Co. Sept 21st
End copy to Sir C. Schuster
on 14 Sept 1933, to the Hon. Secy*

learned under name of S. H. ...

debt to ...

C. Schuster. It has nothing

to do with us & I am not doing

to call any of me about it

H/B

8/10

This is rather an odd case and we may possibly hear something about it. The facts are that Mr. Sheppard, who was in Tanganyika at the time, brought a divorce suit against his wife in the Kenya Courts. In the affidavit he swore that his intention was to domicile himself

himself

himself in Kenya and on that the Kenya Courts gave a decree nisi, afterwards made absolute. When it was made absolute, the former wife promptly married the co-respondent. Subsequently a firm of Solicitors in this country, Boyce, Evans and Sheppard, (who are presumably some relation of Mr. Sheppard) looked into the case and felt doubts about the abandonment or English domicile. If that domicile had not been abandoned and the Kenya domicile acquired, then the Kenya Court had no jurisdiction. If the Kenya Court had no jurisdiction, then the divorce was not valid and Mrs. Sheppard has committed bigamy by marrying Mr. Barrow. Since then Mr. Sheppard, the plaintiff, has died and if they feel any doubt about it, the best thing they can do is to marry again quietly. With the English law as it stands, there will be no difficulty about any children, who would automatically become legitimate by the subsequent marriage and everything ought to be satisfactory. As we have heard nothing from Sir Samuel Barrow or from anybody else for a year, I am disposed to agree that there is no point in taking up the matter between Mr. Bushe and Sir C. Schuster.

Put by

J. H. Wood

5-10

*Signatures are not contained. The 3 signatures
come in previous copy to Capt. Schuster.
view that this is something very dark the law,
he should send the notes through the
A.G. of Kenya*

As Mr. Bushe does, it would be

go further

Put by W.S.

8.10.34

H/B

In reply to this Letter the following number should be quoted:

3021/15



9 4
HOUSE OF LORDS.

S.W.I.

3rd September, 1934.

~~Dear Duncan,~~

I enclose a copy of a letter written by Sir Claud Schuster on the 14th September, 1933, to Mr. Bushe, which you requested.

Yours sincerely,

Herbert Aspinall

H.H. Duncan, Esq.

COPY.

3021/15

14th September, 1933.

Dear Bushe,

With reference to your letter of the 29th August, enclosing a letter to yourself from Sir Jacob Barth and an account of the proceedings in Sheppard v. Sheppard and Barrow, I do not fully understand the point. I shall be glad to talk the matter over with you if you can spare the time at some time in October.

Yours sincerely,

(Sgd.) CLAUD SCHUSTER.

H.G. Bushe, Esq., C.B., C.M.G.

Handled by Nos

Downing Street, S.W.1.

31st August, 1974.

Dear Hagler,

On the 3th of August, 1974, I sent Schuster a copy of a letter from Sir Jacob Berth, who was then the Chief Justice of Kenya. I got a reply on the 29th of August saying that Schuster was away, but that he would look at the papers on his return. I have no recollection of hearing anything further. I am now enclosing another letter from Sir Jacob Berth, who is now in retirement together with two enclosures.

I do not know if I am correct in sending these papers to you, but there is nothing that we can do, and it seems to me that the complaint, if any, is against the Court here for ignoring the finding of the Kenya Court as to domicile.

[Handwritten signature]

7-76
Downing Street, S.W.1.

21st August, 1944.

Dear Sir Jacob Barth,

Mr. Bushe asks me to please and
acknowledge the receipt of your letter to him
of the 17th of August, with two enclosures from Mrs.
Barrow.

Yours faithfully;

Secretary to the Legal Adviser.

76
Downing Street, S.W.1.

21st August, 1914.

Dear Sir Jacob Barth,

Mr. Bushe asks me to read and
acknowledge the receipt of your letter to him
of the 17th of August, with two enclosures from Mrs.
Barrow.

Yours faithfully,

Secretary to the Legal Adviser.

336 Fulham Palace Rd.

London, S.W. 6

Aug 14th 1937

To

~~Mr. J. B. ...~~

Dear Sir,

I am enclosing a copy of a letter to my father-in-law Sir Daniel Barron in answer to an inquiry which he made to Justice Evans & Dyer and the firm of Messrs. ... told me last September that you were going to enquire into it when you came home last Oct. Have they come to any decision yet.

You do remember the

Case

I am returning to Kenya
Aug 24th on the 2 I would
to must know who I visit
am

Kind regards to Mrs. & Miss
Lady Smith

Yours faithfully

(Mrs) P. A. Burrows

Ms. A. 9. 2. 1. 65

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THE SHIELING,
CHIDDINGFOLD,
SURREY

7/17/34

My dear Mr. [unclear]

I am [unclear]
letter from [unclear]
at [unclear] [unclear] [unclear]
[unclear] I hope to [unclear]
[unclear] [unclear] [unclear]
I don't see what can be
done for the [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]

Francis H.

L that case

It seems to me amazing that if
the first had known the facts, the
it comes further in that but
had been established from buying
his Kenya amount
I have written to L^{ms} Barron
telling her that I have sent
her letter to L^m

Love sincerely

W. H. South

COPY.

BOYCE, EVANS & SHEPPARD,
Solicitors,

14 Stratford Place,
London, E. 1

May 1929
SHEPPARD, BOYCE & EVANS, 14 STRATFORD PLACE, LONDON, E. 1.

Sir,

Mr. T. M. W. Sheppard

We thank you for your letter of yesterday with enclosures. The facts stated in the second paragraph of your letter to Messrs. Gimson & Walden are correct; but we may mention that Mr. T. M. W. Sheppard died on the 25th December 1928 in England.

Unfortunately our Mr. Sheppard is at present away on vacation but we have turned up the papers and perused an Opinion of Counsel in which he states that as Mr. T. M. W. Sheppard apparently had not abandoned his English domicile of origin the Court in India had no jurisdiction to entertain his suit apart from the Indian & Colonial Divorce Jurisdiction Act 1926. The decree purporting to dissolve the marriage pronounced by it on the 28th August 1929 is therefore invalid and if the petitioner was to marry again without obtaining a decree in England he would technically be guilty of bigamy. From the information before us it therefore appears to us that Mrs. Sheppard was on the same footing and that she committed a technical offence if she married your son before the decree absolute was obtained in England.

Yours faithfully,

(Signed) BOYCE, EVANS & SHEPPARD.

Sir Samuel Barrow,
51, Westcott Street,
S. E. 1.

Handy No 4

28 August, 1938.

the letter and
 the Chief
 Justice of Kenya. Will you be so good as to
 have a look at the papers and tell me what you
 think I ought to reply? It must at least be
 be clear that the petitioner must have committed
 perjury either in Kenya or in the Court here.

Yours sincerely,

JHB

Mr. Justice Gavan, S.C.B., C.V.S., K.C.

213

28 August, 1933.

Dear Sir,

Your letter of the 5th August, No. L.C. 74/73, about a divorce petition. I have sent a copy of the papers to the Lord Chancellor's Department, and will write to you again when I get a reply.

Yours sincerely,

[Handwritten signature]

His Honour
The Chief Justice,
K E E Y A.

Date 5th AUGUST, 1932.

Dear Bushé,

I am enclosing copies of the relevant papers in a divorce petition disclosing an interesting state of affairs.

I do not know what were the facts on which you advised the petitioner in your letter of the 1st inst. but the petitioner claimed that she was married to the respondent in 1928 and that she was living with him at the time of the marriage. She also claimed that she was pregnant at the time of the marriage and that she was living with him at the time of the marriage.

The respondent denied the above facts and claimed that he was not married to the petitioner and that he was not living with her at the time of the marriage. He also claimed that he was not pregnant at the time of the marriage and that he was not living with her at the time of the marriage.

The court has to decide whether the petitioner's claim is true or whether the respondent's claim is true. The court has to decide whether the petitioner is entitled to a divorce or whether she is not entitled to a divorce.

The court has to decide whether the petitioner is entitled to a divorce or whether she is not entitled to a divorce. The court has to decide whether the petitioner is entitled to a divorce or whether she is not entitled to a divorce.

It would be interesting to know if you had any evidence to support the jurisdiction of the court. It would be interesting to know if you had any evidence to support the jurisdiction of the court.

The relevant local enactment is the Divorce Ordinance, Cap. 170, which was revised in 1928. The Ordinance provides that a woman who is living with a man as if she were his wife is deemed to be his wife for the purposes of the Ordinance.

The Ordinance also provides that a man who is living with a woman as if he were her husband is deemed to be her husband for the purposes of the Ordinance.

Yours sincerely,



H. G. BUSHE, Esq., C.M.G.,
The Colonial Office,
Downing Street,
LONDON, S.W.

Enclos.

P R E C I S

OF MATRIMONIAL PROCEEDINGS BETWEEN
T.M.W. SHEPPARD, MRS SHEPPARD AND
M.P. BARROW.

On the 17th of October 1928, Mr. T.M.W. Sheppard filed a Divorce Petition, citing Mrs. Sheppard as Respondant and Mr. M.P. BARROW as co-respondent, the number of the said Cause being 270 of the Supreme Court of Kenya. The Cause came for trial on the 24th of August 1929. An affidavit was filed and the Cause was adjourned to the 24th of August 1929. On that day the Cause came for trial and evidence and the affidavit, a Decree Nisi with costs was granted, which decree was made absolute by the Chief Justice on the 24th of August 1929.

At the time the Petition was filed and at the time that the Decree Nisi was granted, the Petitioner was actually residing in Zanzibar.

On the 11th June 1929, Messrs Shapley, Schwartz & Barbet, who had been acting for the Petitioner, received a letter from Messrs Boyce, Evans & Sheppard, the Junior Partner of which firm was a brother to the Petitioner, stating that it would appear that the Divorce Courts of Kenya, having no jurisdiction to decree the dissolution of any marriage between parties not domiciled in Kenya, the decree granted as above mentioned was bad; to which Messrs Shapley, Schwartz & Barbet replied on the 13th of June pointing out that the Petitioner had sworn that he was domiciled in Kenya and that this had been accepted by the Court; further correspondence took place and on the 15th of June 1929, Messrs Boyce, Evans & Sheppard again wrote to Messrs Shapley, Schwartz & Barbet, enclosing a copy of Counsel's opinion, which is attached hereto marked

This opinion Messrs Shapley, Schwartz & Barret entirely disagreed with and so stated in a letter to Messrs Boyce, Evans & Sheppard, in which they concluded by saying that, if a fresh petition was proceeded with in England, they considered that the whole facts should be placed before the King's Proctor. At some subsequent date a further opinion as to the best method of proceeding was sought and obtained from Mr. R. F. Bayford, K.C., a copy of which opinion is attached hereto and marked "A".

A further petition was evidently filed in England and a copy of the petition is attached hereto marked "B". It will be seen from this petition that paragraph 8 brought to the notice of the High Court of England the facts in connection with the proceedings in Kenya.

Service of the English petition was eventually effected and on the 12th July 1933 Messrs Shapley, Schwartz & Barret received information from their London agents that a Decree Nisi had been granted to the Petitioner in England on the 14th June 1933.

It is respectfully submitted that a very dangerous precedent would be created if findings of fact as to domicile by the Supreme Court of Kenya were questioned by the High Court of England or by any other Court and it is for this reason that it is hoped His Honour the Chief Justice will take the matter up with the appropriate authority in England, in order that no question will arise in the future as to the validity of decrees granted in Kenya, where the domicile of the Petitioner has been found as a fact to be a Kenya domicile.

E. SCHWARTZ.

25.7.33.

Copy.

The Indian & Colonial Divorce Jurisdiction Act, 1926, has been applied to the Colony of Kenya by the Kenya Divorce Jurisdiction Order in Council 1928. This Act gives the Court of the Colony jurisdiction to make a decree for dissolution of marriage where the parties to the marriage are British subjects domiciled in England, provided that :- (a) The Petitioner resides in the Colony at the time of presenting the petition, (b) the place where the parties last resided together was in the Colony, and, (c) the marriage was solemnised or the adultery committed in the Colony. If these conditions are fulfilled a decree pronounced by the Court of the Colony can be registered in England and has the same effect as the Decree of the English Courts. Unfortunately in this case the petitioner at the time he presented his petition was residing at Bukoba in the Territory of Tanganyika and consequently the Supreme Court of Kenya had no jurisdiction to entertain the suit under the Act. The petitioner apparently has not in fact abandoned his English domicile of origin and if that be so the Court had no jurisdiction to entertain the suit apart from the Act. The decree purporting to dissolve Mr. T.M.W. Sheppard's marriage pronounced by it on August 24th 1929 was therefore invalid, and if the petitioner were to marry again he would technically be guilty of bigamy. In these circumstances I have no doubt that the right course for him to adopt is the one suggested by those instructing me, namely to present a fresh petition here for the dissolution of his marriage. I have accordingly drafted such a petition together with the affidavit in support in accordance with my instructions.

It will be necessary at the hearing of the suit to prove the adultery alleged, but if as seems certain the

8
case is an undefended one it will probably be possible to obtain leave from the judge for this evidence to be given on affidavit, in order to save the expense of having it taken on Commission.

Care must be taken that the Respondent and Co-respondent are properly identified on service. The process server should be supplied with a good photograph of the respondent and co-respondent so that they can be identified and these he should show to him when he serves the petition and should subsequently initial them and annex them to the affidavit of service. In addition, the service should take place if possible in the presence of one of the persons who will prove adultery and both the respondent and co-respondent should be asked to sign receipts for service on the back of the application. These matters can then be referred to in the affidavit of service.

A. RICHARD ELLIS

6.4.32

OPINION

I think the best course is to file a petition for divorce in England founded solely on the adultery proved in the Kenya divorce proceedings and asking in the alternative that the Kenya divorce be registered here.

A certified copy of the decree nisi pronounced in Kenya must be obtained and also of the decree absolute. The decree absolute does not disclose the findings of the Court of Kenya.

I think an application should be made to the President on summons for leave to read the evidence given in Kenya and to take the evidence of the Petitioner before trial. The transcription of the shorthand notes must be exhibited to an affidavit, made by the man who took it, proving that it is a true copy of the evidence taken at the hearing.

The person who served the Res. and Co. must in his affidavit of service prove that the persons served were the same persons as the persons served with the Kenya petition.

R.F.B.

31 May 1932.

13, Kings Bench Walk,
Temple, E.C.

aforsaid the respondent committed adultery with the said Maurice Palliser Barrow.

7. That on the 18th day of February 1929 a Decree Nisi for the dissolution of your petitioner's marriage was in fact pronounced by His Majesty's Supreme Court of Kenya at Nairobi.

8. That on the 24th day of August 1929 the said Decree Nisi was in fact made absolute by Order of the Chief Justice of His Majesty's said Supreme Court of Kenya.

Your petitioner prays that your

Lordship will be pleased to

grant the said Decree Absolute pronounced in

His Majesty's Supreme Court of Kenya on the

24th day of August 1929 be registered in this Honourable Court.

9. That he may be further and that relief as may be

TO: MURICE PALLISER BARROW, his residence is

NOTICE that you are with such service hereof upon you such service to enter an appearance either in your Solicitor at the Diverce Registry of the High Court of Justice at Somerset House, Strand, in the County of London should you think fit so to do and thereafter to make answer to the charges in this Petition and that in default of your so doing the Court will proceed to hear the said charges proved and pronounce judgment your absence notwithstanding.

The Petition is filed and this notice to appear is issued by Joyce Evans & Sheppard of 14, Stratford Place, London, W.1, Solicitors for the Petitioner.

Dated this 12th day of June 1932. W. INDERWICK, Registrar.

Note: Any person entering an appearance must at the same time furnish an address for service within three miles of the General Post Office, London.

I certify that this copy has been
examined with the original Petition
filed in this Registry and that it is
a true copy thereof.

Dated this 15th day of June 1932.

(sd) W. INDERWICK

REGISTRAR

IN THE HIGH COURT OF JUSTICE
PROBATE, DIVORCE & ADMIRALTY DIVISION
(DIVORCE)

IN THE MATTER of the Petition of
THOMAS MAURICE WINTER SHEPPARD

for the
annulment of marriage.

1/- stamp.

Boyes, Evans & Sheppard,
14, Stratford Place,
W.1.

Maurice Palliser Barrow, the
Respondent herein, is
acknowledged to have received
a sealed copy of the petition
at Nairobi, this Twelfth
day of January One thousand
nine hundred and thirty three
at Nairobi, this Twelfth
day of January One thousand
nine hundred and thirty three
at Nairobi, this Twelfth
day of January One thousand
nine hundred and thirty three
at Nairobi, this Twelfth
day of January One thousand
nine hundred and thirty three

I, Edward Barrett, state that I did hand
a copy of this petition to the said
Maurice Palliser Barrow by personally
delivering the same to him at the
Chambas, Nairobi on the 12th day of
January One thousand nine hundred and
thirty three.

This is the Exhibit marked 'A' referred to in the aforesaid affidavit of Edward Barrett sworn before me this 12th day of Jan. 1933.

EDWARD BARRETT

Commissioner for Oaths.

EDWARD BARRETT

IN HIS MAJESTY'S SUPREME COURT OF THE COLONY OF KENYA

AT NAIROBI

Divorce Jurisdiction Cause No. 23 of 1928.

THOMAS MAURICE WINTER SHEPPARD

PETITIONER

versus

(1) ROSE LENORE SHEPPARD (Née Williams)

RESPONDENT

and

(2) MAURICE PALLISER BARROW

CO-RESPONDENT

For His Majesty's Supreme Court of the Colony of Kenya.

THE PETITION of THOMAS MAURICE WINTER SHEPPARD

Sheweth that

1. That your Petitioner is a British subject and a resident of the Colony of Kenya.
2. That your Petitioner is a resident of the Colony of Kenya.
3. That your Petitioner is a resident of the Colony of Kenya.
4. That your Petitioner was, on the twenty-eighth day of May 1923, lawfully married to the Respondent at Rumuruti in the said Colony of Kenya.
5. That after the said Marriage your Petitioner lived and co-habited with the said Respondent at Rumuruti, Nairobi and Kakamega in the said Colony.
6. That there is no issue of the said marriage.
7. That since the solemnisation of the said marriage your petitioner's wife, the said Respondent, at divers times and places has committed adultery with MAURICE PALLISER BARROW, the said Co-Respondent, and, in particular, on the nights of the 27th, 28th and 29th June 1928, at certain houses situate respectively in Fourth Avenue Parklands and Groganville, Nairobi, in the said Colony of Kenya.

8. That no collusion or connivance exists between your Petitioner and the Respondent.

Your Petitioner therefore humbly prays for a decree:-

- (a) That the said marriage of your Petitioner with the said Rose Lenore Sheppard may be dissolved.
- (b) That the said Maurice Hallibur Barrow be ordered to pay the costs of and incidental to this Petition.

(c) That your Petitioner may have such further or other relief as the Court may think fit to grant.

And your Petitioner prays that the Court will be pleased to grant the above premises and to give such other and further relief as the Court may think fit to grant.

Witness my hand and seal this 14th day of May 1934.

Maurice Hallibur Barrow

Petitioner.

I certify that the foregoing is a true and correct copy of the original as filed in my office.

14th day of May 1934.

Registrar.

Filed by:-
 Shapley & Schwartz.
 Advocates for Petitioner.

Dated

1928.

IN HIS MAJESTY'S SUPREME COURT
OF THE COLONY OF KENYA.

AT NAIROBI

Divorce Jurisdiction Cause No.
1928.

SHEPPARD

-vs-

SHEPPARD

-and-

BARROW

SHAPLEY AND SHEPHERD,
Advocates and Solicitors,
NAIROBI,
Colony of Kenya.

IN HIS MAJESTY'S SUPREME COURT OF THE COLONY OF KENYA

AT NAIROBI

Divorce Jurisdiction Cause No. _____ of 1928

THOMAS MAURICE WINTER SHEPPARD

PETITIONER

versus

(1) ROSE LENORE SHEPPARD (Nee Williams)
and
(2) MAURICE PALLISER BARROW

RESPONDENT

CO-RESPONDENT

AFFIDAVIT

I, Thomas Maurice Winter Sheppard, the above-named
Petitioner, make oath and say as follows:-

1. I am the Petitioner in the above-named Cause.
2. I was born at Dawlish in the County of Devonshire, England, on the Twelfth day of December 1893.
3. I came to Kenya Colony in 1918 and worked at Maseno, near Kisumu, in the said Colony.
4. In 1920 I was in partnership with one Colonel Stack in a farm at Mau Summit in the said Colony.
5. I subsequently worked for the Government as an Agricultural Supervisor from 1922 to 1925.
6. I afterwards worked as a Manager of a Coffee Estate at Kiambu in the said Colony, known by the name of Azania Limited until on or about September 1927.
7. I am at present employed by the Agricultural Department at Bukoba in the Territory of Tanganyika, having proceeded there after leaving Kiambu owing to the strained relationship between my wife and myself.
8. I came to Kenya Colony with the intention of making that country my home and I have abandoned my English domicile and regard myself as a citizen of Kenya and that place as my permanent home.

9. As stated above, I am temporarily employed in Tanganyika Territory but I hope to return to Kenya Colony at an early date, and I have paid Poll Tax in Kenya Colony since 1918.

10. I have no impressions
description in regard to my Tanganyika Territory

11

Albert William Gordon Griffith.
Magistrate & District Officer
Bukoba.

IN HIS MAJESTY'S SUPREME COURT OF KENYA COLONY

AT NAIROBI

Divorce Jurisdiction

Cause No. 23 of 1928.

Thomas Maurice Winter Sheppard

Petitioner

versus

(1) Mary Louise Sheppard (nee Willis)

Respondent

(2) Harold ...

Decree nisi

Claim for dissolution of marriage, and that the Co-respondent do pay to the Petitioner, the costs incidental to this Petition.

THIS CAUSE coming on the 18th day of February 1929, before His Honour Mr. Justice Stephens, in the presence of Mr. E. Barrett, Advocate on the part of the above named Petitioner, and in the absence of the Respondent, and Co-Respondent duly served; IT IS ORDERED that appearance be made on or before the 18th day of August 1929 and if no appearance is entered in this Court by any person to show cause to the contrary or intervene, the marriage between the parties solemnised at Rumuruti in the Colony of Kenya on the Twenty-eighth day of May 1922, BE DISSOLVED.

IT IS FURTHER ORDERED that the Co-Respondent do pay to the Petitioner, the taxed costs of this Petition.

DATED this 18th day of February 1929 at Nairobi.

J. E. R. STEPHENS.

Judge.

H. M. Supreme Court of Kenya.

The Hon'ble the Attorney General,
Nairobi.

IN HIS MAJESTY'S SUPREME COURT OF KENYA COLONY

AT NAIROBI

Divorce Jurisdiction

Cause No. 23 of 1928

Thomas Maurice Winter Sheppard

Petitioner

versus

(1) Essie Lenore Sheppard (Nee Williams)

Respondent

and

(2) Maurice Palliser Barrow

Co-Respondent

UPON reading the application dated the 20th day of August 1929 filed by Messrs Shapley, Schwartz & Barret, advocates for and on behalf of the abovenamed Petitioner, and UPON reading the affidavit of Helmut Eric Schwartz sworn the 20th day of August 1929 at Nairobi filed in support thereof, and UPON hearing the said Mr. H. E. Schwartz, Advocate for and on behalf of the abovenamed Petitioner, and it appearing that no person has applied to show cause to the contrary or intervene, the Decree Nisi for the dissolution of the marriage solemnised between the parties on the 28th day of May 1922 passed by this Court on the 18th day of February 1929, IS HEREBY MADE ABSOLUTE.

GIVEN under my Hand and the Seal of the Court, this 21st day of August 1929 at Nairobi.

J. W. BARTH

CHIEF JUSTICE

H. M. SUPREME COURT OF KENYA.

IN HIS MAJESTY'S SUPREME COURT OF KENYA
AT NAIROBI.

DIVORCE JURISDICTION.
CASE NO. 25 OF 1962.

THOMAS MAURICE WINTER SHEPPARD. Petitioner.

versus

(1). ROSE LEWORE SHEPPARD (nee WILLIAMS). Respondent.

AND

(2). MARIEN MALLISE BARROW. Co-Respondent.

12/11/62.

Warrant for petitioner.
S/O for hearing.
SA/- J. W. Barth.

12/12/62.

Warrant for petitioner.
Respondent and Co-respondent absent served.
Thomas Maurice Winter Sheppard in January
warrant served with writ of Divisor.

Exh. 1
Exh. 2

Exhibit 1, 2 & 3
Formal documents of marriage dated 2/1/62.

I live in Nairobi, my own residence. I know
the respondent. She is a widow of late William
I have no dependent children, as I have no original
divorce papers, and that's how I got to meet her. In
January of 1962 I was instructed by Petitioner to make inquiry
Mrs. Respondent had her own house at Fourth Avenue
Parklands. The co-respondent, when I first met was staying
at New Stanley Hotel.

On January 21 I saw Mr. Barrow at New Stanley Hotel.
He told me he was going to rent Mrs. Sheppard's house at
Parklands. He had just come up from Mombasa, and had
some gold nuggets. I wished to buy a couple from him.

On January 22 I went to Mrs. Sheppard's house,
where Mrs. Sheppard was then staying. He arrived about
midnight and left about 10 p.m. I was outside. I saw him go
into the house. They made no appearance on the veranda
steps leading to the house.

On January 23 I went to the residence in her own house in
Parklands. There the respondent arrived with Mrs.
Barrow. They went to the respondent's house.

Scheuten being in England. They both Mrs. Sheppard and Barrow remained in the house that night, no one else being there. I remained till 11-30. I was there again at daylight the next morning, and Barrow's car was still in the same place where it had been left on the previous day.

They both left at 7-45 a.m., and he [Barrow] went to Scheuten's. He picked up Mrs. Sheppard [at Scheuten's] and then went to Second Avenue Park Lane, where he stopped at the house of Mr. Paul [?]. They stayed a few minutes, then they returned to Fourth Avenue to their own house, and stayed there all night.

3. They left together about 8-15 a.m. the next day. The car was a box body No. 5. On June 23 I followed Barrow at the Fourth Avenue, when he was moving furniture etc to Greenville. He had hired a lorry from Williams Transport [?]. He made two trips across with the furniture. They arrived at the house at Greenville till June 30. [?] at 2 a.m. bringing Mrs. Sheppard down to work. I found that the house in Greenville was rented by [?] from Mr. Campbell [?]. I went by to the [?] at 9-30 p.m. and [?] both parties [?]. [?] said they had gone to a [?] at [?] [?]. They returned home about 11-30 p.m.

4. Sunday July 1st about 7-30 a.m. I went up to the house at Greenville, and I stood on the verandah steps and looking through the window by standing on the steps. I could see Barrow sitting on the end of a bed in pyjamas.

I could see Mrs. Sheppard lying in the bed. I called out to Mr. Barrow, and he came round to the door, as I wanted to see him about the gold nugget I was buying from him. I went into the living room. From where I sat I could see into the bed room, from which Mrs. Sheppard came out in a dressing gown. They stayed in the house [?] together in that house until some time last month. They are now living together on the [?] [?] in a house belonging to Mr. [?]. It is [?]

knowledge throughout the town that the parties were living together.

R. O. C.

SA/- J. E. R. Stephens.

Ordered. Decree nisi with costs.

SA/- J. E. R. Stephens.

20/8/1929. Schwartz - Petitioner.

Listed for 24th August 1929 at 10 a.m. for Hearing to make decree absolute.

SD/- Mary H. Jank.
Registrar.

24/8/29. Schwartz for petitioner.

~~ORDER~~
Decree nisi is hereby made absolute.

Id/- J. W. R.

24/8/29.

S.F.W.

IN HIS MAJESTY'S SUPREME COURT OF THE COLONY OF KENYA
AT NAIROBI.

Divorce Jurisdiction Cause No. of 1932.

THOMAS MAURICE WINTER SHEPPARD.....Petitioner.

versus

(1). ROSE LENORE SHEPPARD (Nee Williams)....Respondent.
and

(2). MAURICE FALLISER BARNOW.....Co-Respondent.

A F F I D A V I T.

I, THOMAS MAURICE WINTER SHEPPARD, the above-named Petitioner, make oath and say as follows:-

1. I am the Petitioner in the above-named Cause.
2. I was born at Dawlish in the County of Devonshire, England, on the Twelfth day of December, 1893.
3. I came to Kenya Colony in 1918 and worked at Mbagwe, near Kisumu, in the said Colony.
4. In 1920 I was in partnership with one Colonel Stuck in a farm at Mt. Susit in the said Colony.
5. I subsequently worked for the Government as an Agricultural Supervisor from 1922 to 1925.
6. I afterwards worked as a Manager of a Coffee Estate at Kiamba in the said Colony, known by the name of Assia Limited until on or about September 1927.
7. I am at present employed by the Agricultural Department at Nakuru in the Territory of Tanganyika, having proceeded there after leaving Kiamba owing to the strained relationship between my wife and myself.
8. I came to Kenya Colony with the intention of making that country my home and I have abandoned my English domicile and regard myself as a citizen of Kenya and that place as my permanent home.
9. At present I am temporarily employed in Tanganyika Territory but I hope to return to Kenya Colony at an early date, and I have paid Poll Tax in Kenya Colony since 1926.

10. I have no immoveable property of any description in England or in Tanganyika Territory.

11. Since 1918 I have only left Kenya Colony on two occasions, each time for a holiday.

12. The facts alleged to in my former Petition filed herein are true to the best of my knowledge, information and belief.

SWORN by the said THOMAS
MAURICE WINTER SHEPPARD
This 20th day of October
1958

(Signed over S/- stamp).

Sd/- T. E. W. Sheppard

Mr. Albert William Wray Griffith,
Magistrate and District Officer, Nakuru.

(Office Stamp:-
District Officer,
Nakuru, Kenya.
1958)

Colony & Protectorate of Kenya
In His Majesty's Supreme Court
at Nairobi.
Dated this 20th day of October
1958.
This 18th day of February 1959.

JUDGE,
SUPREME COURT OF KENYA.

S.F.N.