

1935

1935

C0533/455

38036

KENYA

38036

Part II

Murders by the Samburu

→ death of Mr. T. Powys.

Previous

Part I

See Note	27/9
297	28/9
R 298.	30/9
297	

Subsequent

1936

Key 297	28/5
Room 309	28/5
Mr Brewster	30
Mr Hood	31
Mr Bushe	7/6
Mr Hood	7
Sir C. B. ...	8/6
Mr Hood	✓
R. 297	19/7
Room 309	23/7
Mr Brewster	27
Key 297	24/8
Room 309	24/8
Mr Brewster	23
Sir C. B. ...	23

28. Lady Eleanor Cole \_\_\_\_\_ 23 May '35

Encls. full evidence in support of request to the Governor  
to appoint an Inquiry into the death of Mr. T. Bourgo & other  
murders committed by the Samburu.

29. To Lady Eleanor Cole — enclosed — 27<sup>th</sup> of May '35

No 28.  
**DESTROYED UNDER STATUTE**

The memorandum enclosed in  
No 28 is the one mentioned by  
the Governor in page 26  
of his despatch of the  
22<sup>nd</sup> of February (No 26)

I think that the Gov's directions as  
regards No 28 were that it should  
be formally acknowledged only. That  
has been done? It may <sup>have</sup> been put by

A. Brown with  
30/5/35

It is hardly our business to check the  
contents of this voluminous despatch against  
the even larger mass of material in No  
26. If the question is to be reopened,  
it must be from Nairobi. But the  
natives whose evidence is certified by  
The. Colvile can scarcely all have  
been lying!

S. Denton  
30/5.

But none of it  
is evidence really:  
it raises a suspicion  
no more.

Yes: this was read to the Governor who refers to it  
in his despatch. It is not really worth much as  
evidence in any direction because it deals so much

28. Lady Eleanor Bole \_\_\_\_\_ 23 May 35.  
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to appoint an Inquiry into the death of Mr. T. Lowry & other  
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But none of it  
is evidence really:  
it raises a suspicion  
no more.

with imputed motives  
J. S. W. Flood  
21.5.

AKB  
7/6

The question is whether the S. H.  
will be bound to record his  
predecessor's views that no enquiry  
is necessary. It will be desirable  
- at least - to prefer a short summary  
of the case (as an introduction to  
reading - actually - no: 26 and  
the Hys report) for his use. The  
attack - if next - will be on the  
opinion, concerned before the trial,  
and the vic<sup>3</sup> of the trial can be  
defused if by some reference to the  
Hys report.

W.C.S.

9/6/35 and  
a summary of this case has been  
inclosed with the other  
summary sent for the S. H.

Patly  
15/6  
12.6  
since

EM

MR. FLOOD.

30

What shall I say to Lady Eleanor Cole  
about this request for an interview with the  
Secretary of State on the Powys case?

S. W. Mr. Lloyd

E. H. Lloyd

Sir J. Moffat  
Sir C. Bottomley.

26/6/35.

Lady Cole and Mr. Gilbert Colville want  
to see the Secretary of State to talk about the  
Powys case. Now the Powys case has been  
exhaustively and exhaustively considered and of the  
stuff enclosed in Lady Cole's letter of the 23rd of  
May I cannot see that any of it has not been before  
the Governor. The so-called evidence consists of  
a memorandum read to the Governor on the 3rd of  
January, 1935, which was obviously before him when  
he sent his despatch of the 24th of February, and  
there is nothing else in the thing that I can see  
which is not of previous date.

I would invite reference to Sir Joseph  
Byrne's letter of the 30th of January (No. 11 on  
38036 Pt. I) in which he says that the motive of the  
whole thing is to make the Secretary of State reject  
the Carter Commission's recommendation and say that  
the Leroki Plateau ought to be reserved for white  
settlement. Sir Joseph Byrne goes on to say that  
the driving force behind the agitation is Mr.  
Colville, and that the Editor of the "East African  
Standard" had informed him (the Governor) that he  
had refused to support the demand for further  
enquiry, as he thought it would be unsettling and

XI

produce no good result.

In the House of Commons on the 27th of March Sir Philip Cunliffe-Lister said that he had reached the conclusion that the local Govt. spared no possible effort to elicit the truth that the conduct of the Prosecution was irreproachable and that there is no case whatever for instituting further enquiries.

*Eleanor*  
Lady/Cole now says that the Administrative Officer in charge was at fault in collecting evidence with a view to securing a conviction and Mr. Colville would like to put his reasons for this belief before the Secretary of State. Also the question of the native Kiberenge is trotted up again. Kiberenge said that Powys had been murdered but his statements, on being checked, did not tally with known facts and he was accordingly disbelieved. He has since disappeared and it is said by Mr. Colville and others that he has been murdered, but so far as I can see there is no justification for that.

Now if Mr. Colville or *Eleanor* Lady/Cole or anybody else living in Kenya has any complaint to make of the Administration, the person to whom the complaint is to be addressed is the Governor, and it is, I think, exceptionally important to maintain this principle in the case of these people in Kenya who endeavour to ignore their Governor

Governor on every possible occasion and apparently prefer to act by addressing the Secretary of State in this country.

I suggest that the reply might be to the effect that Mr. MacDonald has perused the papers including the documents submitted in *Eleanor* Lady/Cole's letter of the 23rd of May, all of which appear to have been before the Governor from the dates of them, and that he can only share the opinion of his predecessor that the local Govt. spared no possible effort to elicit the truth, that the conduct of the Prosecution was irreproachable and that there is no case whatever for instituting further enquiries and that if Lady Eleanor Cole or Mr. Colville wishes to make any complaint against any Officer of the Kenya Govt. the correct course is to address the complaint to the Governor of the Colony and not to the Secretary of State, who is not in a position to investigate it, and that in the circumstances no useful purpose would be served by an interview.

J.S.G. 29

28.6.35.

*I agree*  
*W.C.S.*  
28.6.35

*This is an attempt to revive a controversy which had subsided.*

*I agree*  
*John*  
28/6/35

*31*  
*Lady/Cole. (30/6/35) 5 July 35*

late S. of S. 60  
on 2 Feb.  
flagged in 38036

Extract from E.A. Standard dated 29 Mar 35

DESTROYED UNDER STATUTE

I think that the moderate tone of this report bears out Sir J. Byrnes' statement (see X in the minute below No 30) that the Editor of the E.A. Standard has refused to support the demand for further enquiry.

L. B. Stewart  
C.A. Woodmill  
22/7/35

L. B. Stewart  
23/7/35

AM

DESTROYED UNDER STATUTE

DESTROYED UNDER STATUTE

Extract from Daily Herald for August 30

36 Lt. Col. A. J. Munhead (S.O.)

13 Aug 35

Encls. a letter regarding the Lough murder & seeks the latest news on the matter.

36 Lt. Col. A. J. Munhead (S.O.) - approved - 15 Aug 35

DESTROYED UNDER STATUTE

The draft is based on the letter to Lady Eleanore Cole (31).

L. B. Stewart  
L.S.

L.S. 23.8.35

36 Lt. Munhead (34 amend) reply - 27.9.35

R298 letter 35/8/35

Extract from 'E.A. Standard' dated 29 Mar 35

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I think that the moderate tone of the report bears out Sir J. Byrnes' statement (see x in the minute below No 30) that the Editor of the E.A. Standard has refused to support the demand for further enquiry.

? Let by

C.A. Swinmill  
22/7/35

L.B. Hewitt

23.8.35

Extract from 'Daily Herald' of 10 August 35

DESTROYED UNDER STATUTE

DESTROYED UNDER STATUTE

34 Lt. Col. A.T. Munhead (6.0) \_\_\_\_\_ 13 Aug 35

Encls. a letter regarding the Lyons murder & seeks the latest news on the matter.

35 Lt. Col. A.T. Munhead (6.0) - answered - 15 Aug 35

DESTROYED UNDER STATUTE

The draft is based on the letter to Lady Elmore Cole (31).

L.B. Hewitt  
L.S.

to C.A.S. 23.8.35

36 Lt. Munhead (34 ans) reply - 27.9.35

298 letter 35/9/35  
MM

36

C. O.

Mr. Grossmith. <sup>23/8</sup>

Mr. ~~Austin~~ 23

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

x Sir C. Bottomley 23.8

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

+ Secretary of State.

Downing Street,  
27th Sept

for the left signature. ~~August~~, 1935.

Dear Anthony

You wrote to me on the 13th

(34)

of August asking for the latest news

on the Powys case. I have seen the

papers which Lady Eleanor Cole submitted

to my predecessor, which Lady Eleanor

described as "the full evidence in

support of the request to the Governor

of Kenya to appoint an enquiry into

*The whole circumstances of*  
this and other murders committed by

the Samburu tribe in the last four

years". Judging from the dates, all

the documents which were <sup>forwarded?</sup> submitted

appeared to have been before the

Governor of Kenya, and Sir Philip

Cunliffe-Lister formed the opinion,

which I share, that the Colonial Govt.

spared no possible effort to elicit

the truth, that the criticism of the

conduct

DRAFT.

LIEUT. COLONEL A. J. MUIRHEAD,  
M.C., M.P.

Original letter  
bearing No 34.

(Copy to be kept)

FURTHER ACTION.



*of the Prosecution*  
conduct was unjustifiable, and that there  
is no case whatever for instituting further  
enquiries.

I caused Lady Eleanor Cole to be  
informed accordingly and said that if she or  
Mr. Colville wished to make any complaint  
against an officer of the Kenya Govt., the  
correct course is to address that complaint  
to the Governor of the Colony and not to the  
Secretary of State, who is not in a position  
to investigate it.

I return the letter from your  
correspondent in Kenya.

*Yrs sincerely,*

(Sgt.) MALCOLM MacDONALD

C. O.

Mr. Boyd. 3/7/35

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

X Secretary of State.

*3/7/35*  
*appn 3/7/35*

*for P.S.'s signature*

DOWNING STREET

5<sup>th</sup> July, 1935.

Dear Madam,

**DRAFT.** *(see minutes)*

THE LADY ELEANOR COLE.

I am sorry that I have not  
been able to send an earlier reply to your  
letter of the 25th of June. The Secretary  
of State has, however, been very pressed  
for time and it is only now that he has  
been able to peruse the relevant papers  
in the Powys case, including the documents  
which you enclosed with your letter.

Mr. Malcolm MacDonald asks me  
judging  
to say that from the dates, all the  
documents which you have ~~submitted~~ *forwarded*  
~~are~~ appear to have been before the Governor  
of Kenya, and he can only share the opinion  
of his predecessor, Sir Philip

FURTHER ACTION.

Cunliffe-Lister, that the Colonial

Government spared no possible effort  
to elicit the truth, that the <sup>criticism of the</sup> conduct  
of the Prosecution <sup>is unjustified</sup> ~~was irreproachable~~,

and that there is no case whatever

for instituting further enquiries.

His view is that if you or Mr. Colville

wish to make any complaint against an

officer of the Kenya Government, the

correct course is to address that

complaint to the Governor of the Colony

and not to the Secretary of State, who

is not in a position to investigate it.

In these circumstances, Mr. ~~Malcolm~~ MacDonald

considers that no useful purpose would be

served by an interview at the Colonial

Office.

I am,

Madam,

Yours very truly,

(Signed) E. D. BOYD.

June 25. 1935

TELEPHONE  
WOKING 421

FISHER'S HILL,  
WOKING

30

The Private Secretary  
Secretary of State for the Colonies

Dear Sir,

I am writing to ask if you could kindly arrange for an interview with the Secretary of State for the Colonies, Mr. Malcolm Macdonald, for myself & Mr. Gilbert Colville. We wanted to bring before him certain aspects of the <sup>situation arising out of</sup> murder of Mr. Poyps which took place in Sierra Leone. Mr. Poyps was my employee & Mr. Colville has collected most of the evidence in connection with this murder.

I had been in correspondence with Sir Philip Cunliffe Liston over this question & both Mr. Colville & I feel that the White Paper quite recently issued

ly the Government in Kenya on this question must have been written before the full evidence had been submitted to Sir Philip Cunliffe-Lister, which I sent him in a letter dated May 23. 1935.

~~These~~ Matters have been raised in this despatch that we should very much like to have a chance to comment on. We still feel that there are good grounds for holding an enquiry. The fact of Mr. Poy's having been murdered is now accepted by everybody & we feel in the interest of future good Government & Law & Order that an enquiry should be held to see why it has been so difficult to get the necessary evidence to convict other than this & the 30 or so other murders that have been committed by members of the Samburu Tribe.

- 8
- From the evidence collected by Mr. Colville it does seem that this may be due to fault on the part of the Administrative Officer in charge, & Mr. Colville would like to put his reasons for this belief before the Secretary of State. Also we feel that the imprisonment & subsequent murder of the Native, Kiberege, calls for an enquiry. Mr. Colville is at present in England & I am here till the end of July when I leave for Kenya Colony. We would like to suit the convenience of the Secretary of State but if it suited him July 2<sup>nd</sup> is a day I should be in London.

in any case, so I just mention it.

I am Sir,

Yrs. very truly

Eleonor Cole

TELEPHONE  
WOKING 421.

May 23/35  
FISHER'S HILL,  
WOKING 28

RECEIVED  
27 MAY 1935  
C. O. REGY

Dear Sir Philip

Reference our previous correspondence

concerning the death of M. T. C. Poyne in Kenya Colony I am herewith sending you the full evidence in support of the request to H. E. the Governor to appoint an enquiry into the whole circumstances of this & other murders committed by the Samburu Tribe in the last 4 years. I am sending you these papers in order that you may be in possession of the facts of the case.

Yrs. sincerely  
Eleonor Cole

Answered 21/9/35  
57/11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100

10  
1935  
1st. April 1935.

Reference to Sir Edward Grigg's communications with Sir Philip Cunliffe Lister regarding the Powys case and to the allegations made against the Government Officers, we now enclose herewith the evidence supporting these criticisms, as also our request to His Excellency the Governor for the appointment of a Committee of Enquiry into the whole case.

No attempt has been made to include any of the evidence which was made use of at the trial.

Yours faithfully,

Sinc

Geoffrey Colville

MEMORANDUM

READ BY:

The Earl of Erroll  
G. Colville Esq.  
Capt. H. Eckstein

To His Excellency the Governor at a meeting at  
Government House on January 3rd. 1935.

12

MEMORANDUM.

The chief reason for our asking for this interview is that we feel that Your Excellency is not in possession of the whole of the facts of the case.

The doubts raised in the mind of the Judge as to the integrity of the witnesses, could all have been satisfied by the prosecution. The accused have been acquitted and we are no longer concerned with their fate, only with the reactions which their return to Samburu may cause.

What does cause us great concern is what is going to happen to the Samburu witnesses and also to the Dorobo who are now being moved into Samburu country.

This is no idle fear, in view of the treatment that has been meted out to the other native witnesses in the past, not only at the hands of the Samburu, but also of the Administration.

The case of Kiberenge is one of the most glaring examples of injustice that has ever occurred in a British Colony. The facts, as Your Excellency knows, are that, not only was this witness given the savage sentence of 5 months' hard labour for reporting Powys' murder to the Police, but the corroboration of his statement, which, if it had been produced in Court would have lead to his acquittal, was deliberately suppressed by the prosecuting Police Officer. This fact is known to the Commissioner of Police and Government, and yet no departmental inquiry has, as far as we know, been appointed to go into this grave misconduct of a Police Officer. Indeed at the meeting held at Government House last April, the Commissioner stated that he had denials from the Officers concerned that these statements had ever been made.



Although immediately after the meeting, on Mr Colvile seeing the questionnaire in his office, he found that Ash is answer to question Six, admitted that the statements had been made to Acton, and that he, Ash, had thought it necessary to remonstrate with the Samburu for making them.

Such was the treatment Kiberenge received at the hands of Government. Now let us see how he was treated by the Samburu.

Having served his term in prison and his story having been disbelieved by Government, he appeared to the Samburu to be harmless. But as soon as investigations into the subsequent native murders were instituted in 1933, and enquiries were made by the Police for Kiberenge, he immediately disappeared, and it has recently transpired that he was murdered by Samburu within a few days of the Police asking for him.

Whatever excuses can be made by Government for the miscarriage of justice to Kiberenge; there can be none for the brutal and illegal floggings of Lason and Legada, the first two Samburu to do their duty by coming forward to assist Government in tracing Powys' murderers.

If these facts had been brought out in Court, they would have explained the reluctance of the witnesses to come forward, and the Judge would not have allowed this fact to have weighed with him in discrediting their evidence.

A further reason for our asking for this interview is to discuss the position which has arisen amongst the Samburu as a result of the acquittal of the five Moran, who are universally known amongst them to have murdered Powys.

The failure of Government to apprehend the murderers three years ago, lead to an ever increasing number of murders in Laikipia and Nanyuki.

Now to the Samburu the acquittal of these murderers is the final proof of the power of their Laibon and the weakness of Government. The probable result will be a fresh outbreak of murders, and a complete refusal of any witnesses to come forward and give any further evidence to assist the Police.

We cannot understand the attitude of Government with regard to these people, the Samburu; it seems that Government look on any one who attempts to bring their crimes home to them with hostility. Every native of Laikipia knows this, as do the Europeans.

For instance it is difficult to understand why the Dorobo in Laikipia, who had applied to Government for Rinderpest inoculation were refused, although a Veterinary Officer and Stock Inspector were available in Samburu, with the result that on their return from giving evidence at the trial at Nakuru, they found Rinderpest raging amongst their cattle.

Last September Mr. Colville pointed out to the C.V.O. the danger that these Dorobo cattle were in, and he informed him that he had orders from Government that he was not to inoculate them until after the land Commission Report Session of Legislative Council.

It is facts such as these, Your Excellency, which we feel are kept from your knowledge. Cases which may only be due to incompetence, but which shake peoples' faith in the integrity and impartiality of Government. Any impartial person reading the complete history of this case can only come to one conclusion, namely, that Government, its Officers having made a mistake at the

beginning of the investigation, refused to face the fact and tried to cover up the mistakes of its subordinates instead of trying whole-heartedly to get at the truth; with the inevitable result that the position is far worse than it ever was before.

Further and more glaring cases of injustice have been perpetrated by Administrative Officers in their zeal to hush up the Powys murder. And now any chance of getting evidence in the long list of undetected murders is probably lost.

Government imposed an inadequate collective fine on the Samburu for not giving evidence. When they did come forward to give it, owing to the incompetence of the prosecution, it was disbelieved.

We understand that Government has been asked to appoint a Commission of Enquiry into the whole case. We believe this to be the best course open to Government to clear up the grave feeling of distrust and insecurity which now exists both amongst the natives and Europeans. We are determined that the present state cannot be allowed to continue. The guilty and incompetent have been rewarded, and those who have done no more than their bounden duty, in attempting to bring to light the truth, have been either victimised or looked upon with disfavour by Government. We trust to you to see that justice is done.

We wish to make our position quite clear to Your Excellency, feeling as strongly as we do on this matter. If we are unable to obtain satisfaction here we are resolved to take the matter to the highest authority.

ANSWERS TO DOUBTS RAISED IN THE JUDGMENT

IN POWYS CASE.

That the horse propped and then went on at the same pace is consistent with the story of the Moran hiding behind the bush and getting up suddenly, but is not consistent with the lion theory. A horse ridden up to a lion is far more likely to swerve violently on seeing it than prop, but whether it swerved or propped it would certainly go off at full gallop on seeing the lion move towards it. If it had propped it is inconceivable that it should carry on in the same direction and at the same pace, but would whip round and gallop off in the opposite direction.

Inspector Ash's theory that the scratches on the inside of the pony's near hind leg were made by a lion is untenable. He himself admitted in answer to a question from the Judge that the pony would have to be walking at the time. A pony or bullock that escapes from a lion with only a scratch can only do so owing to the fact that it is travelling at extreme speed.

Scratches made by lions' claws on a large animal are always deep and cause a poisonous septic wound. No evidence was brought that the pony arrived home with blood running down its leg, or that it was treated for the injuries that it had received at the time.

A great deal of importance was attached by the Judge to Inspector Ash's examination of the cardigan and to the fact that he could find no cut or spear holes in it. This was not to be expected as the body was eaten by vultures, who would start to peck at the wounds and quickly destroy the clear cut edges with their beaks. This is often seen in a soft-skinned buck which has been eaten by

vultures, and it is impossible to tell whether the buck has been shot or killed by an arrow, owing to the fact that the vultures have so enlarged the hole as to make it lose its original shape.

The most important piece of circumstantial evidence, which was not brought out at the trial, was that the trousers of deceased were not pecked by vultures, and that the inside of them was not fouled by blood or the contents of the stomach.

It was pointed out to the Prosecutor (Mr. Leslie) in the Lower Court, that this evidence had not been given and Mr. Robinson (The Magistrate) agreed that one of the European witnesses should be recalled to give evidence on this. But this was not done.

The Judge, in his Judgment, considered it unlikely that natives should have undone the belt and trousers and done them up again after removing them. That is so, it is most unlikely. But what is possible is that the slacks were only held up by a cartridge belt, were pulled off over the hips. The mark on the ground 8 feet long by 1 foot wide with the hat at one end of it, is far too long to have been made by a fall from the horse. But is exactly what you would expect to find if the trousers had been pulled off with difficulty over the hips without being undone.

This point is incapable of definite proof in Powys' case; all that can be proved is that some people's trousers can be pulled off without being unfastened and some cannot. The opening of the trouser pocket being torn down is what you would expect to find if the trousers had been forcibly pulled off by human hands, but cannot be accounted for in any other way as the trousers were not pecked by birds as were the other garments. But what

is proved beyond possibility of doubt, is that as the inside of the trousers were not fouled by the contents of the stomach, therefore the trousers were not on the body at the time that it was eaten by the birds. It is inconceivable that they could have been pulled off by a wild animal prior to the body being eaten.

There are two possibilities to consider (1) that the accused found Powys' dead body and removed his trousers to enable them to mutilate the body; (2) that they murdered him and then removed the trousers.

Against (1) is the improbability of the accused finding the body during the very short period that would elapse between death and the vultures, the finding of the body and removal of the eyes, and Samburu evidence as to touching a corpse. The blood on the waistband of the trousers is what you would expect to find if he were speared through the chest, and the blood would soak down the cardigan into the top of the trousers.

If he met his death as a result of a fall there would be no blood. Also the Samburu elders in answer to a question from the Judge, said the head was intact, without injury or bruises.

The next point is the blood found on the ground in the vicinity of the rocks. There would have been no blood if death had been the result of a fall from the horse. On the other hand a man speared to death and the head severed directly after death would bleed freely.

Leberis and the Kikuyu cook both stated that they saw no lion tracks. None of the European witnesses were certain that the tracks which they saw were lion tracks. The only person really qualified to say whether the tracks were lion tracks was Mr. Cunningham's Dorobo, and he was not called as a witness. No attempt was made by the

Prosecution to establish how old the supposed lion tracks were. If they were superimposed on the scratchings made by the vultures, they had nothing to do with the cause of death.

Both the Defence and Judge drew attention to the fact that no tracks of Mr. Powys or of humans were seen on the ground. Even if tracks had been there at the time of death, they would all have been effaced by the vultures while eating the body.

The Prosecution left the position of the Dorobo witnesses very obscure. With the result that the Judge came to the erroneous conclusion that they and also Lesemeto's sister all lived together in one village. Lemiputari the Head of the Dorobo living at the junction of the Narok and Uaso Nyiro Rivers, is a very old man with a large number of sons, nephews, and hangers-on, all calling themselves Ole Lenaiputari in the usual Masai way. They actually live spread over a large area of country in several villages, probably five (5).

Morassi does not live with the Uaso Dorobo but in the other section Leratias.

Lesemeto's sister had left the Dorobo and returned to Samburu about five months ago.

None of these facts were brought out.

The suggestion that the Dorobo, Lesemeto and Lesori concocted this story between them is not born out by the way in which the evidence was brought to the Police.

Liamitte when making his first statement, said he only knew two of the five of the Samburu and mentioned them, Lesemeto and Lesori, stating that he believed that they had killed the European.

If the Prosecution had put in as evidence all the statements recorded by the District Commissioner since the

70

end of 1933, the Judge would not have been misled into the belief that the investigation was only re-opened in the latter part of the year. It would also have shewn that Legoben's evidence was given subsequently to that of the five Wandorobo and that therefore their evidence was not given as a result of Legoben's having engineered and framed a case against the accused.

Another point which the Judge appears to have attached great importance to in discrediting the evidence for the Crown, is the long time that elapsed before the witnesses reported what they knew to Government.

The reasons for this delay could have been brought out if the Prosecution had questioned witnesses more closely.

The reason given by the three Dorobo were that although their village was only 5 miles from the site of the murder, no Police Officer visited their village or asked them if they had seen anything. They stated emphatically that if they had been asked at the time, and before Kiberenge was imprisoned, they would have told what they had seen. But they were frightened and thought it safer not to speak unless asked.

Legoben's reasons were even better ones.

1. As he said in Court fear of the Laibon and the Moran.
2. At the Baraza at the Barsaloi crossing, Mr. Cornell told the elders that he did not want to know anything about the Powys murder, as Mr. Cornell was in England at that time, but only about the native murders.
3. Shortly after the Baraza <sup>Legoben</sup>/saw Lasoni and Legada the first Samburu to give any evidence in the Powys case, flogged by the same District Commissioner, Cornell.



If these facts had been brought out in Court the Judge would have viewed Legoben's reluctance to give his evidence sooner, in a very different light. Kiberenge's treatment by Government in addition to the three reasons given by Legoben above, were enough to make him most reluctant to come forward until the accused were actually under arrest and Government appeared at last to be prepared to listen to evidence brought against them.

The Defence stated that there was no motive; to which statement the Prosecution agree, Why? There was in fact exactly the same motive in this murder as in all the other subsequent murders committed by the Samburu.

There was evidence that the Lerogishu Moran who had been scorned by the Pusigishu girls as cowards, subsequently returned and boasted that they were now as brave as the Pusigishu Moran as they had killed a white man.

COPY OF CONFIDENTIAL LETTER SENT BY MR. G. COLVILLE TO

THE HONOURABLE COLONIAL SECRETARY DATED APRIL 28th, 1934.

Sir,

With reference to the meeting held last Monday, April 23rd, to discuss the Powys murder, I should be glad if I could have a copy of the minutes for future reference, as I disagreed with the Government on two points, namely the effect of the collective fine in producing evidence in the Powys case, and the amount of the fine as compared with other fines imposed in the past.

With regard to our informal morning conversation after the meeting at which you outline Government's proposed action; moving Corneil and transferring the Samburu from the Northern Frontier Province to the Rift Valley Province, I should be glad if I could have this in writing. I believe that this would go a long way to convince the people of Laikipia both black and white, and the Samburu themselves, that Government really was determined to get at the truth and punish the murderers.

The following incident will I think show you very clearly what the feeling in Samburu is. On my return to Laikipia last Tuesday I found a Samburu waiting to see me; he said that he had certain information to give, but wanted to know what protection I could give him, as of the four people who had helped the Europeans, "Two were dead and two had been flogged."

I shall be in Nairobi from April 30th. until May 2nd. (inclusive) c/o the Stockbreeders' Butcher, should you wish to send me any message.

COPY OF LETTER FROM SECRETARIAT, NAIROBI, S/P. ADM. 14/5/1 of April 28th, 1934, ADDRESSED TO MR. G. COLVILLE AT RUMURUTI.

CONFIDENTIAL.

SAMBURU MURDERS - MR. POWYS.

The colonial Secretary presents his compliments and has the honour to forward the accompanying copy of note of meeting held at Government House on April 23rd, 1934, at 9.30 a.m., for information.

Ndabibi,

GIL GIL.

October 17th. 1954.

The Hon. The Colonial Secretary,  
The Secretariat,  
NAIROBI.

Sir,

Reference is made to the minutes of the meeting held at Government House, on page two of the minutes "His Excellency asked that Mr. Colville would provide the Commissioner of Police with the additional information he had recently obtained so that further investigations could be made."

Directly after the meeting I went to the office of the Commissioner of Police, and handed over to the Commissioner the statements I had taken, and which confirm Kiberenge's evidence.

The Natives who made these statements to me have not yet had their evidence officially recorded; nor have they been questioned by the Police on the statements made to me. Why not? Was this His Excellency's intention when he said "...so that further investigations could be made."?

The second point to which I wish to draw Government's attention is that of the missing statements made by the two Samburu Elders to Inspectors Acton and Ash. On the Commissioner stating that he had had denials from both officers that these statements had ever been made, I asked that we should be allowed to see the questionnaire put to the Inspectors

by the Commissioner, and their answers thereto. Three times did I ask for this questionnaire and three times was I sidetracked. But His Excellency did say that [redacted] was not confidential and that we could see it. As it was not then produced at the meeting, I went to the Commissioner's office and asked to see it. When I did finally see it, I at once understood the reluctance shown in producing it; as Inspector Ash admitted that the statements had been made to Inspector Acton, and that he (Ash) had remonstrated with the Samburu for making them. If these statements, instead of being destroyed, had been produced at Kiberenge's trial, he would have been acquitted.

The fact of the matter is that Government found it politically most inconvenient that Powys should have been murdered by the Samburu; and their frame of mind was unconsciously adopted by the Officers carrying out the investigations; with the amazing result that although four Police Officers were engaged in investigating the alleged murder, not one of them appears to have taken the elementary step in any police investigation; viz. that of visiting the nearest inhabited village to the site of the crime. If they had done so, they would have got the evidence of the men who actually met the murderers returning from the crime with bloody spears and Powys's head.

I wish to make my position perfectly clear to the Government of Kenya.

Evidence was first brought to me last November which convinced me that Powys had been murdered. Since then, most of the evidence has, in the first instance, been brought

before being taken to Government. This is chiefly owing to the Natives having known me for a great many years, and also to their fear and distrust of Government after Kiberenge's, Lasoni's and Legodaa's treatment.

His Excellency, at the meeting referred to above, expressed annoyance that everybody seemed to be investigating this case. I am sorry that that is how he feels about it. But a European was brutally murdered three years ago, and the Government has failed to bring the murderers to trial. However inconvenient Government may find it, politically or otherwise, nothing will make me connive at the suppression of any evidence which may help towards the conviction and punishment of the murderers.

Recent developments in Samburu: the raiding of the Government cattle by araad Moran; and the murder on Mr. Wallace's farm directly after His Excellency's visit and warning to the Samburu show that no change of heart has taken place in these people - that they still look upon Government with the utmost contempt. And why should they not! They have got away with thirty-odd murders at the price of one Morani executed, and a few worthless sheep and goats taken as a collective fine. On the credit side, what have they won by their perjured evidence and with the help of their Administrative Officers? They have persuaded the Land Commission to give them over a million acres of land on which they never dared set foot until the British Government moved the Masai off it.

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

5  
COPY OF CONFIDENTIAL LETTER SENT BY COLONIAL SECRETARY NO. S/F/ADM. 14/5/1.  
A/11/13 of November 5th, 1934, ADDRESSED TO MR. G. COLVILLE AT BILGIL.

Sir,

With reference to your Confidential letter of October 13th., I have the honour to state that seven Samburu natives have now been charged with the murder of Mr. Powys, and it is understood that five have been committed for trial.

All the avenues of investigation suggested by you in your letter have been explored and the result will be forthcoming at the impending trial. His Excellency desires me to add that the Commissioner of Police has reported that, in the course of the recent investigations, your assistance and knowledge of the local inhabitants has been of the greatest value to the Police.

COPY OF LETTER SENT BY MR. G. COLVILLE TO THE PROVINCIAL COMMISSIONER,  
RIFT VALLEY PROVINCE DATED SEPTEMBER 2nd, 1934. FROM RUMURUTI.

Sir,

POWYS MURDER.

From information received I believe that there is direct evidence which could be obtained in this district regarding the above murder. I am doing nothing about it, and am not having any statements recorded by Trafford, as from stray remarks that I have heard in Nairobi, it seems that what work he has already done is held to be more to his discredit than to his credit. The same appears to hold good where any natives who have voluntarily come forward with information. So in future before having any statements recorded I wish you as Provincial Commissioner to take the responsibility of saying, whether Government wishes to hear any further information which may lead to the capture of the murderers, or whether such information would only embarrass Government and they would prefer not to have it. You will quite understand that natives can judge Government by its past actions, Kiberege, Legada, Lasoni and the 5 Wanderobo. And it is going to take a great deal to persuade them that if they do come forward they will not be penalised as these people have been. If you would like to talk things over with me I could come into Rumuruti any day you are up there.

COPY OF LETTER FROM PROVINCIAL COMMISSIONER, RIFT VALLEY PROVINCE TO MR. G. COLVILLE DATED SEPTEMBER 7th, 1934. FROM NARURU.

Sir,

I have the honour to acknowledge yours of September 2nd., and in reply have to state that Government is definitely desirous of obtaining evidence of the facts of the case. I have to-day wired the District Commissioner, Rumuruti, that I shall be passing through there to-morrow and asked him to inform you. If it is inconvenient for you to meet me then, I will try to do so early next week.

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COPY OF LETTER ADDRESSED FROM RUMURUTI BY MR. G. COLVILE TO THE PROVINCIAL  
COMMISSIONER, RIFT VALLEY PROVINCE DATED SEPTEMBER 12th, 1924.

Sir,

POWYS MURDER.

With further reference to yours of September 7th, and our conversation the following day,

A Wanderobo from the junction informs me that he met 5 armed Sam-buru on the Pingwan ridge at the time of Powys' death and that the spear of one who approached him was covered with blood.

In view of the assurance contained in your letter I am having this man's and another's ~~statements~~ statements recorded by the District Commissioner, Rumuruti. I trust, Sir, that you will do all in your power to protect from victimisation those who are only ~~in~~ doing their duty in helping the police to clear up a particularly cowardly murder.



**FOUR CASE.**

**STATEMENTS AND EVIDENCE BY--**

KUMINA OLE KESACHARA.  
KESACHI OLE HANGONUA.  
KAMUNO OLE BAROCOTA.  
KESABA'S OLDER BROTHER.  
LEOGORU.  
SABANIA.  
JUDA.  
LEBATA.  
KICARIA OIYA.  
LOMIVAN OLE MARIMBE.  
LEADA.  
SIBOT. OCHING.  
KIBANGAT.  
JUNA ANAP KIMASOY.  
WAKUPIA. OLE LISOPIA.  
KIGANU OLE KANBALICH.  
KOWOLIAN OLE LEBERE.  
OL OMAI.  
DEAMITTE OLE NIAMUTARI.  
LOL KEMUNA LES KEMOGHE.  
KERRI OLE HAINPUTARI.

STATEMENTS MADE BY:→

KUSHINA OLE KINCHANA. ( PUGISHU. )

We fought the Leregishu when Mr. Bader was the District Commissioner at Isiolo, and we beat them and killed five of them. The Logumai girls told us that at a dance at a Logumai village the Leregishu Moran came to dance and the Logumai girls said to them, You are cowards you ran away from the Pugishu, why then come here and dance? Twenty Moran got very excited and went home.

The next rains we heard that a white man had been killed on the Pingwan and we also heard that Kiberenge had come to give it away later. The Leregishu said, do you still say that we are cowards now that we have killed a white M'sungu.

We all know that the Moran of the Leregishu killed the white man.

We have all heard that Lereno and Lessiba killed Powys.

*Certified as true copy taken by me. Gilbert Colville JP NAKURU*

MIRACHI OLE MANGOMWA. ( DORORO. )

I have been to several Samburu dances and have heard the Samburu sing that the vultures dropped on the Pingwan to eat one loved by the people of Nairobi.

Dargetti accompanied me when I went to the dance.

*Certified as true copy of statement taken by me*

MANUMEN OLE BARROGOTA. ( LOINUSI. ) *Gilbert Colville JP Makindu*

I am head of the all the Samburu Moran. I am afraid of Ole Adoma, but not so frightened of him as I am of the Government.

*Certified as true copy of statement taken by me.*

LEWADA'S OLDER BROTHER. *Gilbert Colville JP Makindu*

I was told that the European had been killed by the Samburu, and that Kiberenge had said so. I heard the Song of the vultures on the Pingwan being sung at a Leregishu dance about 3 months ago.

We have all heard that Logoben has hidden Kiberenge.

*Certified as true copy of statement taken by me.*

*Gilbert Colville JP Makindu*

**Probable Causes  
of Death**

**Evidence on the  
Spot**

**Grave Suspicion—But  
a Doubt**

The following is the text of the judgment delivered on Tuesday morning in the murder trial in which five Samburu moran were charged with the death of Mr. Theodore Cowper Powys, a European farm manager in Laikipia, three years ago.

The accused were:

- Bari Ole Laduma**
- Maritim Ole Lolobiala**
- Mbali Ole Lesoiba**
- Lagoi Ole Lesoiba**
- Majero Ole Lirono**

The judgment read as follows:

"The five accused in this case are charged with the murder of a Mr. Powys on or about October 20, 1931. The facts of the case are most extraordinary. The Crown alleges that the five accused, armed with spears, way-laid Mr. Powys who was on horse-back, and speared him. After this the party of five returned to their manyatta, carrying the head, arm, and private parts of the deceased man. At night a ceremony was performed by a Lalloin, the object of which was to prevent the discovery of the murderers, and that the following day the parts were taken back to the scene of the crime, and subsequently the skull was discovered about 1,000 yards from the rest of the remains. The remains and skull have been identified as those of Mr. Powys by clothing and by gold stopping to the teeth of the skull.

"At the time of disappearance of the deceased, an immediate and energetic search was conducted, and when the remains were discovered the search party was of opinion that death was due to accident, either by a fall off a horse, or by being killed by a lion. It is admitted that lion are very prevalent in the locality.

"Shortly afterwards, as a result of rumours, Inspector Ash of the Kenya Police, exhumed the remains, but discovered nothing to lead him to alter his opinion.

On January 28, 1932, a formal inquest was held by the magistrate, and a verdict of death by misadventure recorded—death being the result of a broken neck caused by a fall from a horse.

"In December, 1931, an officer of the C. I. D. was sent up to Lumuruti to make a thorough investigation, as a result of statements made by a native named Kiberingi. These statements were found on investigation to be false, and Kiberingi being prosecuted on conviction was sentenced to five months hard labour on his own plea of guilty. Kiberingi was not a witness at this trial.

"After the inquest the matter was regarded as settled, and nothing more was done until the latter part of this year, when, on the evidence of

"There is also evidence against accused number two of two other Wanderobo, who state they met accused number two, by chance, when he admitted participating in the killing. This, of course, is evidence against number two only. I was not very impressed with this piece of evidence the first Nderobo, Murasi, did not divulge what accused number two told him because he knew that Kiberingi had been punished for making a statement regarding the death of a European. The second Nderobo, Sagatia, who was obviously a very intimate friend of Murasi was not aware that a European had been killed.

"There is further evidence against accused number one, namely, his statement recorded by the District Commissioner. As this statement tends considerably to exculpate accused number one and to inculpate the remaining accused it is inadmissible against any of the accused except the maker.

A coincidence is that the three Wanderobo who met the five accused carrying the remains and the two Wanderobo who met accused number two when the conversation about the ring occurred come from the same Manyatta. Also Meacmoto who was one of the two Samburu who met the five accused carrying the remains has a sister living in that same Manyatta.

There are considerable discrepancies on which I have commented in my summing up as to the circumstances of the meeting of the five accused with the two Samburu and the three Wanderobo, more particularly as to the number of persons carrying the remains and the conversation and subsequent movements of the parties, and the method in which the Shukas were worn.

The defence is not very lucid and a large portion of it does not deal with the issue involved but with petty detail long subsequent to the alleged murder. However the gist of the various defences is that the whole case against the accused has been engineered and framed by the Headman Loigoben.

It must be remembered that the accused are in a difficult position in endeavouring to defend themselves against charges arising out of matters which occurred over three years ago, anything in the nature of an alibi being well-nigh impossible.

Accused numbers two and five have made allegations of their treatment by the Police, the responsible Officers concerned were not cross examined on this point and it is therefore not possible to come to any conclusion with regard to this but accused number five did exhibit some small scars on his back which appeared consistent with violence. As however, neither accused number two or number five made any statement, whether or no violence was or was not used to these accused is not material to the decision of this case.

The lioness Linduma also gave evidence for the defence, he is a decrepid old man and I do not attach much weight to his

"The witnesses agree that when the deceased's trousers were found, the buttons were fastened up, and the belt round the waist secured. It seems to me improbable that a native of an unsophisticated tribe, such as the Samburu, should have fastened up the buttons and the belt, after he had cut off the private parts of the deceased.

"Mr. Collinson states that he remembers no tears on the deceased's garments consistent with the use of a sharp weapon. He also states that the scrape on the ground was consistent with a man having been thrown off his horse, and scraped along the ground. He saw spoor of what he took to be lion within 20 or 30 yards of the scrape. He found what he took to be lion hair on one of the deceased's garments. He saw no signs of footmarks. It is strange, if lion tracks showed and hoofmarks, that there were no footmarks, assuming human beings had been there. He described the soil as very hard with a little dust on top, which would show marks.

"Major Pardoe has given very similar evidence. There is evidence that lions are common in that country, and that the deceased's horse was prone to shying.

"The evidence of Inspector Ash is of the first importance. He was a trained policeman looking for certain indications, and, when he examined the remains, he did so definitely to discover signs of foul play. His evidence in essentials is the same as that of the other Europeans, but more detailed. He states the slide mark terminated at the terti hat of the deceased. In his opinion the scar on the pony was a claw mark.

"When he examined the remains, he states:—

"I examined the clothes for traces of a weapon having been used. I found no holes made by a weapon, though I was specifically looking for them. I am satisfied to-day that there was no tear on the shirt or trousers which would have been caused by a sharp weapon except birds' beaks.

"He goes on to say that there was no sign of a struggle. It has not been suggested that the deceased's clothes were removed before he had been stabbed. If they were, one would expect to find considerable signs of struggle. Further, there were no signs that the deceased had ever stood on his feet, which would appear to indicate that he was never conscious after he came off the horse. The position, therefore, is that all the evidence of intelligent observers of what they saw, shortly after the time deceased met his death, entirely negatives the deceased having been killed by spears or other weapons.

"As against this there is the large mass of Samburu and Wanderobo evidence, which I have already reviewed including the statement of accused No. 1 which is evidence against himself only, and which was made shortly after he had been visited by Logoben.

"The first assessor is unable to say whether the accused are guilty or not. He comments that the Wanderobo being a different tribe from Samburu, would have no compunction in reporting

At the time of disappearance of the deceased, an immediate and energetic search was conducted, and when the remains were discovered, the search party was of opinion that death was due to accident, either by a fall off a horse, or by being killed by a lion. It is admitted that lion are very prevalent in the locality.

Shortly afterwards, as a result of rumours, Inspector Ash of the Kenya Police, exhumed the remains, but discovered nothing to lead him to alter his opinion.

On January 28, 1932, a formal inquest was held by the magistrate, and a verdict of death by misadventure recorded—death being the result of a broken neck caused by a fall from a horse.

In December, 1931, an officer of the C. I. D. was sent up to Rumuruti to make a thorough investigation, as a result of statements made by a native named Kiberingi. These statements were found on investigation to be false, and Kiberingi being prosecuted on conviction was sentenced to five months hard labour on his plea of guilty. Kiberingi was not a witness at this trial.

After the inquest the matter was regarded as settled, and nothing more was done until the latter part of this year, when, on the evidence of certain Samburu and Wanderobo the five accused were arrested and committed for trial. No satisfactory reason has been given for the delay in giving information to the Police about the alleged murder. Loigoben, who was the headman, and whose duty it was to make a report of such an occurrence, states he omitted to do so, as he was afraid of the Laibon, and the Moran, and that Government would kill them all. The Laibon was deported in December, 1933, so that source of fear was removed—the other two sources would appear still existent up to the date of the arrest of the five accused. However, Loigoben did not report to Government till 1934.

Some of the witnesses in this case were interrogated by Inspector Elliot, C.I.D., in 1931, but did not divulge any of the matter to which they now testify in this trial. In view of the very long delay in bringing accused to trial, due entirely to the misconduct of Loigoben, and of all those who were cognisant of the alleged crime, one has to accept the evidence of these witnesses with considerable caution.

I do not propose to recapitulate the Crown evidence as I have done so fairly exhaustively in my summing up to the assessors; briefly the Crown case rests on the evidence of two Samburu who state that they met the five accused carrying the remains of the deceased, of three Wanderobo who happened along at the same moment of four girls, who were lovers of four of the accused, of the Headman Loigoben, and two elders, Acbururia and Samanga. The latter three witnesses state they were present at the midnight meeting at the laibon's hut when the five accused were present with the remains and the laibon performed the ceremony.

(Continued on page 8.)

Howsoever the gist of the various defenses is that the whole case against the accused has been engineered and framed by the Headman Loigoben.

It must be remembered that the accused are in a difficult position in endeavouring to defend themselves against charges arising out of matters which occurred over three years ago, anything in the nature of an alibi being well-nigh impossible.

Accused numbers two and five have made allegations of their treatment by the Police, the responsible Officers concerned were not cross examined on this point and it is therefore not possible to come to any conclusion with regard to this but accused number five did exhibit some small scars on his back which appeared consistent with violence. As however, neither accused number two or number five made any statement, whether of no violence was or was not used to these accused is not material to the decision of this case.

The laibon Liaduma also gave evidence for the defence; he is a decrepid old man and I do not attach much weight to his evidence, he entirely denies the alleged midnight meeting in his hut and states that when he heard of the death of the European, accused number four was in the Rendile country.

The defence being so scanty it is necessary to examine the circumstances surrounding the discovery of the remains with extreme care as it is not on the weakness of the defence but upon the strength of the Crown case that the conviction must depend. The possibilities appear to be two: (1) that the deceased was killed by being thrown off his horse, which shied at some object possibly a lion; (2) that the deceased was speared by the accused. There is the further possibility that the accused might have blooded their spears in a man already dead and have cut off the members and then boasted that they had killed a European to acquire merit in their tribe. This, howsoever, has not been put forward as a line of defence.

The first point to be considered is the scar on the horse. This is on the inside of the hindquarters, and would seem to be a most unlikely spot for a lion to wound a horse. However, the evidence of Mr. Rawson Shaw, and the other witnesses would tend to show that the scar was caused by some feline. This does not in itself exonerate the accused, as the horse might have been attacked while returning riderless.

All the witnesses who examined the ground agree that there were marks of a horse coming to a sudden stop, and a scrape on the ground in front of the marks, as though something had scraped along. This scrape extended towards the deceased's hat.

have been caused by a sharp weapon except birds' beaks.

He goes on to say that there was no sign of a struggle. It has not been suggested that the deceased's clothes were removed before he had been stabbed. If they were, one would expect to find considerable signs of struggle. Further, there were no signs that the deceased had ever stood on his feet, which would appear to indicate that he was never conscious after he came off the horse. The position, therefore, is that all the evidence of intelligent observers of what they saw, shortly after the time deceased met his death, entirely negatives the deceased having been killed by spears or other weapons.

As against this there is the large mass of Samburu and Wanderobo evidence, which I have already reviewed, including the statement of accused No. 1 which is evidence against himself only, and which was made shortly after he had been visited by Logoben.

The first assessor is unable to say whether the accused are guilty or not. He comments that the Wanderobo being a different tribe from Samburu, would have no compunction in reporting a crime committed by Samburu to Government, and vice versa. He expresses surprise at the story told, and says the accused would not have carried the parts openly in broad daylight, but would hide them.

The second assessor throws doubt on the story of the dances at which the killing of a European was eulogised. That the dances consisted of five men and four women he considers untrue, and not in accordance with Samburu custom. Further he states that it has never been a Samburu custom to carry off the head and private parts of a person killed, and he thinks that, even if the accused had taken the parts to their home, they would not take them back again to the place where the killing occurred.

The third assessor comments similarly on the dance stated to have been held, and says that it is contrary to custom to cut the head off.

Reviewing all the evidence of this lengthy trial, I am, like the assessors, in doubt. The evidence of the finding of the remains and clothing, their condition and the surroundings is so strongly in favour of a murder not having been committed that it raises a doubt in my mind of the integrity of the Crown witnesses. This evidence must be subjected to the most exhaustive scrutiny in view of the fact that they kept silent for three years, when, according to their story, a most brutal murder had been committed. More particularly does this apply to Logoben, a Government Headman drawing pay from Government. There is very grave suspicion pointing towards the accused, in this case but the evidence has just fallen short of establishing that degree of certainty in my view which would warrant a conviction.

In view of the doubt in my mind the five accused must be acquitted.

STATEMENTS BY:-

LEGOBEL.

Mr. Cornell said " I don't want to hear about the white man's murder, as I was in England. I don't want your news because Swana Colvile and Swana Trafford want to take away Lereghi from the Samburu."

I don't know whether you have killed Cornell's father or mother or whether Swana Trafford has, and I don't know why Mr. Cornell hates you so, but I do know that he has destroyed Samburu country. I have never been told about this European murder and now Swana kidogo has ~~gimm~~ gone on safari and has been told all this and it is very bad and my country has been spoilt. It was because of ~~Mikubhat~~ what Mr. Cornell said that we gave no more evidence either about the Mikuyu or the Rowys murders.

At the time Legada and Laseni were beaten Mr. Cornell told the Barasa " What has made things bad for your country are the lies that these men have told the Europeans at Mararuti.

ROC. G. Colvile.  
*Certified as true copy of statement taken by me.*  
*Gilbert Colvile J.P. Mathura*

SAMARIA.

I was at the Marsalei crossing Barasa and Mr. Cornell said " I was in England when the European died and I do not want to hear anything about it. " I was present when Legada and Laseni were flogged; Mr. Cornell was in a rage and shouted out in English " Bloody Fool " We all went away and said " If Government flog the people who try to give it information let us go away and say nothing."

*Certified as true copy of statement taken by me.*  
*Gilbert Colvile J.P. Mathura*

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LEGOMBE.

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At the time Legada and Laeni were beaten Mr. Cornell told the Barasa " What has made things bad for your country are the lies that these men have told the Europeans at Marurati.

ROC. G. Colville.  
*Certified a true copy of statement taken by me.*  
*Gilbert Colville JP Mathura*

MAMANGA.

I was at the Marsalei crossing Bama and Mr. Cornell said " I was in England when the European died and I do not want to hear anything about it. " I was present when Legada and Laeni were flogged; Mr. Cornell was in a rage and shouted out in English " Bloody Fool ? We all went away and said " If Government flog the people who try to give it information let us go away and say nothing."

*Certified a true copy of statement taken by me*  
*Gilbert Colville JP Mathura*

STATEMENTS MADE BY:-

LEHATIA ON NOVEMBER 29th, 1933.

I have just heard of Powys' death when we were moving Cunningham's Dorobo. At a Samburu dance called M'baringoi to which Laidashi and myself went we heard the Moran singing " The vultures are dropping the Pingwan to eat one well liked by the people of Hairebi ( Ole Keroch ) I said to Laidashi if Juma or Mr. Colville heard this they would know it referred to Powys being killed. I was called out one night to the police station at Rumurati to act as interpreter to two Samburu elders. The two elders stated that they knew Powys had been killed by six Moran and one older man. Aston took down the statement, when he had finished Inspector Ash came over from his house and was very angry about it. I then left the station. We Dorobo all knew that Powys was killed by Samburu, but after what happened to Kiberenge we are afraid to talk about it. I don't mind telling you because I know you well and you can understand.

*Certified as true copy of statement taken by me  
Gilbert Colville JP Makum BOC. G. Colville*

NEBARIA OIYA ( N.Y. 0678151. ) March 29th, 1934.

I went to the Seya River near Kelele and there saw Legada with other Samburu Moran where he was eating a bullock and I spoke to him. He told me that after he had been in the Samburu country he was called to the camp of the District Commissioner, Isiolo, situated at Marmar and went there immediately. The District Commissioner asked him why he had been spreading reports about the murders in Laikipia to the District Commissioner, Rumurati, and then told his akati to beat him, and he gave him twelve strokes with a kiboko. I saw his buttocks and they bore the marks thereon. When he was beaten he returned at once to his kraal. I understand that the Samburu old men do not like Legada now, except those of his family. Legada states that he is willing to come in here to give this evidence himself if he is given escort, or if he is fetched from, say, Marmar.

*Certified as true copy of statement taken by me  
Gilbert Colville JP Makum*

STATEMENTS MADE BY:-

LEWIS.

The Dorobo ~~XXXXX~~ were tried one or two days before Legada was flogged. I was at the Barasa at Nam when the District Commissioner from Isiolo with one arm (Clive) told us that the Dorobo had permission to go to their honey boxes on Leroghi. The Dorobo also went to Leroghi quite openly and slept in the same Boma with the Askaris on their way there. All of us Samburu knew that they were allowed to go there. I am a Government Head man and neither Mr. Cornell or any one else has ever told me that the Dorobo were not allowed to go to their honey boxes over the boundary. I was very surprised when Mr. Cornell imprisoned these five Dorobo. He did not tell me but I think he imprisoned them because he did not want the Dorobo to come over and hear our news and take it back to Rumuruti. I went up to him to tell him that these Dorobo had always had permission to go to Leroghi but ~~max~~ he would not listen to me and told me to go away. The Dorobo had no weapons such as Dorobo use to hunt big game, no elephant or Rhino spears, they only had the ordinary arms that old men usually carry and their ropes and leather bags for honey. I am quite certain that they were going to get honey from their honey boxes and not to hunt. Mr. Cornell was in a furious temper during the whole time he was at Sagota Marmar.

ROC. G. Colville

*Certified as true copy of statement taken by me  
 Gilbert Colville JP. Mather*



STATEMENT BY:-

LEGANA.

I was at a dance called the H'barangoi at my Boma which is with Le baraye's. Le baraye heard the Lerogishu Moran singing the Song of the Vultures dropping on the Pinguan and he told them not to sing the song in his Boma but to go back to their own. Lebaraye did not want us, his own Moran, to hear this song because he was afraid that it would excite us and encourage us to go and kill a white man too. Lebaraye would not tell you anything if you went up there for fear of Ole Adoma. If the Ole Adoma was moved away out of the reserve as Sandan was there would be no difficulty in getting evidence. When I go back to Saaburu I shall go and live a long way off in the low country.

*Certified as true copy of statement taken by me*

*Gilbert Colvile J.P. Mathuru*

STATEMENTS MADE BY:-

LOMBAN OLD MARIKUPU

APRIL 27th. 1964.

I told the District Commissioner from Isilelo, the one with one arm, at a Barasa at Makiere, that some of my people had been arrested by the police for going to their honey boxes on Lavaghi. He asked me up to what place my people's boxes were and I told him as far as the precipice. He told Logeben that we, the Deyebbo, had permission to go to our boxes and were not to be collected. And that if the Sambara stole our honey we were to report it to Government. We have never been told that we were not to go to Lavaghi, and the first we have heard was when the five old men were arrested while drinking at Marmar.

ROC. G. Colvée.

*Certified as true copy of statement taken*  
*Gilbert Colinbe J.P. Mathem*

STATEMENTS BY:-

KOTOLIAN OLE LEBERE.

Four months ago I was talking to the Ole Naimputari on Mr. Tucker's farm. I said I was going down to try and make friends between Lesemeto Moran and ours. He said " I won't have anything to do with you, we are apart from you, we are one with the Samburu. Before you came down we had a Kiama together with the Samburu. Now you have spoilt things by getting us into trouble with the Samburu. We know all the Samburu secrets, we know that the Samburu killed Powys but I won't tell you who did so, or that the Lerogishu main clan did it. My Moran saw the Moran who killed him.

*Certified as true copy of statement taken by me.*  
JUMA. 2 p.m. Gilbert Colville J.P. Nathorn

PRESENT. Ol Omai, Mabouragoh, Cetaiger and self.

Cetaiger was slightly drunk and said that "if Juma would give us no more drink I won't tell him what I know.

*Certified as true copy of statement taken by me.*  
OL OMAI. 7 p.m. Gilbert Colville J.P. Nathorn

PRESENT. Self, Cetaiger, Ole Naimputari, ( Saleon his son.)

I was asking Cetaiger what he had said to Juma in the afternoon and he replied " Oh. that was nothing." Ole Naimputari then started to talk about it, and it came out that it was to do with Powys' murder, when ole Naimputari said that of course the Government were very stupid not to ask them, the Dorobo about it, as they could finish the whole case at once. " Two of my Moran, who were out on Cole's net 3 Samburu carrying a European head. They spoke to him two of them while the other three stood about 60 yards away. They then parted and the Dorobo went to the corpse which was all cut up so as the birds could finish it quickly." I asked Ole Naimputari the names of his Moran and he said go and catch a water star and

*I will tell you.*  
*Certified as true copy of statement taken by me.*  
JUMA. Gilbert Colville J.P. Nathorn

PRESENT. ( about a week later.) Ole Naimputari, Leruya, Ole Sobilli and a kikuyu, Ndagwa.

I was trying to get out of ole Naimputari the names of the Moran who had seen the Powys murderers and he said " I know but I am not going

( CONTD. )

to say, but am going to wait and hear what the Government wants."  
*Certified as true copy of statement taken by me.*  
DIAMITTE OLE NIAMUTARI. *Gilbert Colville JP Haldam*

About three years ago I was looking for my lost sheep at a place called Loberik. I saw 5 Samburu and spoke to two, the other three stood by a tree about 300 yards away. I first saw all five standing under a tree. Two of them came up and asked me who I was and what I was looking for. I told them I was a Dorocho and was looking for my lost sheep. They looked to me as though they were frightened and I was frightened of them, I was afraid they might kill me. They were not wearing their shukas hanging down but rolled up round their waists. Each had two spears. One spear of one man the man nearest to me had blood on it. About two feet of the blade and shank were blood-stained. I did not ask them about the blood as I was very frightened. I thought that they had killed a man as they seemed very nervous and kept on looking all around. It was not until the following day but one that I heard a white man was lost. As soon as I heard that he was dead, I thought to myself those Samburu killed him. When I got back with the sheep I told ole Kerera les Kagegen what I had seen. I have often heard the Samburu song ~~am~~ sung about the white man being killed on the Pingwan and we all knew it referred to "Cole's manager, Powys." I knew the two Samburu that I met. I had seen them before several times.

I have not seen them since. Lesioneto & Lesoni.  
*Certified as true copy of statement taken by me.*  
OLE KERERA LES KAGEGEN. *Gilbert Colville JP Haldam*

I remember Cole's manager was found dead. I was living at Loberik with a Dorocho. I know Diamitte. We were talking about Powys for whom Diamitte had worked. We had just heard of his death. We were talking about Powys because two months before Powys and Estrens (Newson Shaw.) came to our village and wrote on Lereroh. We went back with them part of the way towards the Pingwan and Powys shot a zebra for us. It was while we were talking about this that Diamitte said "I saw 5 Samburu when I was looking for my lost sheep. Two of them came up and spoke to me and three others remained some way off. The three who were standing some way off had the white man's

( CONTD. )

head." There was with me at the time of this conversation, Lemwala ole Moti, he will bear out what I say. This conversation took place about a week after Diamitte came back with his sheep. I did not hear Kiberango's story until much later.

*Certified as true copy of statement taken by me.*  
BUNYI OLE NAHWEYARI. *Gilbert Colvile J.P. Nakuru*

I worked for Gole both before and after Pows' death.

I was first taken on in my own village at Leberia. Two Europeans came to our village, one Mr. Powsy and one called Extreme, he had left the Pingwan not long ago and I hear gone to Soiai. When they gave me work, myself, lol Kerura, las Leshaw, and the two Europeans went part of the way towards the Pingwan, and Powsy shot a zebra for us. Lol Kerura and las Leshaw stopped to cut it up and the Europeans and myself went back to the Pingwan in their car. I was on leave when Powsy was killed and returned to work for one month. I had not then heard Diamitte's story about the 5 Sambara. About ten days ~~later~~ after I had ~~returned~~ returned Diamitte told me he had seen 5 Sambara and thought that they had killed Powsy because one of them had blood on his spear and he saw them at the time of Powsy's death. About a month after I left work I went to Sambara, Morigith above sugota Harwar, and heard the Harok gishu Haras at a dance singing the song of the vultures. I said to myself then that they had killed Powsy. As far as I can remember Powsy when we went out in the car had a rifle in the car and when he rode he generally had a rains kiboko.

*Certified as true copy of statement taken by me.*  
*Gilbert Colvile J.P. Nakuru*

STATEMENTS BY:-

JUMA ARAP KIMASOY,  
WAKUPA OL LESOPIA,  
KIGARA OL KARBALICH.

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Some We were at Juma's hut when a Samburu Kiberenge by name came up to us. There were also present Juma arap Kisirgoi and Kiblangat, an askari. Kiberenge started to talk to Juma arap K. and said he had information he wanted to give regarding the Lambwa of Suma Kengeri's who had been murdered a few days before. Juma K. asked who had murdered him and Kiberenge said the Samburu, whom he knew and whose names he also knew and gave us these names but we do not now remember them. Juma K. asked him what else he wanted to say and Kiberenge said that the M'ungu man on the Fligwan had been killed by Samburu. Juma arap Kimasoy remained in his hut and Wakupa, Kigara, Juma K. and Kiblangat went with Kiberenge a little way off and sat under a tree. Juma K. asked him, Kiberenge, about Fowya's death and Kiberenge said "Summa killed him" and he knew their names and that they took his head back to show the girls. And the next day they shaved their heads. While we were talking to Kiberenge the Sergeant came up and Juma arap Kimasoy also returned. Juma K. told the Sergeant that Kiberenge had an important statement to make and the Sergeant took out some paper and took down Kiberenge's statement as already set down above. About this time one of our Turkana, Iyogana, came in from Loitigon and reported that three Samburu elders were looking for Kiberenge. The Sergeant sent off Kiblangat, one other askari and two Kangas to bring in the Samburu elders. They got back with the three Samburu just after midday. The Sergeant asked them what they wanted and they said that they had been sent by the District Commissioner and Logoben to fetch Kiberenge back. The Sergeant asked for names and as they had none he arrested them. Juma K. questioned them on Kiberenge's statement. At first they denied all knowledge. We then divided them up and questioned them singly, when one of the elders agreed that Kiberenge's statement regarding both the Lambwa murder and Fowya's were true, but he told Juma K. not to tell the other Samburu elders that he had spoken as they wanted to take Kiberenge back &

( CONTD. )

that the Moran would kill him.

So then all went to the Sergeant who took down the Gumbura's statement as above.

There were present:- Juma arap Kinacy, Juma arap Kisirgoi, Makipia ole Sopia, Kablangat ( askari. ) Kigara ole Khabalish, Kagwashi (kanga)

*Certified as true copy of statement taken by me.*

*Gilbert Colville JP Napier*

STATEMENTS MADE BY:-

JUMA.

The first time I saw Kiberenge was when he brought a letter from the locust officer to Mr. Carver. He then told me that the Samburu had killed the European, they speared him on his horse. I told him that his evidence alone was not enough and to go and get more evidence.

Nearly two months later I saw Kiberenge at Migie.

There were present:- Wakupa, Juma ara Maswai, Kigara.

~~Kiberenge's statement (the same as the one in the file)~~

The Sergeant then wrote down the names of the Samburu which Kiberenge gave, and also what he said.

When we were talking news came in that 3 Samburu were at Leitigen with a rein to catch and take back Kiberenge. Kiblangat was sent to arrest them and they were brought before the sergeant. One of the elders said that Kiberenge's statement was true and the Sergeant wrote this down.

Next morning the prisoners were sent in with Kiblangat and myself with the two statements. We got into Bamaruti at 7.30 p.m. and handed over to Mr. Aston. Next morning two of the elders agreed that the Moran had killed Powys. That evening Leratia was sent for as interpreter and they again made the same statements. Mr. Ash came in at the end and cursed us and said this is all lies (Fitima.)

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I went to Migie to investigate the murder of a herd of Mr. Armstrong's, Dec. 10th. 1921.

I there found Juma K. and Mr. Armstrong's Juma Wakupa, and an askari Kiblangat. They were all sitting under a bush with a Samburu by name Kiberenge. Juma K. told me that he had heard news of Powys' murder from Kiberenge. I told him to bring Kiberenge before me and I questioned him. He told me that he knew who had killed Mr. Powys and I wrote his statement down. While we were sitting there a Turkhana of Mr. Armstrong's came in and said that there were three Samburu in one of his sheep camps. I sent Kiblangat and two Kambe to go and arrest the Samburu and bring them to me. This they did and when the Samburu were brought before me I asked

*Gilbert Colville J.P. Nakuru  
Copied as true copy of statement taken by me*



( CONTD. )

them what they were doing and they said " We have come to catch and to take back Kiberenge. " I told my men to take them away separately and question them, after some time one of the Samburu agreed that Kiberenge's story regarding the Powys murder was true and that he had been murdered by Samburu Moran. I took down this man's statement. Next day Dec. 11th. I sent in the three prisoners, Kiblangat and Juma, and an Askari Kangs, and Kiberenge. And the two statements, Kiberenge's and the Samburu elder's, which were both on one sheet of paper, I gave to Kiblangat to hand over to the Officer in charge at Mumurati. I remained out at Magie until Dec. 25th.

*Certified as true copy of statement taken by me*  
*Gilbert Colvile J.P. Nalumu*  
NO. 418 KIBLANGAT. APRIL 22nd. 1924.

I was on Mr. Armstrong's farm at Magie late in 1921.

A Samburu by name Kiberenge came into camp. He spoke to Juma and told him that he knew that seven Samburu had killed Powys. While we were talking the Sergeant ( Ochieng ) came up and took down Kiberenge's statement. A Turkhana came up to us from Leitigon and told us that there were three Samburu there looking for Kiberenge. The Sergeant sent me and Kakuchi and Hwai to Leitigon to arrest these Samburu. I found the Samburu in a sheep pen at Leitigon with a rope, I arrested them and brought them to Magie. The Sergeant separated them and questioned them individually. After some time one of the Samburu who was being questioned by Juma, admitted that he knew that their Moran had killed Powys. The Sergeant then took down this man's statement. There were present Juma arap Kibirgoi, Juma ( Mr. Armstrong's ), Wakupa, Kigaru. Next morning we, that is Kakuchi and Juma, with Kiberenge and the three prisoners started for Mumurati. The Sergeant gave me the statements he had made out and told me to hand them into the police station. On the way in all three Samburu agreed that Kiberenge's statement was true and they pointed out to us the Pingwa plain where he had been murdered. We got into Mumurati about 7 p.m. and saw Ash and Aston. I handed over the Sergeant's statement to Mr. Aston. He told me to take the prisoners over to the police station. We put them in the cells and I went away to the lines.

*Certified as true copy of statement taken by me*  
Hand over and agreed correct,

PRESENT.

HIS EXCELLENCY THE GOVERNOR.  
THE COLONIAL SECRETARY.  
THE ACTING CHIEF NATIVE COMMISSIONER.  
LT. COL. THE HON. LORD FRANCIS SCOTT.  
THE AG. PROVINCIAL COMMISSIONER RIPT VALLEY.  
THE HON. E. H. WRIGHT M. L. C.  
THE COMMISSIONER OF POLICE.  
THE OFFICER I/C NORTHERN FRONTIER DISTRICT.  
G. COLVILLE ESQ.  
E. PARDOE ESQ.  
THE SENIOR ASSISTANT COLONIAL SECRETARY.

MR. COLVILLE. stated that he had prepared a memorandum dealing with a series of alleged murders by Samburu and had given a copy to the Colonial Secretary shortly before the meeting.

In his view the important point was that he had recently obtained corroboration that statements supporting the evidence of Kiberenge, to effect that Mr. Powys had been murdered by Samburu, had been made by two Samburu Elders at Rumuruti police station on December 12th. 1931. These statements were now missing and they were made either to Inspector Ash or Inspector Acton.

THE COMMISSIONER OF POLICE. stated that he had denials from both of the Police Officers that these statements were ever made.

MR. COLVILLE continued that he had obtained the corroboration that these statements had been made from the two interpreters present at the time, from a Lumbwa and from a Headman on Major Armstrong's farm, and also from two Policemen, one a Kavirondo and one a Lumbwa.

THE COMMISSIONER OF POLICE said that it was possible that these alleged statements by Samburu Elders were made, but were destroyed of no consequence because of the result of the enquiry into the death of Mr. Powys. It was difficult for Officers to recollect precise details of this complicated <sup>affair</sup> after so long an interval. The names of the two Elders were known but it had not been possible to locate them.

THE OFFICER I/C NORTHERN FRONTIER DISTRICT said he understood that the two Samburu Elders had been following Kiberenge to Rumuruti in an endeavour to stop him making his statement which

they are now said to have endorsed.

HIS EXCELLENCY asked that Mr. Colvile would provide the Commissioner of Police with the additional information which he had recently obtained so that further investigations could be made. It was the intention of Government to open a Boma at Kisima for the close Administration of the Samburu forthwith.

MR. PARDOE said that he was of opinion that Mr. Powys had been murdered, the singing of the song of the vultures by the Samburu was corroborative. Further, he thought that if Kiberenge's evidence concerning the murder of a Lumbwa employed by Major Armstrong was accepted this was proof of his reliability.

THE OFFICER I/C NORTHERN FRONTIER DISTRICT said that proceedings under the Collective Punishments Ordinance had been taken and there was sufficient evidence to show that the Samburu were responsible for certain of the spear bleeding murders of natives. He was now considering the amount of fine, that recommended was £600.

LT. COL. THE HON. LORD FRANCIS SCOTT was of opinion that Mr. Powys had been murdered. He thought that if action was taken under the Collective Punishments Ordinance sufficient proof concerning Mr. Powys' death might be forthcoming. He feared indiscipline amongst the tribe if it transpired that under the Carter Commission Report the Samburu were awarded more land.

THE HON. E.H. WRIGHT asked whether the choice of Kisima as a site for a Station meant that that place was regarded as in Samburu country.

THE OFFICER I/C NORTHERN FRONTIER DISTRICT replied that Kisima, or its neighbourhood, was suitable on Administrative grounds. He stated further that it was hoped to find Kiberenge in the Kulal area.

MR. COLVILE was of opinion that the amount of the proposed fine, £600, was not sufficient and compared the amount with

other collective fines for lesser offences. He considered that the Administration in the Northern Frontier District were prejudiced and instanced the maximum punishment (2 months R. I.) being inflicted on Laikipia Dorobo for entering the Northern Frontier District without passes when going to their honey barrels, the practice for many years. Evidence from natives was not to be expected in such circumstances as these and the flogging of Ole Legada.

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MEMORANDUM ON CERTAIN FACTS RELATING  
TO PRESENT POSITION IN SAMBURU COUNTRY.

1922. Four Kikuyu youths murdered on Lariak and mutilated by being repeatedly stabbed with butt end of spears.

1928. Lumbwa youth murdered and mutilated in same way. Murderer was in this case arrested on Samburu border with stolen cattle. He admitted the murder and explained how it was done with the butt end of spear.

1931. In September three Kikuyu youths murdered on Major White's farm no details available.

1931. In October Mr. Powys was killed at Il Pinguan.

1931. In December a Lumbwa herd working for Mr. Armstrong at Mugie was murdered. Tracks of the murderer followed to Samburu.

1931. During the year some half dozen murders of natives of Nanyuki district were reported to have occurred. Two Samburu have now been committed for trial in connection with one of these Nanyuki murders.

1931. A Lumbwa was tried in connection with a murder in Laikipia District and was acquitted. One line of defence referred to the number of murders of the similar nature which had occurred about the same time in the adjacent district of Nanyuki.

POWYS INQUEST.

Mr. Cornelly R.M. on reviewing the case disagreed with the findings of the Magistrate.

POWYS CASE.

CIRCUMSTANCIAL EVIDENCE.

Evidence regarding the pony's spoor tends to show it was not stampeded by lion. Scratches as described

inside the near thigh could not have possibly been made by lion. The Masai Headman who was present when the remains of Mr. Powys were found definitely stated that he saw neither lion spoor nor lion hair.

Evidence that the trousers were found intact buttoned up with the belt fastened and that the inside of them was not foul with the contents of the stomach proves conclusively that they had been removed before the body was eaten by birds or hyaenas. The mark described on the ground four foot long by 9 inches to 14 inches wide is such as would be made by anyone tugging and pulling off the trousers without having undone the belt or buttons. The skull was not found although a large number of people were engaged in the search. The large pool of blood is not consistent with the finding of death from a broken neck. But it is exactly what one would expect to find from deaths caused by spear wound.

KIBERENGE'S STATEMENT.

Kiberenge first made a statement to one Juma arap Kepsiko. This was some time prior to statement to Mr. Armstrong and to the Police. On his first report Juma advised him to go away and obtain further evidence. It appears that he also went to the Police but did not have a very pleasant reception. He then went to Mr. Armstrong and had a statement recorded. It appears most improbable that if the main facts of Kiberenge's story were untrue, and when he saw that his story was not well received by the Police, that he should have still persisted, and gone over to Mr. Armstrong.

Kiberenge's statement was corroborated by statements alleged to have been made by two Samburu Elders brought in by the Police at the same time as Kiberenge. One of these Elders made a similar statement to the Police Sgt. who arrested him at Mugie. The statement was made in the presence of three employees of

Mr. Armstrong, one Askari and Juma.

This statement was sent in to the I. P. at Rumuruti by the Sergeant in form of letter of report. There can be little doubt that if these statements had been produced at Kiberege's trial he would have been acquitted. In fact in view of this statement it is hard to understand why he was ever put on trial at all or if put on trial why the Samburu Elders who corroborated his story were not similarly charged.

1953. Masai Ole Naimedo who gave evidence before the Carter Commission at Kisima in the month of January died in a Samburu village within four days of giving his evidence and it is believed by the natives that he was murdered on account of the evidence he gave contrary to Samburu interest and by reasons of his assistance to the Carter Commission as guide in the Lorogi area.

1953. Ten murders took place in Laikipia and two in Nanyuki district during the last six months of the year.

In three of these cases murderers were seen and recognised as being Samburu.

Statements regarding the song sung by Samburu Moran boasting of having killed a European at Il Pinguan were first recorded in the Laikipia district. Mr. Deverell as soon as he had arrested the Laibon Ole Odoma began to get statements from the Samburu supporting those already recorded in the Laikipia.

It was only when the Samburu realised that Government did not intend taking any firm action that information ceased to come in.

After the Baraza at the Barsalbi crossing the Samburu came away with the impression that the District Commissioner did not believe that Mr. Powys

had been murdered, consequently the whole attitude hardened and not only brought in no further evidence but repudiated the evidence given to Devereil on oath.

The Samburu tribe as a whole have I believe determined on a course of action to suppress evidence wherever possible in any murder case in which any member of the tribe is suspected. Why this reluctance to produce Kiberenge? It is incredible that he can hide away from the whole Samburu tribe.

As regard all other natives with knowledge of the facts relating to the Powys murder it can be a matter of no surprise that they are most reluctant to speak when it is remembered:-

- (1) Kiberenge received five months hard labour for giving information to the Police relating to this case.
- (2) Five elderly Dorobo of a section who have been helpful to Government in matters relating to Samburu have recently been sentenced to a savage term of imprisonment for entering an area in the Northern Frontier Province which for years past they have entered without let or hinderance.
- (3) Legada the first Samburu to give evidence against his tribe in respect of the Powys murder has recently on his return to the Isiolo district been flogged.

To conclude attention should be drawn to the state of indiscipline and lawlessness prevalent throughout the Samburu tribe. Instance the number of stock thefts during recent months, even during the time that the Isiolo Administration was conducting enquiries into the murder cases which had occurred in the Laikipia and was camped in the vicinity of the areas from which the stock was stolen.



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PUBLIC RECORD OFFICE

END

TOTAL EXPOSURES →