

KENYA

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TO, B. C.

1920

CAPT H. M. HARRIS

CHARGE ANALYST

10 OCTOBER

previous cases

The letter from his nephew, Mr. V. F. Peto, protesting against certificate of judge

522/4

3069

~~W. P. ...~~
~~...~~

Colonel Amey

not
to
be
H's

Phase in W. Peto's letter.

It appears that the flogging followed
the arrival by at least two days, so that
the Judge was perfectly justified in
setting aside the Judge's order as to
"extreme provocation".

Young Peto maintains the natives'
rights to administer justice in "minor
matters", including, apparently, the right to
flog up to 20 strokes. For judicial
flogging the limit is 24 strokes and
a medical authority must certify to be
present.

As to the reports of Mr. Stevenson's
statement and the allegations of
native bribery and false tampering
with native witnesses, these are matters
for the Court of Appeal.

I can suggest no other courses
than that given to Col. Harris, and
cannot recommend that he should
interfere with the Governor's prerogative
by telegraphing the substance of the

only note
to J.A.

... may consider it a ...
 ... the ... of ...

... can read ...
 ... a copy of ...
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... 3/11/20

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Who is Johnson? ...
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...
 ...

To give you an idea of the official who is head of police in this district. He at the beginning would not keep a job on a farm, he got so that people would not have him in their houses.

After which he lived on the mission? When they got him a job as a stock inspector, but had to be sacked from this last as absolutely useless. His name is Rainford.

You may see a list of letters in the papers from a fellow called Johnson, saying how settlers "treat the natives" if so, you will know that he was cleared out of the country before his trial for offences better not mentioned here, in polite language getting mixed up with the wrong. etc.!!

So please if what you can, and let me know as I do not intend to settle in a country which is going to be governed like this, one pig killed etc. If we go to court we cannot get justice and it costs us a good deal to go in: then they say we must not take the law to ourselves even over minor matters.

In this case the jury brought in a verdict of guilty of simple heart under extreme provocation. They have naturally written a letter of protest to the Governor that their verdict was absolutely disregarded by the judge.

Hope you are all well
Your affec^ted nephew
U. F. C. Roberts
P.S. mail will write

1864

I saw 3 Europeans, before the day before yesterday
and when I asked them about Harris's case
they simply said. Harris was never tried in court
at all. He was tried in the court on some other
case before the Spaniards.

Harris's father Col. S. K. Harrison has just sailed from
New York and you know every thing about it.
I will be home before you get this letter. His address

Col. S. K. Harrison

Hilton

Rock

Pembrokehire.

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He will be able to give you any details you may
want omitted here.

Yours
S. K. Harrison

an offence which was by a native, especially
 when in this case the relations is
 practically absent. though it, as made
 in the trial (to make sympathy
 on his behalf) best described & described
 described as settling, usually have to do
 in self protection of their prestige and
 worldly possessions, to give the herd boy
 a flogging, I told the natives assembled
 that I would give 20 strokes with a
 thin cane whip about two feet long,
 I gave 17 only and as the whip was then
 causing abrasions to the skin I did
 not give the remainder - The boy
 got up and walked away unaided,
 not made out in the trial, with assist
 covered with blood, I had witnesses to
 prove this was not the case.

When questioned by the Police I made no
 denial of having given the flogging as I
 considered it a reasonable one, the
 herd boy was put into the hospital by the
 Police & was kept there until every
 vestige & trace of any sores on the skin
 had disappeared, also whilst in the room
 after admission to hospital he was ill
 to put into contact with & contract

Choke

... to see at station ... and keep them
at Police Station!!! There 3 witnesses
were detained for 25 days and one of
them at least was given a pretty
rough time during his detention as his
evidence was wanted to corroborate the
evidence of another witness. Also said I had
given the head of the 100 studies & taken 12 hours
to do it. This man KAMAO had only
seen about 10 studies administered upon he
left a shankle to go to his duties, & to
this evidence he witness in spite of brow-
beating intimidation & heavy tasks given
him whilst detained by the Police.

It was also suggested by the Police
to these witnesses that (1) had hanged
a foreigner native in chains & flogged him
for a day (2) that I was "running" cattle
thereby breaking quarantine regulations,
these suggestions by the Police were also
accompanied by promises that the Government
would see that the witnesses would not
get into trouble if they cooperated, The

the Police and, as "Kamas" alleged
 rough treatment he was subjected to
 during that detention, had such an effect
 on other natives whom I wished to
 call as witnesses refused; ~~that~~ of course
 could have got an order from court to
 make them appear - but a native who is
 called into Court to give evidence against the
 Police (as he supposes, the Government) and
 fearful that he too if he gives evidence for
 his master will be imprisoned & mal-
 treated, is much better off alone, he
 will say anything. ~~His~~ supposes will
 keep him out of trouble.
 The jury's verdict was "simple heart",
 administered under extreme duress.

E. A. ...

November 22nd 1920.

My dear Pete,

Many thanks for ~~your~~ sending me the letter from your nephew with the enclosed statement. Captain Harries has lodged an appeal against his sentence and under the circumstances it would obviously be impossible for us to take up the matter, and in any case I think we should feel bound to leave it to the Governor's judgment whether any part of the sentence could be resitted.

Meanwhile if you agree, I should like to send the Governor confidentially a copy of your nephew's letter and of the enclosed statement.

Personally I should not like to say without full knowledge of the circumstances that the sentence was unduly severe. I can quite understand the rage which any decent Englishman feels at cruelty to animals, quite apart from the financial loss which Captain Harries suffered by the death of the pig. But it is clear that he flogged the native, not in hot blood, on the scene of the incident, but two days afterwards.

Nov 16 1920

Dear Anthony -

Thank you for your letter of the 8th which I received on this morning.

I am away from home I am

What for the expense I am much obliged to you for writing me so full & free

information whatever to my neighbors letter & the statement

forward to the Governor - on the contrary I'd may be

useful -

I don't quite think I can

useful of your mind on the affair,

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P
53305
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DUNNING STREET,

18 November, 1923.

Sir,

I have the honour to transmit to you, for your confidential information, the accompanying copy of a letter, with the enclosed statement, which has been addressed to Mr. Basil E. Peto, formerly Member of Parliament for East Wiltshire, on the charge of procuring a substitute for which Captain H.E. Harries has been convicted by the High Court. I also enclose a copy of the letter which has been sent to Mr. Peto in reply to the letter in which these papers were enclosed.

2. I shall be glad to receive any suggestion which you may wish to offer on this case, and if the result of the appeal has been unfavourable to Harries and representations are made to you for a mitigation of the sentence, you will no doubt give such consideration as you think proper to the statements which I enclose.

3. I take this opportunity to enclose a copy of correspondence with Lieutenant Colonel S.H. Harries on his son's case.

I have the honour to be,

Sir, Your most obedient,
humble servant,

(Signed) MILNER

P/55305 for [unclear]

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[Faint handwritten text]

DEPT.

[Faint handwritten text]

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[Faint handwritten text]

[Faint handwritten text]

MINUTE

[Faint handwritten text]

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[Faint handwritten text]

[Faint handwritten text]

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