

1911

EAST AFR. PROT.

C.O.
31348S.P.
PL-57 SEP 11

31348

Governor | 478
 Guard |
 Date:

DEPT OF THE SECRETARY OF THE TREASURY

States of Minnesota, Iowa, Wisconsin, Michigan, Indiana, Ohio, West Virginia, Kentucky, Tennessee, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, and California.
 Territories of Alaska and Hawaii.
 District of Columbia.
 Virgin Islands.
 Puerto Rico.
 Canal Zone.
 Philippines.
 Samoa.
 Guam.
 American Samoa.
 Trust Territories.
 Other Possessions.
 Other Possessions.

W. F. TrotterW. R. Bean

Request to sign

Chittenden will be one of the members
 invited for calling the first
 session of the Protective Council.

Pat B.

Oct 3

S.P. 3/11.

at once.

A. J. R.
3/11

EAST AFRICA PROTECTORATE.

No. 478

GOVERNMENT HOUSE,

NAIROBI,

BRITISH EAST AFRICA

Ref 27 SPP II

August 28th, 1911.

SIX,

With reference to your despatch No. 327

will be seen the name to report as
follows on the case of the loss of Mr. H.
Clutterbuck's donkeys.

2. It appears from the evidence that
Mr. Clutterbuck on or about the 20th January, 1911,
engaged a ~~Spani~~ by name Ibrahim Mahomed whose
real name was Mahmud Warsama. The man produced
certain references from Major Toulson and others
which ~~are~~ probability were not his own but
had been stolen from another Ibrahim Mahomed
some time before and had in some way fallen into
his hands and were used by him to obtain employ-
ment from Mr. Clutterbuck.

3. Twenty two donkey mares, one very small
mare,

THE RIGHT HONOURABLE

LEWIS HAROURT, P.C., (M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

out before employing him as a servant.

I have the honour to be,

Sir,

Your humble, obedient servant,

mare and one donkey gelding were entrusted to Mahomed Warsama to trade for sheep in the Northern Masai Reserve. He reached Naivasha where he left the donkeys in charge of a Lamuwa and went himself by train to Nairobi. A strange Somali arrived at Naivasha with other donkeys which were put among the donkeys belonging to the latter. A short time afterwards the Lamuwa took all the donkeys and sold them to a man who had come from Mombasa. The man who had bought the donkeys in turn sold them to a man named Ali and so on. After some time Ali and his friends returned to Naivasha and waited there for Mahomed Warsama. When he came they told him that he and his friends could return to Naivasha and await the arrival of Mahomed Warsama. After returning to Naivasha and waiting three days for Mahomed Warsama to arrive, they went to Nakuru.

On arriving at Nakuru Dr. Bishopson enquired about the matter and the Town Magistrate, Nairobi, was asked to issue a warrant of arrest against Mahomed Warsama but this was refused on the ground of insufficient evidence and want of jurisdiction. The case was then sent back to Nakuru for further evidence and for a full description of the man; this was obtained and a warrant of arrest was granted by the Town

Magistrate, Nakuru, Mahomed Warsama had meanwhile escaped from the country and was supposed to have gone to Zanzibar but before inquiry at this place could be made he had left en route for Aden or Berbera.

9. Mr. Clutterbuck now approached me on the subject and I handed the matter over to the Crown Advocate to whom Mr. Clutterbuck wrote on the 12th March asking him to do everything to obtain the arrest of Mr. Warsama. The Town Magistrate did not grant a warrant of arrest. It instance, I think he must have got away at Nairobi. Description being given eventually resulted in Nakuru.

The Crown Advocate replied on the 23rd March to Mr. Clutterbuck's letter that the circumstances of the case were not such as to justify him in advising Government to take any steps to procure the return of Warsama. He also stated that the conditions of the Protectorate did not permit Government undertaking to attempt to procure the return of all fugitive offenders from the Protectorate, and that it was only in special cases that Government would take action at the cost of the community.

6. In reply to this Mr. Clutterbuck wrote again on April 4th to the Crown Advocate and threatened to hold Government liable for his loss.

loss. This more indicated that if the machinery of extradition was put into force he would be in a better position to recover the value of his donkeys than if he had to bring a civil action.

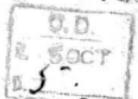
He demanded that Government should take over all the expenses of extradition without increasing in any way the expenses as is laid down in Colonial Office Circular of 25th June, 1906. It was agreed that the expenses of the police force would be met by the Government.

Mr. Clutterbuck's claim has been rejected but it is admitted that his loss is not less than £1000.

7. Mr. Clutterbuck's action against the Government for not affording him protection in this case, is, I think, entirely legal. It would have been illegal for the Government to issue a warrant for his arrest. Mr. Clutterbuck's complaint was upon and before the time when the case was out of the jurisdiction of the Town Magistrate, Nairobi.

8. In conclusion I feel that Government should be exonerated from all blame in this matter and that Mr. Clutterbuck must himself bear the brunt of his loss for entrusting property of a considerable value to a man about whom he did not take sufficient care to find out

Golf 31360 2nd



DRAFT. Sal. N. 565

Dr. Wm. F. Garrison

Lodging.

I have the pleasure to make the
receipt of your letter No. 478 of
the 28th of August, ~~intimating~~ ~~mentioning~~
regarding the loss of my

Mr. C. H. Cattell's baggage
& request that you will
inform me when I can
have ground for calling
in question the action

of the Govt. of the P.R. in
the matter.