

EAST AFR. PROT  
4/148 <sup>15</sup>/<sub>16</sub>

4148  
REC'D  
JAN 16 1909

Refer.  
Kensington 906

1915

29 Dec.

Last previous Paper.

Fine under Collective Punishment  
Act 1909.

Report areas in which fine of Rs. 2000 was  
imposed on location for the death in respect of  
murder of a Lumbwa native. and request  
approval of action.

Mrs. G. Fiddes.

Approve of the action  
taken?

H. J. R.

28/12/16

at home 29/1

Ans. to 326/16

Next subsequent Paper.

3863/16

EAST AFRICA PROTECTORATE.

No. 298.

GOVERNMENT  
NAIROBI.

674  
4148  
JAN 16 1916

BRITISH EAST AFRICA.

December 29th, 1915.

Sir,

In accordance with section 8 of "The Collective Punishments Ordinance 1909" I have the honour to report the circumstances under which I have deemed it advisable to inflict a communal fine on Location No. 14 Sotik in respect of the murder of a Lumbwa native.

2. About the 13th of September a Lumbwa crossed the boundary into the Masai Reserve with flour which he desired to sell. He never returned and a few days later his relatives went in search of him and found his body in the bush: it was clear from the evidence produced that he had been murdered.

3. This deed appears to have inspired certain Lumbwa of the dead man's location with a desire for revenge, and about the 22nd of September two youths went out with the intention of killing a Masai. By an extraordinary coincidence, another Lumbwa native had

THE RIGHT HONOURABLE

ANDREW BONAR LAW, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

had chosen to go and spend that night in the Kraal of some neighbouring Masai, and it so happened that the would-be murderers selected that particular Kraal for the scene of their revenge. The result was that they wounded a Masai and killed their fellow-tribesman in mistake. They then with their parents betook themselves to the bush and did not return until the usual blood-money had been paid to the relatives of the deceased.

4. Three weeks later the District Commissioner held a 'baraza' in Sotik at which the chief of location No.14 and a number of the elders, including the father of one of the murderers, were present. All present denied any knowledge of the affair and said it was impossible for it to have been committed by Lumbwa. The next day another Sotik chief informed the District Commissioner that not only had the murder been committed by men of location No.14 but that the fact was generally known and that blood-money had actually been paid by the clan. Armed with this knowledge the District Commissioner held another 'baraza' in location No.14 and suggested that possibly two of their men might have gone out at night with the intention of killing a Masai and killed a Lumbwa by mistake. The idea was scouted as being absolutely ridiculous and the District Commissioner was assured that it could not possibly have happened. The next day therefore he visited the scene of the murder and, having taken all the evidence of the Masai, produced one of the Lumbwa who as relative of the deceased had been paid blood-money.

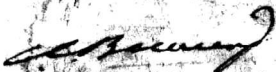
5. After this the father of one of the murderers confessed and gave an account of the affair and subsequently the men themselves acknowledged their guilt. The District Commissioner states that it appears to him after enquiring into the case in his capacity as a Second Class Magistrate, to be incredible that the facts of the case should not be known throughout the whole location and, as I saw no reason to dissent from this view, with the advice of the Attorney General, I ordered a fine of Rs. 2,000 to be imposed, of which Rs. 750 should be paid as blood-money to the relatives of the deceased, Rs. 150 to the wounded Masai, and Rs. 100 as a reward to the informer.

6. I trust you will approve my action in the matter.

I have the honour to be,

Sir,

Your humble, obedient servant,



*in the name of the*  
GOVERNOR

Gov. 4148 / <sup>1515</sup> / 1916

677

E.A.P.

2

And

SO

3 Febry 1916

Sir,

DRAFT.

E.A.P.

Rs 76

Rs. 76 Belkield

MINUTE.

Mr. Harper, 1/2/16

Mr. Bottomley, 1/2/16 f.

Mr.

Mr.

Sir G. Fiddes.

Sir H. Just.

Sir J. Anderson.

Mr. Steel-Maitland.

Mr. Bonar Law.

I have the honour  
to ackn the receipt.

of your despatch, No.

906, of the 29<sup>th</sup> Dec

and to inform you

that I approve of

your action in imposing

under the collective

Penalties Ord<sup>ce</sup>

1909, a fine of

Rs. 2000 upon location

No. 14 Solik in

respect of the murder of

a Lumbwa

native

~~E~~

LAW.

Lumbwa

native

2

LAW.