22053 and Conf. Italian mission 1910 fives heatony i product prochon of trustion established 11 June in Post I enclose report of engage suto the previous Papor Condust of the mosion orpherage at hyen Request \$5136 trations as so 113 Question of the Orphanege, 6) Land to pussions, 1 (3) whole position of this mission ! I declare . wo hand. The medical report on the cophanage by D. Bodeken is painful reading. With: reford to the other reports, there is a distract difference in tone between W. Fraker's report of the 12 d farming or his report of the 31st of March The later report is wish more favourable to the Wission Kindleto by Joying has in vew of the good work done by the whereon during the party base just to do the way substitute is writte that of the exhibitions La Got withding The God ankaster instructions in

we want put he point to be Grifio The orphanale whose deplaced is more devoted to femilia (a) and we dispose of the children out difficulties the lo mage thing now at the ough a wage. The Crown advocate how to overcome take in on their or other supports, in par . 2. of his me morandum foints). If he thinks that an enfury (last enclosure), the theoretically proper markin week be conducted with hope way of diposing of her. The proposal a salisfactory issue, the engury thousand depends, however, on the problety of be held, one children should be averlaining what children were handed disposed of a recommended by the over a the me well of mesoure on the Crown advocate If not I see no pour of the Wission what children were all native to allowing the Wissin to hended our whenlordy, a that children relain the children would they are of were picked up abandoned a deserted. na age to look after tempetres. of traker's sound report, begin 2 + 5. (1) the future. If , assume, show what strong wolves the natures the Win ion is allowed to continue to have for lying about he we shoul in work, the precontions suggested by Thich the Wissim has Want control wittoaken on by b of this first of the Mildren o what good frough report should wronly be adopted, were in the king that key had led e. & all chelher taken by the Mission died of the allaws, I don't whether should be regulated by the District Commit in the trusence with the consent of the parents or relatives, the conditions ody Gat engany will should be of residence at the Wissian being South sufficiently to form the basis of bely explanated the by book a saleifactory pould in the children

By whedited that in pertin of the sup the her been promised land by the lake ording though be considered by the year Gov. It to by no means werdain that Got spens from line to line. the work her where when abandoned chedren are with the use against it looks blacked, it picked up by the Wission the metter an open greation who key he plight of should be reported to the District the children is not for better than I Commit, a report should be made would have been of the Wission had not of he forth, and engury should be been at work. Solong as it submits to the precontines referred to under head hand for Missons. (1) above, t is not a cause of serious There seems to be nothing to unest away he natives, I think it Tyen to in the Governor & Suggestion shalf in de Reserves, no over though must be allowed to jo on. he the maximum grant for Mission and the Bishopric, hondry the purposes, offer we land, fromled General Dept can may what formalities, should be hald my were renewable y any, are usual between the Holy In see some purposes, other, outside Too + H.M. G. in regard to the establish. deserves of redions should be fermitted ment of Roman Easholic Bishopmes in Hotake upland when the limits Builton Colonies. The & a R is however presulted In ordinary purposes. not yet a Bout ish Erlang Subject of 3) The form of Minin . Britishing anything that may be said on the of do got see how we can at present friend I him to H M. G. would be interfere with either the Wission has extremely il aloned to medile in been allowed a establish teef T the internal offers of the Riman church

12 Pl. What Bur P. Cyronard magers in effect that we should by to errange that me Roman Gallater British nother have another think & wereise his feeling in particular district of he pte 11 do not have that he proposal is me which can even be distanced. Nothing that of clear recous detiment to be public pulered and put for engrach refullmentation against a particular trebate. Even in that case, the refresentation would have to stop show of suggesting the bartimlar reassengement that should m dem by 44 out left high and who were of the state of th functions or the area of min

531 Col Duly ton fewe a sta diaser - I think it is been from that there is north cores, when is if to their had not trans charge title and I send not some an antis grain to him in a confidence from the weight and the with of Taking on alor I mir to enfercing of an Enguing with a view tres training to diese & "prent or praviage" It is Reggested in the deposit that form of the chessen were exposed in the bring let of they long to the A Equivalent of the halocalis ? It is possible that the think wi stee be glast get how I then chieven again in man afine them Weath if a the Enging w? siele be & atian let and. as regues to gutine, Iwas lete to line the in making realistes himing hugh to as and the a for the or a discussion in any of insulis and the wint to appear

for her theup cannot interfer for turen fire by her Niblet. ha 26 I appea. 37.7 Certainly have resigned bottom mor to organite ordered likes. At as proposed . Easyl.

Government letties

11th June 1910.

EAST MEATCA PROTECTORNIE. Confidential (58)

My Lord,

I would desire to invite Your lordship's attention to the history and position of the italian personal new established in this country.

Lister tory, in so far as correspondence roes, dates from I'cl demonstrate any permission from the surfacilities, its representatives established themselves in the illustrative lescence. In July 1992, the following and line limits of their presence. It was a far and in further action it remains to their variables to further action it remains to their establishment seems to have been talen.

land in the enia rovince. By 1010 4,523 acres had been applied for by this mission and tacitly agreed to by an increase and the Coursissioner of Lands.

4. Nothing exists in the Government orres-

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HIE RAIL OF ORDER, K.G.

SOUTHWAY OF THE POLICE COLUMN

MONDON. - S.W

pondence to show why this kamen Catholic sission from a foreign dountry established itself within the juristiction of wishe adject. A note that the property dealers determined the regional occupation was a tempopary measure. This has been confirmed verbally by Sishop Allgeyer, who informs he that the vission originally analysis with he intention of receeding to Italian territory but finding the Kenia country very attractive gradually, settled Morein.

which are usually adopted as het con the hely ou and is afesty's Government in the cetablishment of Roman Cat! His District in Dritish amounts.

t eastert did not ork well with Mishag alleger.

At the end of 1909, endrely to his supplies and certainly with me knowledge on our part, the land of the Italian mission was created Bisho, of Menia, the whole province being withdrawn from the juniadiction of Bishop Alleger.

there are at present therefore three Octholic lisho ries in artist Last Africa: the old Uganda review there lishop limiten, the nemia frovince in artistic lerie, and the remainder of the Iro-

releived a spine tak serious report as to the country 1

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the matter, and the substance of his report is a pended. I visit d the mission station at Nyeri mission, and although this mission has been in the converte in an tisk and only one increach.

Shortly afterwards the lead of the mission returned as a history and the second and could be for all allegations. This was the by the same agistrate, and the negative array ended, while the Croon Alvocate's rejort upon the lole matter.

10. I see Bish , crie entermently mit' him the que dione connected both with this arplanage and will the land remired for dission purposes. Ith re ar' to the former, he shoulutely refuned to sive u, any of he c'ild en allering that he had proved that no force or madee persuasion was used in procuring any one of " car by members of the mission, and that its profile would satter if any if then had to be iven up. The land question I foun in an extraordinary state: 11. At Ayeri 1,000 mores of so-called grazing land were to be granted in freehold and 2,000 agres; in leasehold. These lands, I may remark, are being cultivated with every bind of product, and are in n sense grazing lands. At Fort Hall 160 acres of freehold were granted for the purposes of the .

lission.

the mission has been cutting timber for all purposes for several years. (In point of fact it a peared to aim at making itself self-supporting in the country, and I fear that in many of these small stations native labour has been used in a manner with which we cannot entirely agree.

13. As the deeds have not been passed, I have informed Bisher Perlo that in no casecan we grant more than 20 to 40 acres within a native reserve and that this must be leasehold for ission proper only.

14. In so far as byeri itself is concerned, the land taken up the c is outside the Native area and there can be no objection to the Mission obtaining what it has requested. At 1 rt Mall, which is an administrative centre, I have informed Mishop ferlo that his request for 160 acres freehold must be cut down.

15. In my opinion sufficient at ention has not been paid in the past to the proceedings of this dission, and it has been allowed to establish its self without due consideration. The resulting position is one-hat awayard. It would a pear recrettable to have acquiesced in the creation of an Italian Bishoppic than our territory, and it would be in the consideration by table to arrange, if possible that the jurispection of plants of All-geyer her the Province of Benia should be re-established.

i should be that to referve four principles

instructions as to:-

(1) the question of the Trphanage.

Here I kal much concerned as to the necessity or otherwise of a criminal prosection. Such an action I desire to avoid oring to the peculiar position of this ssion. The rutter was, as Your Lordship will see, thoroughly investigate? locally, as also by my law of icers. there is every probability t'at any of the children were picked up when aban oned, but others nere hadoubt. ed; on wined from their meants by one form of throat of minimum en'arion. The portative at the buffiningo was cortain! - Larse, this : Call to may believe the status when a fascula that any of the children vero practically it a 'yime condition when then in. There is no could have ver the bills natives themselves mere not consulted before this Lission or Grobanage was cetablished. In movember 1998 the Provincial Commissioner had all fle Blie's in that part of the country b ought World er and asked them to state heir rishes truly in the matter. They manimously and emphatically sai' that they did not desire any Mission in their midst.

(2) Land for lissions.

Outside the Recerves there is no objection whatever to any dission body taking up land within the limits of anthorized grents. Inside the reserves twenty to fortracres should be the maximum aranted bleasehold for mission purposes, with the proviso that the leasehold will be extended on termination if the land is still in

occupation for those proces.

(3) The tolk position of this lifetime and Bishopric.

I have the honour to be,
Your Lordship's humble
obedient servant,

GOVERNOR.

INCLOSURE AND

In Despatch No. 38 of 1874

REPORT ON THE INQUIRY HELD INTO

THE CONDUCT OF THE ITALIAN

MISSION WITH REGARD TO

ITS ORPHANAGE AT

& NYERI

22053

This enquiry has been instituted with the object of obtaining information on the following points:-

- 1. How and under what conditions have sertain native children been obtained by the Italian Catholic Mission in the Nyeri District?
- 2. Has the treatment and general management of these children whilst in the care of the Mission byon of an humane and satisfactory mature?
- 3. To account for the heavy mortality that has taken place amongst blow.

(1)

On the first point the evidence of 49 native witnesses as against the Mission has been taken and with very few exceptions it appears that the children were taken by the Mission against the wishes of their parents or if their parents were dead of their other relatives. The same story is repeated with similar singular unanimity and in nearly every instance the following seems to have occurred:

A mother with/young infant dies, the infant has been taken charge of and is being looked after by one of its relations, the Italian Mission get to hear of it and one of the Fathers proceeds to the village and demands the child on behalf of the Mission. Its father or other relatives refuse to hand it over, the priest then proceeds to threaten fine or imprisonment or both unless the infant is given to the Mission or in the event of its death if it remains with its own people. These being oversed by threats consent to hand over the child and it is taken and to the Mission where it remains. The greatest offender in this respect appears to be an Italian Father known to the natives as "Kabureri", his real name I believe is Gabrielli and he is now said to be in Europe but is shortly returning to Hritish Fast Africa.

After making every allowance for native exaggeration and untruthfulness, I we convinced that a considerable number of children have been obtained by the Mission against the wishes of their parents or guardians by means of unlawful threats and that in some instances those threats have been carried into effect and money and goats exterted from natives who refused to hand over their children and which children afterwards died,

There is however another aspect of this matter that requires consideration: Chief Wambugo stated in his evidence that for the past three years, under no circumstances, have any children been abandoned by his people in accordance with old standing custem or if it had been done, he was unaware of it. I do not believe this statement to be in accordance with fact and I am strongly of opinion that under certain

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In his evidence that for the part where years, and the content of the content o

conditions infants are still abundand in considerable numbers and that this practice will continue for many years to come. Anyone acquainted with natives and their ways will readily understand that it is most improbable that an uncivilized tribe numbering some hundreds of thousands will have entirely changed its habits and customs within the space of two or three years. I imagine Chief Wambugo made his statement with a laudable desire to save the face of his people but I do not think his evidence on this point should be regarded seriously.

There are some natives children still at the Mission and many more who have died for whom no claimants have come forward, I think it may be taken for granted that many of these infants were picked up by the Mission after they had been thrown away and abandoned by their relations for superstitious reasons, and taken to the Mission Orphanage. Their relations, even if they are aware that the children are alive and at the Mission, which is doubtful, are probably afraid to come forward and claim them being fearful of being charged with their abandonment and punished by fine or imprisonment.

In concluding my remarks on this point it is difficult to ascertain what proportion of the tetal number of children who have been at the Mission during the past year have been obtained by unlawful means and what propertion have been picked up. As a rough and approximate estimate only I should say that half have been obtained by the former and all by the

many years to come. Anyone acquainted with natives, as their ways will readily understand that it is most to come. Thousand that it is most their ways will readily understand that it is most improbable that an uncivilized tribe numbering tome numbered of thousands will have entirely charged its habits and rustoms githm the space of to or three years. I furgine Chief Wantingo made his latement.

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In genelaring my semants of the principal of the total section to the total section to describe the total number of confident may be needed in the property of the second section and the confident have been princed in the confident make the confident make the confident make the confidence and the confidence make the confidenc

fatter means, this estimate, of course, being open to revision on obtaining fuller information.

Father Saroglio's statement adds nothing to the elucidation of the matter, he either does not know the circumstances under which the children were obtained of if he does know he will not say what he knows. I am reluctant to believe that he has deliberately kept back information on this point and think it more probable that he is, in a great measure, ignorant as to how the children were obtained by the other Missions before being transferred to the Mission Farm at Nyeri.

(2)

On this point I can give, certain amount of information from personal observation. On the 5th of January I visited the Italian Cathelic Mission Farm where all the surviving children now are. I am unable to furnish any details of a medical nature, these are fully dealt with in the report of the Medical Officer which is attached hereto and I can only deal with the impression that were made upon me. With the clothing, diet, accommodation and general appearance of the healthy children there is little to find fault with but as regards the really sick children - six in number - their treatment appears to leave much to be desired. The report of the Medical Officer and his recommendations as to what should be done deserve careful considers in as the future

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The control of the marker, he either does not know the differences under saids the confidences obtained of the constances under saids the confidence were obtained of the medical that he has deliberately be reduction to believe that he has deliberately confidence, information on this point and tains it more probable that he is, it a great measure, ignorant control that he confidence were distinct the other saids that the confidence were distinct to the venter of the confidence of the venter of the confidence of

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the Mission, will largely depend upon their being carried out. It, is not easy to furnish any information as to the medical and general treatment of the large in the past, the mortality has been extremely heavy, but of the 42 children and infants at present in the Mission only 6 were I believe actually ill. I deal with the question of mortality and its probable causes in Section 3 of this report.

(3)

From a return furnished by the Nyerl Mission & copy of which will be found in the file on which this enquiry is based, it will be noted that a total of 82 children and infants of both coxec have been received into the Mission during the past two years or thereabouts. On my visit to the Mission on denuals oth I counted 42 and was told there were no others alive, the remainder having died. It thus appears that the death-rate has been practically 50 per cent in the short period of at most two years. The question naturally arises, what has been the cause of this abnormal heavy death-rate and could it or any part of it have been prevented? Father Saroglio states that many of the infants when brought to the Mission Parm were sick and unable to take either food or medicine and the on most cases their modely was hopeless and I am inclined to believe that this, to great extent, may have been the case. It is of course welfare of the children if they are so be kept by
the Massien, will largely depend upon their being

the part of the medical and general greatmen of the
children in the past, the mortal is best been extremely
hoavy, but of the 42 children and infants at present,
the Mission only f were tellow actually ill.
I deal with the question of this report.

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B HOLEST CLEARY BUT OF BAN LUTET WILLTE P HATEL . P. core or willow will be round in the fills on which this se do think is hered by me and blank of the the to be sed of thin in sentitived and intrinte of hore sure have toep reported to the filling dering the great min your cir theredre grownet to nother with the re by you we he bounde to Codated as one we talk there ware no elect alive. the reaching thet. It that appears the the death-rate has been populated by and some the the made any off team is To potroq frad? usturally arises, what has me as come of this short the train of the train of the train the of it have been prevented? F. . A fleetneweng meed evad it lo that many of the infants when brodger section 1-steps To book reduce the to take ellips for or or medicine and that in most cases the to a way. w. was 4 to the seed of bentlond me I bent seedenon

impossible to say what proportion, if any, of these infants could have been saved by proper medical care and treatment and it is open to the Mission to make the obvious retort that none would have been saved but for the action of the Mission in taking them in and this is doubtless perfectly true. In the face, however, of the Medical Officer's report on the present treatment of sick children I think we may presume that that treatment has not been superior in the past and that therefore an uncertain number of young lives might have been saved by greater care, attention and knowledge on the part of these who were in sharge of them.

I think that having taken in these infames the mission was morally bound to give them the requisite care and medical treatment and this, in my opinion, has not in many cases been done.

No evidence was taken from the children themse lives as in the opinion of the Medical Officer they were too young for such to be of the slightest value for the purposes of this enquiry.

In view of what has been disclosed in this enquiry I venture to make the following suggestions:
(a) That all parents or other relatives who have children at the Mission at the present time and who desire to remove them should be allowed to do so.

(b) That in future all children and infants taken by the Mission should be registered by the District Commissioner in the presence and with the consent of their parents or other relatives if the parents are The selection of the selection of the selection of these states of the selection of the sel

t inthe that is and a constant the second selfdisting as working to and a constant to the second selfcare and addition to the constant to the second selfthe second selfthe second seco

No evidence we have all a second descriptions of the property of the plant for the plant of the plant for the plant of the

 dead and the conditions and length of such residence at the Mission should be fully explained and agreed to by both parties.

- (c) That medical and lay inspections of the Orphanage or Home should from time to time be carried out.
- (d) That in every case where abandoned children are picked up by members of the Mission the matter should be reported to the District Commissioner and a record made of all the facts of the case with a view to enquiry.

I do not know what construction to put on the fact that the Mission has called no witnesses of any sort to refute the grave charges that have been made against it. The presumption is that either they regard them as too Trivial to need refutation or that they have no witnesses available. Neither of these reasons appears satisfactory and they must have, 1 believe, abundant evidence at their disposal in connection with the finding of abandoned infants and can hardly failto realize the gravity of the charges that have resulted in this enquiry. That fact however remains that no witnesses have been called and that Father Saroglio knows or has stated that he knews, practically muthing about the matters enquired, inte. I do not think it is assessant for me to enlarge resther on this point and as I have sendoun my conclusions, as they appear to me, at some length on the points into which I was instructed to enquire I dow bring this report to a close in the hope that

does and in ringer and with a took in indicated at the filly explained and agreed to by both parties.

(c) That medical and lay inspections of the Orphanage

(d) That in every onse where chandened orderen are jicked up by members of the Rissian the matter should be reported to the District Commissioner and a record made of all . Incl. of the case with w view to negative.

ed no sud us autopets they wone out the vas to sessembly on helican on murach our fact that shad need evan is i comindo evang this erater of the wer god, wattie doch et ambligabeer, ent . Ti daming. Tail to near this by a of lacking our ag and bing they may a no witnesses as all a second two on a get good to live , plymint, writer of their placesal, in oppheeries with the fincing of abandened infanty and one cardly Taillier realize the crowing of the charges that have resulted in this unquiry. Figs inct Reweyer seasing that no with our cave been cailed and en rant being but to seems of Lactar Sentant Sent. known precised in nothing about the matters enquired, dyrains of on tol (recessors of it suits for ab I world further on this point and no Linvelver dovn my ... conclusions, and thore are made contracted that the co

and Home being conducted on somewhat more satisfactory lines than has hitherto been the case.

sd. F. G. FUAKER.

Nyeri, 12th January, 1910. the may result the see italian Mission Orphshage to and Home being conducted on semewhat now satisfactory lines than has hitherto been the case.

sd. P. May POAKER.

Myeri, 1sth January,1910. REPOBR

7-1-12

THE ENQUIRY HELD INTO THE CONDUCT OF THE ITALIAN MISSION WITH REGARD TO THE ORPHANAGE AT NYERI.

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In attempting to arrive at some definite conclusions on the evidence and statements recorded in this enquiry one is at once struck with the pronounced discrepancy in the versions as to what actually occurred in the cases of Shildren obtained by the Mission. In hardly a single instance is there are expected and I propose later on in this report to give that I consider to be an explanation of this discrepancy. After a careful permed of the evidence and statements contained herein I have however formed the following conclusions:-

- That in many cases the natives themselves voluntarily handed their children over to the care of the Mission.
- 2. That in some cases moral pressure was used either directly by members of the Mission, or indirectly through the Chiefs, in order to obtain the custody of children.
- ing to get possession of children was in itself entirely praiseworthy and humane and that ne improper or criminal motive or intention can be shewn to have existed or to exist.
- 1. In view of the statements made by the combers of

In attemption to arrive at some daring a conclusions. on the evidence and attemption convided in this endites conservable at the first the monaum of the accountry in the versions as to what actually of urred in the cases of children obtained by the Midelon, as bandy a vatagle instance is there any agreement and I proposely later on this report of wive what I derestan he was men futerion a vesta. Typenegorosth atas to notsenslage to I dienes besternes and alatementa one epochtve ent in faku have however formed the following constunions-That in many senes the netteen thomselves sits of seve perhitrin a forth hericall present for . noted the Minelon. been has emmeete Legon enued omed at leght warrants with he wandown yd vitowith want is os repro rel atately ens renorms green that

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the Milaton I am forced to believe that many children were veluntarily handed over to their care by the parents or other relatives, that these children were generally in a very bad state from disease or neglect or both and were very often in extremis and that it was a hopeless task to endeavour to save their lives. The Mission record shews many cases in which infants only lived a few days after being taken in, which I think proves that they must have been in the state described. In addition to these many infants are stated to have been picked up in the bush after having been abandoned in accordance with petive custom and I see no reason to doubt this as the practice of abandoning or sufficienting infants born under certain conditions is. I am cortain, still prevalent though not perhaps to the same extent. as formerly. That all natives who have children at the Mission now wish to take them, away is & which conversely they are they are, in most instances, strong and healthy and able to do a certain amount of work and in the case & of the girls the live stock to be obtained on thour marriage is doubtless a further inducement to withdraw them from the Mission. I understand the position taken up by Bishop Perlo to be that, while he is quite willing to return those children to their parents or other relatives who express the desire to go, he objects to return those who prefer to remain at the Mission and that this especially applies to those who are still very young or in bad health. It is a matter on which there is much to be said on both sides and great care should be taken to ascertain that the natives claiming children are neally entitled to have them asono doubt in the cames of children who have no surviving parents

the stactor item found to getter that many obtains and vitaling after to a few mehinen villagemilor comes The state of the state seems that the contract of the seems were the thin my case it most standing grow with all through form at toni bon stocking of the to the bond the the man on Foretain last to and evous to save their lives. The last were the started cheek many when the total brings and a the lived a few days after paten telem they wild on I think proves that they make mean help in the state described. even at been the ere a true with where each at well the mi been picked-up to the bush after hexted been atmonest of dealers on men I but motion out the ponetrano H doub this angels precioe of ebandonies or auffocether infante born unter contain denditions to, I am sertains till drewatent thrus out perhaps to the seme extent is formerly. Ener wil neither who have children at the Maritan med wheth to the ment of the wor motality the tree are; the coat tree are as directed beat the some and all the thing troy the amount of the thin among his office been a of this eight a the live store, to be obtained on thete. PROPERTY OF GOTTE THE SECTION OF THE PROPERTY OF STREET them from the Minder. The brains the posttion takes up by Etchap Ferlo to to shot, while he to outer white to return these children to "lote namers or other" relatives who extreme the testre to so, he obtain he return those who prefer t receive at the Wt size and title ore ode mand! or affine officeres about the worry, young or, yo bad-beat the there its much to be set on both of he of sent over einfurfactschaftst. zur eins beits alle beweiten perforches fest aufzeiten south and the man of belitted after and many that dintag anti-learn pri-avad ets norbline to some est at

other near relatives claims will still be put forward and more especially in the case where stris are concerned.

2. Al Minigh I am inchined to believe that there has been much starteration not to say downright untruthing ness on the part of the natives who have given swidenes before me I am still of opinion that in some instances the Mission, in the person of Pather Onbrieffi, has directly employed moral pressure to a considerable extent in order to obtain the custody of native children, such moral pressure taking the form of threats of fine or imprisormant. In other toppoots cases pressure has, I think, been used indirectly through the sub-shiefs mid with this form of scessure T cam wee little objection provided good saute could be shown for it, and the Chiof was estimised that it was medesary. However immunic the object in view, however " see grave objections to members of the Mission directly washawing moral pressure in the dealings with the natives. If the principle is once admitted it is difficult to ser where It will and and with a more or less irresponsible body such as a foreign Missionary Society it might quite conceivably open the door to all sorte of abuses. The Mission would, I think, have been much better advised had it reported all cases in which children had been made away with or where it suspected that such was the intention in any particular case, to the Acting District Commissioner at Nyeri; he could have instituted an independent inquiry and if he found there was reason to believe that any child was likely to be abandoned or made away with or was being treated in such a manner about

other near relatives claims will street he for the forms and sore senectally to the case where the art.

Mercurn I am inclined to believe that therein been much exerceration not to say downstant untent ness on the part of the natives who have given estame before me I am attli of acinton that a some instance the visaton, in the margin of father Cabristit, has lipacity orriored makes resemble to a considerable extent In order to the buston of matter of later BURN Moral presents to the Chim of threats of the or imprisonment. In other temperate cases progence has I this . here when in I meets showner the mabens after the end of the way of the star after her . It was proude at hit we worke him but I are instantial . onequened ask of some tage time ask holds and the Howard has I navaged water of presta ade assert of overame remove interest of the statement controlled they transmire it the tentings with the methylate throat and or trooping to it tart for own a state for whose eleter record and we came the law two law of the Cl Little the state of the state o

omnories of the control of and a control of the stylest Mission sould, I think, have been not better stylest had it reported all cases in with chilings hat been made away with or where, a corected that the the intention in may particular and the little of commissioners at the control of the

its life was in langer, he could have made an order sonsigning it to the care of the Mission and no further question would have arisen. I helieve however 'n all these cases the Mission acted under the bons fide conwiction that by its action it was directly saving children from death, that no time was to be lost 4f any good was to be done and that it failed to see that it was acting imprudently and that its actions were open to criticism and misconception, in short, that it was allowing its zeal to outrum its discretion. Bishop Parlo states that the natives will not come to a Government Station to register their children as being placed with the Mission being afraid to do so partly on superstitious grounds; this may be so possibly at first but later on there should, I imagine, be no difficulty about let.

It is, I believe, a fact that the death of children born under certain conditions is considered necessary on the grounds that such children, owing to the circumstances of their Dirth, are accursed and that their survival will bring all manner of misfortunes on their families. Mere removal in these cases is not considered sufficient, though it may be so in others, and many infants are, I believe, annually made away with and about which nothing is heard, in order to save their families from the dire consequences of their survival is suprosed to entail. When the Mission does hear of these cases it naturally does its best to obtain possession of the infants before they are made away with and if moral pressure is occasionally resorted to it may be immident out cannot be classed as a crime.

It has become evident to me during the progresser

intimate

tts life was in danger, he could have made an order constraing it to the care of the Mission and no further question would have arisen. I bestowe however in all those cases the Mission acted under the bone fide conviction that by its action it was directly saving children from death, that he time was to be lost if any good was to be done and that it railed to see that it was acting imprudently and that it salled to see that open to criticism and misconception, in short, that it seems allowing its seal to outrum its Marretian Bisham and allowing the seal to outrum its Marretian Bisham Perio steres that the natives will not come to a covernment, tailon to eachet, their children as beside; placed with the wission being afraid to do no narriay.

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carge one later on these shoulds I (marine, be no

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It is, I believe, a fact that the teath of emildren borr ante: cortain condition to come here hearing which the mounds that the collision destructs the secure mint the box is a server of the second Best Jan January of the manner of the levisting boundance, were hopen haven as the met one welliant suffitting, though it may be secun others, and many disa bon ore the wave shad y made and the tree and analys entrin nothing is beard, in order to ever their femilies from the dire commencement of their curvive? is surrowed theall. When the Viewich loss hear of these cases Freduct to water Michigan 4 he or of eath manageron of the ferron 21 her dits were then the west attended agreement Smeathant ad yam it on Jesusphy limeters at many . outro a gar Lougas In nd Johnso Jan to asethory out on thethe the propers of

this enquiry that considerable antagonism exists towards the Mission on the part of the Chief Wambugu and the reason of this antagonism I take to be as follows:-

For the past 2 or 3 years Wambugu has endeavoured to persuade the Administration that the practices alluded to have almost, if not entirely, ceased. In face however of the revelations that have been made by the Mission it is obvious that they have not ceased. Infants are frequently being picked up in the bush and otherwise saved from death and I am of opinion that Wambugu is extremely annoyed that his assertions have been found to be incorrect and is fearful that he may be called to account for allowing these practices to continue . The result of his enmity towards the Mission may be found in the statement of some of the witnesses that have been recorded. do not hesitate to say that a considerable emount of instruction, or, to put it more breadly, intimidation has been employed with reference to these witnesses and that many of them who woluntarily gave their infants into the care of the Mission have come into this Court and stated powitively that the infants were taken from them by force and against their wishes, or that they only handed them over after being threatened with fine or imprisonment. I, of course, cannot state definitely in how many cases this has occurred as it is impossible to find out the exact details in any given case, but the extraordinary similarity of the stories told by witness after witness is, to say the least of it, suspicious and I believe the explanation I have given above is in nearly all respects a correct one. It must be remembered that the members of the mission practically pass their lives amonest the natives, that they spend many years in one district and that they speak the native language as do the natives themselves. As a consequence they have a more

talk om duly that considerable antagonies exist the Mission on the part of the Chief Tennes last the reason of this anterented I take to be as follows:-For the past 2 or 5 years Tamburgs has endeavoured to persuade the administration that the precioes alluded to have almost, if not entirely, cessed. In face however the revelations that have been made by the Missiam it is obvious that they have not ceased. Infants are frequents being picked up in the bush and otherwise saved from death and I am of opinion that Wambugu is extremely w annoyed that his executions have been found to be imtemperate of believed you ed west furment at bus toonroo or allowing breen practices to dontinue. The result of his country towards the stanton may be found in the state ment- of sems of the witnesses that have been recepted. ad to smooth the other to car that a constituentle amount of the offuctions minds per it more broadly, intinitation man been employed at a reference to there at meses and what man; of them who weluntarily gave their infents intellicare of the Manton have nome into this Court and abated positively that the infunts were taken from them by force and against their wishes, or that they only handed this . Jimenica kugat on anfi ditw benejaerni gnied reila revo I. of nourse, cannot state designitely to her many asses this has pecurred as it 's impossible to fine out the exact details in any given case, but the extraprifmany similarity of the stories to'll by witness after witness is, to say the least of it, depictous and ' bwileys abe explanation I have given whomen a la noth; all remorts eredding out 7 and terespent the term of the term and the of the Mission procedes to many their tives accorde the national that they arend namely oute in one district and that they speek the mades language so don the marking themselver, the archimequence they have

Intimate knowledge of the national of any given District their habits and customs than any Administrative officer can hope to have who the constantly being moved from one part of the Protectorate to another. I think it is something of a pity that this intimate knowledge cannot be utilized by the Administration for its own purposes and I would siggest that conferences might be held from time to time between Administrative Officers and members of the Mission for the discussion of any points it might be desirable to bring forward. Had this been done in the present instance the true state of affairs would have been ascertained some time ago and steps might : have been taken to put a stop to the barbarous practices with regard to children that undoubtedly occur. I am well aware that these practices cannot be made to cease all at once, it wil' probably be many years before they die out autogether but the sconer a beginning is made the sooner will the desired end be attained.

5. As I have already dealt with the subject matter of this section in the preceding one I forebear to recur to it again as I have, I think, said all it is necessary to say on the subject. I sgree with the Crown advocate that this is no case for criminal proceedings, to institute such with any prospect of success it would be necessary to prove the existence of some criminal metive or intention and it is obvious that in these cases no such motive or intention cam be shewn to exist and even if it did it would be almost impossible to prove it in a Court of Law to the extistantion of a Jury. The most that can be ursed system; the Mission is that, in some instances, it acts increasily out that its motives.

were

instant among edge of the natives of any given District the content that many definite that the officer can be and districtly being moved from the can be not the Protectorate to another. I think to is something of a sity that this initiate knowledge capacit be utilized by the Administration for its own purposed and I wild suggest that conferences wight be held from that I wild suggest that conferences wight be held from that I wild suggest that conferences with the helper and members that I will be the members

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at the Wision for the dismunsion of any notice it with the control to being forward. Had this been done in the time state of stining would. In the been according to being time as the control would not be been time or being the barbarous practice. In the being time barbarous practices with century the control of the cont

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that this is no case for exacts in many times, he to
testitiste enter with any prompers of seconds it would be
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mere-in themselves good and humane I have not the slightest doubt.

Many of the patives who gave evidence in the first not enquiry have been available being absent at Natrobi and other places where they have gone to look for work.

There has been ample time however to enable the Mission to know the charges it was called upon to rebut and that object having been achieved there was little advantage to be gained by the recording of superfluous evidence in which one statement was the counterpart of that preceding and following it.

I did not consider it necessary to take the evidence of the native witnesses the Missian was prepared to produce being of opinion that such evidence was of no material value and could throw no fresh light on the matters under examination.

I see no reason to vary or mend the recommendations
I made in my report on the first enquiry. If I have
altered my conclucions on some points with reference
as to how the children were obtained in the first
instance they remain the same on the subject of reatetration and inspection of the orphanake of Reme if it
is to continue its existence and softvity and in view
of the good work it has undoubtedly done during the
past three years, I do not see that any substitute is
possible short of the establishment of a Government
Firstitution for which I imagine the time is not yet
ripe.

Sd/- F.G. FO MEER.

Nyeri,

March 31st 1910

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I dis not consider to menerally 6d turn the evidence of the notes as prepared 66 or northern was prepared 66 or northern was at the constant of the material tent on the material union against the material union against on the matters union against on.

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MEDICAL REPORT

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ROMAN CATHOLIC ORPHANAGE

At Nveri.

On the afternoop of January 5th 1910 Mr.Fosker and myself visited the Roman Catholic Mission for the sole purpose of inspecting the Orphanage. We were shown the building which is used both as a school and sleeping quarters for native children. It is constructed of wood and has a flat corrugated roof with a ceiling. The floor consists occentially of earth and was found in an unhealthy and damp condition, and sprinkled with saw dust. It is distinctly draughty, being ventilated by several windows and badly constructed walls - the imperature at night must be very trying for the little immates.

Inside the space railed off for infants (Wing B)
eix native children averaging about a year and half old
were found sprawling on the damp floor covered with saw
dust. In the whole of my experience in this country I
have never witnessed such repulsive and pitiful sights
as I found inside that building. All these children
were suffering from syphilitic manifestations, and
there was absolutely no evidence to show that any
attempt at treatment had ever been tried. Even the
himple treatment of healing an ulcer has been grossly,
assisted.

The several condition of each child was
most shocking - I found that even their ulcerated toes

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In the afternoon of 'smuory but lots is the server of myself vierted the area myself vierted the area of the server of the serve

inside the upon railed off in content (strong) six native children evenating about a year and half old were found appearance in the country is dust. In the stole of my exceptence in this country is have never witnessed such regulative and piting states have never witnessed such regulative and piting states as I found inside that building. All these oblideer were suffering from exphilition manifestations, and there was absolutely no evidence to show that any attempt it treatment had ever been tried own the attempt attempts of healths willow has been even as the arman's staple treatment of healths willow has been countries and neglected.

were never dressed and bandaged. The railing has been erected to prevent other children from mixing with them.

Each diseased child is placed at night in a small moden crib, not unlike a coffin, with a layer of straw derneath and a blanket above. It is obvious that they spend the best part of their miserable existence in the same room both day and night. Their diet consists principally of milk and native porridge.

An examination was also made of other 34 children and two infants about 2 or 5 months old. The ages of the former vary from 28 to 7 years. The majority of them look as if they had been properly fed and cared for with exception of a total disregard for treatment of ulcerated toes and chronic ophthalmia. I found them all suffering from either one or both complaints. A few also showed signs of syphilitic taint. They all sleep under a blanket in Wing A on the damp straw-covered floor, and are fed three times daily on a mixed dist consisting of milk, porridge of wheat or maize, sweet potatoes and other native grain. They are washed daily and are decently clothed. In my opinion I consider that all these children are far too young to make any statement which could be accepted as trustworthy evidence.

DISPENSARY.

I found that their supply of drugs, &c. is very scanty and most unsuitable for children. A marked absence of specific drugs and surgical dressings was noted. It is also obvious that the two Staters in charge of the children have proved themselves to be utterly incapable of looking after sick children, nor do they appear to have any knowledge of prescribing medicines.

were never dressed and bandaged. The ralling has been erected to prevent other billdren from mixing with them

'Alege a ni junin da becatq al bildo bessectio dosa woeden crib, not unlike a coffin, with a layer of atraw underneath and a blanket above. It is obvious that they arend the best part of their miserable existence in the same room both day and night. Their diet consists rincipally of milk end matiwe porridge.

An exemination was also mate of miber 55 intlanes and

two infants about 2 or 5 months olds, The cases of the core reary from 50 to 7 years. The majority of them look as if they had been properly fed and qured for with exception of a total dispersent for treatment of If went bound I .etwiedingo pinonia bas seet belwin fil suffering from either one or with complaints. A few also showed algree of syphilitio taint. They all eleen under a blacket to Mine A on the dame straw-covered floor, and are 'ed three these daily on a mixed dista consisting of milk, porrider of wheat or water, sweet rotatoes and other rative seath. They are washed daily and are tecently clothed. In a natutar " accepter that all these children are far too young to make any statement which could be accepted as frustworthy evidence.

I found that thotgauptly of druce to to very Boanty and most unsut bable for childpent, I washed sheepes of apostite dragaged surgical dressings noted to the state obvious and the state of charge of the children have proved the water utterly incapable of locking atter sice organish, h do they arread to keys bay knowledge of present bin

CEMETERY.

We visited the burial ground which lies about half a mile away from the Mission. It is noted that no attempt has been made to prevent the bodies of dead children being eaten by hyaenas. The usual depth of the grave measures is about two feet.

Before closing this report I should like to add the following remark:

To all intents and purposes, the primary object of the Orphanage is intended for discarded native children under certain conditions. Unfortunately medical arrangemonts for sick children have been entirely ignored, nor has a bona-fide register of all deaths amongst the children been kept. It is incomprehensible on the part of the Mission their not asking medical advice on behalf of the gick children at any time from the Government Dispensary here, as they do not hesitate to send for a doctor should any of their own members require prompt medical attendance.

As the present state of affairs in connection with the Orphanage is most unsatisfactory, I would suggest that the Medical Officer in charge of the Province should be empowered to make periodical inspection visits to all Mission Stations where there are numbers of mative children.

> Henry A. Bodeker. MEDICAL OFFICER.

MEMORANDUM.

- Before closing this report : should like to add the

In all intente and purposes, the primary defect of the intentary intental for discorded gaitye existing under certain consistions. Unfortunetely medical arrangements for alce obtained by a consistent of all deaths amengs the objitues been tent. It is incommented amengs the of the yields not the bart of the section while meaning the part of the section that continue medical administration of the section of the section of the section of the meaning of the section of the continuent of the section at the section of the meaning of the section at the section of the meaning of the section and the section of the section o

As pay present state of arrive to commente with a command aments of the companies of the common of the free about that the free time about the exponents to the pertuited important with a visit of the common stations where there are inches of the contract of the contract

the Born . Topine

From the papers it would appear that the Mission has obtained the custody of children in each case in one of the following ways:-

- 1. By inducing, by threats, the parents or lawful guardians to hand over the children to them.
- 2. Under an arrangement entered into voluntarily by the parents or guardians.
- 3. By taking charge of infants who had been abandoned by their parents or guardians.

The question for consideration is as to whether in the event of the parents or guardians demanding that the children should be returned to them, the Mission should be accepted in sample of the such request.

At courts the parents have the right to the austody of their children and the Courts will famue a writ ordering the children to be handed over to them.

Dy legislation in resent years the English Courts have been given a wide discretion in dealing with such cases and may now refuse to issue a writ or make an order for the return of the child if the Court is satisfied that the parent has abandoned or deserted the child or has otherwise so conducted himself or herself that the Court should refuse to enforce his or her right to the custedy of the child.

In cases where the child has been brought up at the expense of some individual or Association the Court has the power to order the parent to pay the whole or whose part of the cost of the maintenance of the

child

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1. By thusing, by threats, the parents by lawing a wint warmide have over the children to them. I winter he migrature interest int variation in the parent of the variation of the same.

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The counties for consideration is as to sharter in the children in the children of the children to the wind the wholes be compared to the wind the wind the county with each tenness.

of 'main oblidges and the 'dunt all' inside a write of 'main oblidges and the 'outer all' inside a write ordering the oblidges to be handed owns to show the show.

By deside the end of the oblid of 'outer and the auch agree been given a with a work as and the oblid of the chart of the oblid of the Court of the oblid of the Court of the parameter of the oblid of the Court of the parameter as commont of described the oblid or has otherwise as commonted big or hardle should receive 's suffered big or hardle should receive of the child.

In eases where the chile has been brought up at the expense of some individual or tenoriation the Court has the power to order the papent to pay he whole call the power of the case of the maintenance of the

onild as a condition on which the child will be handed over to the parent.

Fretectorate Officers in dealing with such cases administratively should, as far as possible, be guided by the principles of the English Common and Statute Law.

The Tundamental principle is that parents should have the custody of their children, and that the Courts will enforce the right of a parent in this respect. In the interest of children however the Courts are allowed a discretionary power and may, when satisfied that the character on conduct of the parent is such that having regard to the selfare of the child, the child should not be returned to the parent, refuse to order the return and may permit the person in whose custody the child then is to retain such custody.

with regard to the children now in the custody of the Itelian Missior at Nyeri, I would advise:-

- (a) As regards children who were handed over to the
- members of the Mission, that they should be returned to their proper guardians if they are for such return.
- (b) As regards children voluntarily handed over by
 the parents to the Mission, if, as must generally
 have been the case, such handing over was induced
 by a desire on the part of the parents to be
 relieved of the care of a sick child, that the
 parents should, before the child is returned,
 pay the Mission some part of the cost of the
 maintenance of the child whilst in the Mission.
- (c) In the case of children found abandoned or

deserted

entid as a condition by shigh the collid will be handed

Protectorate Officers in dealing with auch espace administratively should, as far an possible, by said by the fightering of the Egitted American intuition and the principle passible passible and that the count of their children, and that the careta administrative the rishless a parent in this aspect. In the interest, will dress however the fourts are allowed interests of conduct of the way; when satisfied that the character or conduct of the character or conduct of the child, the child should not be returned to the never, refuse to order the return and may permit the perment makes and end of the content of the order the return and may permit the never of the order the child then is to retain much outside.

to the test of war need (fits est of the custody of the the street, included the test of the transfer of the t

- (a) An meranta outlibrar who seper suded over to the Miselon in consequence of threats used by the members of the Similar, that they should be retrieved to their proper suandisms if they ask for such meture.
- (5) As measure to the Missing, in must semenally the parents to the Missing, if a must semenally have been the case, such handling aver was intured by a deaths on the part of the parent to be relieved of the case of all all all all the case, parents about the before the City City Peturest, parents about the cost of the cast of t

deserted, that the Mission-should retain the custody of the children.

Nairobi,

May 5th 1910.

Sd/ R.M.Combe.

Gov. 122053/1910:

East Africa Protectorate.

DRAFT.

AST AFRICA PROTECTOR

COMBIDEWLIT

Governor

Col. Sir P. Sirouard, ".C.Y.G., B.S.O., R.E.

Mr. astarose. 48 Sir.

Mr. Read 4

Mr. Fiddes. Mr. Just,

LMr. Com. 4

Sir C. Lucas.

Sir F. Hopwood.

Col. Seely.

Lord Crewe, Z 4 VIII

Coming Stroet.

6 Aumunt, 1910.

I have the honour to acknowledge

the receipt of your despatch confinential

as to the conduct of the Italian Mission.

2. To deal in order with the question

as to which you request instructions -

The Orphanage. I think it probable

that the children in most cases would have

died if the Mission had not taken charge of

thum, and I connet approve of any action again

the Mission in respect of possible irregular

rities

irregularities in the method of taking themover; nor do I think that any good purpose would be served by an enquiry with a view to restoring the children to their "parents or quardians" to I doubt whether such an inquiry would alusidate the facts sufficiently

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the 12th of Vanuar that some of these chil
the exposed in the helief that if they

ted by would bring trouble on the family.

It possible that the femily would still

te lad to get hold of them awain in order

on them to death, and the enquiry might,

analle them to attain that end.

As regards the future, it should be the rule that in matters secular a vesionary soon should be as much under the control of the Colonial Anthorities as any other body.

The processions absected by Mr. Spaker on

should certainly he adopted, and there should be power in the Government to make orders for the remedy of any defects disclosed by the impections made by its officers, with appropriate penalties for disobedience.

Lands for Missions. I see no chiection to your suggestion that incide reserves

All acres should be the maximum grant for
Mission purposes, and that the land granted
should be held on a lause renewable for the
same purposes; and that outside reserves
Hissions should be permitted to take up land
within the limits prescribed for ordinary
purposes.

(3) is regard the scatter of the

Bishopric and the jurisdiction enercised by ishop Peric. I have to inform you that His Majesty's deverment cannot interfere in the matter as it has been their settled policy for the cannot interfere in the cannot interfere in the matter as it has been their settled policy.

any way with the exercise of Episcopal functions or the area of jurisdiction assigned to any particular Bishop, whether Anglican or Roman Catholic.

I have, etc.,

(Sc.) CREWE.