

1927

KENYA

1927

X. 10381

X. 10381

C0533/370

Conflict with Somalis in Ayeri District

Previous	W. B. Stanley	16/12
	W. B. Stanley	17/12
	W. B. Stanley	17/12
	XEA	18/12
Subsequent	W. B. Stanley	18/12
	XEA	
	J. B.	3/8
	L. A. D.	3/8
	XEA	24/8
	W. B. Stanley	28/8
	W. B. Stanley	25/9
	XEA	9/9
	J. B.	15/9
	W. B. Stanley	15/9
	W. B. Stanley	17/9
	W. B. Stanley	
	W. B. Stanley	
	E. A. Dyer	21/9
	W. B. Stanley	14/10
	E. A. Dyer	15/10
	M. P. Dyer	19/10

~~DESTROYED UNDER STATUTE~~ of Commerce — 20 June 1927

Question by Mr Ernest Brown

Entry page in L of A

~~DESTROYED UNDER STATUTE~~ of Commerce — 24 June 1927

Question by Mr Ernest Brown

*Entry page in L of A
minutes*

3 *27/6/27* by 537 *JUN 1927*

(copy in list etc)

*all under
signature*

~~DESTROYED UNDER STATUTE~~ of Commerce — 1 July 1927

Question by Mr Ernest Brown

*copy in list of
minutes*

Slips A & B taken 12 July 1927 up (copy etc)

~~DESTROYED UNDER STATUTE~~ of Commerce — 12 July 1927

Question by Mr Ernest Brown

Entry page in L of A

*copy not sent
signature
2/7*

7 O.A.G. Tel. 269. X 1058/17 30th July 1927
States reason why report of affairs has been delayed.
Interim despatch covering Police reports is being
furnished and further reports will follow.

to be sent to the Government without
any delay.

Pat 5
3.5.27

8 Ag. for. Dept. 30 July 1927
533

Submits interim report relating to the encounters
between certain Somalis and a Police Patrol in
the Nyga - Bahigpu Districts. Further and fuller
reports will be sent as soon as available.

Sr C. Strachey

It seems perhaps to be well to
take a long look at the reference may
be made to the matter when next meeting
is held. It seems to be convenient if a
further report can be made before then.
(But I do not state clearly why there should
be such the concern of the Council.)

J.M. Allen
20/8/27

Should leave it. We have now the material for
a sufficient reply.

Pat 5
25/8/27
J.M.A.

EX

X 1058/17 3
9) -- C.A.S. Denham, 571. 19th Aug. 1927. -- 3
Submits further report.

This is a clear report.

I think we ought to acknowledge a free hand

when the Police reports received. Great
credit is due to the two officers for their
bearance under great provocation
& for the way in which they endeavoured
to do their duty - & note that a
further report will be sent after the trial.

G.P. Seed
13.9.27

After Brown returns to the case he can
set his answer.

J.M. Allen
12/8/27

The danger to the work of the Commission which
makes this committee necessary is
shown by the last part of the evidence to
be given. That is not to be planned in the
interim report (is it not?)
of Somalis for the 6. 8 years since
which is mentioned in para. 2 of the
Particulars & Brown's present report and which
appears to have been the dominating
cause of the trial. It is difficult to see

Was done to European stock, or
the loss on their grazing, but

Wonder where the food baskets
for the Somalis should find
their grazing. The problem of the
Kenyan pastoral tribes is not
easy, I think, but, apart from

Parliamentary intervention, we
should look about the front, by
giving the police the best
deserved blame which is deserved

W.S. Woodhouse

17.7.27

17.20.927

H.H.S.

10 to Gov. 116 (1927) cons. 26 SEP 1927

11. ----- Gov. Grigg ----- 22nd November, 1927.
761.

Three copies of the Proceedings of case in
which six Somalis were found guilty of rioting
armed with deadly weapons and received sentences
varying from a fine of £75 or eight months
R.I. to 18 months R.I.

The Somalis in question are apparently
nomads without any tribal organization. It
seems rather surprising to call them "dun-
jamas" & rather hard to treat them as
lawless. This is presumably the end of the
matter. ? R. G. (Extract 11.2.1927)
R. Woodhouse 16.11.27

The large size of the districts
in the S. of 1025/27 reference
I made to a suggestion to
have them in some instances
So if this would not be of
the whole area. In the S. of
the S. of (base 200) and so on
the whole was not a case
with a view to the present
situation 1927.

27/9.

There are two or three collections of
material by others. They are, very
interestingly, made with a view to
the collection of specimens.

Partly, but the majority have
not been.

17.11.27

17.11.27

KENYA.

No. 761



115
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

22nd November, 1927.

14 DEC 1927

COL. 27710

Sir,

Proceedings

With reference to your despatch No. 816 of the 26th of September regarding the recent encounter between certain Somalis and a Police patrol in the Nyeri - Laikipia Districts, I have the honour to transmit herewith certified copies of the proceedings in the Supreme Court before His Honour the Acting Chief Justice in which six Somalis were found guilty of rioting armed with deadly weapons and received sentences varying from a fine of \$75 or eight months' rigorous imprisonment to eighteen months' rigorous imprisonment.

2. The Somalis in question are principally natives of British Somaliland and include some ex King's African Rifles and Police askaris. They have been engaged nominally in cattle trading in this Colony for some years. Between 1922 and 1924 there was, from various causes, a depression in this trade and they formed illicit arrangements with some land-owners in Laikipia District for the grazing of their stock on farms. They also, without permission, grazed over unalienated Crown land in that District: in fact they were establishing themselves as dairy farmers. In 1925 disease broke out amongst their stock and steps were initiated to regularize their /occupation

THE RIGHT HONOURABLE,
LIEUTENANT COLONEL L.G.M.S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1

occupation. They were informed that the Resident Natives Ordinance would be put into operation and failing compliance therewith, they were given grace up to the end of that year to enable them to remove to their homes in their own country or dispose of their cattle. They numbered 100 souls and had some 5,000 head of cattle and 5,800 sheep. They made no effort to comply with this intimation and in January 1926 it was decided, after discussion in Executive Council, to remove them temporarily to the Isiolo Quarantine Area. The Somalis, however, did not move thither, but moved on to unalienated Crown Land in the North Nyeri District in the immediate vicinity of occupied farms adopting an attitude of passive resistance as regards proceeding northwards to Isiolo. Arrangements were therefore made to vaccinate their stock against pleuro-pneumonia and to permit them to enter the Suk and Samburu Native Reserves for the purpose of trading off their stock. This course is now proceeding.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Edward Gigg.

GOVERNOR.

7

IN HIS MAJESTY'S SUPREME COURT OF KENYA AT NAIROBI.
SITTINGS AT NYERI.

Criminal Case No. 103 of 1927.

(Original Criminal Case No. 356 of 1927 of II Class
Subordinate Court at Nyeri)

Rex Prosecutor
versus

1. Salah Ali, 2. Hersi Hassan,
3. Juma Dif, 4. Aden Jibril,
5. Abdi Kulai, 6. Abdi Wale, Accused.
7. Mohamed Ali, 8. Awad Yusuf,
9. Abdullahi Aden, 10. Mohamed Aden

JUDGMENT:-

On the afternoon of Friday the 6th May two police askaris accompanied by Wanderebe were on patrol on the Uaso Nyiro to prevent the illicit movement of stock. By following the Somali picket Mohamed Ismail they came upon a number of Somalis putting some 1200 sheep across the Uaso Nyiro by means of a repaired Kikuyu bridge. The 40 to 50 Somalis there including the three witnesses called for the Crown were assisting in the clandestine movement of stock. The sheep are said to have been brought from the Suk country. When the askaris came upon the scene some of the Somalis, presumably those financially interested in the sheep running, formed a band to prevent the police from seizing the animals. About 12 to 15 kept the askaris and Wanderebe back by stone throwing whilst some remaining sheep were put across the river. The police followed across the bridge and from about 3 p.m. to sunset the police tried to seize the sheep but were overpowered by some of the Somalis. Eventually as night fell the Somalis drove the sheep off down the river.

Ten Samalis were put on their trial before me as being amongst those who beat off the police and resisted by armed riot the seizure of the sheep. Each one denies being present. It is unfortunate in some way for the accused that most of them were only arrested after the lapse of over two months; but Capt. Cochran states that this delay in arresting arose from his inability to execute the warrants issued. Each accused has sought to prove an alibi. The only alibi which in my opinion need be seriously considered is that of Accused 1. This man was arrested on the 23rd July, and before the Magistrate he reserved his defence. From what I have heard in this case it would seem that a man leaving the junction of the Uase Nyire and Uase Harak on the evening of the 5th could have been Nyeri on the evening of the 7th. I do not wish to be understood to accept the entry in Dualla's book as genuine. I do not. The question is was the last accused at the Nanyuki Hotel sick from the 1st to the 7th May last. I confess that I am unable to believe that any hotel keeper or any other person without a written record could after 23.7.27. fix the dates of a visit of accused 1 to the hotel early in May, when his visit did not apparently synchronize with any incident of which the date could be fixed. The other alibis were singularly unconvincing. It is necessary then to scrutinize the evidence of the Crown witnesses. Each of these (except Inspector Griffiths), was subjected to a lengthy and exacting cross examination. The two police men appeared to me to be honest witnesses, though the Masai was not over intelligent. Sperryat, a Micrebe, was anxious to tell the truth but was perplexed at the lengthy passages read to him from time to time. The three Samalis gave their evidence well. Mr. Hopley has sought to discredit them as a group upon two grounds; firstly alleging that they

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were accomplices and secondly suggesting that if a Somali appears as a Crown witness against Somalis he must be actuated by malice. These three men were admitted by assisting in the illicit movement of sheep but I am unable to see that any of them joined the unlawful assembly. I suppose these three remained on the spot and were still willing to help in getting the sheep to their owners' hands, and is that extent sided against the ashakis. But I do not think that any of them can reasonably be regarded as members of the unlawful assembly. They were not a party to any show of force. I concede that where Somalis are found to be assisting the Crown the possibility that may be actuated by undisclosed motives must be considered. In this case however each of them seemed to give his evidence with such restraint that in my opinion the existence of any malicious motives should be held to be negatived. Although these men were quite ready to break the Disease of Animals Rules and have perhaps not been above reproach in other matters I think that as regards this affray they were honestly telling what they knew.

I find the case against accused 1 to be overwhelming. It was he who was one of the prime movers in the concerted resistance to the Police. He was in the assembly armed with a revolver which he used. I convict him under Section 146 I.P.C.

I also find a case proved against accused 2. Nguyn had good reason to know this man. He was present and was guilty of rioting but it is not very clear as to whether he was armed with a spear or not. I convict him under Section 147 I.P.C.

The history of Jama Did's arrest shows that his inclusion resulted solely from information given by one or more of the Somali witnesses. He was not a revolver carrier. On the whole I do not feel that the case against him is wholly satisfactory and I acquit him.

Accused 4 did not take any prominent part in the fight. The evidence is not perhaps very strong against him and I acquit him.

Accused 5 was in the thick of the fight armed with a knife and spear. I convict him under Section 148 I.P.C.

Accused 6 was rioting armed with a pistol and an old bayonet. I convict him under Section 148 I.P.C.

I am satisfied that accused 7 was rioting armed with a revolver, though he does not seem to have taken a prominent part after the stone throwing at the bridge was over. I convict him under Section 148 I.P.C.

Accused 9 took a prominent part in the rioting and carried firearms. I convict him under Section 148 I.P.C.

Accused 10 is quite young. He took no prominent part and I doubt if he was armed. I acquit him.

Upon the second charge framed of attempt to murder I am not satisfied that there was any shooting with intent to wound or kill. A great many cartridges were exploded during the afternoon but no one was hit. After some consideration I have come to the conclusion that I cannot find that accused 1 or any person fired or shot with intent to kill. Upon the charge under Section 307 I.P.C. I enter an acquittal in respect of each of the accused.

I regard accused 1 as taking a leading part in this affray. I sentence him to 18 months R.I.

Accused 2 is sick. I sentence him to pay a fine of 250 or 3 months R.I.

Accused 3 was injured - 12 months R.I.

Accused 4 was an active rioter - 12 months R.I.

Accused 7 - I think a fine will suffice. - 250 or 3 months R.I.

Accused 9 was a leader but towards the end used his influence for peace 12 months R.I.

This trial has been very prolonged. I further order each accused to pay 200/- each as costs.

Sd/- G.H.Pickering.

18.10.27 Accused present.

Howell Green - Hopley for accused.

Judgment read.

Sentences passed.

Sd/- G.H.Pickering.

I certify this is a true copy
of the original.

Sd/- T.L.Underwood.

DEPUTY REGISTRAR
SUPREME COURT.

X 1038 1/27
12
Kanga



Mr. Cipe 21/12/27
Mr. ~~Alan~~ 21/12
Mr. ~~Wesman~~ 22/12
Mr. E. J. Harding

- Sir C. Strachey
- Sir J. Shackleton
- Sir G. Grindle
- Sir C. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord Lovat
- Mr. Amery

Answer
20/11



26 Sept 1927

Sir

DRAFT.

Key No. 816
Green Cross

I have to acknowledge
the receipt of your
despatch No. 571 of the
19th of August regarding
~~the amount of~~ ^{the amount} of
certain Somalis and a
Police patrol in the
Nyeri - Karibia District,
and to inform you
that I agree that
great credit is due
to the native Police
concerned for their
performance under great

KENYA

No 57



GOVERNMENT HOUSE
NAIROBI
KENYA

19 August, 1927.

RECEIVED
8 SEP 1927
COL. OFFICE

Sir,

In continuation of my despatch No. 533 of the 30th of July, relative to a recent encounter between certain Somalis and a Police patrol in the Nyeri-Laikipia Districts, I have the honour to transmit to you a copy of a report by an officer of the Criminal Investigation Department who was detailed for special investigation into this matter.

2. It will be observed that on the 4th and 5th May, that is prior to the affray, seven Somalis were arrested under the Diseases of Animals Ordinance; of these three escaped from custody. These Somalis were convicted and fined in the Rumuruti Court, eight head of cattle were destroyed by order of the local Veterinary Officer and 231 sheep and goats attached and sold in liquidation of the fine.

3. The action reported in the foregoing paragraph is entirely distinct from that which resulted in the encounter of a Police patrol on the 6th May with Somalis engaged in an open mass breach of the Diseases of Animals Ordinance. In this instance some fifty Somalis were engaged in passing a large herd of mixed stock over a river which forms the boundary of the Nyeri and Laikipia Districts. They were stopped by the Police patrol, which consisted of two policemen

/and

THE RIGHT HONOURABLE
LIEUTENANT COLONEL L.C.M.S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1

Report

Recd File 26 SEP 1927

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and ten Wanderobo trackers, and began the affray by first stoning and then firing upon the Patrol. It was not until the Police had been twice fired upon that they returned the fire.

You will observe that the Report states that it is believed that no person was killed or subsequently died from injuries received during this affray and that the only death was that of a Somali, who had been arrested prior to the encounter, and had escaped from custody, and who met his death by drowning the day previous to the riot.

No Somali stock was seized as a result of this riot. Seven Somalis have been committed to the Supreme Court on charges of rioting, attempted murder and the illegal possession of firearms; these men will also be tried for illegal movement of stock and in one instance for escape from custody; warrants have been issued for the arrest of four other Somalis who have absconded. I trust you will agree that, upon the Police reports received, great credit is due to the two native Police for their forbearance under circumstances of great provocation and for the way in which they endeavoured to perform their duty.

A further report will be furnished you after the trial in the Supreme Court.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

Edward Denham

ACTING GOVERNOR.

-- 34.

15th August 1927.

The Hon'ble
The Colonial Secretary,
Nairobi.

SMALL DISTURBANCE - UARO NYIRO.

With reference to my letter No.
P.63/86/27 of the 28th July, 1927, on the
above subject, I now enclose 3 copies of
a report received from Captain G. Pritchard
Brown, Officer in charge, Criminal
Investigation Department, who was sent to
the affected area to make full enquiries
as instructed by you.

J. M. LUNLEY.

AG: COMMISSIONER OF POLICE.

YC.

16

RIOT BY SOMALIS ON THE 4TH OF MAY, 1927,
IN THE NORTHERN PROVINCE

REPORT BY SUPERVISOR IN CHARGE,
CRIMINAL INVESTIGATION DEPARTMENT,
KEGA POLICE.

ORIGIN OF DIS-
TURBANCE.

(1) Towards the end of April, 1927, information reached the Inspector of Police, Rumuruti, of the movement of Somalis in the north of Rumuruti District.

(2) A patrol of native Police was despatched to investigate as it was considered possible that these Somalis might be endeavouring to evade the contemplated move of Somalis from the Uaso Nyiro area.

(3) Subsequent reports received at Rumuruti were to the effect that the Somalis in question were moving stock in contravention of the Diseases of Animals Ordinance to and from the Uaso Nyiro River on the north east boundary of Rumuruti District to the Suk resident in the north west corner of that district.

(4) This information was supplied by local Valderobe and confirmed by Game Scouts employed by Major Tyndall, Honorary Game Warden.

(5) Police patrols were then instructed to seize all stock found thus being moved and to apprehend offenders.

(6) On the 4th and 5th of May the Police arrested accordingly seven Somalis, and seized Somali stock amounting approximately to 251 sheep and goats and 8 head of cattle.

(7) Of those seven Somalis three escaped from their Police escort, which they overpowered while en route to Rumruguti Police Station.

(8) The remaining four were convicted at Rumruguti of illegal movement of stock and each sentenced to a fine of Shs.200/- plus costs Shs.20/- or six weeks rigorous imprisonment in lieu of payment.

Three of the four were in addition fined Shs.10/- each for trading without a licence.

(9) The 8 head of cattle seized were destroyed by order of the Government Veterinary Officer as these animals had come from an area infested by cattle disease.

The 251 sheep and goats referred to were attached by order of Court and the proceeds of their sale partly liquidated the Court fines imposed.

(10) One of the three Somali prisoners who escaped from custody was drowned on the 5th of May (the day prior to the riot) whilst endeavouring to cross the Uaso Nyiro River which was in flood. A Somali rumour, said to be malicious, that he had been previously shot by the Police at the time of his escape cannot be substantiated.

The other two appear to have proceeded to rejoin a band of Somalis, who at the time were driving a large herd of sheep and goats from Sub to their villages on the Uaso Nyiro River, to warn them of the proximity and activity of the Police. One of these two Somalis at least participated in the riot and has been re-arrested.

SCENE OF RIOT.

(11) On Friday, the 6th of May, a party of 10 Vanderoob guides or trackers following the spur of sheep and goats guided a Police patrol of 2 Native Constables in a primitive bridge over the Gasa Nyiro River some 5 miles north of its junction with the Uaso Barok River.

This bridge had been specially repaired by Somalis from the villages concerned to enable them to pass their stock across the river (in contravention of the provisions of the Diseases of Animals Ordinance). The river at the time was in flood and unfordable.

RIOT.

(12) The Police and their Vanderoob guides approaching the Rumuruti end of the bridge at about 2.30 p.m. that day sighted a Somali scout who was seen running to notify his companions of the approach of the Police.

(13) At the bridge the patrol found a party of Somalis, estimated to number some 40 to 50, of whom some were engaged in passing a large herd of stock (said to be some 1,500 sheep and goats and 5 cattle) over the improvised bridge, while others lined up in readiness to dispute the passage of the Police to the bridge end.

(14) I am satisfied that the two Constables of the patrol were then wearing uniform, and at this juncture informed the Somalis that their duty was to take the stock, and these found driving it, to the nearest Magistrate, and that they, the Police, did not desire friction.

(15) The patrol and the 10 VaMderobe guides were then stoned by the Somalis who announced their intention of resisting all efforts to seize their animals. The patrol was held back and eventually the stoning became mutual, until all the stock had crossed the bridge to the east bank (in the Northern Frontier Province). The Somalis who were opposing the Police quickly following them their main body.

(16) The Police patrol seeing the stock being rapidly driven away decided to follow and reached the bridge end to cross.

Here a Somali on the east bank fired three shots from a revolver aiming at the leading Constable, No. 629 End Grade Constable Ngoya Anosa.

(17) The bridge eventually was crossed by the two Police Constables and by eight of their VaMderobe guides, a total of ten, who comprised the Police party during the remainder of the incident.

This party came up with, and endeavoured to seize, the Somali stock. Fire then was opened on the patrol and its guides by Somalis from approximately half a dozen revolvers and one shotgun. Arrows also were fired at them. The Somalis now had worked themselves up into a state of great excitement.

(18) Shortly after that outburst of fire an arrow transfixed the cap worn by one of the Constables and following that incident the two Policemen then, and not until then, opened fire.

(19) Subsequent attempts by the Police and the W'nderobo guides to seize stock were frustrated and the Somalis moved off in the end with all their animals. The Police having fired all their ammunition were powerless to prevent this.

(20) The two Constables carried their service .303 rifles and bayonets only and in accordance with Police procedure they had on leaving their station each been issued with 10 rounds of ammunition only. Prior to the fight 4 of these rounds had been dropped and lost. During the riot they fired therefore between them a total of 16 rounds. The W'nderobo guides had, of course, no firearms of any kind.

(21) It is noteworthy that after the riot and the withdrawal of both sides certain Somalis concerned returned to the Police patrol and, it is said, placing their arms on the ground offered money if the Police would not report to Government that the Somalis had fired on them. Fearing treachery the Police would not permit the near approach of the Somalis in question.

CASUALTIES.

(22) No person was killed or subsequently died from injuries received during the riot.

On the Police side one W'nderobo guide was injured by a blow from a stick on his arm.

On the Somali side evidence as to casualties is conflicting. The two Police engaged think they wounded by rifle fire two, perhaps three, Somalis, and injured by striking with a rifle butt another Somali who attacked one Constable at close quarters with a large knife.

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From information collected by informers in the villages of the Somalia concerned, and from other Somali evidence, it seems that five Somalis only were injured in the riot and none of them by rifle fire. Of the five, three were but slightly hurt, and two somewhat seriously. Their injuries are said to have been caused by blows with sticks, clubs, ^{possibly rifle butts} or spears and in the main are attributed to the ~~underdogs~~ who were assisting the Police as guides and trackers. All five are reported now to have recovered.

I consider this account of casualties to be accurate in the main.

My information shows that at least two of the five wounded have been arrested by the Police.

SOMALIS CONCERNED
IN THE RIOT.

(23) The party of Somalia who caused this disturbance came from the Somali villages on the Usa Nyiro River in the North West of North Nyari District.

(24) In the course of my investigation I visited the villages of each section of Somalia resident in that area. There is no doubt that the community had decided to suppress knowledge of the disturbance.

COMPLAINTS.

(25) No complaint has been received by Administrative or Police Officers of the areas concerned from any Somali as to the conduct of the Police or regarding any other matter in connection with the riot or any result thereof.

ARTICLES FOUND AT SCENE.

(26) Amongst other articles the following were picked up on the scene of the riot:-

- 2 Arrows.
- Revolver Ammunition, fired and unfired of two calibres.
- 1 Somali stabbing knife.

STOCK CONFISCATED.

(27) No Somali stock whatsoever has been seized or confiscated as a result of, or following, the riot. The stock referred to in paragraphs (6) and (9) above was seized prior to the riot and in connection with an entirely different offence.

POLICE ARRESTS.

(28) Seven Somalis, all from the Base Nyiro area, have been arrested to date by the Police and have been committed by the Nyiro Magistrate's Court to the Supreme Court for trial on charges of rioting, attempted murder and illegal possession of firearms.

They were released on bail at Nyiro and subsequently re-arrested and sent to Mombasa Court to be tried for illegal movement of stock and in one instance for escape from custody.

Warrants have been issued for the arrest of four other Somalis for whom search is still being made.

G. Pritchard Esq. M.A.

SUPERINTENDENT OF POLICE,
I/O CRIMINAL INVESTIGATION DEPARTMENT.

Nairobi,
11. 8. 27.

KENYA
No 533



238
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
22 AUG 1927
GOV. OFFICE

th
30 July, 1927.

No 3
Sir,

With reference to your despatch No. 537 of the 27th June, relative to a recent encounter between certain Somalis and a Police Patrol in the Nyeri-Laikipia Districts, I have the honour to inform you that this occurrence took place at a distant spot to the North of the Rumuruti District.

2. Owing to the facts that the Police were unable to follow up the Somalis and the latter appear to be concealing the truth, very considerable doubt exists as to what actually happened and whether, indeed, any life was lost. The matter will come before the Nyeri Court for preliminary hearing shortly and I anticipate that what actually took place will be disclosed. In the meanwhile it is only possible to furnish the following interim report. I regret that this could not be done earlier, but investigations are still proceeding and the full report from the Police was only received this week.

/On the

THE RIGHT HONOURABLE
LIEUTENANT COLONEL L.C.M.S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1

On the 9th May Government was informed that on the 6th May a Police Patrol, which has been sent from Mburuti to deal with suspected breaches of the Diseases of Animals Ordinance, intercepted a party of Somalis with their stock on the Uaso Nyiro River. On seeing the patrol it is reported that the Somalis ran away and that the patrol then rounded up an amount of stock which was being illegally moved. Thereupon a large number of Somalis are said to have attacked the patrol with rifles, revolvers, shot guns, spears etc. The Police Patrol returned the fire and it appears probable that three Somalis were wounded. It is, however, at the present stage, impossible to confirm whether these Somalis were mortally wounded or not. This Patrol, which was composed of two policemen only aided by certain Wandorobo natives, was forced to release the stock seized and it was re-captured by the retreating Somalis.

3. Further and fuller reports will be sent to you as soon as the Magistrate's case file has been received and after any trial before the Supreme Court. I now enclose copies of the reports submitted by the Commissioner of Police.

Reports

I have the honour to be,

Sir,

Your most obedient,

humble servant,



ACTING GOVERNOR.

25
D. 22/29/27.

20th May 1927.

The Hon'ble
The Ag. Colonial Secretary,
Nairobi.

SOMALI RIOTING - UASO NYIRO.

I have the honour to forward copy of a report by
the Officer in Charge, Rumuruti, in connection with the
recent Somali affairs in the Rumuruti district.

Sd/- R.G.A. Spicer.
COMMISSIONER OF POLICE.

COUNTERSIGNED

J.F. M. ...

for COMMISSIONER OF POLICE.

Copy to Hon: Chief Native Commissioner,
Nairobi.

11th May, 1927.

The Commissioner,
Kenya Police,
Nairobi.

SOMALI RIOTING - UASO NYIRO.

Reference my telegram R.U. 43/19/27 of 9.5.27 I submit the following report of the circumstances leading up to this offence.

On March 11th Somalis reported theft of 65 head of cattle from their camp on the Uaso Nyiro, and reported tracks leading across the river in a Southerly direction in this district. This refers to Nanyuki casefile No. 20/27.

On 30/4/27 Major Tyndall, Hon Game Warden, of farm 581 B, - who has rendered considerable and valuable service in this matter, - reported that his Wa Nderobe Game Scouts had noticed suspicious movements amongst Somalis who appeared to be scouting about on Laikipia side of the river. On this date I sent out a patrol of 1 M.C.O. and 3 Men, whom I ordered to patrol looking out for illicit movements of stock to Samburu or Suk Reserves. Telegraphic information was sent to Police Nyari and Nanyuki.

On 2/5/27 Wa Nderobe living near the boundaries of Suk country reported to me that a party of 16 Somalis with 60 to 70 head of cattle had been living in the bush near the Suk boundary for about 2 months exchanging cattle for sheep. I at once sent an Askari with these Wa Nderobe to report to 4996 Corporal Joseph who was in charge of the patrol with orders to intercept these Somalis as returning.

On 3/5/27 Manyuki wired that a patrol had been sent out from there.

On 4/5/27 9309 S/C Lorogumok was at a Derobe Village and was informed by Wa Nderobe that 4 Somalis were coming from direction of Suk riding mules. They were indentified by Wa Nderobe from Suk border as 4 of the party seen with the cattle. The Somalis were taken to Corpl. Joseph who sent them in escorted by 7811 2/c Chumba and 2 Wa Nderobe, the Corporal being desirous of retaining the remainder of his strength to intercept the stock and main body.

On 5/5/27 Major Tyndall with his car brought in 7811 2/c Chumba and 1 of his prisoners. 2/c Chumba reported that the prisoners had set upon him and escaped, he being able only to detain one of his prisoners. Two further ranks sent to strengthen the patrol.

On 6/5/27 Corpl Joseph was brought in by Major Tyndall with 3 Somali prisoners, who had been arrested by the patrol with 8 head of cattle and 230 sheep and goats.

On 7/5/27 three prisoners before Court and tried pleaded guilty to moving stock illicitly to near Suk country and trading without a licence. Fines totalling Shs.510/- each with Shs.20/- Police Costs each were imposed and the 8 head of cattle confiscated. Distress warrants were obtained and the sheep attached for levying of the fine. Corporal Joseph sent to collect the sheep and to leave guard on cattle pending V.O's orders.

On 8/5/27 7.30 p.m. 10085 S/C Hussein from the patrol reports that a Nderobe has reported that 7681 2/c Ngoya Anesa and 9309 S/C Lorogumok intercepted the main Somali party and shots have been fired.

On 9/5/27 8.45 a.m. 9309 3/c Leregumek Lourie reports that on 6/5/27 2.p.m. 7421 (2/c Ngoya Anosa and he intercepted a party of 20 Somalis near a temporary bridge constructed by Somalis across the Uaso Nyiro. On seeing the Askaris, the Somalis ran away, with the assistance of 10 Wa Nderobe natives they rounded-up the stock preparatory to moving them to the Derobe Village nearer to Major Tyndalls. A large body of arms Somalis, some mounted others on foot, armed with revolvers, shotguns, Martini rifles, spears, bows and arrows etc attacked them, firing at them with revolvers and other arms. 9309 3/c Leregumek had his safari cap struck by an arrow. The Askaris then opened fire, at a distance of 50 to 70 yards. Three Somalis were seen to fall, two of whom are believed to be seriously wounded. After firing 10 rounds each issued to them the Askaris fixed Bayonets and went into the bush to relieve Waderobe who were having hand-to-hand fights with various Somalis. They saw the Somalis round up the cattle sheep and goats and take all across the bridge. The two Askaris and Wa Nderobe kept the Somalis under observation from the bush and followed them to their camp, and saw the boma into which the stock was placed. On receipt of this report I despatched my telegram E.U. 45/19/27 to you, I also notified Police Nyeri and Nanyuki by wire. I reported the information to the Resident Commissioner here. 4564 Sgt Owar Ooambe with 5 Constables sent to strengthen the patrol. The Resident Commissioner took out a reserve supply of ammunition for the patrol, but returned - the road being impassable. The ammunition was handed over to Sgt. Owar on the road.

On 10/5/27 after receipt of your telegram re reinforcement detachment I proceeded to Major Tyndalls farm. The patrol reported all quiet. No Somalis had been seen since the riding of 6th Inst. The river reported to be impassable. I deposited a further reserve supply of 600 rounds of ammunition at Major Tyndalls. I ordered Sgt Owar to take 5 Men to destroy the Somali bridge as suggested by the Resident Commissioner.

Insp. H.J. Rand and 25 rank and file arrived at 7.40 p.m. Insp. Rand and myself discussed the matter with the Resident Commissioner. It was considered best that reinforcement detachment should proceed to Nanyuki as the danger of Somalis returning to this district will be small after the destruction of the bridge.

11/5/27 Insp. Rand and detachment leave for Nanyuki. Patrol on Laikipia side of river now consists of 1 Sgt. and 10 Men. I have today 2 N.C.O.s and 13 Men 'standing by' in station. Wa Nderobo are being used as scouts and as liaison messengers between the patrol and A.S.P. Nyari. The Wa Nderobo numbering about 15 - are rendering valuable assistance to the Police and should be suitably rewarded.

Witnesses are being collected and the evidence will be recorded by the Resident Commissioner with a view to imposing a fine under the Collective Punishments Ordinance Chapter 77 Laws of Kenya.

The report of theft made by these Somalis appears to me to have been made with a view to covering this illicit movement. I am informed that this is not the first time they have tried this trick. The country crossed by them is invariably waterless. They appear to have moved with the first rains early in March. These rains did not last and they were unable to return to their Camp on the Usao Nyiro until rain fell again in the northern portion of this district.

In the meantime

In the meantime the river rising, and Somali scouts were
 were out looking for the expected return of the party
 with the sheep. The bridge was built by Somalis who remain
 ed at the Camp on the Uaso Nyiro, to enable the illicitly
 moved stock to cross the river.

The 5 head of cattle returned to the Uaso Nyiro
 camp are a menace to the remainder of the stock there as
 they have been in contact with Suk cattle - Suk being a
 Fleuro Pneumonia quarantine area.

Sd/ G. Griffiths.
 Inspector i/c Police.

Copy to A. S. P. Nyeri, for information.

23rd July 1957.

The Hon'ble
The Colonial Secretary,
Nairobi.

SOMALI DISTURBANCE - NYERI DISTRICT

With reference to a telephonic communication received today from Mr. Barton, the Acting Assistant Colonial Secretary, on the above subject, I attach a Police report received on the 20th instant from Captain E. D. Cochrane, Assistant Superintendent in charge of the Nyeri Police Unit, which details fully the position at date.

2. A Police patrol of two native Constables (accompanied by Wandereho guides) had acted legally in seizing the cattle and sheep which were being moved in contravention of the law governing the movement of stock, Sec. 103 of the laws of Kenya and Malawi applied thereto - vide Section 14 of Government Notice 253 of 1956.

3. The seizure of this stock occasioned the attack on the patrol by a party of armed Somalis. This attempt to release the stock was successful. Early in their attack a Somali fired at the Police patrol with a revolver. The fire was returned by the Police and at the conclusion of the incident two Somalis had been wounded.

4. 14 warrants of arrest were issued by the Magistrate at Nyeri, 8 of which have been executed.

5. No arms have been seized by the Police though a thorough search, supported by magisterial search warrants, has been made.

6. The cases against the accused men will be heard at Nyeri on the 8th of August.

7. This report is framed on all the information now available. It is, however, likely that further details may be forthcoming at the trial of the accused on the 8th of August.

8. I refer you to a full report forwarded to you by the Hon'ble the Senior Commissioner, Nyeri, under his letter No.22/V/27 of the 21st May, 1927, in reply to your telegram of the 19th May, from which it will be seen that the Hon'ble the Senior Commissioner's information then varied considerably from the Police report. The information now submitted, however, is the most recent and authentic obtainable.

9. In fairness to the Comals in question I would add that the Police have received considerable help from certain of them in endeavouring to assist Government to obtain a true report of the situation.

10. I am instructing the Assistant Superintendent of Police, Nyeri, to proceed with the case under investigation.



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11. A third Somali was subsequently reported to have been wounded on 21st May, the day prior to the riot referred to above. This Somali with others had been arrested by the Police for contravening Rules under the Diseases of Animals Ordinance and escaped from custody when proceeding to Mumuruti under Police escort. It would appear from Somali evidence that the wounded man later was drowned when attempting to cross the Tana Nyiro River in flood. This was fatality known to have occurred in connection with the whole incident.

J. M. GIBSON.

AG:COMM:CLERK on 20.1.57.

[1956. VC.]

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SECRET

SECRET

No. 17/54 28/27

Office of the Asst. Supt. of Police
District Police Headquarters,
Nyeri, 16th July 1957.

The Commissioner,
Kenya Police,
Nairobi.

REPORT OF POLICE ACTION IN REGARD
TO RECENT DISTURBANCE - SYARI,
DISTRICT.

Your P.63/59/27 of 13th instant re the
above, I have the honour to report as follows:-

(1) No firearms have been seized. This is
impossible: the Somalis bury their arms, unearthing
them only on occasions such as recent disturbance
or when on safari. Search revealed no arms in huts
of suspects Uase Nyiro in Kay.

(2) Six arrests have been made to date,
others pending. A difficult matter tracing the
offenders, some of which are reported to have gone
to N.Y. - addresses unknown as yet.

(3) No cases taken to Court in this district.
Bumaruti, I understand, had two.

The case listing has since been forwarded to
this station transferred from Bumaruti under
Section 145, Criminal Procedure Ordinance, and the
investigation is making rapid strides.

The difficulty in effecting arrests has been
owing to the Syari Police not knowing the offenders
who were in hiding.

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Majesty's Stationery Office.

The two Somali herders and a Mandoro were being detained at Buzurati to give evidence in other cases in which Somalis were charged under the Diseases of Animals Rules.

Besides Somali informants, who have given valuable information which has led to the six arrests, the two Constables and Mandorob arrived from Buzurati 18th instant, and will doubtless hasten matters.

(4) To enlarge, on the 9th May, 1927, I received a telegram from Police, Buzurati, copy attached marked "A", and at 4.30 p.m. that day I left for the Gase Nyiro Somali settlement by motor transport, with eleven rank and file, arriving at the first village Habr Yunis Somalis at 6 p.m. 11.5.27, where I was joined by a Nanyuki patrol of three men and 2 plain clothes Somali Constable who informed me that the situation was still serious as the Somalis were threatening to attack the Mandorob natives in Laikipia. From enquiries of the Headman of this Habr Yunis village one Farah Hussein, I learnt that there had been a fight, which he greatly exaggerated and blamed the Police, and that one Somali was killed and two others dangerously wounded. He informed me that he was a Somali doctor and explained, and was supported by other Somalis present, that he was capable of removing a bullet from the brain which was what he was about to do the next day to one of the wounded Somalis.

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Our arrival at the scene must have had the desired effect, because the next day, 15th May, although I marched through all Somali villages en route to the actual scene of the fighting, I could find no signs of preparations for an attack by Somalis, who came to meet me at each village, and when asked whether they could give any information about the fighting or wounded Somalis, denied all knowledge of the disturbance.

This confirmed my suspicion that all sections were implicated, not only in the rioting but in the illicit movement of stock between the Juba-Syire river and the Somali country, and that it was not confined to one particular tribe.

It was not until I arrived at the improvised bridge about five miles below the Barok-Syire junction that I obtained the first reliable information concerning the riot from 2nd Constable Ngaya of Kismayu who was in charge of the patrol the Somalis fired on.

This Constable informed me that he knew a great many of the Somalis personally as he had been one of the escort to the Somalis from Kismayu to their present encampment some months previously, and that he actually saw some of the Somalis he knew, representing all sections, at the riot.

There was, unfortunately, no further evidence forthcoming in support of this statement, the other constables being at Kismayu, and the underbush were incapable of giving reliable information as to what sections of Somalis were present, and took part in the riot.

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However, as they were all able to state that they had seen the stock being driven to the first two Somali villages, which I knew to be those of the Dalbahar's section, I decided to round up all the men in these villages for the purpose of holding an identification parade.

Accordingly, the next day, 15th May, at 2 p.m. having made the necessary arrangements, I personally conducted the identification which was carried out strictly in accordance with Police Orders 18/26, para 1.

I am convinced that none of those Somalis who took part in the riot were present on the parade, although at the time I was not to know this.

2/Constable Gwyn was the first called and he pointed out eight Somalis, list attached marked "A", then followed the four Sandorob, names as follows:-

- (1) Wetaki arap Buigai.
- (2) OI' Nana Labenets.
- (3) Kibotal Lesebin and
- (4) Singan Sintalok, and they and each of them were unable to identify any.

In the circumstances I could make no arrests especially as one of the Somalis (Waraman Herai) pointed out by the Constable had been in my office at Nyeri on the Friday the riot is reported to have taken place.

I have since been informed that the rioters decamped shortly after the riot in the direction of Marealoi and Isiola where they hid in the forests with the stock they had brought from the Suk reserve, and although strong patrols were sent out in different directions under reliable N.C.Co. no trace was found of them.

The one Rukuruti askari and Wandorobe scouts above mentioned were sent out with the patrols in order that they might identify the rioters if any arrests were made, but were recalled by order of the Resident Commissioner, Rukuruti, as they had to give evidence in other important cases against Somalis charged with the illicit movement of stock in the Laikipia district.

Our action now was greatly hampered owing to the absence of these witnesses. The rioters were not known to the Nyeri Police and we had to rely upon information from Somalis in our endeavours to execute the warrants, which were issued by the Assistant Resident Commissioner, Nyeri, on the information given him by one man, a Somali, who stated that he was present at the riot although he did not take part.

The two Constables and eight Wandorobe scouts who actually took part in the rioting have since been returned from Rukuruti to attend identification parades here, and to point out those Somalis connected with the disturbance for whom warrants have not been issued.

31

The case is down for hearing on the 8th August and all those Somalis arrested have been released on bond in the sum of Shs.1,000/- each and two sureties of Shs.500/- each to appear on that date. They have also been informed that if they wish to attend identification parades they may do so on dates to be arranged by the Hon. The Senior Commissioner who has kindly offered to conduct same.

I regret delay in this case, but it has been unavoidable and I think you will agree that it needs very careful handling if it is to be brought to a successful issue.

In conclusion, I should like to draw your attention to the fact that failing successful identification it is possible that the Court will not convict and that in this event I would suggest that the police withdraw the charge, rather than take it to Court, and press for a collective fine under Cap.77, Revised Laws of Kenya for:-

- (1) Obstruction to lawful apprehension.
- (2) Rioting with deadly weapons.
- (3) Attempted murder.
- (4) Illicit movement of arms.
- (5) That they or any of them suppressed and combined to suppress evidence in the present disturbance. [S.2 (b) Cap. 77, of the Revised Laws of Kenya].

Evidence in the above is forthcoming.

Sd/- B.F.D. Cochrane
 ASST. SUPERINTENDENT OF POLICE.

B.S. The Somalis are still reticent regarding the disturbance. With the exception of two Somali informants, who are at present accompanying patrols on the Gase Nyiro river, none of them at either Nyeri or Nanyuki will give any information concerning casualties, and until the case is heard I doubt whether we shall obtain authentic numbers of killed and wounded, and only then, if a conviction is obtained.

B.F.D.C.
 A.S.P.

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COPY

TO POLICE NYERI.

N.O. 43/20/27 Multiple address telegram
Police Nyeri, Nanyuki, large party armed
Somalis attacked patrol of two constables
and first shot fired by Somali revolver
and believe three Somali casualties all
returned to base Nyeri with 5 head cattle
600 sheep from Suk Sambaru and strong
patrol necessary.

From Police Samuruti

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LIST OF SOMALIS PRESENT AT IDENTIFICATION CAMP
HELD AT WAGO HYAB
12.3.57.

- | | |
|--|------------|
| 1. Warsama Mohamed K.A.R. | Habr Yunis |
| 2. Ahmed Mohamed Int.L.Corps | |
| 3. Warsama Mohamed from Waco Hyab | Belbahanta |
| 4. Ali Said K.A.R. | Habr Yunis |
| 5. Hashi Ali K.A.R. | Belbahanta |
| 6. Mohamed Ibrahim K.A.R. | Habr Yunis |
| 7. Sara Ahmed N.F.D.C. | Belbahanta |
| 8. Yusif Mohamed Trader | Wajerian |
| 9. Soosa Mohamed Int. | Belbahanta |
| 10. Hashi Dubal N.F.D.C. | |
| 11. Noor Jama Trader | |
| 12. Haji Hassan Mohamed | |
| 13. Ahmed Kassim N.F.D.C. | |
| 14. Noor Aden (Mullah) | |
| 15. Yusif Mohamed | Habr |
| 16. Noor Elmi N.F.D. (Zombay Commission) | Habr Yunis |
| 17. Warsama Hersi, ex R.R. | Belbahanta |
| 18. Owad Yusif, ex Kisumu Trader | |
| 19. Aden Said K.A.R. | Habr Yunis |
| 20. Dulla Arail N.F.D.C. | |
| 21. Noor Gulet S.C.M., K.A.R. | |

"D"

SOMALIS POINTED OUT BY P/C HOWIS - HURUMUJI UNIT
AT IDENTIFICATION CAMP HELD AT WAGO HYAB

- | | | |
|--------------------|---------------|------|
| 1. Warsama Mohamed | No. 1 on List | "C" |
| 2. Ali Said | No. 4 | -do- |
| 3. Yusif Mohamed | No. 8 | -do- |
| 4. Owad Yusif | No. 18 | -do- |
| 5. Noor Jama | No. 11 | -do- |
| 6. Noor Elmi | No. 16 | -do- |
| 7. Warsama Hersi | No. 17 | -do- |
| 8. Noor Aden | No. 14 | -do- |

10381
22 AUG 1927

COL. OFFICE

TELEGRAM. From the Officer Administering the Government
of Kenya to the Secretary of State for the Colonies.

Dated 30th July, 1927.

(Received Colonial Office 4.10 p.m. 30th July, 1927).

No. 269. 30th July.

no 3
regret
Your despatch of 27th June No. 537 I
request that inability to obtain full facts of this
case has delayed transmission of report the affairs
took place at a distant spot to the north of Rumuruti
district. Interim despatch covering police reports
is being furnished and further reports will follow
on receipt by me of reports of trial in Criminal
Courts.

*But the report is not yet
to be sent in 2 days*

LB
END

A. 10387. 27

Kenel

Mr. Holden 25/6 fo

Mr.

Mr.

Mr. E. J. Harding

Sir C. Strachey

Sir J. Shackleton

Sir G. Grindle

Sir C. Davis

Sir S. Wilson

Mr. Draxton-Gunn

Earl of Clarendon

Mr. Amery

Recd 20/6

54

Si

27 JUN 1927

DRAFT.

Kenel

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0749

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I have the pleasure to transmit to you the acc. copy of

Inquiries & answers in the

W. of Commons regarding

the recent encounter with

hounds in the New

District.

2. I request that

the said journal be sent

a full & early report on

the incident & also with

information as to the

disposal of any cattle

seized.

Q. A. Manselton Suffolk
A. 10387 - 101.

PRO.

The absence of any official
report ^{in cases like this} ^{lead to any} ^{cause}
involvement; ^{and} I want press for
the prompt supply of information
on any incident which may attract
attention in Parliament.

Shreeve

(Signed) L. S. AMERY

I The absence of any official
reports ^{in cases of this kind, a very} ^{careful}
^{investigation} ^{is necessary} & I trust press for
the prompt supply of information
in any incident that may attract
attention in the future.

Sherry

(Signed) L. S. AMERY