

EAST AFR. PROT.
No. 24923

24923
JUL 08

Governor No. 281

(Subject.)

1908

Petition of Baroness v. Brown.

14 June

Last Junction Paper

(through the Solicitor to the Court) Complaining of refusal of Judge to grant her a writ to capture the young of certain birds named, claiming possession. Petition not shown after

15/6/07

(Abstract.)

Memorandum
No. 1014/08. This seems to be a copy of the petition regarding the grant of special licenses to kill or capture protected animals with a form of p. 361 of the annual Oct. Paper [Ed. 3189].

Request the Gov. to refer the petition to the S. J. P. reports that he is unable to see any ground for interfering in the matter.

H. J. R.

18/7

Enclose the petition to the Court and request that the Court will be asked to give a commission under the Act of 1874.

Case

18/7/07

Governor's Office, N.

Nairobi.

June 10th 1908.

WEST AFRICAN DIRECTORATE.

No. 291

(Incl. 2)

C O
24923
REC
11 JUL 08

My Lord,

I have the honour to forward a petition from Mrs. Bronsart submitted through Mr. Burk, her Solicitor now resident at Entebbe, and also a copy of a letter from Mr. Percival, the Acting Game Warden. I regret the delay in forwarding the same owing to the absence of Colonel Patterson, the Game Warden, on a prolonged tour in the Northern Reserve between the middle of January and the beginning of last month.

Mrs. Bronsart's
petition
14th

2. It will be seen from Mr. Percival's letter that a voluminous correspondence was commenced by Mr. Bronsart as far back as March 14th of last year and continued up to the present by Mrs. Bronsart or their Solicitor on the question of a concession for capturing a large number of wild animals ostensibly for the Ceylon Zoological Gardens at Colombo but in reality on behalf of Mr. John Hagenbeck, a member of the Hamburg Firm of animal importers.

3. Apart from their request to be allowed to capture your animals, or a greater number than is allowed on a sportsman's or Settler's licence,

which

W. E. PRINCIPAL SECRETARY OF STATE

FOR THE COLONIES.

DOWNING STREET,

LONDON, S. W.

which I have declined to entertain, Mr. Bronsart is a man with a very bad reputation both in this Protectorate and in German East Africa, and cannot be trusted to deal fairly with either the natives he employs or the game.

4. So bad indeed is his treatment of natives that when Colonel Baillie and Lord Howard de Walden took up 64,000 acres of land on the Athi River for capturing zebras and other game, and engaged Mr. Bronsart for the purpose, one of the conditions of their lease stipulated that Mr. Bronsart's position should be that of an employe only, and that he should have nothing to do with the engagement or payment of the natives.

I have the honour to be,
With the highest respect,

My Lord,

Your Lordship's most obedient,
humble servant,

Frederick ...

No. 257 of 1908.

Entebbe

Uganda.

20th February 1908.

To

24923

The Right Honourable
The Earl of Elgin
Secretary of State for the Colonies
London.

Ref
11 JUL 08

My lord

I have been instructed by Miss Annie Bates now Baroness Broussart to write to you with reference to the loss she has sustained through the refusal of his Excellency the Governor of East Africa to grant her a permit to capture the young of certain wild animals.

Being desirous of establishing a wild animal farm in British East Africa for the purpose of supplying Scientific Societies and others in Europe with specimens of various wild animals, she in 1906-7 instructed her agent Baron von Broussart to make enquiries on her behalf. This gentleman was informed by the then Sub-Commissioner ^{of Entebbe} in the presence of Assistant Collector Fisher, that it was permissible under the Game Regulations to kill or capture the young of wild animals to the number mentioned in the Sportsman's Licence, and that to capture the calves of the rhinoceros for example, it was permissible to shoot the mother. Miss Bates' agent was further informed that although the regulations did not

permit young animals to be captured or the female of certain animals with young to be killed, those regulations were altered, though the alterations were not set forth.

On the faith of this information thus given to her agent Miss Bates invested the sum of Rs. 20000 (or £ 1333) in an outfit and expedition for catching wild animals. The expedition included a doctor who was engaged for a year two Europeans and their outfit, and a number of donkeys, mules, cows and goats and a number of natives trained in catching wild animals and various appliances.

After all this expense had been incurred and the expedition and its outfit was in East Africa prepared to begin work, Miss Bates' agent was informed that their operations were illegal and must be discontinued. Application was then made by Miss Bates to His Excellency the Governor for his permit to continue the undertaking. A discretionary power is vested by the Game Regulations in the Governor to allow the young of any animals to be killed or captured and the mothers killed, and if any case called for the exercise of such discretion, Miss Bates' did. She had invested capital to a considerable amount on the faith of information given to her agent as responsible Government officials, and that information turned out to be inaccurate, Miss Bates should

have either been given the special permit necessary, or should have been compensated for loss of her money. Independently even of having been entitled to rely on information given her, Miss Bates' undertaking was one specially calling for the exercise of the discretionary power in her favour. Museums, Zoological Societies, and scientists must be supplied with living specimens of ferae naturae, and as they can not procure such specimens themselves, they rely entirely upon persons like Miss Bates who invest capital in the hazardous attempt to capture and export such specimens. No case can therefore be conceived which more strongly calls for a rational exercise of the discretionary power of the Executive than the undertaking of Miss Bates. With persons such as her, specimens of the living ferae naturae of Equatorial Africa can not find their way to Europe. It is difficult to understand the discretion which permits the slaughter of wild animals by sportsmen and refuses leave to capture living specimens for export to Europe, America & other parts of the world. Miss Bates embarked in this business for the purpose of making a profit is no argument against granting her permission to capture & export the young of wild animals. No one would embark in an undertaking attended with such risks and hazards as that of capturing and exporting wild creatures from

motives of pure philanthropy, and if the
object of Miss Bates' Business was
beneficial to the Cause of Science and
Education in Europe & elsewhere, that
affords ample justification for official sanction
and support of her undertaking.

It may be alleged by the officials concerned
that they did not give Miss Bates' agent the
information to which reference has been made.
Her agent is ready to depose on oath to the fact
that he was so informed. The best proof that
such information was given is furnished by
the fact that Miss Bates equipped and sent
out the expedition. Is it conceivable that
without having received such information
she would have done so?

Under these circumstances I have the
honour to ask on behalf of my Client Baroness
Wonsart then Miss Anne Bates that your
lordship will be pleased to direct either of
two courses to be taken (A) that permission
should be given under the Game Regulations
to her to carry out her work of capturing young
innocents to the extent to which she pays license
duties or (B) that she should be compensated
by H. M. Government for the Capital
which she can prove she expended in the
undertaking.

I have the honour
to be, my lord
Your lordship's obt. servt.

W. B. Bates

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June 28

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Colonel Ranper's Office,

Nairobi,

June 28. 1908.

C O
24923
11 JUL 08

Your honour:-

I have the honor to submit the following report on Mr. Bronsart von Schellendorf:-

My first meeting with Mr. Bronsart was in 1902 at Mbuguni near Mount Kilimanjaro where he was in charge of a zebra and wild game capturing venture for a German firm.

I then recognised that though Mr. Bronsart was extremely clever at the capturing of animals he failed either to train or even keep them alive.

The German officials were then very much against Mr. Bronsart but I did not learn the reasons. Soon after this company for whom the zebra ranch was run gave up the venture and Mrs. Bronsart came to British East Africa. Here she hunted for a while and gave some trouble over skins of incosera caught by a Russian Count.

This gentleman wrote in asking for permission to travel inland out of the country.

The Lieutenant-Governor

Went out and shot the animal and then found that it had been given to Mr. Bronsart if it could be exported.

Permission was given by Sir Charles Elliot to export it on the one condition that it was presented to a Russian Zoological garden. This however did not suit Mr. Bronsart and I then confiscated the animal-

About this time Mr. Bronsart assaulted a Nasai who was in my employ but before the case came on the boy "deserted"- leaving the greater part of a month's pay due to him. I believe Mr. Bronsart made it worth while for the boy to disappear.

Soon after this a Somali brought an action against Mr. Bronsart for firing a rifle, apparently at the Somali, but here again the case fell through owing to the summons being delayed and at this time Mr. Bronsart appeared, the Somali had gone to Berbera.

Acting for Colonel Baillie in 1908 Mr. Bronsart started zebra catching at Athi River and though he succeeded in capturing a number of zebras he failed, from various reasons to show any results.

Amongst other "mistakes" he committed about that time was the shooting of some cheeta, the explanation being accepted by Sir Donald Stewart.

While at the zebra ranch he continually broke the Game Regulations by shooting far more than the five head of game, allowed on his settler's license - of his able to avoid trouble by stating that the extra animals were shot on the zebra estate, this being allowed by the Regulations of 1904.

On the closing down of the Athi River Zebra ranch, Mr. Bronsart acted as leader to a collecting Expedition under two Swiss gentlemen.

There was however trouble and the finished the trip without Mr. Bronsart. He also led one of the other smaller parties and with one of these met Miss Bates - now his wife.

After some months absence from East Africa he returned and started the series of applications for permission to capture animals for the Cologne Zoological Gardens.

This was started by his presenting a formal letter of introduction from the Governor of German East Africa, January 25th. 1907, which distinctly stated that Mr. Bronsart "is proceeding in British East Africa as the representative of Mr. John Hagenbeck, for the purpose of capturing various ^{wild} animals for export and sale". With this letter is also one from Mr. Bronsart to the

... 1st. 1907 where he says he is acting for
... the well-known animal dealer,
asks for permission to capture a large number of animals
from elephants downwards.

This application was refused. Mr. Bronsart again
states in his letter of 22nd. March 1907 that he only
acted as Mr. John Heyenbeck's agent. In this letter he
also states distinctly that the refusal "does not affect
my personal interests at all as my principal business
is in German East Africa".

On 14th. June 1907 His Excellency applied for a
permit to capture animals and states through Mr. Burn
that owing to her agent presumably Mr. Bronsart having
been verbally but officially informed by the Game Bureau
and at the Sub-Consulate's office that he could
capture young animals he had spent on her behalf
Rs. 15,000.

On 11th. July 1907 His Excellency the Governor
asked Mr. Burn on the subject and informed him that as
this was purely trading transaction between His Excellency
and a well-known dealer in animals it could not be
entertained.

Mr. Burn was also informed by His Excellency
that if the Government of German would apply for such

high animals as might be required for the Colombo Zoological Gardens the matter could assume another complexion.

On 2nd. August 1907 Mr. Burn again wrote, now on behalf of Mr. Bronsart in which he claims that his client had spent Rs. 8,000 to Rs. 13,000- the latter figures being added above the line. You may notice by this that the expenditure has in three months become reduced.

This application state as grounds for granting Mr. Bronsart the surmission "is shortly that he has spent Rs. 8,000 to Rs. 13,000".

In Mr. Burn's previous letter of 18th. June it was apparently Miss Bates who had spent the money- and both Miss Bates and Mr. Bronsart are yet only agents for Mr. John Hagenbeck. In the same letter the question of his having been told by the Game Ranger and Sub-Commissioner is again brought forward.

On August 7th. 1907 the German Vice-Consul at Mozambique writing on behalf of Mr. Bronsart admits that the Game Ranger refused to verbally give him official information but stated that he got it at the

Game-Commissioner's Office, Nairobi- This is stated by the Sub-Commissioner after receiving the application.

the letter closes with a threat of legal action.

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Through Mr. Burn, Mr. Bronsart was informed that he could export any animals he might capture under the authority of his license and special licenses, and the German Vice-Consul was informed that careful enquiries had failed to bring to light anything in support of Mr. Bronsart's statements and it is pointed out that Mr. Bronsart had acted throughout in a highly irregular manner the more so as his wife (Mrs Miss Bates) when in Ensl was warned by His Excellency that it was highly improbable that a special license would be granted.

On the 10th. October 1907 Mr. Bronsart again wrote and renewed his application, but his expenses were then given as being Rs. 8,000 to Rs. 10,000.

On the 23rd. November 1907 a most definite refusal to entertain the many applications was sent to Mr. Hans Bronsart.

On 28th. February 1908 the application to the Secretary of State was submitted by Mr. Burn on behalf of Miss Annie Bates now Baroness Bronsart.

Looking over the voluminous correspondence with Mr. Bronsart and his present wife one cannot help seeing how very ready they are in change both figures and

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and statements on the question of expenses incurred.

In Mr. Burns's letter of 14th June 1907 Miss Bates applies for permit and argues that her agent has spent Rs. 15,000. On August 2nd, Mr. Burns writes on behalf of Mr. Brensart stating that he ought to have his permit as Mr. Brensart has spent Rs. 9,000 to Rs. 15,000, the latter being added above the limit of 10,000.

October 2nd, Brensart himself writes that his expenses had been Rs. 10,000.

The first statement that he had been "officially" informed by the Chief Surgeon, himself, was incorrect as is shown in the German Vice-Consul's letter of 21st August 1907 and at his interview with His Excellency.

The understand was in which they tried to obtain the required permit by Miss Bates' application, and then by the ridiculous statement that Rs. 15,000 have been spent in out fitting after the heated conversation with the Provincial Commissioner, Calcutta, in 1907 which is enough to show the sort of a job they were to have done.

The engagement of a doctor consisted of putting up at his camp for some time a doctor who had been obliged to leave Mr. Macmillan's employ. The training of boys is distinctly doubtful as Mr. Brensart says

can seldom keep a boy for even one month. He is in

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continual trouble about boys and when I visited Kitul I found boys who had left him a few days before not having completed one month or received their pay.

The purchase of donkeys quoted as part of the expenditure is only such as any one travelling about the country would make, and these donkeys would always bring as much as they cost.

The following little incident is from what I have seen of Mr. Bronsart's characteristic :-

I was travelling down the line and at Kitul was joined in the carriage by Mr. Bronsart. While his boy was putting his things in the carriage a Railway servant spoke to Bronsart warning him to get the boy out as the train was about to start. The moment this man left the carriage Bronsart put the boy into the lavatory attached and on my remonstrating said he liked to show people that Regulations could be easily broken. The boy did not however go by the train being turned out at the last minute by a Railway servant.

Personally I have seen at various times a great deal of Mr. Bronsart's and as a thinker and capturer of game there is no doubt that he is extremely shrewd. His knowledge of game is also wonderful but beyond

...this I do not think any one can say good word

...he has always been a most jealous shot. Two things that usually go together.

Moreover he has been he has always given trouble about natives and when he was engaged by Colonel Baillie, a special clause was inserted in the latter's lease which it clear that Mr. Wendart was only engaged as an employee and would have nothing to do with the payment of natives. But even then there was trouble and he would not keep labour on the ranch and I have little doubt that it was owing to trouble with his men that the big lot of natives were allowed to escape from the place.

On the whole I am very much against any concessions being granted to Mr. Wendart or any one who opposes him to capture game. He has done nothing to improve my opinion of him since he came into the Territory but has given good ground for distrust.

A case is pending now at Kitiu against him for breach of the Game Regulations where he has tried to get his old story of breaching the Regulations and at once reporting the matter as a mistake or misunderstanding.

I consider the man quite unwritable.

I have the honour to be,

Your Honour's

most obedient humble servant.

Atlayne Perceval

Acting Game Warden.

For
2492 1/2 Ed. 1

July 18
577

Gray

Si

DRAFT

E. H. Post. No. 338
Int. J. H. Sadler

MINUTE.

- Mr. Hatcher
- Mr. Reed 23
- Mr. Just
- Mr. Andrews
- Mr. Cox
- Mr. C. Lucas
- Mr. F. H. Spence
- Mr. Churchill
- The Earl of Elgin

I have the honor to
ack the recd. of your letter
No. 281 of the 18th of
June last forwarding
a petition addressed to
me on behalf of Mrs.
Bronson in reference to the
law (which she has
obtained through the refusal
of the port of the Edict
to grant her a permit
to capture the young of
certain wild animals in
the Port

I have to request
that Mrs Bronson may
be info that I have
read her petition but that
I am unable to see any
ground for interfering with her