

*G. M. ...*

EAST AFR PROT  
592117

C/O  
59247  
RRC  
Rr

026  
Accounting 533

1917  
14 Sept

Last previous Paper.  
Nov/23623/16

MASAI RESERVE SUSPENSE ACCOUNT

Enclosed statement of receipts up to date and reports as to arrangements for administering account in closer accordance with correct financial procedure. Refers to incident causing infliction of fine on Kakenyukye Masai.

Ans 28. 10 Jan 18

*Mr. Hewson*  
*Mr. ...*

Roughly, the total of Rs 99,000 which has accrued to the account is made up of

- (a) ~~Rs 47,000~~
- (b) Contributions 18,000
- (c) Rents re. 34,000
- (d) Fines

It is not stated what has been spent during this period on works for the benefit of the Masai.

The O.A.S. proposes that

- (1) Anticipated receipts under (a) (b) (c) should be shown in the Estimates, as also expenditure out of the Masai fund
- (2) Receipts under (b) & (c) to be credited to general revenue & not, in future, to be paid to the Masai account.

The effect of (2) would be that only (a) would be shown in the Estimates, as remarked in ...

It is not clear how these voluntary contributions can be estimated at all.

In view of the small size of the Masai ...

next subsequent  
592117

course for alleging that any funds which may be regarded as belonging to the Reserve have been taken for the general purposes of the Administration. But I do not think that any such course would be reasonable as regards (b) any more than in the case of any other Reserve, but in view of the <sup>decision</sup> minutes on 24/8/13, referred to <sup>(c)</sup> by the O.P.G., it will be best not to pay (b) to the general revenue.

As regards (d) there is good precedent for applying tribal fines to the benefit of the tribe, the Kigio (1905) case being the most notable, but that was a case of a general tribal escape fund which necessitated a punitive expedition, and there is no need to adhere to the same principle in any petty instance of collective punishment.

I reply that the amounts now standing in the Account should remain there - that is future contributions & rents, &c., but not fines, should be paid to the Assistant; that it is not necessary that the receipts of such amounts under the Account should be included in the annual Estimates; but that an annual statement of such receipts & payments should be included in the Treasurer's financial report on each year.

~~to be~~  
[The O.P.G. has not given the formal report to the Hakonyutye, who are required under the Collective Punishment Act to do so. It is proposed to pay the fine by a book

as a military measure I am inclined  
to think that the incident in the one in  
have heard of in connection with R. D. Dyer,  
who was known etc of E. A. who was  
intended to be a large document but took to  
cattle lifting instead]

341

W. G. 22/12/17

J. G. R.

H. J. R.

26/11/17

At m. W. H. 21/18

AFRICA PROTECTORATE

No. 533

GOVERNMENT HOUSE.

NAIROBI.

BRITISH EAST AFRICA.

C C  
 59247  
 REC  
 REVD 1007

September 17th, 1917.

Sir,

Gov  
 23623  
 15

I have the honour to refer to Mr. Harcourt's despatch No. 385 of the 27th of May 1915 conveying approval to the inauguration of a Suspense Account for the Masai, to the credit of which were to be placed sums contributed by the tribe for the benefit of the Reserve or obtained from other sources.

2. I have recently had under my consideration the propriety of arranging for this Account to be administered in closer accordance with correct financial procedure. I enclose a statement of receipts up to the present date from which you will perceive that the total is made up of (a) contributions from the Masai (b) rent of trade plots, (c) auction of trade plots, and (d) fines.

Statement

3.

THE RIGHT HONOURABLE

WALTER LONG, P.C., M.P.,

MEMBER OF STATE FOR THE COLONIES,

10, DOWNING STREET,

LONDON, S.W.

3. You will observe that the last contribution made by the tribe was in March 1916. These sums were given mainly for the purpose of improving the water supply in the Reserve, and they may be presumed to have ceased on the completion of the dams. I consider that any contributions which may be forthcoming in future should be placed to the credit of the Account.

4. As regards items (b) and (c), the proceeds of the sale of plots and the rent accruing therefrom in other native districts are placed to the credit of general revenue. It is true that in the case of the Masai the land which they occupy has been formally handed over to them by treaty and that the consent of the paramount chief has had to be obtained before any part of it could be alienated; but it may be argued that the land in other native districts is equally the heritage of the tribes even though no such solemn dedication has been made, and I am therefore uncertain whether the difference in the conditions of land tenure in the Masai reserve and elsewhere is sufficiently great to warrant such a distinction in dealing with the receipts derived from alienated areas. I am personally inclined to think that the proceeds in respect of items (b) and (c) should be credited to general revenue but I do not desire to press the point and I should be glad

to be informed of your decision. In this connection I may refer to Mr. Harcourt's despatch No. 658 of the 14th of August 1913 regarding the method of applying the rent derived from the alienation of an area required by the Magadi Soda Company for their European employes. In any case, however, I think that the anticipated revenue in respect of items (a) (b) and (c) should be included in the annual Estimates and that the estimated expenditure from the funds thus available should also be shown.

5. The remaining item is that of fines. I do not consider that unless in exceptional cases the proceeds from such a source should be set aside for the benefit of the tribe so punished and I think that even then your sanction to the procedure should be obtained in each instance. I am not aware whether this point was specifically considered by Mr. Harcourt before issuing the general approval referred to above; if not, I should be grateful if it could be considered now. I can hardly regard the principle as a sound one for the reason that if an officer were aware that the proceeds of any fines which might be inflicted would be available for improvements in his district he might be tempted to recommend unnecessarily heavy imposts, arguing that after all the individuals or sections so punished would benefit directly from the sums levied on them. Moreover, the fact that this system is in force

in the case of the Masai alone is liable to give rise to the feeling that this tribe has been granted preferential treatment. I therefore propose that in future the proceeds of fines shall not be credited to the Suspense Account unless your approval in each instance has been first obtained.

6. I may perhaps here shortly refer to the incident which caused the infliction of the fine on the Kakonyukye Masai, mentioned in the accompanying Schedule. In June 1915 a party of Germans with some Masai raided the Masai country and seized some 500 head of cattle and a counter-raid was organized. No action was taken by the Governor to punish those implicated in the counter-raid as they were not the aggressors, but subsequently, in January 1916, the Kakonyukye Moran without provocation left their villages and crossed the border with the object of raiding. The Officer-in-Charge reported the matter to the Governor, and recommended a fine of not less than 2,000 head of cattle for the reasons that the Moran had been repeatedly warned against taking such action on their own account, and that the section in question had always been troublesome and was practically the only one which had failed to give any assistance in guarding the Border.

7. The Masai reserve was at the time a military area and the military authorities, to whom

whom the facts had also been reported, approved the fine of 2,000 head of cattle, with a further 1,000 head if a number of rifles handed to members of the tribe by an Intelligence Agent were not returned by the end of February. The Governor subsequently discussed the matter with the military authorities, and the fine was reduced to 1,000 head of cattle plus 500 head in respect of the rifles which had not been returned within the specified time. The rifles were however eventually returned, when the cattle in question were restored to their owners.

8. Mr. Hemsted, in recommending the imposition of the fine, asked that the proceeds might be utilized for improvements in the Reserve on the grounds that the action of the Moran in raiding into German territory was not consciously directed against the Government and might in fact easily be construed into a desire to assist us. The military authorities agreed to this proposal and the Governor accordingly approved it, on the understanding that the manner in which the funds could be most beneficially employed should be the subject of future discussion.

9. In this instance, however, I am prepared to ask that the proceeds of the fine should remain to the credit of the Reserve.

I have the honour to be  
 Sir,  
 Your humble, obedient servant,

*[Signature]*



## INCLOSURE

No. 1533 of 17 9 1917

STATEMENT SHOWING AMOUNTS CREDITED TO SUSPENSE A/C MASAI TRIBE  
FROM 1st MARCH 1915 TO 31st MARCH 1917.

Month 1915	Station	Particulars	Amount Rs. Pts.
March	Masai Reserve	Oxen sold to Military (Contribution)	10,450 00
May	Engirende	Contribution by Masai	4,400 00
"	Masai Reserve	Rent of trade plots	284 00
June	" "	" " " "	520 00
"	Ngong	" " " "	48 00
July	Masai Reserve	" " " "	1,680 00
"	Ngong	" " " "	96 00
Aug.	Engirende	Rent of trade plots	1,584 00
"	"	Contribution by Masai	215 00
"	"	Rent of plots	876 00
"	Ngong	Contribution (200 00) Rent of plots (96 00)	296 00
Sept.	Engirende	Contribution by Masai	475 00
"	"	Rent of plots	672 00
"	Masai Reserve	" " "	1,536 00
"	Ngong	" " "	36 00
"	"	Contribution	1,410 00
Oct.	Engirende	Rent of plots	324 00
"	Masai Reserve	" " "	708 00
"	Ngong	" " "	72 00
Nov.	Engirende	" " "	2,148 00
"	Masai Reserve	" " "	336 00
"	Ngong	" " "	36 00
Dec.	Engirende	" " "	324 00
"	Masai Reserve	" " "	1,140 00
"	Ngong	" " "	36 00
1916	Engirende	" " "	324 00
Jan.	Masai Reserve	" " "	300 00
"	Ngong	" " "	12 00
		Carried forward	30,246 00

Month 1916	Station	Particulars	Amount Rs. Cts
		Brought forward	30,246 00
Feb	Engirende	Rent of plots	36 00
"	Masai Reserve	" " "	684 00
"	Ngong	" " "	84 00
"	J/Entry No.3	153 oxen @ Rs.40/- <sup>Fines</sup> 29 barren cows -do-	6,120 00 1,160 00
March	Engirende	Rent of plot	36 00
"	Masai Reserve	" " "	1,092 00
"	" "	sale of cattle (other than Kakonyukye Fine)	968 00
"	Ngong	Contribution Rent of plots	220 00
April	Masai Reserve	" " "	180 00
May	Engirende	" " "	36 00
"	Masai Reserve	" " "	304 00
"	Ngong	" " "	144 00
June	Masai Reserve	" " "	768 00
"	Ngong	" " "	125 60
"	Engirende	" " "	2,268 00
"	J/Entry No.6	Value of 13 oxen taken over by Mill-; tag on 30/6/16 Fines	7,070 00
"	" " No.1	Part of Rs.334 ap- ) pearing through the ) Masai Reserve a/c ) for May 1916 Fines )	3 00
July	Engirende	Rent of plots	900 00
"	Masai Reserve	" " "	1,134 00
"	Ngong	Kakonyukye Fines 4 00 ) Rent of plots 69/60 )	469 60
Aug.	Engirende	Rent of plots	144 00
"	Masai Reserve	" " "	1,176 00

Carried forward

Rs. 51,348 20

Month 1916	Station	Particulars	Amount
		Brought forward	51,348 28
Aug.	Ngong	part payment by Kakonyukye towards the fine for raiding G.E.A. and including cattle sold by auction	8,312 21
"	"	Rent of plots	64 00
Sept.	Masai Reserve	" " "	192 00
"	Engirende	" " "	516 00
"	Ngong	" " "	180 00
"	"	Kakonyukye Fine	220 00
Oct.	Engirende	Rent of plots	121 00
"	Masai Reserve	" " "	120 00
"	Ngong	" " "	312 00
Nov.	Engirende	" " "	120 00
"	Masai Reserve	" " "	888 00
"	Ngong	Fine for raiding in G.E.A.	200 00
"	"	auktion of trade centre Corner plots	150 00
"	"	Rent of trade plots	354 00
Dec.	Masai Reserve	Rent of plots	804 00
"	Ngong	Rent of trade plots	64 93
"	Engirende	" " " "	36 00
1917			
Jan.	Masai Reserve	" " " "	1,188 00
"	"	sale of Kakonyukye cattle fine	21,390 00
"	Engirende	Rent of plots	156 00
"	Ngong	" " "	708 00
"	J/entry No.14	" " "	26 15
Feb.	Masai Reserve	" " "	156 00
"	Ngong	" " "	848 00
March	Engirende	" " "	672 00
"	Masai Reserve	" " "	1,452 00
"	Ngong	" " "	264 00
<b>Total</b>			<b>99,596 25</b>

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No 28

10 January 1918

Sir,

Minute

Brarles, 8 Jan  
Rohinson, 9/1  
10th Jan 1918

I have the honour to acknowledge the receipt of your despatch of the 17th of September, No. 533, and to ~~acknowledge the receipt of~~

regarding the Administration of the <sup>the case</sup> L. Troop Account of the ~~Brarles~~, or to inform you that the amounts now standing in the account should remain ~~to the credit of the account to it.~~

~~should be retained there~~

2. As regards the future <sup>I consider that</sup> ~~future~~ received from (1) contributions from the Masari (2) rent of Trade plots & (3) auction of Trade plots should be paid into the account ~~and should be~~ ~~paid into the account~~