

BID TO REJECT WIFE FAILS



• Justice Miller

THE High Court yesterday pronounced a couple man and wife. It said they were legally married in the Kikuyu customary law.

Mr. Justice C. H. E. Miller was dismissing an appeal by Mr. Peter Hinga against an order by the lower court that Mary Wanjiku, by whom he has six children, was his legal wife.

The court said Mr. Hinga had set up home with Wanjiku, having made her pregnant while she was a pupil in 1962. In 1976 he had abandoned their home and had married another

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woman in the church, the court heard. He had contended that because the marriage had not been celebrated with the slaughtering of goats (*nguratio*) there was no customary marriage and the children were illegitimate and were not entitled to maintenance by him. He had been ordered to pay Shs. 300 per month to Wanjiku.

Before Mr. Hinga had married his second wife, Wanjiku had lodged an objection. Despite the counsel of the Registrar of Marriages to the pastor not to celebrate the wedding before the decision of the court, the ceremony was performed.

"As this court sees it, Mr. Hinga, whether or not he has deliberately postponed the *Nguratio* ceremony, is relying on a technical point in Kikuyu customary law so as to take advantage of the repeal of the Affiliation Act," the judge said.

Judge Miller considered it most unfortunate that the pastor had not heeded what the registrar had said.

He said the repeal of the Affiliation Act was to prevent women so inclined from freely collecting illegitimate children and then sitting in legal receipt of custom.

"I am, however, quite certain that the legislature by the repeal never intended to grant men licences to inflict unwanted and abandoned children upon our society."