

Wednesday, January 15, 1913

It is well, I think, toward a conversation that I had with Mr. Hughes before he went away this morning. I assured him of my desire to respect his office highly, ... etc.

(cont'd other side).

his office very highly, & I added that I believed he, personally, was as anxious as myself that justice should be mercifully done. But I asked his permission to make some informal comments & criticisms on the doings of the last few days. I told him then I utterly distrusted the system by which he had taken evidence & recorded the Committees against Samuel Sojin. At his suggestion, <sup>in accordance with my own wish</sup> I had taken no part in the proceedings, Mr. Hughes spoke what he meant for pidgin-English to Samuel, & Samuel spoke what he meant for pidgin-English to the A.R.M. but they were two different dialects, with only a small "common factor", & I believe them neither understood, really, ~~and~~ sufficiently, what the other said.

In his dealing with the native, it appeared to me that the A.R.M. collected his evidence by a series of <sup>leading</sup> questions, such as wd be disallowed in any court in a civilized country, & that these questions, conveyed in pidgin-English to a ~~set~~ policeman & by the latter to another policeman, & so, through 2 or three interpretations to the <sup>within or the</sup> accused, & the answer brought back in similar devious fashion to the A.R.M., resulted merely in the A.R.M. being able to write down, as evidence, what appeared to be straightforward statements of the accused or the witness, but what, I firmly believe, was not much more than a record of the A.R.M.'s preconceptions of the case.

I agreed with Mr. Hughes as to the difficulty, sometimes, of proceeding at all in these native legal affairs, but I assured him of my certainty that if Samuel Sojin shd be convicted on the evidence of Alexander Boron, a grave miscarriage of justice would have taken place, because:-

- 1) The evidence of BORON, <sup>as recorded,</sup> was altogether untrustworthy, by reason of its being merely a series of <sup>reported</sup> answers to a series of leading questions from the A.R.M., in which the boy had no chance of really understanding what he was asked, & the A.R.M. did not understand what the boy answered.

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4 (2) Samuel's statement as recorded in the written evidence, does not represent what I believe he was trying to say.

I told Mr. Hughes that in the case of JESHUA, I had no complaint to make; as it was clear that justice was being done, though in a roundabout way, & though certain words in what was supposed to be his "statement" would convey an impression, unfair to Jesus himself, to any English reader. In the case of Samuel, I asked that he sh<sup>d</sup>. be allowed to amend his plea, so that the one witness against him (RODOR) sh<sup>d</sup>. be called when the case comes on before the judge, instead of the written account of his evidence being accepted as sufficient; & Mr. H. understood that this sh<sup>d</sup>. be done. I told Mr. Hughes that I thought he (Mr. Hughes) had been <sup>unconsciously</sup> biased against both Jeshua & Samuel from the beginning & that while Jeshua certainly w<sup>d</sup>. deserve whatever he gets from the Judge, Samuel, I believe, is not guilty of a technical crime, though it seems certain that his own foolishness & slackness, & no one else's fault, has brought him into his present difficulty.

I spoke to Mr. Hughes, also, of the informal enquiry which he held on my verandah as to the charge against Samuel's wife & a Sinaps man, in the course of which I saw Mr. Hughes jump up & strike the accused man on the face, & afterwards heard him bully & again strike him because he did not answer some questions which were put to him. The A.R.M. admitted that he had lost his temper & acted badly, adding that "it was the first time such a thing had happened"; but he did not accept my assurance that the Sinaps man was merely frightened, & simply did not understand what it was that was wanted of him.

Will Clifton

Jan 1873