

KENYON

55305

Rec'd
Dec 10 Nov 20

145

TO, B.L.

1920

CAPT H.M. HOPKINS

CHARGED AGGRESSION

th OCTOBER

previous page

The letter from his mother, Dr. V. F. Potts, protesting
against sentence of judge

5246

3069

4404 W 14150/24 Op 163 25,000 8-20 W & N (W B) L

~~Arbitrarily~~
~~in this case.~~

Colonial Attorney

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Please see Mr. Peto's letter.

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

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

As to the validity of Mr. Sheridan's statement and the allegation of native injury and police tampering with native witnesses, there are motions for the Court of Appeal.

I can suggest no other answer than that given by Col. Harris, and cannot recommend that you should interfere with the Governor's prerogative by telegraphing the importance of the

by
 J.A.

He may consider it a sufficient reason
for the suspension of his trial.

Please can send Mr. Garrison
copy of a copy of my trial paper for
his opinion, with critical reference
to the American League of the one
read at
and the justice of the trial of Dr.
Johnson.

Having received an answer of it
the Am. L. of P. 22 where file (4745 etc.)
is answered. After 10 years
controversy in the public service,
comes a motion for the trial rights
of the Police (not of any nation),
qualified with distinction as a
foreign press reporter became
Adjunct to the American, and
Cape of Good Hope, and
for a motion to reprobate.

W.C.B. 3/11/20

W.C.B. 3/11/20.

Who is Johnson? The org from 1 Head of
the League within less than a month or
things have changed.

W.C.B. 3/11/20
Mr. F. G. Garrison

Re d. b. 1st
M. B. E. Peter
envelope
senting at
of the paper

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

He stuck h. lived on the Mission. ? When they got
him a job as a stock inspector, but had to be
sacked from this last absolutely useless. His name
is. Rainford.

You may see a lot of letters in the papers from
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. ex. I
do please of 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 pigs 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 hurt under extreme
provocation. They have naturally written a
letter of protest to the Governor that their
verdict was absolutely disregarded by the judge.

I hope you are all well
With much love to your affec. nephew
U. L. G. Folsom

lost time

Some 3 weeks ago, when 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 dock or something
long before the general".

Harris' father Col. S. K. Hargrave has just wired from
here yesterday a knows every thing about it.
I will be home before you get this letter his address
is
Col. S. K. Harris

Hilton

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Rock

Pembrokeshire.

I will be able to give you any details we may
have omitted here.

regd.

of an offence which had been committed by a boy, especially when one is the son of the master. This is practically done - though not, as made out, in the trial (to make sympathetic, or to help) but about a month ago I was described as setting "exemplary hair to do in self protection" & their prestige and working positions to give the herd boy a flogging. I told the natives assembled that I would give 20 strokes with a thin ~~thin~~ hide whip about two feet long. I gave 17 only and as the whip was then causing abrasions on the skin I did not give the remainder - The boy got up and walked away unaided, not as made out in the trial with assistance 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 scabs on the skin had disappeared, also whitewash soon after admission to hospital he was able to get into contact with & contract

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re to see other soldiers and was then
at the Police Station!!! There 3 witnesses
detained for 25 days and one of
these at least was given a pretty
rough time during his detention as his
evidences were wanted to corroborate the
evidence of another witness who said I had
given the herd boy 103 strokes & taken 1/2 hour
to do it — This man KAMAO had only
seen about 10 strokes administered upon his
left scrotum due to his to his duties, & to
this evidence he stuck in spite of brown-
beating intimidation & heavy tasks given
him whilst 'detained' by the Police.

It was also suggested by the Police
to these witnesses that ① I had hanged
a Tagalog 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 corroborated, The

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previous burst fell through sand at
once & the open became simply larger
which is a technical open & a single
strike into the bank or one is simple
but in heavy, the second fire being
very thin & more or less straight upwards, the
two latter fire more broken the two
were established the height being 1075
ft 740) after which the fire
died down again & the ground
was covered with a layer of sand

3

(6)

the Police and, as "Kamas" alleged rough treatment he was subjected to during that detention, had such an effect that other ~~the~~ natives whom I wished to call as witnesses refused; ~~that~~ if 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 (& so he supposes, the Government) and fearful that he too if he gives evidence for his master will be imprisoned & maltreated, is much better off alone, he'll say anything & his master's supposes will keep him out of trouble.

The jury's verdict was "not guilty" pronounced under section 204 of the Indian Act.

E A M

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November 2nd 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 remitted.

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.

Nor am I inclined to believe that they would take any native to hospital unless he had really been seriously injured. After all the main difficulty we have in Africa is not the severity of sentences for killing of natives but their leniency. Only the other day a man whom I should have liked to have seen hanged for having a native flogged to death in ~~order~~ ^{for} minor information about a theft, got off with two years rigorous imprisonment, and knowing what the general attitude of Judges is out there, I should be no sur rised if sentences were ever excessively severe for such cases, though not in the least our aim that local settler opinion should think them so. In my case we have endeavoured in East Africa at all times to set out face against unauthorised flogging of natives by private citizens. That is one of the ways in regard to which our policy has differed from that of the Germans, and no doubt you will find the ordinary settler inclined to say that the Germans were right we were wrong. Without being a sentimentalist about the natives and knowing how irritating they can be

times, I am still on the whole of the opinion that we are right. If so and if this is our conception of right we have got to find it effectivly.

Your nephew's letter makes allegations against various persons, more particularly Justice Speaker Blinfield and to follow up his statement, the last writing letters to the paper, pointing by his name at those two persons, I would like to inform your nephew, letter was based on facts and when you call upon appropriate authorities to look into it. Right now we are trying to get a Justice of the Peace and County Inspector posted.

Conditions of service
 Not to exceed 24 hours
 Distinct
 and above
 and above
 only
 Service
 Duty to Commandant
 His word
 As soon as possible

Mar. 16 1920

Dear Avery -

Brayfleck for you.
Letters often go which are
not sent and then remaining in
the office until they are
sent away from home -
What can the outcome I am
much obliged to you for writing
me so full & just no
action without the one
possible letter & the Station
and the University are
not concerned -

I don't think I can
well get involved in this affair.

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P
33305

TOWNSEND 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 flogging a native 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 advice which you may wish to offer on this case, and if the result of the appeal has been unfavourable to Captain 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. Morrison on his son's case.

I have the honour to be,
Sir,

Your most obedient,
humble servant,

(Signed) MILNER

Pf 65306 pg 107a

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18 Bimby

DRAFT

Sir

Sir G. W. D.

MINUTE

straight information, &

especially copy of a

bill of lading or bill of exchange and

commercial letter book

concerned.