

1923

KENYA

C.O.  
42850

FROM  
A. S. Baring

DATE

1st Aug, 1923

REC'D  
28 AUG 23

CIRCULATION:-

SUBJECT

Mr.

Mr.

Mr.

U.S. of S.

In G. G. Middle

Puoko Masai  
disturbances.

U.S. of S.

U.S. of S.

Secretary of State.

Request approval of  
protection of...

Previous Paper

10. 9. 23  
19157

MINUTES

This covers two outbreaks among  
the Puoko Masai, who are  
the one section of the tribe  
who is most responsible  
for the outbreaks - the second  
outbreak reported in 11587/23  
& the previous outbreak in  
which a fine of 10000 cattle  
was imposed by the then  
Governor - see 5775/23

The 10000 cattle fine was, as  
we understand, suspended  
in the absence of a general enquiry in  
21 in 26077/23 the report to  
the P. Q. in - 33157/23 said  
that the collection of  
the fine had been suspended.  
The enquiry ref? to in case  
has certainly not  
been held, as I believe  
only left England on 29/8.

Subsequent Paper

10. 9. 23  
19176  
124

Further to Kenya Conf (3) com 19 Aug 23

RRA

MINUTES.

MINUTES NOT TO BE WRITTEN  
ON THIS SIDE.

on the 9<sup>th</sup> August: that  
we may have considered  
that the position: that  
enquiry is, whether  
of a more general  
character - & if we  
see no way to say to-day  
that he ought not to  
have proceeded with  
the collection of this  
fine without Sgt's  
prior approval, he  
did fairly reply that  
he was not aware  
that Sgt. regarded  
the matter as in  
proper hand  
that enquiry - & that  
the collection of the  
fine was left to  
his discretion, &  
definitely stated  
in para 3 of Co.  
Sgt. on 5-7703/22.

In general, it  
seems to me that while  
a communal fine  
is imposed, it is  
likely to be regarded  
by active tribes as  
a sign of weakness  
on the part of the  
Sgt., & not of strength.

James  
SS

of it is subordinate  
advised. This is done  
accounts for the 432  
altitude of the Schwartz  
a larger, who is an  
official member of  
the Ex. CO, rep. to  
para 2 of the Dep  
I am not much  
impressed with the  
arguments for possible  
reduction in 1922.  
The Dep. ...  
1922 ...  
to not ...  
there is the point that  
only a part of the  
tribes were actually  
implem. (annexed  
No. 2), but the  
...  
...  
of a section ...  
like report ...

However, I do not  
think the Sgt. should  
suggest greater  
severity than the  
local Sgt. requires,  
after full consult.  
as necessary, esp.  
when all other things

been drawn to the apparent  
desire of the original  
fine

On the other hand, therefore,  
we had, except these  
recommendations, you will  
~~be satisfied~~ <sup>see that</sup> they are  
based on the views of  
the Oil Market Review,  
S. W. Hensler, an  
Oman who is entirely  
trusted by the Govt.  
in regard to this matter  
and will be

ack. receipt of this  
copy of 28077/23 - attached  
for full statement in 28077/23 -  
+ say that Govt. approves  
the action detailed in  
42230/23 - say that we  
assume that the general  
enquiry ref'd to in para 2  
of 28077/23 will be  
arranged in the near future.

act  
M. P. 25

G. G. 31.5.22  
at ...

See. In view of the date of 14/12/24  
of ... (see 52422677)

think the inference is that reply  
to 33157 was justified. but there  
can be no doubt that a command fine  
should not be postponed too long.

G. G.  
19.9.23

433

Sir H. Read

In reading a Hensler file (no. 1)  
Mr. Colver has expressed to me the  
view that the conditions in the  
contract are entirely onerous for  
a case in which the oil price  
was paid and all other  
terms of the contract  
may well have been to the  
benefit of the oil company  
and the oil company  
identification

The decision is, of course,  
the restoration of all (a) (b) (c)  
although the first two are not  
mentioned in the last part of the  
contract.

With regard to my minute of 7.7.23,  
it seems to me that economic  
considerations may have  
tended to spread with respect to  
the fine - as the price would suffer  
if all the oil were sold at once.  
If so, the Government may be  
expensive if they think that the  
installments are necessary rather than

presentment - cattle  
managers are short.

I do not like re-opening  
a matter that has been  
decided, but I suggest that  
be done and how much  
has been covered under (a) (b) &  
(c), show much it is proposed  
still to pay, and suggest  
that if the clan has in recent  
months been well behaved  
he should waive the rest.

Oct. 16. 7.12.23.

Mr. Drumley - fine

I think that we can very  
well do as Mr. Bottomley's suggestion.  
[I have tried, without success, to obtain  
some old papers in which be called  
attention to the apparent severity of a  
fine inflicted on (?) a section of the  
tribe for cattle-lifting. So far as I  
remember, the explanation was that the  
fine was not heavy when judged by  
native ~~standards~~ <sup>standards</sup>, which in such cases required  
the return of (I believe) 10 head of cattle  
for each head of cattle stolen. That case is  
not one of all forms with the present one  
but it shows that the natives ~~regard~~ <sup>regard</sup> thefts of any  
size as ~~serious~~ <sup>serious</sup> and that the case of ~~the~~ <sup>the</sup> ~~stolen~~ <sup>stolen</sup>  
cattle ~~is~~ <sup>is</sup> ~~very~~ <sup>very</sup> ~~heavy~~ <sup>heavy</sup> ~~compensation~~ <sup>compensation</sup> ~~is~~ <sup>is</sup>  
required for damage due to illegal action.]

H. J. R.  
14/11/23

carcer. at once  
10/14/23

present want - active  
measures are desired.

I do not like re-opening  
a matter that has been  
decided, but I suggest that  
be done and how much  
has been covered under (a) (b) &  
(c), & how much it is proposed  
shall be done, and suggest  
that if the claim has in recent  
months been well allowed  
be should waive the rest.

C.S. 16. 7. 12. 23.

Mr Bromley - four

I think that we can very  
well adopt Mr Bromley's suggestion.  
[I have tried without success, to obtain  
some old papers in which we called  
attention to the apparent severity of a  
cattle fine inflicted on (?) a section of the  
neighbourhood for cattle - lifting. So far as I  
remember, the explanation was that the  
fine was not heavy when judged by  
retire <sup>standard</sup> ~~measure~~, which in such cases required  
the return of (I believe) 10 head of cattle  
for each head of cattle stolen. That case is  
not in all forms with the present one  
but it shows that the returns <sup>in the case of</sup> ~~returns~~ <sup>thefts</sup> at my rates  
are excessive, that, ~~it is necessary to~~ <sup>the case of</sup> ~~thefts~~ <sup>steals</sup> ~~at my rates~~  
are excessive, very heavy compensation is  
required for damage due to illegal action.]

H. J. R.

14/11/23

I enclose at once

copy 14. 12. 23

KENYA.

No. 429.

CONFIDENTIAL.



GOVERNMENT HOUSE.

NAIROBI.

KENYA.

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42830

REC'D  
REV 28 AUG 23

1st August, 1923.

My Lord Duke,

In continuation of my despatch Confidential No.290 of 1st May and with reference to the third paragraph of Sir Robert Coryndon's Confidential despatch No.246 of 15th February, 1923, I have the honour to inform Your Grace that the penalties to be imposed in respect of the recent disturbances, inclusive of the crimes to which the despatches under mention relate amongst the Purko Masai have now reached an early consideration by this Government.

2. The following special recommendations were submitted by Mr R.W.Hemsted, C.B.E., the Officer in Charge of the Masai Reserve during the period in question, in view of the fact that the muran, so far arrested, will be punished individually for their actions according to law:-

- (a) That the Purko Masai should pay the expenses of quelling the revolt.
- (b) That the Purko Masai should pay compensation for damages committed as a result of the revolt.
- (c) That the fine of 10,000 head of cattle imposed upon the Purko Masai in connection with previous and similar disturbances, for which I would refer Your Grace to Sir Robert Coryndon's despatch No.1453 of 19th October, 1922, should be reduced by one half provided

that:-

IS GRACE  
THE DUKE OF DEVONSHIRE, K.G., P.C., G.C.M.G., G.C.V.O.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON, S.W.

SoJ  
26075  
17/132

SoJ  
57753  
- 22

that:-

(1) the insurgents who are still at large are arrested by the tribal authorities.

(ii) the amounts referred to in 2 (a) and 2 (b) above are paid.

3. These proposals were reviewed recently in Executive Council, who advised unanimously that for the present the collection of the fine of 10,000 head of cattle should proceed and that the necessity for the arrest of the offenders be impressed upon the native authorities.

Council also advised by a majority, Mr. Schwartz dissenting, that, if the offenders are duly arrested and the cost of the expedition and compensation covered, the question of reducing the fine should then be considered. I concur in both of these recommendations.

4. The grounds for a reduction of the communal fines formerly imposed are :-

(1) that the insurgent spirit, which actuated the earlier offences and which at the time was only punishable by tribal exaction, has now been checked by the military measures which Government was driven to take and

(2) that the actual offenders, although indistinguishable, have been or will be for the most part sentenced to various terms of imprisonment. All were of the Il Kitlop are (Laitetti and Kunyara Sirita) and it is solely with this class that punitive measures have recently been taken. There does not appear to be sound reason for remitting the whole of the communal fine as the neglect of the tribal authorities at the time to prevent or arrest the wrongdoers deserves expiation.

5. Some 2500 head of cattle were captured by the King's African Rifles from the Purko section in consequence of the previous disturbances and it is necessary to sell these immediately in order to avoid undue mortality: of a fine of 10,000 head of cattle imposed upon this section as a punishment for the recent outrages some 2900 head have been collected and it is proposed to continue the collection of the remainder of this fine of 10,000 head of cattle, there being some 69 insurgents still at large.

6. I trust that I may receive Your Grace's covering approval of the procedure adopted.

I have the honour to be,  
My Lord Duke,

Your Grace's most devoted  
and most obedient servant,



ACTING GOVERNOR.



OAG. 42830/23 Kenya

137

O. D.  
R. 3 SEP  
D. 2

~~Ind~~

~~S~~ 4 September 1923

DRAFT.

Sir

Kenya  
Confidential  
H. G.

I have etc to ack. the receipt  
of your Conf. despatch No 429,  
of the 1<sup>st</sup> of August, and to  
convey to you my thanks for  
the full statement contained  
in your Conf. des. No 290,  
of the 1<sup>st</sup> of May, regarding the  
situation caused by the recent  
hostilities of the warrior class  
of the Puro Section of the  
Masai.

MINUTE.

- Mr. Seel. 2/9/23
- Mr. Parkins
- Mr. Davis.
- Mr. G. Grindle.
- Mr. H. Read.
- Mr. J. Masterton Smith.
- Mr. Ormsby-Gore.
- Duke of Devonshire.

2607/23

*[Handwritten signature/initials]*  
Noted

2. I approve the  
action, as detailed in your  
despatch under acknowledgment,  
which <sup>you have</sup> ~~you have~~ <sup>decided upon</sup> ~~decided upon~~ <sup>in connection with</sup> ~~in connection with~~  
the penalties to be imposed  
~~on the same~~ in respect of  
the disturbances.

3. I presume that  
steps will be taken in the near  
future for the holding of the  
enquiry referred to in para  
21 of your Confidential despatch  
of the 1<sup>st</sup> of May.

2607/25

**Signed DEVON**

Sy

19 Dec 1913.

Sir,

DRAFT.

With ref. to my emp<sup>t</sup> desp  
of the 4<sup>th</sup> of Sept<sup>r</sup>, regarding the  
~~fine of 10,000 head of cattle~~  
~~imposed upon the action~~  
decided upon in connection  
with the penalties imposed  
in respect of the disturbances  
among the Kurko Masai,  
I shall be glad to receive  
info as to how much has  
been levied under para  
2 (a) (b) & (c) of Sir Charles

impl (3)

Mr. Coryndon  
MINUTE.

- Mr. Brett Dec 18
- Mr. Calder 18.12
- Mr.
- Sir C. Davis.
- Sir G. Frindley.
- Sir H. Ross.
- Sir J. Masterton Smith.
- Mr. Ormsby-Gore.
- Duke of Devonshire.

Mr. [unclear]'s conf. desp. No.  
429 of the 1<sup>st</sup> of August  
and how much it is  
proposed still to levy.

I would at the same  
time suggest that if the  
class has in recent  
months been well behaved  
the payment of the balance  
of the fines should be  
waived

J. C.

(Signed) DEVONSHIRE