



EAST AFR. PROT  
10122

C. O.  
10122

26 MAR 13

Prison, A.

1913

MASAI

13th March

States has received cable to the effect that High Court has allowed his clients to sue individually and also as representing general body of tribe. Points out it will be better that they should return to Laikipia by an act of the King's grace rather than by a successful action in the Courts. Suggests reports of veterinary officer on disease in the Southern Reserve should be called for.

Last previous Paper: No of 6/2450

Mr. Barclay  
Mr. J. Anderson

Ask: say that Mr. Harcourt does not propose to <sup>interfere with the course of</sup> ~~interfere~~ the action which is now pending in the High Court - & say with regard to the reports of the death of men & cattle in the new southern area, that Mr. Harcourt does not in making inquiry of the fwi: (see H. J. C.: 8479) - & send copy of the copy to the fwi: with ref: to our despatch: re

Copy sent to Mr. Barclay 7 April 13

H. J. C.: 8479

127.?

H. J. R. 26/III

Next subsequent Paper

No of 6/11982

629.3.13

11973.13

31-3-13 XJR 27/5

c/o Martin's Bank,

68 LOMBARD STREET.



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25 - 3 - 13

Sir,

Re MASAI MOVE.

Oleujogo & Others v The A.G. & Others.

I have the honour to inform you that I have received a cable to the effect that the High Court of East Africa, Mombasa, after hearing evidence and giving the Attorney General notice of the application has allowed my clients the plaintiffs to sue not only individually but also as representing the general body of the tribe and has granted them the conduct of the proceedings. This, I submit, completely disposes of the allegation of the local authorities that my clients did not represent the Masai and were only a few dissatisfied individuals.

Any order made in the present action will now bind the whole tribe, so that now there is a definite body with whom you can deal, with the full assurance that so far as the law is concerned the rights of the Masai can be definitely and legally settled. When I last had the honour of an interview the papers in the case as actually brought were not before you, but by this time they must have been received so that your legal advisers have had an opportunity of going fully into the case. Assuming for the moment that they have advised that my clients may win the case in the courts, I venture to point out that, so far as their relations with the Administration are concerned, it will be infinitely better that they should return to Laikipia by an act of the King's grace rather than by a successful action in the courts. I have never attempted to deny that the policy of the move is

Masai

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popular with the settlers in the Protectorate and the reversal of the policy and the recognition of native rights thereby recognised will cause some local outcry, on the other hand positive assurances have been given by yourself to the Imperial Parliament, that in this matter the interests and wishes of the Masai were being respected.

I have no complaint to make of the assurances being given in 1911 upon the materials that were then before you, but now I respectfully submit that it is clear to any impartial person that the real state of feeling among the Masai is very different from the alleged enthusiasm for the move reported to you by the local authorities. I have already heard the importance in this question of the cattle diseases prevalent in the new southern area, and have mentioned reports of men and cattle dying from the same disease. I have now received information to the effect that this disease is Anthrax and that cattle collected for my clients for sale have been quarantined on this account.

In view of the importance of this question, I would venture to suggest that the original reports of the veterinary surgeon be sent home for your consideration.

For the reasons I have already given I should be glad to learn that you, Sir, are prepared to reconsider the matter in view of the new facts now before you. At the same time my clients have no reason to shrink from the fullest and most exhaustive enquiry in the courts, but as the controversy must be a sharp one it will be impossible to continue the case with that consideration for the interests and persons in the Administration and that moderation which I think must be admitted have up to the present characterised the conduct of the case.

*etc*  
 Sir, I have the honour to be

Your most humble and obedient servant,

*W. Mott*

122

C. D.  
R. 2 APR



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10/122/13

DRAFT.

A. Morrison Esq.  
90 Mark Lane Bank,  
68 Lombard Street  
E.C.

MINUTE.

- Mr. Stimson 7.4.13
- Mr. Balfour 1.4.13
- Mr. G. Biddis
- Sir H. Just.
- Sir J. Anderson.
- Lord Emmott.
- Mr. Harcourt.

3 April 1913.

Sir,

I am directed by the Secretary Harcourt to acknowledge the receipt of your letter of March 28<sup>th</sup>, 1913, in relation to the proceedings which have been instituted in the High Court of East Africa & Uganda and other against the Attorney General and others, and in reply to inform you that Mr Harcourt does not propose to interfere with the course of the action which is

\* No 10122

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Copy for Mr. 7 April 1913

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Copy of 10/122 v. The aff. to Gov. for inf. L.F. ref. to desk in the/10/13