

18209

1932

C0533/425

KENYA

18209

Council of H. Churches

1931/26	R 297	87
	Mr. Liestman	197
	Mr. Jansen	19
	3	253
	5	247
	295	15
	14	

Mr. Liestman	23/6
Mr. Allen	27/6
Mr. Jansen	4/6
Mr. Jansen	27.6
Mr. Allen	27/6
Mr. Jansen	27/6/32
Mr. Allen	27/6
Mr. Jansen	29
C. B. Jansen	29/6
Mr. Liestman	30/6
Mr. Jansen	7/7
Mr. Jansen	7/7

1.

Home Office

22nd. June.

2

States that Churcher's conduct has been satisfactory during the period of his sentence and that it is proposed to establish him as a poultry farmer in Kent - reqs. obsons. on this proposal.

Sir E. Grogg was advised by the Saraceni Council that Churcher should be detained for a lengthy period and should be removed to England - see despatch of 18<sup>th</sup> Jan 1926 & 1838/26.

He recommended in the same despatch that Churcher should be detained for life or at least a term of years unless leading authorities considered that Churcher was indeed probably insane at the time he committed the murder and further that he had so completely recovered from that insanity as to be no longer a danger to his self or to any other person.

The order of removal orders Churcher to be removed to the U.K. there to be detained as in custody as a Criminal Lunatic in the same manner as if he had there become a Criminal Lunatic.

It may be assumed, to the action now suggested is customary in the case of persons who become Criminal Lunatics in the U.K. and afterwards recover their sanity - it is unnecessary

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for the former's obscuris.

J.H. Pinner  
23/6/32

Perhaps the Genl Dept can give  
guidance as to the action in such  
cases. It is a little difficult to  
see how the local authorities in  
Korea can express any useful  
opinion.

J.H. Pinner  
23/6/32

There appears to be no real  
mistake precedent - 38301/19 E.A.P. & pass.

21/7/29  
It has been put up but this  
refers to a case of a criminal lunatic  
who was imprisoned locally.

There is one point however to draw  
attention to. It is known that in  
Korea under the Normal Prisoners  
Removal Act it is doubtful whether  
a lunatic, or a criminal in this country,  
has the right to stay in this country  
or whether he should be sent back  
to the Army. In this connection see  
Sir J. Pasley's memo. of 3/3/28 in 26172/63 Genl.

that H.O. do not agree with Sir  
J. Pasley's interpretation but it may  
be as well now to have the point  
cleared up. ~~For information~~

~~It is possible~~  
~~under the 1919 Act that~~  
Christians should be sent. Unless we can  
be absolutely certain that there is  
no doubt legally that Christian may  
remain in this country on discharge,  
then I think we must consider  
the point.

J. Pinner  
27/6

H.O. are evidently satisfied that a discharged prisoner,  
who was brought to England under the C. Pris. Removal Act,  
need not be sent back to the Army in which he was  
detained if he does not want to go. The question was  
left open on 26172/29 but it was definitely decided there not to  
adhere to the H.O. idea. I would not now question it, but  
presume that there is no legal impediment to the man staying  
here. But I think we should get the former's communi-  
cation to the action proposed by H.O. (that will be only proper  
regardless of the other question).

J. Pinner  
27 6. 32

In the circumstances I do not think  
it is necessary to consult the Governor.  
I have no legal observations to make  
with regard to the action proposed by the H.O.

27/6/32 H. Duncan.

? why that the Govt  
does not wish to raise any  
objection to the course proposed &  
does not consider it necessary  
to consult the Govt & Kenya  
to whom however a copy of this  
letter is being sent:

and the Governor to  
Kenya [to say that the Govt  
assures that the Govt would  
not wish to raise any objection  
to arrangements which the  
Home Sec & interests are  
satisfactory.]

It may be that it is  
from the point as to return  
to Kenya

Yes, especially as this is  
only a "conditional discharge"

I would omit the words which I have  
bracketed, because I am not clear  
that the Govt. would have a 'locus  
obliquendi'

H. V. Vernon  
29.6.32

see  
29.6.32

2 L.H.O. (1 Amud) 2 July 1932  
to Gov. Conf (3) — A/1 5 JUL 1932  
(w/co 1 & 2)

Handwritten notes:  
H.O.  
Priority to H.O.  
4

Have been authorized the conditional  
discharge of C.W. Chamber to the care  
of Mr N.S. Lewis.

? Copy former Kenya Conf  
for reference 3

H.S. Park's letter  
19/7/32  
H. Duncan  
19/7/32

5- To Gov Conf (w/co 4) - 21 - 22 July 1932

Handwritten signature/initials

4

Any communication on the subject of this letter should be addressed to—

THE UNDER SECRETARY OF STATE,  
HOME OFFICE,  
LONDON, S.W.1.



HOME OFFICE,  
WHITEHALL.

16th July, 1932.

at the following number quoted:—

490,953/14.

REC  
18 JUL 1932  
COL OFFICE

(2)

Sir,

With reference to your letter of 2nd instant (18209/32), I am directed by Secretary Sir Herbert Samuel to acquaint you, for the information of Secretary Sir Philip Cunliffe-Lister, that he has authorised the conditional discharge of Leonard William Churcher from Broadmoor Criminal Lunatic Asylum to the care of Mr. Nigel Somers Lewis of Mumford, Wittersham, Kent.

I am,

Sir,

Your obedient servant,

*Harold S. G.*

The Under Secretary of State,  
COLONIAL OFFICE.

*copy for Amb 207*

C. O.

- Mr. Priestman 3/16
- Mr. ~~Ernst~~ 3/16
- Mr. ~~...~~
- Mr. Parkinon
- Mr. Tomlinson
- Sir C. Bottomley
- Sir J. Shuckburgh
- Permt. U.S. of S.
- Early. U.S. of S.
- Secretary of State.

O. D.  
 R 1-JUL  
 D 1 A

June 1932

2 July

Sir,

I am etc. to refer to your

(1) letter No. 490,953/12 of the 22nd of June on the subject of the proposed provisional discharge of Leonard William Churcher.

(2) ~~I am to say that~~ Sir Philip Cunliffe-Lister does not wish to raise any objection to the course proposed by Secretary Sir Herbert Samuel and does not consider it necessary to consult the Governor of Kenya to whom, however, a copy of the correspondence is being sent.

I am, etc.

(Signed) H. T. ALLEN.

DRAFT.

UNDER SECRETARY OF STATE  
HOME OFFICE.

Copy 2-300 Conf(3) A/1 5 JUL 1932

Copy of draft with copy of No. 1 to Gov. Kenya, L.F. infn.



Any communication on the subject of this letter should be addressed to—

THE UNDER SECRETARY OF STATE,  
HOME OFFICE,  
LONDON, S.W. 1.

and the following number quoted—

490,953/12.

HOME OFFICE,  
WHITEHALL.

22nd June, 1932.

REC-1  
23 JUN 1932

Sir,

With reference to the Colonial Office letter of 18th May, 1926, (CP.1838/26), in the case of Leonard William Churcher, I am directed by Secretary Sir Herbert Samuel to say that he is informed by the Medical Superintendent of Broadmoor Criminal Lunatic Asylum that Churcher has never shown any indication of insanity since admission to the asylum and that he has been quiet and well behaved and a regular worker. Sir Herbert Samuel has recently had under consideration the question of Churcher's discharge if any suitable person should be found able and willing to provide a home and employment for him and as a result of interest taken in the case by the Reverend W. J. Wright, Dean of Nairobi, Mr. N. S. Lewis, a farmer of Wittersham in Kent, has now offered to receive Churcher and has promised to advance funds to enable him to start in a small way at poultry keeping. Sir Herbert Samuel is satisfied that Mr. Lewis is a suitable person to have the supervision of the patient and he proposes to authorise Churcher's conditional discharge to his care on an undertaking of responsibility being given, but before proceeding further with the matter he would be glad to know whether Sir Philip Cunliffe-Lister desires to offer any observations. The discharge would be conditional and would be revoked should circumstances warrant such a course.

If it should be considered necessary to consult the authorities in Kenya on the subject, Sir Herbert Samuel will be glad if this

The Under Secretary of State,  
COLONIAL OFFICE.

/may

No 5.  
 X.P. 1932  
 5 JUL 1932  
 Copy to Hon. Comf (3) A/1  
 Under 2 July 1932



8  
C  
may be done by telegram as Mr. Lewis is desirous of receiving  
Churcher in the middle of July next.

I am,

Sir,

Your obedient servant,

A handwritten signature in cursive script, appearing to read "J. Watson". The signature is written in dark ink on a light background.