



rely upon that point. But I am not  
frankly in remark about holding to receive a  
reply of Monday. It is not as if there were  
as to the section under which the man  
should be charged. It has become very  
evident that ~~with~~ joining the Acting Crown  
Advocate is a very useless officer. That  
Crown cannot rely upon ~~to~~ <sup>the</sup> ~~man~~  
make the Crown Advocate, a good man  
in ~~the~~ <sup>the</sup> ~~circumstances~~. In the circumstances  
I think it would be right to advise Sir  
Stewart as to the section under which  
the charge should be brought if we ~~can~~ <sup>possibly</sup>  
do it. But I don't see that we can.  
The facts are not sufficient detail. I could  
not give a reliable answer to a word  
of substance. To show what support there  
is to a charge of criminal intimidation  
under sec 506.

Subject to anything which Mr. Risley  
may have to say, I see nothing for it  
but to reply that the S of B does not  
understand on what point the law  
needs a reply, but that if it is as to  
the section under which the charge should

He brought it is impossible to advise on  
the information given in this telegram.  
As to the latter part of your telegram  
we can but await events. 193

Feb  
N.Y.C.

I agree. The child is a brilliant writer  
of the most unusual kind. He is years  
beyond understanding of his own people here  
and you stand among the best of them.  
At the same time, he is not  
at all a child.

I have not had time to write to you  
but understand the delay. I am sorry  
for the delay in answering you, but I am  
necessarily preoccupied with the  
for a long time. I am sure of this, that  
you have a reply before he receives the  
Dept. and I regard the whole telegram  
as intended to prepare the S. Africa  
for a proposal to stiffen up the law as  
to make it correspond with that of S. Africa.

I don't think I can expect any reply, & I  
stand aside for further comment promised.  
P.M. 17

I think Mr. Fiddes is right. But it is altogether wrong for the Gov. to retract a reputation before the man has been tried, and I should tell him so.

Oct 12 11

~~Mr. Fiddes is right. But it is altogether wrong for the Gov. to retract a reputation before the man has been tried, and I should tell him so.~~

Which is a very large charge but  
absence of details makes it  
impossible to offer opinion

that proceedings will  
take place which  
back with give chance of  
most severe penalty if guilty

I do not think I demand  
any satisfaction  
of the public

Oct 12 11

to Mr. Fiddes

I have attached to this paper the  
letter to Mr. Pines & which he returned  
after in his letter he would prefer  
to compare the charges in the subject  
of the letter with what I had written  
but since in another hand has

Dear Sir

Mr. Fiddes

A subscription

Nov 3

Dec 19

Jan 17

Feb 20 12

Mar 26 12

~~Mr. Pines~~  
Mr. Fiddes

It is strange that Mr. Pines should be

# The Thomas Case.

## Prisoner Convicted.

ON TWO COUNTS.

Before Mr. Pickering on Thursday, at the Nairobi Magistrate's Court, Jaguna Wa Kaniso, an Akikuyu, employed by Mr. Karslake Thomas at Dondora, near Nairobi, was charged with attempted rape or indecent assault with violence on a child of five years, a daughter, Mrs. Karslake Thomas, as follows:

The first witness was Mrs. Thomas, the mother of the child. She stated that the prisoner was tending a flock of chickens about 70 yds. from the house, on the morning in question and Neta, the child, went out saying she was going to see if the chickens were being properly fed. She did not return for two hours, and the houseboy was sent to call her in at noon for lunch, when she made her appearance, looking very unwell. Her blue serge was torn and she was out of breath when questioned about it. She refused to say what had happened and seemed frightened, besides she said that nothing else did not seem unusual for the rest of the day, nor indeed the next days. She complained of illness and witness at first attributed this to a cold, but finding the child restless all night and upset next day she prepared a hot bath. The child sobbed frequently and sometimes screamed. In the bath, the child said she had been hurt and in reply to questions admitted that a boy had hurt her, and that the culprit was Jaguna, the ostrich-chick boy. Witness found that a doctor's attention was needed and asked Mr. Thomas to fetch assistance. The child said "Don't let Jaguna kill me" and added that prisoner had threatened to kill her if she told them what he had done, appearing to be very much frightened. She said Jaguna had hurt her with his fingers, and then told all that had occurred. Her husband fetched Dr. Tichborne and in the mean time Police Constable Fiddley arrested the native. The child remained in bed for several days and was not quite well yet. She had been in agony four days during which time she could not bear the slightest movement and screamed when ever she was tried to attend the injuries. Her nerves were thoroughly upset.

Dr. Leasley gave medical evidence and stated that besides the laceration there were numerous contusions, abrasions, and bruising on the child's person, and he was of the opinion that the injuries were of a serious nature. Witness spoke of her own feelings and admitted that she had smothered up child. The prisoner's wife was charged.

Evidence was then given in an informal fashion by the child, Neta, who testified in an intelligent manner and identified the accused as her assailant. She told prisoner that he would get "liboko" but he threatened if she told, to kill her with his "kideco muti." Her dress was torn in the attempt to get away from the prisoner, who scratched her with his fingers and held her.

Dr. Tichborne gave formal evidence as to the injuries and stated that he had been in attendance on the child up to the last of the month, besides the lacerations, and of which was an inch long and some what deep, the child had suffered from severe shock, which, however, she would probably recover in course of time. Permanent injury of none.

Mrs. Karslake Thomas said the prisoner had been employed to herd the young ostriches for three or four months. He narrated what had occurred from his own, and second hand, knowledge. The child had changed very much since the assault and whereas formerly she was quite normal she now seemed to be nervous and terrified. Even two nights ago the child had awakened from her sleep in a terrified condition. He had never known the natives molest his children before.

Karsnja, the houseboy, was called to show that he had been sent to call the child indoors. She was too far off for him to notice anything.

This was denied the evidence. The Magistrate said there was no evidence of attempted rape. He thereupon charged a prisoner with offences under sections 52, and 50C, namely, assault with hurt and criminal damage.

Mr. Justice had to see the prisoner needed also possibly a lawyer. I am not so sure the girl will do it. I would tell you she would have some other offers. If I had a girl and her why should I want to steal a little girl like that? I referred to the previous case of a girl. I am not sure.

In giving evidence, Mr. Pickering said the girl, Neta, was only five years of age. He made out that the state of mind of the girl would be such as to be charged with a crime.

The two charges were entirely separate. The prisoner was sentenced for the first offence to seven years and for the second offence to a fine of Rs. 100, in default of which he would go to prison for a term of one year. He also sentenced the prisoner to the same imprisonment and fine for the second offence and for the first offence. The term of the first offence was five years, failing payment.

Paraphrase

Telegram. The Governor of the East Africa Protectorate,  
Secretary of State for the Colonies.

(Received, Colonial Office, 7.50 p.m. 15th November, 1911)

15th November. There has taken place very serious case of assault by an adult native upon a white child of 6 years there is a report of intended rape. Government Medical Officer reports that the child is seriously injured. This is first time that such a case will come to Court. The father who is most respectable Englishman has written to Press full particulars and in so far as police are concerned his public statement is thought to be correct. Offender has been arrested. Trial will not be heard until he has been recovered. Have endeavored to ascertain on the facts of the case stated what is possible in the case of conviction. Charge of rape or attempt probably not established. Charge under section 564 possible but sentence entirely inadequate. On statements made there might be charge under section 506. Public opinion is expected to run high. I have agreed to receive deputation on Monday and hope to receive reply before then. Indian law was introduced before the arrival of white settlement and it would appear that it is necessary owing to changed conditions to amend it in this particular connection so as to conform to Colonial practice. Government undoubtedly will be pressed to introduction of South African law. Will keep you informed of developments.

Circuard.

Straight Talk.

TO THE EDITOR OF THE "STANDARD"

Dear Sir, Doubtless you have heard a rumour of a sensational rape on this coast, so I think it has right for the general safety of white women and little children that the public should know the facts. For if things remain as they are with the natives, our wives and children will not remain long unpolluted by these orkies.

On Friday the 10th, a white girl, who has now attained two years of age, went out to a wharf where she had been to see a ostrich's chicks, which she had seen recently hatched and which she was greatly interested in. She returned, passing in front of the house, and had just reached the front gate, and was returning to the house, when she was almost run over by a motor car. She was thrown to the ground and her head was struck against the side of the car. She was taken to the hospital, and the doctor said she would not recover. Her mother, however, did not believe that the child was injured, and she was taken home on a stretcher, and nursed as the doctor had ordered. She was still thought to be recovering, and on Friday night she was taken to bed, and she has not been seen since.

Her mother's friends, however, had some doubts, and she was taken to the hospital, and the doctor said she would not recover. She was taken home on a stretcher, and nursed as the doctor had ordered. She was still thought to be recovering, and on Friday night she was taken to bed, and she has not been seen since.

I call on you to be sure that you are not being deceived by the natives. I call on you to be sure that you are not being deceived by the natives. I call on you to be sure that you are not being deceived by the natives.

It appears she went over to where the boys and a toso were herding the chicks, and a short time after she got there he sent the toto away with the smaller birds. After seeing him away he pulled the child down and unbuttoned her clothing. She struggled and got away, but she evidently thought he was playing with her, for the toto heard her shouting at him in Swahili that her father would kill him if he played with her. He however got hold of her again by the dress and threw her down, then held her down with his left hand over her mouth and threatened to hit her with his knobkerry if she did not keep still. She struggled and kicked him but

this human brute knelt over her and with his right hand and finger nails inflicted injuries to what extent is not yet known. The house-boy pulling her from a distance stopped him from coming into the house, but there is not the least doubt he would have done so had this not come in time for her getting up. He threatened her that if she told her mother or father he would hit her with his knobkerry and skin her with a knife, and he and all the other Kikuyus would do her. He would also kill her sister and eat her, and God knows what else he did not threaten her with if she told. She promised not to tell, thus when questioned about her dress she would not reply. This devil sent her to bed in white, he ostriches that evening and kept out of the way until he knew she would not tell, and a month ago he was seen on Saturday. He thought she was safe and would have another opportunity to come away the child would feel free to tell on him.

Anyways he stayed on and Combs being arrested here without the usual trouble. The child lies in a critical condition, he is Dr. Osborne and Lawsley.

It is quite on the same line as the actual rape was not committed the child will not tell with a high statement. I am a doctor and I am a doctor.

I call on you to be sure that you are not being deceived by the natives. I call on you to be sure that you are not being deceived by the natives. I call on you to be sure that you are not being deceived by the natives.

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Yours faithfully,  
I. KERSLAKE THOMAS

Dorsetto Estates, Nov. 14th, 1911.