

# Matey's Memoirs

By Robin (Matey) Martin

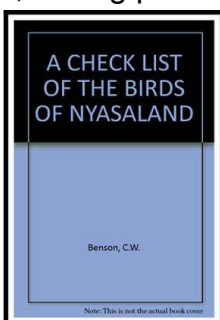
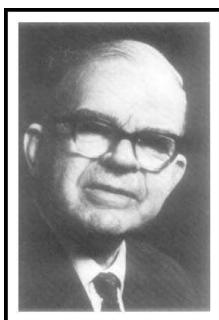
In his above titled book Robin Martin includes the time he spent in the Nyasaland Police in chapters 3, 4 and 5. Courtesy of his daughter, Anne Blackman, these chapters are available on the Nypol website. They are broken down into a number of parts and appear in serial form from month to month until fully available.

## Chapter 5 ~ Part 1

### Dedza continued

#### Birdie Benson and Incidents in Court

My new D.C., Mr Constantine Walter Benson, duly arrived with his wife Molly, possibly from Mzimba in the north of the country and he was an entirely different type to S.G. He was known as "Birdie" Benson because he was a keen ornithologist and quite an authority on Africa's bird-life, having published an article in the *Society of Nyasaland Journal* (1948)



and was to write further books on the subject. He was also regarded as having been a first rate middle distance runner in his Cambridge days. He was in so many ways a charming if eccentric character and I am sure was far more interested in his study of birds than in his work as a District Commissioner, in which, unfortunately, he had some very fixed ideas. On one occasion he upset the local Medical Officer, Jimmy Whitfield, and when I went to my office the following

morning Birdie sent one of his clerks to ask me to go and see him. When I arrived he said to me, "Do you know this man Whitfield, Martin?" to which I replied, "If you are referring to the doctor, of course I know him. He has been here for several weeks." Then Birdie continued, "You know, he has just accused me of being mentally unbalanced. Do you think I am unbalanced, Martin?" "Of course not," I replied, hoping to convince him.

Birdie and I also shared some humorous incidents in court. The Chief Justice had recently gone on leave to the UK and the Puisne Judge, now acting C.J., had sent out circulars instructing the DCs and ADCs - as the second and third class magistrates - that they must be vigilant with all case records, showing precisely how they had been complied with all the judicial acts required of them and not to leave reviewing judges to assume that all the proper warnings etc. had been given to accused persons.

I brought a literally open and shut case to court whereby a bicycle thief had been caught red handed, for when the police went to his house or hut, they found dozens of cycle parts and in a pit at the rear of the house were many cycle frames and parts bearing identifiable numbers. Bicycles were (and probably still are) a very important belonging and means of transport for the majority of the inhabitants of the country. In the court the witnesses concerned had soon given their testimonies and the exhibits also presented. Then the accused was given the option, as was proper, to make a statement and he said that he wished to give evidence on his own behalf on oath. He was duly sworn in and then started on a long discourse, with Birdie most conscientiously recording. The statement went on and on - all about what he had had for breakfast; who he had been talking to and endless superficial details of no bearing on the case. (In retrospect this appears a creative form of civil disobedience.) By the time Birdie had completed about two foolscap sheets of paper

he was getting decidedly edgy. After completing a third sheet he blew his top. He shouted at the defendant, "Do you think I am fool enough to listen to all this rubbish?" and threw the pen at the man, followed by his ruler and then the inkwell! I had great difficulty in restraining my laughter, but in a few moments the thief was sentenced for two years in prison and the court cleared for an adjournment before the next case.

Shortly after this incident, I brought another case where a robber had held up a young lad who was carrying his father's shop-takings to be deposited with a supplier. The sum was £20, a considerable amount for an African shopkeeper at the time, almost enough to stock the shop. A very good policeman, Constable Michael Mikochi investigated the case successfully and came back with the robber and the stolen money. When Birdie heard this case he felt very strongly about the rough way the robber had handled the young lad and he sentenced the robber to seven years imprisonment. The robber appealed against the sentence and his appeal was dealt with by the Acting C.J. who stated in his finding, "Never, in all my 25 years, both at the bar and on the bench, have I seen such an excessively heavy sentence and I reduce it, in this case, which is little more than a case of "bag snatching", to one of 12 months." Later when I discussed this with the Crown Council, he laughed and said, "I wonder he didn't say, in all his '25 years, man and boy, sail and steam,'." The Council obviously thought it was all a joke, but Birdie was very upset for he felt that such leniency would make the outlying areas unsafe for the law-abiding villagers to travel, and he had a much better appreciation of the circumstances than did the Acting C.J..

We then had a case of juveniles, boys and girls, ganging up to steal money from an Indian (Asian) trader's shop. It was what is now called a distraction crime, whereby several of the young people attracted the attention of the shop staff while another nipped around the counter and snatched money from the till. The amount stolen added up to £14, which the youngsters then shared out between them. My policemen did very well, recovering nearly all the cash and finding out exactly what had happened. When I registered the case to go before Birdie, our magistrate, he said to me, "Martin, what are we going to do with these youngsters? The High Court wants such cases to be dealt with by Binding Over orders. That would be useless as all the people regard this as an acquittal." I replied that what they needed was to have their backsides tanned. (It should be remembered that in Britain as well as in the Colonies, corporal punishment was generally accepted as a form of punishment throughout most schools in those days.) Birdie agreed wholeheartedly with me but wondered how it could be done. I suggested that he could write up his record in the court, finding them all guilty and binding them all over – in the care of their parents - to be of good behaviour for one year and then he should stop writing but continue to say, "And you will all receive six strokes of the cane to remind you not to do it again."

Birdie replied that that suggestion was all very well but who would administer the punishment. "I shall," I replied. Before the punishment was administered all the Native Court Staff decided to send home for their children to be brought to witness the event, as a good lesson for the future. The court case report was duly called for by the Acting Chief Justice, Rigby, and returned without criticism: but we had taken steps to ensure that the court action was effective as a deterrent to similar crimes in the future.



One other case that I brought before Birdie illustrates how we attempted to sort out our differences amicably. It was the case of indecent assault committed by a native man on two African girls. During the course of my investigations I found that the man was suffering

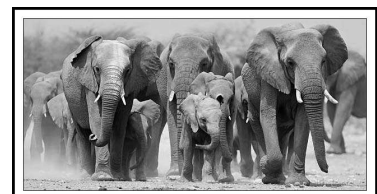
from venereal disease and he thought he would be cured by passing it on to a virgin. (This myth is something I have also heard of amongst Arabs and Europeans). The case was brought before Birdie and the evidence adduced, which to my mind left no doubt whatever as to the guilt of the accused. However, Birdie said he wished to adjourn the case for a while and I was to report to his office. He then said to me that he felt he would have to acquit the case as he was not convinced as to the guilt of the accused person, or rather that he was unsure the evidence was sufficient to convict. To this I replied that if he did this I would have to appeal by way of "case stated". He then became very agitated and sharply flashed at me, "Are you threatening me Martin?" I replied to him quite calmly that such a situation was impossible. How could I, an Inspector of Police, threaten a Second Class Magistrate? So he continued more quietly and asked if I could recall the doctor. I replied, "No, I can't call the doctor, I've finished my case, but you as Magistrate can recall the Medical Officer and clear up any details you are not quite sure of." This is what happened and a conviction ensued which was not upset but the High Court - something that he had been concerned could happen. This case shows that D.C.s were not a law unto themselves but for a District Commissioner to have his court decisions upset by a higher authority was irritating to say the least. These "old school" District Commissioners of the Colonial Service, to my mind were very well educated - being mostly Oxbridge graduates were also honest and reliable, trustworthy, incorruptible and true, and knew far more about the practical aspects of the running of the Empire than the "Learned Judges" would. Legal niceties, on which the judges and council spent much time and consideration, I found seldom benefited any but the wrongdoers (as some events I will relate later will illustrate) - and resulted in situations in which I could only concur with Mr Bumble when, in *Oliver Twist*, he said, "The law is an ass".

### **Drought and Famine in the Land**

The rains of the previous season, 1948-49, had failed and in many parts of the country, particularly in the lower altitudes, famine conditions had resulted. The government had set up a huge famine relief programme bringing train-loads of maize in from Rhodesia into the country. They then took several Agricultural Officers and Assistant District Officers (ADCs) off their normal duties to administer the famine relief. Dedza was very fortunate as, being at high altitude enough precipitation condensed from the little moisture that there was in the air coming up from the coast and over Mozambique and had received sufficient rain to produce reasonable harvests of maize, millet and especially "Irish" potatoes (as they were referred to). Consequently we had many travellers visiting the district from other areas to try and buy food to take back to sustain their families. One small party was staying the night at a village and they heard the villagers talking about, "killing pigs". In great alarm the visitors imagined that the villagers were about to kill them and they got up and fled in panic, leaving their goods behind them. They rushed into District HQ and reported their plight to the police. I went out with them to investigate the report and they were greatly relieved to discover that their goods and chattels were safe and also that they had not been intended for slaughter - so all ended well.

The shortage of water throughout Central Africa had caused many rivers and waterholes to dry up resulting in great suffering for wild animals as well as people. Herds of elephants trekked across the country to make their way to Lake Nyasa's waters to try to survive.

But elephants need to eat as well as drink and the villagers' gardens were now being destroyed by Jumbo, so government hunters were sent to the area to drive off the animals. Poor Jumbo kept returning to the lake to assuage his thirst, in large numbers, only to be shot. Now the villagers reaped the



benefit of the pachyderm invasion for they were allowed to take the meat of the dead animals and to a population living in famine conditions elephant meat was a real boon. I came to a spot one day where the hunters had killed and the women were busy filling up petrol tins with meat from the carcass, when out from the middle of the elephant's ribs an elderly native emerged, covered in blood and guts, and lugging huge lumps of liver and the heart. At first glance it was a very savage scene but from the villagers' point of view the carcass was a lifesaver. The shortage of food did, however, bring out some of the worst instincts in the villagers and one poor imbecile, who was driven by hunger to steal three maize cobs, was surrounded by women and beaten almost unconscious. Then two men came upon the scene and learning what was going on joined in and killed the poor idiot. There were also several other murders that year, resultant upon the famine conditions, and in view of the circumstances the accused persons were dealt with leniently at their trials.

### **A New Car and a Wedding**

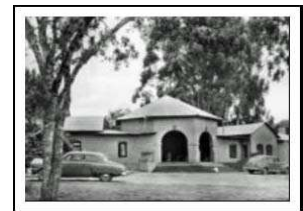
By November I had worked my way up the waiting list with the Vauxhall car dealer at the Central African Transport Company (CATCO) and so was able to take delivery of a Velox.



This made life much easier and helped me to do my job much more efficiently. Elsie came up from Durban for our wedding. She stayed with the Davies at Ncheu and steadied her nerves with a tot of brandy prior to the wedding ceremony! Dave Davis was the Assistant District Commissioner (ADC) to Mike Sharp (who was away on

leave at the time and Maurice Gandy stood in while he was absent). (Maurice Gandy's Nyasaland papers are lodged with the Bodleian Archives and Manuscripts, Oxford and cover the Years 1946-1964.) Dave's wife Iris, had travelled out with us on the *Llandoverly Castle* and we had all got on well together. When we went to Maurice, prior the wedding to make the arrangements, he said to Elsie, "You will be my first bride." A few days later, on the 5<sup>th</sup> November 1949, Elsie and I were married in the DC's commodious office at Ncheu. As well as Dave and Iris, "Uncle" Don Bartlet, the local Agricultural Officer and one of the old-timers, attended the wedding as a witness. (Uncle Don had a house and tobacco farm out in the blue, three or more miles south of Ncheu, midway between there and the railway halt at Balaka.) We all then went to the Davies' house where Iris had laid on a very pleasant celebratory wedding breakfast.

Until now I had been living in the "Angoni Highlands Hotel" but now, as a newly married couple, we were able to move into one of the new bush houses. The government had increased the numbers of staff in several different departments and more housing was necessary, but as usual, money was short so a government architect was given the task of designing something cheap. He



had obviously taken his cue from the indigenous building techniques for these little bush houses, built of green, sun-dried mud-brick, with thatched roofs, were the result. They were built by the Public Works Department (PWD) which was responsible for all the public building work and repairs in the country – including the roads and government buildings - in the same way that the District and County Councils are responsible for similar work in Britain.

The bush houses were of a rectangular shape with rounded ends, with a sitting/dining room at one and a bedroom at the other. In the middle was a verandah/corridor connecting the two, behind which were a small bedroom and bathroom. As was common all over Nyasaland and still many cases in Malawi where mains services are not available,

the bath water was heated in a large external 40 gallon drum, held in a brick structure above a wood fire and piped into the bathroom. It had to be filled with buckets off water by hand. In the older houses the *chimbuzi (latrine)* was in a separate house but in our bush house an earth bucket with a seat was set up in the bathroom. The night-soil was emptied from outside and carted away each morning. The kitchen, complete with a wood fired Dover Stove, was in a small, separate building a few yards from the house. It was stated that these houses were only intended to have a life of 10 years, but 20 years later most were still inhabited.

The ceilings were of reed matting, the least successful aspect of the design, as insects got into it and chewed away at it, incessantly dropping small particles on everything underneath. I found this so infuriating that I ripped out the reed matting and replaced it with finer woven Hessian. This could be treated with several coats of whitewash, which significantly reduced the problem of the insect frass. I would commandeer any piece of Hessian that came my way and stockpile it for later use to gradually replace all the ceilings in the house!

The government supplied some basic furniture - such beds, Morris wooden framed easy chairs with kapok filled cushions and dining table and chairs - and I bought some crockery from *Mandala* (African Lakes Corporation) Stores. In addition we bought an easy chair from Molly Benson, Birdy's wife, for Elsie's elderly Uncle, Col. Swift, who came to live with us. Elsie brought with her some of Uncle's pictures, a canteen of cutlery - a wedding present: so, and with some Persian rugs on the polished concrete floor we soon had the little house looking homely and comfortable.

.....To be continued