

EAST AFR. PROT.

C.O.
2099REC^d
REG^d 18 JAN 132099 ¹²/₁₃Governor Conf
field 139Date.
1912

ASSAULT ON NATIVE CLERGYMAN

rd December

previous Paper.

33910
12

Expresses Mr Bowring's regret that his explanations are not considered adequate. Sends copies of further correspondence. Is personally of the opinion that the reprimand administered to MR HEMMANT was scarcely a sufficient penalty. Thinks it should have been accompanied by a reduction in seniority. As a note has been made on his personal file result will for all intents and purposes be identical.

Mr. Bottomley.

The Governor in furnishing Mr Hemmant's and Rev. Hugo Eric's versions of the incident explains that the reasons why more complete detail were not given in the first instance was that the Bishop's complaint was more or less of a private nature and that that dignitary was satisfied with the course taken by the Protector's Government in regard to Mr. Hemmant.

subsequent Paper

For Mr. J. Anderson

Apparently the missionaries, though they did not want the matter taken up, reported it home, & very naturally it was taken up. If they were going to report it they certainly should not have made a private communication & I think we may tell the Gov: (privately) that he would be justified in refusing to regard any communication or private unless he is satisfied that it will be so regarded on the other side.

The case against Mr. Hammond is strong & I agree with the Gov: that he has got off lightly. It will probably be some little time before he comes up for promotion & if he does not in the meantime he may not suffer at all. But I do not see how anything further can be done to him.

The letter to Mr. Buxton did not promise anything further & as he has apparently not raised the matter again we need not do so.

? Ack: & say that the S. off. concurs in the first part of the view of expressed in here: (4. each say but in view of what is stated in the last part) that) should he does not wish to re-open the matter by directing that Mr. Hammond should lose seniority. [He relies on the Gov: to see that the matter is not overlooked even though, as must be hoped, Mr. Hammond's conduct is satisfactory in the interval that elapses before the question of his promotion arises.]

as proposed by Mr. Buxton. 22/1/10
Exec. 1. Ch. 221.13 H. J. R. 22/1
27.1.13

omit?
that
is in
old hand
writing
H. J. R.

? omit
H. J. R.

Governor is of opinion that the
admitted to Mr. Hammond
adequate, he points out
it will have a more serious
as first sight appears as the
being noted in his personal file
considered when his name
for promotion.
Mr. Hammond was dealt with at
of the O.C.G. and as the
occurred over ten months ago,
last in the day to require the case
as Mr. Hammond is concerned.
the account given in Parliament
of the Secretary of State
and Buxton has been provided
of the action taken.
any further action now required in
the receipt of the despatch and
and that in such cases it is most
to that the fullest possible detail
to be given in the first instance?
H. J. R.
27.1.13

W. J.

Recd

18 JAN 13

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA.

23rd December 1912.

R

Sir,

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33910
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- do -

I have the honour to acknowledge the receipt of your Confidential despatch of October 31st and to report that Mr Bowring wishes to express his regret that his Confidential despatch No. 103 of September 28th is not considered to afford an adequate explanation of the action taken in regard to the assault committed by Mr H.V. Hemmant on the Reverend Lugo Gore.

2. Mr Bowring relied on the fact that the Bishop had expressed himself as perfectly satisfied with the course followed by the Protectorate Government. His hands were moreover tied to some extent by the private nature of the Bishop's communication.

3. I now enclose copies of further correspondence with the latter, translations of the original complaints made against Mr Hemmant, and a copy of his reply thereto.

4. I am personally of opinion that the reprimand administered to Mr Hemmant was scarcely a sufficient penalty in a case of such serious misconduct

Bishop of
Ambasa, 2.12.12.

from Bishop of
Ambasa, 9.12.12.

from Mr Hemmant
26.3.12.

THE RIGHT HONOURABLE

LEWIS HARCOURT, F.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

2.

misconduct and I think that it should have been accompanied by a reduction in seniority. The practical result is however to all intents and purposes identical, as Mr Bowring ordered a note to be made on the offender's personal file and this will in due course have to be taken into consideration when his claims to promotion are discussed.

I have the honour to be,

Sir,

Your humble, obedient servant,

H. Conway Breyer

GOVERNOR.

CONF. INCLOSURE No. 1
in Despatch No. 139 of 23-12-1912

C. O.
2099

665

2nd December, 1912.

Dear Bishop Peel,

You will remember a disagreeable incident which took place at Jilore early in the year when one of our Assistant District Commissioners, Mr Hemmant, was reprimanded for assaulting a native priest.

I was under the impression that the matter had been disposed of to your satisfaction and was therefore not a little surprised to receive from the Secretary of State *for consideration and report* a copy of a question put by Mr Noel Burton in the House of Commons on October 9th. In reply I sent Mr Harcourt copies of:-

- (a) The Acting Chief Secretary's letter to Mr Hemmant of 8th May, 1912.
- (b) Mr Hollis' letter to you of same date which enclosed a copy of (a).
- (c) Your letter to Mr Hollis of May 13th.

The Secretary of State is, however, not satisfied with the information which I sent him and has called for *full particulars of the assault*.

This I am not in a position to supply as I have only Mr Hemmant's version as set forth in his letter of March 20th (copy of which was also

sent

Right Reverend

Bishop Peel,

Bishop's Court, Mombasa.

2.

sent to you by Mr Hollis).

In a letter dated April 22nd you enclosed some papers, which were returned to you by Mr Hollis, which consisted of, or included, an account of the incident as described by the Reverend Lugo Gore and one "Wasee wa Ashofu". That part of your letter which enclosed these papers was marked "Quite Private" and we did not keep copies of the enclosures. Now that the matter has been raised at home I trust you will see your way to let me have copies of these papers for record in the Secretariat and for transmission to England.

I must confess to feeling very annoyed indeed that this matter was raised in Parliament after it had apparently been satisfactorily arranged between us locally and after our hands had been to a certain extent tied by the fact that you had raised the question in a private letter to Mr Hollis and had specially referred to it as "Quite Private".

I can only think that Mr. Buxton received his information direct from some member of your staff and was not aware that it had already been dealt with in Africa.

Although in a native country I have always been, for obvious reasons, greatly opposed to the public washing of dirty linen - especially when the interests of the administration and religious bodies are concerned - there seems little use in attempting to deal with matters semi-officially if they are to be raised at home afterwards.

Believe me,

Yours very sincerely,

Ed. C.C. BOWRING.

Copy.

Bishop's Court,

Mombasa. Dec. 9th 1912.

(Your No. S.2641,
2nd Dec. '12).

Dear Mr Bowring,

I, too, thought the matter of Mr Hemmant's unkind treatment of the Rev. Lugo Gore had been quite disposed of.

My steps covered the following ground:-

- 1) On receiving from the Secretary C.M.S. B.E.A., the Rev. K.St.A. Rogers, the letter from Mr H.R. Tate, Actg. P.C. d. Ap. 10th '12, and the reports by Mr Lugo, and the Wasee wa Askofu (my local Council of Elders who report Church matters to me, Jilore), I put the papers "quite privately" into Mr Hollis' hands and asked for his advice and help in the case.
- 2) On receiving a copy of Mr Hollis' letter to Mr Hemmant, d. May the 8th, and Mr Hollis letter to myself, same date, I thanked you as Acting Governor, through him, for the prompt action taken, and said that, under the circumstances, I would not press for transfer, but I suggested that Mr Hemmant should make an apology to Mr Lugo.
- 3) I informed the Executive local (B.E.A.) Committee of C.M.S. of what had been done.
- 4) In accordance with a request of the members of the said Executive Committee, I asked the D.C. Mr Skene, in Jilore, last September, when he was holding a barasa there, to kindly explain to the Wasee that Mr Hemmant's treatment of Mr Lugo was not any part of Government procedure, and that the Government did

not

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not approve of such conduct on the part of the Officers. This was done very discreetly by Mr Skene in my presence. (It was a good thing done, for I found in the villages that the Wasce and people had received a shock, and thought that Government was putting the Mission teachers "under the feet like dirt".)

- 5) I told the Executive local C.M.S. Committee that this had ended the matter, and that all was now settled; and further, that I was most grateful for your just and stern rebuke of Mr Hamant.

You will see, therefore, that I am surprised to hear of "the question" in the House of Commons. The Archdeacon, Rev. H.K. Binns, at present Acting Secretary C.M.S., B.M.A. writes "I am very much surprised. I have written nothing that would imply that we wished such action to be taken."

Had I wished for further intervention out here, or at home, I should have approached you again, and should have told you if I had had in view an appeal from the Local Government to the Colonial Office.

.....
Yours very sincerely,

Sd. W.G. MOMBASA.

Translation of enclosure to (24) A. letter from
Bishop of Mombasa dated 1/11/12

Jilore, C.M.S.

March 12th 1912.

Dear Master.

Many greetings. In this letter I have the honour to inform you of the misfortune which has befallen me.

On Monday, March 11th, I was severely beaten by the white man who collects the tax of the bachelors: he kicked me with his foot: and why he kicked me I do not understand: whether it was right for him to kick me or whether it was wrong. God knows. I am a poor man: there is nothing I can do in this matter. Only because I have been sent here by the order of the Elders of the Bishoprick do I send you this letter: and when you have read it please pass it on to the others: if a matter of this kind can be settled, kindly settle it, or if it impossible to settle it, let it drop. And I want you to send me a reply from yourselves, my superiors, white men, and give me advice as to how you regard the matter, you, my masters.

Also, I would like to receive the answer of our Bishop in this affair (of mine) in which I was kicked. I want you to know my opinion in this matter, which is as follows:- seeing that I am a man who is poor, and do not understand how to bring a formal accusation, for this reason I do not want you to make me bring an accusation against this officer who is a servant of the Government so by reason of this meekness of mine I do wish this matter to form the subject of an accusation, but if some

means

means may be forthcoming to prevent a future entrance into the Mission town and our being assaulted without your our superiors being aware of the fault which leads to a man being beaten.

If we are subjected to this sort of treatment it is as though this town were not under the rule of the Diocese but rather of anyone who happens to be here (at the time): for this officer has assaulted me as though I was one who hides people here so that they may not pay the tax: Ah! is it possible that I who pay the tax should conceal other? But the point that astonishes me most is that I do not (as a matter of fact) know who should pay, but rather followed out the instructions he (the officer) gave me: for he had taken 4 children and I said to him "These are children who are undergoing instruction, but still if they ought to pay, do you say so": and he replied "Yes: tell their parents to bring money to redeem their children", and when they were redeemed, he (the officer) returned one (child) and said "Next year be ready to redeem your child (with money)": ^{and} when he asked (if there were) others we told him "There are 2 others besides these who you say must pay, but they are very young" and when we told him this he said nothing further. So when we saw the matter was finished we went away: but he called me immediately and said "Why don't these people sell things, that my people may buy, but only say "we don't sell, it is Sunday", why?". I told him that they followed the commandment of God, i.e. that we should not do any trade today (i.e. Sunday): and he said "Certainly not, tell them to sell:" and I said "If you want (them to sell) do

-3-

you tell them yourself": and he told his askari "Tell the people to sell: and if there is anyone who does not wish to sell bring him here before me": and the askari went and did so. Afterwards when we rang the bell for 2 o'clock Sunday School, and when going into class, he (the officer) sent one of his men with two letters, who said "You are told to take these letters in order that tomorrow this man (mentioned in the letters) may come and meet the Bwana on the road to Malindi". Now this place to which he said the letters were to go is a distance of 3 hours walk: and I went and told him this and that it would be a good thing to tell the Elder who is left by the Government to take the letters, because that is his work, and he (the officer) said "Bring me a man to take the letters to the elder", and I brought him a man and thus got an opportunity of going to teach (the children).

Again in the evening it is the custom for our children, who are choristers, to sing at 7.30 every evening: and when they assembled and began to sing, he (the officer) gave orders to his askari and took them out of the room when they were singing and told them not to make a noise, but that if they wanted to sing, to go away a distance of a mile and sing there: so the children dispersed without being able to sing.

Then we rested till Monday, when he sent me a letter containing the names of 5 children, and if these children whose names he had written down, 2 have been sick for a long time and have not been taxed, and 3 were much younger than the child he returned the day before and told to be ready (with his tax) next year.

Now

Now when I received this note the bell was ringing so I said to the askari "Take this child and he will show you these children whose names have been written down: take them to the Bwana and he will see them and decide himself whether they ought to pay, because the bell is summoning me". So the askari was taken to be shown the children, and I went into church to ^{read} prayers: until, when the people went out, I was left with the class: and then suddenly the officer sent a man to bring me away from the church, who said "Come out: the Bwana calls you": and I said to him "Let me go: I want to get these people out, and change these clothes: cassock, etc". And when the messenger was observed to be returning by himself he was sent back and said "Come out: you are summoned urgently": and I came out: and when I arrived the officer began to curse me, and afterwards said "Why do you conceal people, that they may not pay the tax? Yesterday you told me there were no bachelors (here), when really there were" and I replied "These people whose names you have written down, wait a minute, you will see them, for they are young and sick, but if you wish to make them pay you can do so: but I have not hidden them": and then he came for me from behind and kicked me until at length he left me alone.

The above is my news.

I am yours,

Sd/- Luye F. Gere.

641 Translation of enclosure to 24 B. *Letter from*
Bishop of Mombasa dated 4-12-12

Jilore,

March 13 1912.

Dear Bwana Rogers,

We have the honour to inform you what happened here on March 10th. Mr E.V. Humnat arrived at (our) village on Sunday. Now we are accustomed, when a white man arrives, for him to pitch his tent outside, so that his porters may not be continually passing to and fro (amongst us): and if he has any business with us, for him to wait until after Sunday. But (on this occasion) Mr E.V. Humnat pitched his tent on arrival inside, and then said to Teacher Lugo: "Tell everyone I want the slips of paper (Tax) for endorsement." He received the reply "Is not to-day Sunday", and said "What is Sunday? I know my business, but I don't know Sunday." No one contradicted him as they were afraid, but gave way to him and he said "I want the bachelors": so, by reason of his roughness and haughtiness, he made the people pay (tax).

March 11th Monday. Teacher Lugo went to early service: Mr E.V. Humnat ordered one of his men (to go) inside the Church and bring him out by force, but the latter said "Tell the master I will come after I have finished teaching (?preaching).". When he had finished he went before the master, who said "Why is it that, when I summoned you, you did not come at once?" Teacher Lugo replied "I was teaching

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 When he had finished he went before the master, who said "Why is it that, when I summoned you, you did not come at once?" Teacher Lugo replied "I was teaching

teaching the Gospel of Almighty God." The master said "God; what is God? from whom do you receive your wages?" Teacher Lugo replied "I receive my wages from the C.M.S." The master said "So you got a swelled head because you got your wages from the C.M.S.?" "Get out of my sight: I don't want to see you" and then, as Teacher Lugo was turning round Mr R.V. Humnat began to kick him, and gave him a severe beating, and the wife of Teacher Lugo wept copiously: a number of people came up, but were unable to do anything (to restrain) the white man: until at last the officer left him alone. So we are in fear, and we think it as well to acquaint you. Teacher Lugo is very ill: one of his arms is swollen as a result of the kicks he received from the officer: and fear has fallen upon the village. What are we to do? for (formerly) we used to look to Malindi (for help) now where are we to look, when a Priest is assaulted in this way? Ah! we are poor men, what are we to do? It would be a good thing if you would settle this matter completely. If that cannot be done, we had better come and dwell near the Europeans that we may not be treated in this manner.

This officer is a thoroughly bad man: even the children when they were singing he stopped, and said to them "You had better go away a distance of a mile to sing for I don't want to hear you singing."

So we ask you to advise us what to do!

Never

Conf. ENCLOSURE No 3
 In Despatch No. 139 of 23-12-1912

C. O.
 Malindi 2099
 26.3.12.
 Recd
 RE 18 JAN

The Acting Provincial Commissioner,
 M o m b a s a .

Sir,

With regard to the two letters from Jilore natives making certain charges against me, I have the honour to inform you that much of the matter contained in these letters is true and much is false. But truth and falsehood are so inextricably involved that I think my best plan is to give a full account of what actually happened at Jilore, and then, where necessary, to consider in greater detail the letters themselves.

I arrived at Jilore at about 7 a.m. on Sunday March 10th having left my safari to come on after me. While I was resting under a tree the Mwalim Lugo came up and I asked him where was the headman of the village round about the mission. He replied that he was the headman. I told him that I had come to collect tax and wanted the people to bring their rupees or if they had already paid the tax to bring their receipts for me to check. He said "but today is Sunday". I said "I know it is Sunday but there is no labour involved in bringing in the receipts for me to check" (cf. Wasee's letter "jumapili nini nini najua kazi yangu lakini sijui jumapili") Lugo then went and told some of the people round about. On his return to me I asked him if there were any people in the village who had not yet paid the tax. He told me that there were only two and brought them before me; and they paid their tax. I then asked Lugo "are you sure that there are no more, has all the poll tax been paid?" He said he was sure that all the tax had now been paid.

Lugo

Lugo then left me, as he said the service was about to begin. While the service was going on one of my askaris told me that he had heard that there was a man in a house quite close to my tent who had not paid his poll tax and that there were several others.

I sent for this man and asked him why he had not paid his poll tax. He replied that he was learning to read and that the Mwalim had said that all those who attend his school were exempt from paying poll tax. When the service was over I sent for Lugo and taxed him with this. He admitted that ^{he} had told the people in his school that they need not pay poll tax. I asked him what authority he had; he replied that he had no authority but thought the boys were too small to pay poll tax. He then brought before me three others who attended his school. I had them examined and they were all pronounced to be of an age to pay poll tax. I asked them if they were prepared to pay and three of them said that their fathers would pay for them. Their fathers came up shortly after and paid willingly enough. The fourth boy I was told had no father and a blind mother and I was entreated by Lugo and Wazee to let him off paying the tax. I let him off the tax for this year explaining to him that I did so not because he was too young to pay but because his father was dead and his mother blind and he had been misled by the Mwalim. I told Lugo that he had done wrong in saying nothing to me of these four boys and pointed out to him that it was not for him to decide whether a man should pay his tax or not, and that it was in duty, as headman, if he thought a boy was too young or too sick to pay his tax, to bring his case before me for me to decide, and ^{not} to keep all knowledge of it from me.

It was soon after this that the headman of my porters came and complained that the porters could not

buy food as the Mwalm had forbidden the people to sell on a Sunday. I sent for Lugo who came and said that they had received God's command not to sell food on Sunday. I endeavoured to reason with him and told him that I thought they were more likely to incur the Divine displeasure by letting my porters starve than by selling them food. However he said he feared God too much to do anything towards supplying the food; but if I wanted his people to sell I had better tell them myself as he would not.

I told my porters that they must go and try to buy food and if any one refused to sell he was to be brought before me. But as no one was brought before me and as I heard no more about the matter, I came to the conclusion that the people had no objection to selling their food on a Sunday and that the Mwalm had gone out of his way to forbid them in order to cause annoyance to me.

Nothing further of interest occurred till the evening when at about 8 p.m. (as far as I can remember after the lapse of a fortnight) the people at Jilore came and sang hymns in the house about 10 yards away from my tent. I was then just sitting down to dinner. When I had finished^{dinner}/at about 8.30 I sent a man to tell the people to stop singing. Lugo sent back a message that they were going to sing two or three more hymns first. I sent for him and explained that my men and I wanted to sleep (we had^{been}/up since 4.30 a.m.) and that if the people wanted to sing they had better go some distance away and sing where I could not hear them. I did not mention the word 'mile' as I was unaware that Lugo knew what a mile was. Lugo made no further demur and the people dispersed. I could not fail to observe that they were not at all annoyed at having to stop but on the contrary seemed to be rather pleased, and several of them as they passed my tent greeted me in a most amicable manner.

Soon after this it was reported to me that there were still five more men liable to pay poll tax and their names were given to me. I wrote down the names on a piece of paper and gave it to the corporal of my escort with instructions to take it to the Hwalim in the morning and to tell him to point out the houses of the five men.

The next morning I sent off my safari at 5.30 a.m. while I went down to the lake to try and shoot a hippo. On my return from the lake at 7 a.m. I sent Preston Chonia, one of the hut counters, to call Lugo as I wished to speak to him about the five poll tax payers. Preston went to call Lugo and came back reporting that Lugo was in the school and was coming. I waited some time - 5 to 10 minutes - and then as there was no sign of Lugo I sent Preston a second time, letting him to bring Lugo with him. I did not tell him to use force. It would have been useless to do so as Preston is of slight build and would be no match for the burly Lugo. When Lugo came I asked him why he had kept me waiting so long; he replied "I was in the school doing God's work" I told him that he was not necessarily doing God's work because he was in school. (cf Wasee's letter "Mungu, Mungu ni nini")

I then asked him who paid him his wages, as I had formed the intention of reporting him and wanted to know the name of the man to whom he was responsible. The only reply I could elicit from him was that he was paid by the "Kanisa" and did not know the name of the man who sent him his money. Then I taxed him with having concealed the five men who were discovered the night before; I told him that he had lied to me; that because he had learnt to read and write a little he had become very swollen headed; and that he was doing his best to spoil the people in his district. Then as I noticed that all the time I was speaking he preserved a very insolent demeanour

deemeanour, and as my remarks had no effect on him, I told him to leave my presence; he made no movement so I again told him to go. When instead of going he stood and grinned impertinently at me, I lost patience with him and kicked him.

I admit that I was somewhat hasty in doing so; but I would submit that I was exorperated beyond all bounds not only by his insolent conduct, but also by his passively resisting me in the discharge of my public duty from the time when I arrive at Jilere. I greatly regret having allowed my temper to get the better of me even in the face of such extreme provocation, and I fully realise that my proper course should have been to have the man arrested and brought to trial under^a charge of resisting a public servant in the execution of his duty. The evidence against him was so crushing that it is certain Lugo would have been sentenced to a comparatively long term of imprisonment.

However as I relise that I have to a certain extent put myself in the wrong by kicking Lugo, I am prepared to make any reasonable reparation, that may be suggested to me.

I think that I have replied to most of the charges brought against me by these two men; but there remain a few minor points to be cleared up.

- (1) Wazee wa Aahofu states that I pitched my tent inside (the mission grounds, I presume). I pitched my tent where I was told it is the custom for Government Officers to camp, and no objection to my camping there was raised by any one. I noticed no boundary marks of any discription to show that I was entering on private land. My tent was pitched close to an avenue of trees exactly similar to those growing in the streets of Malindi, which led me to believe that I was camped on
the

the edge of a public road, and there was absolutely nothing (hedges or fence) to show that I was trespassing on private property.

(2) Wazee wa Ashofu accuses me of being "baya kabisa".

Beyond remarking that this seems to be rather strong language. I have nothing to say in answer to this charge.

(3) Wazee's account of the proceedings on the Monday morning is of no value, since to the best of my recollection, he was not present at the interview between myself and Lugo.

With regard to Lugo's letter there are only two points, I think, which I have not dealt with in my explanation.

(1) His remarks about a man who had two "baruas" and who as far as I can make out from the letter was told to ~~meet~~ me somewhere on the road to Malindi. I confess I am at a loss to understand what he means and I was certainly not met by any one with two "baruas" on the road to Malindi.

(2) The five poll tax payers. Three of them had their tax paid for them by Preston Chogia who is a friend or relation of theirs. One ran away and could not be found, and one being reported by Preston as being very sick was relieved of the onus of paying.

In conclusion I would add that when I went to Jilore I was unaware that Lugo was an ordained priest, and there was nothing in his dress, appearance, nor especially in his manner to lead me to suppose that such might be the case.

I have the honour to be, Sir,

Your obedient servant,

Sd. E. V. Hemmant

Asst. District Commissioner.

[Handwritten signature]

[Handwritten mark]

C. D.
R. 28 JAN
D. 30

E.A.P.

2099.

DRAFT. E. A. P. Confidential.

Governing

H. Conroy Bulfield Esq C.M.G.

MINUTE.

Mr. *[Handwritten name]* 28.1.13

Mr. B. Munley 28
for *[Handwritten name]*
Sir G. Piddes. 28

Sir H. Just.

Sir J. Anderson.

Lord Emmott.

Mr. Harcourt.

31 January 1913

Sir,

I do thank you & acknowledge the receipt of your confidential despatch of December 23rd, 1912, regarding the assault committed by Mr. Stannard on a noble clergyman, and to inform you that I concur with you in thinking that the reprimand administered to Mr. Stannard