

1911

EXHIBIT [ROT]

4564

C O
4564

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Section 30

Date

1911

13 Jan.

and previous Paper

Fine on Agawam in Kiki Island

Report circa in which fine of one head of cattle
apiece has been imposed for barbarities in con-
tinuation of a woman for witchcraft. Revolutions
were sentenced to death but subject has been a month

~~W. Butler~~

W. Butler

Under the new regulations...
has been... it would be
an offence punishable by a fine
of 25 or imprisonment not exceeding
3 years with or without hard labour...
charge... with witchcraft...
The commission of the death
penalty... imprisonment for two
months...
but presumably the natives
believed in what they were doing
were not... a charge of
witchcraft merely to cloak...
in their mind it is...

not long

right to contribute to the death
~~the~~ sentence (of the attitude
towards) capital punishment
taken up by the Nizam and
Govt in 1911, when however
the matter is looked at from the point
of view of the witch

The fine is quite justifiable
should perhaps have the principle
of

The Education Council must
be satisfied in a matter of this kind
though I cannot help feeling
that six months imprisonment
is in the face of the work a
sentence.

No reply is required with the
Dispatch.

all
21/2

In fact of the Code prohibition referred to in para 3
these condoned matters, owing to their tribal
character of constitution, no doubt regarded the
justice of the Nizam in the light of superior
orders which were reasonably satisfied to which
they were bound to obey. Consideration of these
circumstances is therefore in my opinion justified
and in the circumstances mentioned above I see no
surprise seeing an order with punishment

W. P. Fiddes

JR 22/2

Pully
above
Pds. 2

C O
4564
GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE.

January 13th 1911.

No. 30

Sir,

I have the honour to report on certain circumstances which have led me to impose a pecuniary fine of one head of cattle apiece on a certain Nzama or council of elders in Kitui district.

2. An old woman was suspected of having caused the death of several persons by witchcraft. Proceedings were instigated by her son and the case was brought up before the Nzama, who condemned the woman to death by the method known as "Kingungia", i.e. execution by the populace en masse. Many people were concerned in the act and present at the execution, but evidence of an incriminating nature was only found against five natives who were brought up before the High Court on a charge of murder and duly sentenced to death.

3. With the advice of the Executive Council, I have commuted the sentence to one of six months imprisonment in each case, and have further imposed a fine on the Nzama for the following reasons:-

The custom of condemning persons to death by Kingungia method has been strictly forbidden by

THE RIGHT HONOURABLE

District

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

SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.

District Officers for years past, and the prohibition has been made widely known. The tribal law governing procedure in cases of this nature was not, in this case, even properly carried out. Since the Nzama approved of the proposal that the woman should be punished by this method they cannot evade responsibility as, by their judgment, the affair received official cognizance in the eyes of the people.

4. The infliction of this fine will impress on the council of elders that Government looks with the highest disfavour on such action and it will prove a very salutary warning to other similar councils in the District.

I have the honour to be,

Sir,

Your humble, obedient servant,



ACTING GOVERNOR.