

1931.

Kenya.

No. 17398.

SUBJECT

CO 533/417

*Appointment of Mr J.W.B Dougall as
Educational Adviser to the Protestant Missions
in Kenya and Uganda.*

(Funds provided by the Carnegie Corporation)

Previous

*See 15537/29
+ 22700.EA(P.F.)*

Subsequent

3211/33.

57
END

75, Charrington Street,

Oakley Square,

London, N.W.1.

Telephone:-
Museum 4496.

• at any time - The point I would desire to make clear is that the financial ruin into which I have been thus plunged, is the direct result of my husband's illegal imprisonment, leaving me unprotected & also in complete ignorance of what had happened in 4 days, beginning from Jan 4, 1959 which state of things remained until 14 days after, when bail was admitted, when our solicitor was there to correct the Magistrate as to his former decision - which cruel blunder was admitted by him -

May I beg for an ex gratia payment for the damages I have sustained under the above circumstances, from Government? I have, of course, documentary evidence in support of what I have said, & there is the finding of the Supreme Court, which acquitted my husband, at the end of the trial, which proved there was no evidence against him

I am, dear Sir

Yours faithfully,

Caroline Frances Patridge Tatchell Oakley

To
Sir Robert Hamilton M.C.

Under Secy of State for the Colonies -

I have been able to
realize enough stock

75, Charrington Street,
Oakley Square,
London, N.W.1.

Telephone-
Museum 4496.

to pay my 3rd class

passage home, altho' I have had to
honour the money to pay for my husband.
In your further information I might say
we had been living 10 years in the
Lane, & I was the first white woman
to set foot there at that time - 1919.

I am now suffering that compensation
may be granted to me for the actual
monetary loss from which I am suffering,
as a direct result of the injustice to my
husband, & for the complete ruin brought
upon me in the breaking up of our home.
You will also realize that my health
has suffered considerable damage, & I had
all the additional expense of Doctor's,
Hospital, motor hire etc, as well as death
duties to pay, & as I have again narrowly
escaped a second attack by natives
concealed in the house at night, in February
of this year, & police protection is withdrawn.
I am obliged to leave my home, practically
deserted, but for the kindness of a neighbour,
who of course may be obliged to leave

death, the native Eskani (armed) who was
 detailed by the Police 75, Charrington Street,
 to be on guard at my home Oakley Square,
 Telephone- Museum 4496. see me at night fall London, N.W.1.

the day left, I had been there regularly
 from March 10th or so, & on whom of
 course I was relying, in some manner
 properly explained reason, did not turn up
 which fact was known to the natives by
 whom I was surrounded, but not by me -
 The result was a brutal attack upon me
 by a gang of men, who were some of them
 concealed round, & some in, my house,
 who sprang out upon me as I entered
 the door at 8.15 PM & left me for dead,
 whilst they, completely rifled the house of
 everything valuable they could find, & all
 my cash, amounting to £30 & some
 old family silver etc, none of which has
 been recovered - On this last occasion
 my losses amounted to some £200, at
 the least. My position, on recovery from
 the injuries received, was that I had to
 again return to live on the farm alone
 on face complete ruin, as all my available
 capital, some £5,000 was vested in it
 & I was unable to afford the journey home.
 By waiting, at risk of my life, until now,

judged, foredoomed only by my terms, all night
at great personal risk, as subsequent events
proved - On my husband's coming up before
75, Charrington Street,
Oakley Square,

Telephone:
Museum 4496.

London, N.W.1.

The same magistrate at Shika 14 days after, he admitted bail should have been given on the first occasion, altho' of course the damage to my husband's health & reason, & to our joint property had already occurred - My husband was never the same man after his 14 days wrongful imprisonment, he never slept for 7 nights, & lost over 14 lbs in weight, the agony of mind he went through on account of his fears for me, & the fact that he broke his nervous system, & finally led to the break down, ~~in~~ ^{the} ~~whole~~ ^{whole} ~~conclusion~~ ^{conclusion} he took his own life on March 7th when the last straw, in the shape of unmanly & unmanly insults was put on him in Court by the Crown Council on the 2^d day of the hearing, unbalanced him, & evidence was given at the inquest proving this. The injustice did not stop, however, with his death, as the inquest was held without acquainting me of it, or giving me the opportunity of stating facts known only to me - & producing documentary evidence in support, as I desired to do. I have never been able to obtain any justice, or even a fair hearing, in Kenya -
On April 9th 4 months after my husband's

271 to 100 (3) Dec 9th 1931

75, Charrington Street,
Oakley Square,

47

Telephone:-
Museum 4496.

Dear Sir.

London, N.W.1.

Following my interview with your
Private Secretary this morning, & acting on his
advice, I am unhesitating to lay the
matter in writing before you, upon which
I desire an interview, for which purpose
I have recently travelled home from Kenya
Colony -

On Jan 4th 1929 my husband, Robert Oakley
Pittier & Coffee Planter, of Athi Park, P.O. &
district of Thika, was sent to prison for 14 days
uncharged, & with bail refused, by the then

2^d class Magistrate of the above district
Mr. V. M. McKeeq - As a direct & immediate
result of this, the natives raided our farm of
Athi Park aforesaid, to wit 3 nights after
the owner's unprec & unexpected absence, &
stole cattle to the value of £50, which
were never traced. Further I was left alone
entirely unprotected 54 miles out of civilisation,
with no means of communication, & quite
ignorant of what had happened to my
detain my husband from returning on the evening
of Jan 4th as arranged - After 14 days in this
very unsafe predicament, a second attempt
was made to break open cattle sheds, &
removed 20 head of milk cows, value £160
but they I purchased myself, & remained on

the sum of £250 as the amount of her
claim for compensation, adding that when
she applied locally for compensation
she was informed that the matter was one
for the Colonial Office.

I have, etc..

(Sgd.) P. CUNLIFFE-LISTER.

when the policeman who had previously been guarding the house nightly was not present.

3. Mrs. Oakley has subsequently had an interview with Sir Robert Hamilton, who advised her that it would be quite useless for her to press any claim in respect of her late husband's imprisonment. I have, however, no information regarding the attack on her farm and on herself other than that contained in certain cuttings from the local press: but I note that, ⁱⁿ course of the Court proceedings reported in the issue of the East African Standard for the 11th June, 1929, ~~that~~ the reason for the absence of the police guard was given although the explanation is not recorded in the report.

4. I shall be glad to receive from you a full report with regard to Mrs. Oakley's representations. I may say that at the interview referred to she mentioned
the

C. O.

17394/31/Kenya.

pc
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S. D.
R. 3 JAI
D 20 v

Mr. Eastwood. 13/1

Mr. Freeston. 13.

Mr. Allen. 16/1

Mr. Parkinson.

Mr. Tomlinson.

X Sir C. Bottomley. 18/1

Sir J. Shuckburgh.

Permt. U.S. of S.

X Parly. U.S. of S.
wishes to see.
Secretary of State.

18.1.32 p

DOWNING STREET,

21 January, 1932.

Sir,

DRAFT. FOR CONSON:
v. minutes

KENYA.

(6 on 15644/29)

NO. 52

GOV.

Hand 10

Fr. Mrs. Oakley, 9th Dec.
No. 1.

With reference to the
correspondence ending with Lord
Passfield's despatch, No. 632 of the
14th August, 1929, I have the honour
to transmit to you a copy of a letter
addressed by Mrs. Robert Oakley to
Sir Robert Hamilton M.P., Parliamentary
Under Sec. of State for the Colonies.

2. You will see that Mrs.
Oakley claims compensation from the
Kenya Government -
- (1) in respect of her late husband's
imprisonment,
 - (2) in respect of the losses she
has suffered and also the assault
upon herself on the 9th April, 1929,

when

6

Extract from a letter from Major W.P.Colfox, M.C., M.P.,
to Sir Philip Cunliffe-Lister, dated
19th January, 1932.

x x x

There is another matter to which I want to call your attention. Mrs.Oakley was living at Athi Park, Chania Bridge, Kenya Colony - And owing to serious trouble and the death of her husband, was living there under police protection. Suddenly, without any notice to her, and without giving her the chance to make other arrangements, this police protection was withdrawn. The consequence was that on the very first night after the police left she was attacked, and left for dead, and her house looted by natives. She was caused very serious harm and loss, and has had to leave the country. She considers that she is entitled to compensation for having been left at the mercy of the natives without warning. Can you tell me whether she will be in any way compensated?

x x x

7

26th January, 1932.

My dear Colfax,

You will remember that I promised to look into the question of the claim for compensation which Mrs. Oakley wishes to bring against the Kenya authorities for injury and loss due to the withdrawal of police protection. I now find that Mrs. Oakley had an interview recently with Hamilton, the Parliamentary Under-Secretary here, and that as a result a despatch has been sent to the Governor asking for a full report with regard to Mrs. Oakley's representations.

Yours ever,

(Sgd.) P. CUNLIFFE-LISTER.

to see me again as
 the subject of my
 compensation, which is
 awaiting the King's
 Government's despatch,
 I am ready to come,
 I must hardly say
 how anxiously I am
 awaiting the Colonial
 Chief Secretary's verdict.
 It is a very serious
 matter indeed to me

I can assure you, as
 in the matter this
 letter chiefly deals with
 thanking you in anticipation
 for your attention to this.

Yours sincerely
 Caroline Dakeley

LA VALETTE,
 UPLYME,
 DEVON

When this very upsetting
 news arrived for me,
 by last Kenya Mail,
 I should have called
 at the Colonial Office
 hoping to see you in
 person, as it is I am
 here for another week
 or so, & a letter to
 above address will
 always find me, as it
 is my sister's home -
 Whenever you may desire

patched if you would
 kindly write or wire
 as soon as possible, &
 request the District Officer
 Momba not to interfere
 with my cattle, or the
 selling of them in any
 way. D. Dennis is entirely
 competent, & has lived
 a great many years in
my district of Kenya, &
 has my entire confidence
 & is a very old friend of
 my husband's & mine -
 Had I been in London

40

out of S. Dennis's hand a great injury, & that
the selling of my stock is no justification for this,
while he has my authority ~~my~~ labour is all
to do as also the Managers Squatter labour, & they
of the Standard Bank have unbounded praise
Nuroki (who acts for me in all these cattle all
also), knows, & has personally the par round, they are
& in writing confirmed, all under contract, to
that to S. Dennis quite work when required to
recently, as he tells me do so, in which S. Dennis
in a letter dated Jan 21. & pays them. All my labour
naturally to sell cattle tickets are signed by them
off my farm in a bank of each Native at
humane fair-awake the end of his month
manner, is doing me when he receives payment.
I should be so deeply

out of S. Dennis's hand a great injury, & that
the selling of my stock is no justification for this,
while he has my authority my labour is all
to do as also the Managers Squatter labour, & they
of the Standard Bank have unbounded praise
Hanski (who acts for me in all these cattle all
also), Messrs, & has personally the per round, they are
& in writing confirmed, all under contract, to
then to S. Dennis quite work when required to
recently, as he tells me do so, in which S. Dennis
in a letter dated Jan 21. & pass them. All my labour
naturally to sell cattle tickets are signed by them.
off my farm in a bank of each native at
hurried pie-a-ucey the end of his month
manner, is doing me when he receives payment.
I should be so duply

Feb 17-1932 LA VALETTE,
 UPLYME,
 DEVON.

Dear Sir Robert Hamilton,

I am greatly worried
 by a letter I have just
 received from Kenner, from
 the gentleman who is
 kindly looking after my
 farm, Athi Park, Thika
 Mr. F. H. Dennis, who tells
 me that the District Officer
 Thika is interfering very
 much, & in quite an
 unnecessary manner,
 with his management,
 going so far as to take

Copies of 2 letters.

75, Charrington Street,

opposite Mrs Oakley's Oakley Square.

Telephone:-
Museum 4496.

Case.

London, N.W.1.

Temple House

4.4.32

Lyons Regis.

I have overhauled Mrs Oakley's teeth, & find it necessary to remove several. The 4 upper front ones were evidently injured by blows, & had become loose & septic. The necessary denture has been made of that.

F. B. Geake. L.D.S. H.C.S.E.

Apr 4th 1932

Springfield

Lyons Regis

During the past week I have had two opportunities of seeing Mrs Robert Oakley - on one of these occasions I had to administer an anaesthetic so that she might have her teeth extracted, these teeth were loose & septic & two of them were dead teeth. I believe that the condition of these teeth was due to the injuries she received.

As regards her general condition I found her nerves reflexes to be somewhat exaggerated & that she was somewhat over emotional, both of which conditions can, in my opinion, be attributed to the ordeal through which she went, when she was attacked in Kenya.

A. J. Sumner

N. B. C. H. B.

- 3 -

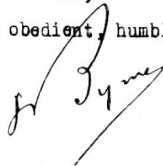
service has in fact been performed free of charge I am unable to accept the assumption implied in Mrs Oakley's letter that this Government was under any obligation to afford her special protection after her husband's arrest on a criminal charge any more than it would be in any other and similar case, nor can I agree that Government can be held financially responsible for any loss which she may have suffered during her husband's confinement or through his suicide.

7. In regard to the final sentence of your despatch there is no record of Mrs Oakley having been informed as stated. Representations were however received on her behalf from Messrs. Shapley, Schwartz and Barret, Solicitors, who were informed that the matter had been closely considered and that no ground was seen for any ex gratia award to Mrs Oakley.

I have the honour to be,

Sir,

Your most obedient, humble servant,



Brigadier-General,
GOVERNOR

Handwritten note: Mrs Oakley's house = £200

Mrs Oakley to the Police that cash to the value of £30 was stolen. A report was however made that a box containing Jewellery and silver to the value of £25 (not £200 as now stated) had been removed from the house.

5. In regard to Mrs Oakley's statement that she was left alone and unprotected, I am informed that subsequent to her husband's arrest arrangements were made by the Police Authorities, commencing on the 6th January, for the farm to be visited free of charge each night by an African constable.

It will be observed therefore that the statement that a native policeman was detailed to be on guard over her at her farm from nightfall until ~~day light~~ is not in accordance with facts.

It is unfortunate however that the native policeman detailed to visit the farm was, on the night on which the assault on Mrs Oakley occurred, sent by the local Justice of the Peace (to whom he was posted) to deliver a letter and did not return that night.

There was however no question of the withdrawal of Police protection.

6. I would add that Mrs Oakley has on several occasions after the events in question applied for permanent Police protection which has been refused as she was unable or unwilling to pay the charge for this service. The nightly patrol to which I have referred has however continued up to the present date with the one exception mentioned, but although this service/

?

10 34



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

KENYA.

No. 117

RECEIVED
4- APR 1932
COL OFFICE

// MARCH, 1932.

Sir,

No. 5

I have the honour to acknowledge the receipt of your despatch No. 52 of the 21st January enclosing a copy of a letter addressed by Mrs Robert Oakley to Sir Robert Hamilton, M.P.

2. Full details of the circumstances surrounding Robert Oakley's arrest and imprisonment were communicated in Sir Jacob Barth's despatch No. 376 of the 24th June, 1929, and it is presumed from the ~~opening~~ sentence of paragraph 3 of your despatch that no further report in this connection is required.

3. I am informed by the Commissioner of Police that Mrs Oakley is correct in stating that cattle to the value of approximately £50 were stolen from her farm on the 8th January, 1929, and have not yet been traced. There is however no Police record of the attempt which Mrs Oakley alleges was made on the 21st February, 1929, to break open cattle sheds on her farm.

4. In regard to the attack on Mrs Oakley's person on the 9th April, 1929, I am informed that no reference on that or any other occasion was made by Mrs Oakley/

Unsubd 364 11 MAR 1932

No. 5 on 15644/29.

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.

fact before me, I ^{regret} ~~hope~~ that I

am unable to support her claim

for ex gratia compensation, and she is being

~~has been considered to be satisfied~~
in this sense!

C. O.

Mr. Priestman. 15/4/32.

Mr. ~~Smith~~ vs

Mr.

Mr. Parkinson.

Mr. Tomlinson.

X Sir C. Bottomley. 16/4

Sir J. Shuckburgh.

Perm. U.S. of S.

Parly. U.S. of S. *North* *ps*

Secretary of State. 18.4.32

17394/31.

(over)
P

DOWNING STREET,

April, 1932.

QTO. FOR SIR R. HAMILTON'S SIG.

Dear Mrs. Oakley,

2 DRAFT. B.

MRS. OAKLEY.

We have now received a report from the Government of Kenya, who state that they cannot accept ~~any~~ liability for payment of compensation to you for any loss you may have suffered by reason of ^{the incident at} ~~theft of~~ *Atli Park in 1929* ~~cattle or effects~~, and after careful consideration of the facts before ^{him} ~~me~~, the Secretary of State regrets that he is unable to support your claim for ex gratia compensation.

.....
(Signed) R. W. HAMILTON.

12³²

Mr. Priestman. 15/4/32.

17394/31.

Mr. *Smith* 5

Mr.

Mr. Parkinson.

Mr. Tomlinson.

X Sir C. Bottomley. 16-4

DOWNING STREET,

Sir J. Smuckburgh
Permt. U.S. of S. 19/4

19 April, 1932.

Parly. U.S. of S.

QTO. FOR SIGNATURE BY

SIR P. CUNLIFFE-LISTER.

X Secretary of State.

DRAFT.

Dear Colfox,

Wm W. Colfox, M.C. M.P.,

In your letter of the 19th of January, you invited my attention to the case of Mrs. Oakley's claim for compensation against the Kenya authorities.

We have now received a report from the Government of Kenya, who state that they cannot accept any liability to compensate Mrs. Oakley for any loss she may have sustained ^{in value of which she has} owing to the theft of her cattle ^{and} ~~or other effects.~~ After careful consideration of the facts

75, Charrington Street,

Oakley Square,

Telephone:-

Museum 4496.

London, N.W.1.

A further attempt at mine Cattle Stealing was made a few nights afterwards, had this not been frustrated by my own single-handed efforts, maintaining standing on guard all through the night outside their loose boxes, another £200 worth of Cattle would have been taken. This was also reported to the Kenya Police.

2 I have made application to the War Office in payment of the balance of my late husband's pay, who served from 1914 to 1919 in the I. S. in the East African Campaign. He only received the pay of a Private, whereas he was a 1st Class Warrant Officer, & I have all 3 of his medals, which are so inscribed. I thought these worthy me to show you today, & will do so again, if you will be so good as to arrange an interview, I am naturally very anxious that you should put case No 1 before the Secretary of State for the Colonies; & also deal with Case No 2 at your early convenience - the War Office having referred me to you -

Yours sincerely,
 Caroline Dakley.

April 22nd - 1932

75, Charrington Street,

Oakley Square,

Telephone:-
Museum 4496.

Dear Sir Robert Hamilton, London, N.W.1.

I saw your private secretary this morning, who advised me to keep the following matter before you -

As a direct result of the wrongful arrest & imprisonment of my late husband, who he was illegally refused bail, to which he was entitled, on the night of Jan 7th - 1929 6 of my best working men (trained in work amongst the coffee) were stolen, one of them, (a incidentally myself) being left unprotected for the 2 weeks during which time my husband was in prison, by the error of the Second Class Magistrate at Thirsk, Mr Mc.Caig, who charged him under section 329, instead of 320, although both were haulable -

The theft of cattle was immediately reported by me to Mr Mc.Caig, & I have his letter acknowledging this information. The cattle were never recovered, which entailed a personal loss to me of £60. This being an entirely separate incident to that previously complained of, i.e. of April 9th 1929.

29^A
32

Sir Robert Hamilton,

I enclose various papers for you to deal with.

I have just been looking through the papers about Mrs. Oakley, and I now find that on Friday when she came to see me, she also saw a member of the East African Department, but she did not tell either of us that she was seeing the other.

Apparently there has been no correspondence between her and the War Office, but she simply went to see someone there and was referred by him to this Department. In the circumstances, I have slightly amended the draft which you agreed to, and I enclose a letter for your signature, if you agree.

Att. P. S. 25/4

add P.S.

I think that you have been advised to put your claim in respect of your late husband's pay in writing.

R. L. M.

pay as a Private and a First Class Warrant Officer.

Yours sincerely,

(Signed) R. W. HAMILTON.

P.S. I note that you have been advised to put your claim in respect of your late husband's pay in writing.

28
14

25th April, 1932.

Dear Mrs. Oakley,

I have just received your letter of the 22nd April, and have considered the points which you advanced. Though I have, as you are aware, taken much interest in your case, I am afraid that there is not really anything more now that I can do. I think it is quite clear that the Government is not in any way liable to pay you any pecuniary compensation for what has occurred, and I am afraid that it will be necessary for you to accept this position. In the circumstances, I do not think that it would be very much use my seeing you to discuss the matter orally again.

I am looking into the question of your late husband's pay, and will write again in due course, but I am afraid I can hold out very little hope of our being able to make any payment in respect of the difference between his

pay

Mrs. Robert Oakley.

Mulhenshaw,

The following is a note of
Mr Oakley's military service so far as I
have been able to trace. The majority of
the ~~it~~ have been deleted under Statute.

Mr Robert Oakley. Employed by Military Authorities
in East Africa as Intelligence Agent from
September 25th to November 30th 1915.
Discharged as useless.

Gov. 43863/16 CAP.

Destroyed under Statute.

(See 40274/17 CAP.)

Arrested in England under the Military Service
Act in 1916, but escaped service here on the
grounds that he was ordinarily resident in
East Africa.

49818/16 CAP.

Returned to East Africa in 1917 and was taken for
service under the E. African Military Service
Ordinance. See 40274/17 CAP.

Described in the Register of British War and
Victory Medals as Agent R. Oakley, Intelligence
Department.

W. J. ...
2074

Military Record of the late Robert Oakley

<u>Unit</u>	<u>Rank</u>	<u>Date of Service</u>
1 Shropshire Imperial Company Cavalry	Trooper	1895 - 1899
2 Shropshire Imperial Company	Trooper	1899 - 1902 active service S. African War.
3 South African Light Horse	Trooper	1904 - 1908
4 Uganda Volunteers	Private	1912 - 1913
5 Intelligence Agent	1 st class Lieutenant Officer	1915 - 1919 Active Service B.S.A & G.S.A

Telephone:-
Museum 4496.

Recd of India in my
11 MAY 1932
I retract & cancel } 4/5/32
no 400364
May 2 - 1932

75, Charington Street,
Oakley Square,

London, N.W.1.

15/25

Dear Sir Robert Hamilton

As directed over the telephone this morning by your Private Secretary, I now send the documents in connection with my husband's military service for your inspection, & also a copy of the records of his military work, always as a volunteer, he was not a professional soldier -

His medals I have already brought for your inspection, & your Private Secretary looked at them - all 3 are plainly inscribed "1st Class Warrent Officer R. Oakley" & it is his pay as such that I seek to recover -

I might ask to know on what grounds the Kenya Governor seeks to evade my request for compensation for the terrible attack on me 9.19.29? This would seem fair, as I have openly stated my case to you - [Thanking you in anticipation]

Yours sincerely,
Cassine Oakley -

Not Gov Kenya

Telephone:-
Museum 4496.

Recd of India in May
11 MAY 1932
I extract & send 4/1/32
no 402364
May 23 1932

75, Charington Street,
Oakley Square,
London, N.W.1.

15/25

Dear Sir Robert Hamilton

As directed over the telephone this morning by your Private Secretary, I now send the documents in connection with my husband's military service in P. inspection, & also a copy of the records of his military work, always as a volunteer, he was not a professional soldier -

His medals I have already brought for your inspection, & your Private Secretary looked at them - all 3 are plainly inscribed "1st Class Warrant Officer R. Oakley" & it is his pay as such that I seek to recover -

It might I ask to know on what grounds the Kenya Governor seeks to evade my request for compensation for the terrible attack on me in 1929? This would seem fair, as I have openly stated my case to you -
Thanking you in anticipation,

Yours sincerely,
Cousine Oakley-

Not Gov Kenya

more than ^{they} ~~it~~ would be in any other
and similar case, and that the
Government of Kenya ^{heretofore} cannot be held
financially responsible for any loss
which you may have suffered ^(?) during
~~your husband's confinement or~~
~~through his suicide.~~

Yours sincerely,

I return the papers which
were enclosed in your letter.

Yours

LEON W. HAMILTON,

C. O.

Mr. Priestman 6/5

Mr. [unclear] 6

Mr. Allen 7/6

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley. 7.5

Sir J. Shuckburgh.

Permt. U.S. of S.

4 Parly. U.S. of S. *Mult 9.5.32 fs*

Secretary of State.

17394/31 Kenya.

For Sir R. Hamilton's signature.

Downing Street,

16th May, 1932.

Dear Mrs. Oakley,

With reference to your letter

of the 2nd May I find that it is

necessary to consult the Government of

Kenya regarding your claim for payment

of arrears of your husband's ^{pay} salary in

respect of his military service from

1917^{to} 1919. This is being done, and I will ^{officially}

An official communication will be sent to you to communicate with you again when a reply

has been received.

As regards the enquiry in your

letter relating to your claim for

compensation the grounds on which the

Government of Kenya repudiate liability

for payment of any compensation to you

are that the Government was under no

obligation to afford you special protec-

tion after your husband's arrest any

more

DRAFT. *Comm: r. minutes*

MRS. OAKLEY.

(Perhaps Sir R. Hamilton may hope not to forward it because he has no copies?)
Mult

2 drafts.

For Mr. [unclear] [unclear]

although arrangements were made to pay from 6 months but I have not [unclear] in special [unclear] available

Handwritten initials and date: 1/8

C. O.

Mr. Priestman 6/5

Mr. *Smith* 6

Mr. Allen 7/5

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley. 7.5 f

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

17394/31 Kenya.

Downing Street,

11 May 1932. C.D.
R 10 MAY
D 11

Sir, ~~_____~~

I have the honour to refer to your

(10)

despatch No. 117 of the 11th March regarding a claim for compensation by Mrs.

R. Oakley, and to transmit to you the ~~an~~

~~accompanying copy of an extract~~ from a

letter, ~~with enclosure~~, in which Mrs.

Oakley now presents a claim for the pay- deceased ment to her of the arrears of pay of her/

husband in respect of his service with His Majesty's Forces.

2. At an interview with a member of the Colonial Office Mrs Oakley produced three war medals inscribed "R. Oakley, 1st. Class Warrant Officer" and stated that her husband had only received the pay of a Private instead of that of a 1st Class Warrant Officer from the time he returned to East Africa in 1917 until

DRAFT.

*was
k. minutes*

KENYA

NO. 36H

Handwritten note: Hand 24

~~Extract (15 omitting para. 2.) (13. enclosure) only~~

2 drafts.

impress on the natives that the repetition of such an outrage would not be tolerated.

The important point in Mrs. Oakley's claim seems to me to lie in the fact that she thinks that the economic value of her farm has seriously deteriorated because the attack on her was allowed to go unpunished. *Yather that she is trying in vain to sell it.*

*Yours sincerely
K. M. Moll*

Sir Robert Hamilton, M.P.,
Colonial Office,
Downing Street, S.W.1.

TELEPHONE:
FLANNAN, 6907.

RECEIVED
24 MAY 1932
POL OFFICE

98, ELM PARK GARDENS.
S.W. 10.

17th May 1932.

Dear Sir Robert.

I have had a letter from a Mrs. Oakley, of Athi Park, Thaki, Kenya, who tells me of an attack made on her on April 9th 1929, by natives, on the one night on which there was no police guard on her farm.

May I ask whether:- 1) She had been promised police protection? 2) Whether any enquiry was made as to whether the police had any knowledge of the projected attack? 3) If any steps were taken, either to trace the assailants, or failing tracing them, to

would in some measure
compensate me, & not
cost the Government any-
thing - & I submit
it should be imposed.
The effect would be
excellent on the native
mind throughout the District.
I am hoping for a reply
before I return, which is
on the 16th by the "Hampshire
Carter", to my request re
my husband's Military Pay.
Again thanking you -
Yours sincerely
Caroline Oakley.

of course to call the man
armed with rifle &
bullet Cartledge, who
stood outside my
house each night for
one month, to the date
of the outrage, a "Patrol"
is mis-representing facts,
& misleading to the Home
Authorities. Tribal Punish-
ment should have been
imposed on the Uyakamba
in that district, which is
exactly what the Chiefs

21
themselves expected, & it
is commonly done in
Central Shikony etc, whereas
mine is the most serious
& extreme robbery that
has ever taken place in
the country, complicated
by the attempted murder,
& the criminals are still
at large, being quite
close to my place, I have
myself met the man who
struck me down, when I
have been out riding on
horseback alone since
Tribal punishment by Jone

of course to call the man
armed with rifle &
bullet cartridge, who
stood outside my
house each night for
one month, to the date
of the outrage, a "stool"
is mis-representing facts,
& misleading to the Home
Authorities. Tribal Punish-
ment should have been
imposed on the Uya Kamba
in that district, which is
exactly what the Chiefs

Themselves expected, & it
is commonly done in
Central Shikony etc, where
there is the most serious
& extensive robbery that
has ever taken place in
the country, complicated
by the attempt to punish
& the criminals are still
at large, leaving me
close to my place, I have
myself met the man who
struck me down when I
have been out riding on
horseback alone since.
Tribal punishment by the

June 14th 1932

Dear Sir Robert Hamilton

Just a line to thank
you for your kindness &
attention to my last
case, & I know it is not
your fault that I am
suffering some redress,
in all I have suffered.
I do not like to think
that an English Government
is now in existence that
can condone a Squire
in deserting his post, as

Inform Kenya
in advance

the Secretariat on your arrival, and find out the
position.

Yours sincerely,

(Signed) R. W. HAMILTON.

1 AM 297. (Registered)
2 Mr. Frischman to see

22/9

15th June, 1932.

Dear Mrs. Oakley,

I have just received your letter of June 14th, and as I see you are sailing to-morrow, I am sending this reply to you on the boat.

I know you will realise that I sympathise with you and am genuinely sorry that it is impossible to make you any money compensation in respect of the incidents at your farm.

I think you are doing the best thing in going back to Kenya, and I hope that you may be able to get your property into good order again.

With regard to your late husband's pay, you will recollect that we had to refer this question to Kenya, and I'm afraid we have not yet had a reply. Perhaps your best plan would be to communicate with
the

Hamilla replied

~~therefore~~ informed that we had

referred the question to Kenya and

had not yet had ~~an answer~~ *an answer* reply, and ~~to~~

~~we~~ *perhaps* suggested that her best plan

would be to communicate with the

Secretariat on her arrival in Kenya to

find out the position.

You will, probably, therefore,

hear from her, but ~~we shall be glad~~ *any will as doubt be*

~~to have particulars of the case in~~ *sent in Dec to the Top Secy &*

has to say

~~the course is needed.~~

.....
(Signed) T. ALLEN.

Songo by Air Mail of 22nd June 18

C. D.

- Mr. Priestman.
- Mr. Allen
- Mr. Parkinson.
- Mr. Tomlinson.
- Mr C. Bottomley.
- Mr J. Shuckburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

18/6/32
187

17394/31. Kenya.

23 MW



DOWNING STREET,

21 June, 1932.

Q.T.O. FOR MR. ALLEN'S SIGNATURE.

DRAFT.

2/6/32

H.M.M. MOORE, ESQ., C.M.G.

My dear Moore,
The S.S.

our despatch No. 354 of

(b) the 11th of May asked for the Governor's observations on a claim by Mrs. R. Oakley for payment to her of the arrears of her pay of/deceased husband in respect of his service with His Majesty's Forces.

Mrs. Oakley recently

to Lt Robert Hamilton

wrote to enquire about the position regarding this claim and mentioned that she was sailing for Kenya by the "Llanzibby Castle" on the 16th of June.

Robert Hamilton

Nairobi,

24.12.18.

To S. O. Vols.,
Nairobi.

Herewith Pioneer Oakley, No.3274 for discharge.

His rifle and equipment have already been handed
in by him to me at Dar-es-Salaam and returned to
Ordnance there.

His work has been very similar to the others, and
you have his record there.

Paybook already with my Corps.

sd. F.S.LaPla, Captain.

Commandant, E.A.Pioneers.

LJM

16.11.18	R/E 46	Admitted hospital	Ndanda	29.10.18
"	" 46	Transferred	Mingoyo	2.11.18
"	" 46	"	Lindi	3.11.18.



Regiment or Corps. Intelligence Dept.

Regimental No. 2770 Rank Agent. Name Oakley. R.

Enlisted 25/9/15 Service reckons from 25/9/15.

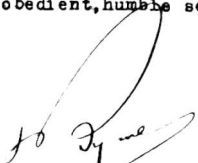
● Report.					
Date.	From whom received.	Records of promotions, reductions, etc.	Place.	Date.	Remarks taken from Army F. A36, or other official documents.
30.11.15.	Com. Order No. 1061.	Discharged the Service.	Nairobi.	30.11.15.	
	Pte.	Enlisted E.A. Un-attached. List.	Nairobi	14.5.17.	
21.6.17	E.A. Pioneers 145.	Transferred to E.A. Pioneers.	Dem.	14.6.17.	Reg. No. 3274.
28.12.17	S.O. Vols 1495.	Disch. Hospital & recomd. 14 days medical Leave.	Nairobi	22.12.17.	
		Tried by F.G.C.M. at Nairobi on 15.2.18			
		<u>Crimes.</u> When on active service & a patient in hospital absents himself without Leave.			
		<u>Finding.</u> Not guilty.			
		<u>Confirmed.</u> T.W.H. Jones Major Post Commandant, Nairobi.			
24.12.18	S.O. Vols. 2396.	Discharged.	Nairobi	24.12.18	A.A.G's AS521/9 of 23.11.18
		V. Good Intd. A.R.			
25.9.16	Major E.A.M.S.	Admitted to Hospital	Nairobi	3.9.15	Army Form A. 36.25.9.15.
23.6.17	"	Discharged Hosp.	"	24.9.15	ditto ditto
8.8.17	R/R 6065	Discharged	Dem.	14.6.17	
"	R/R	Admitted	Kilwa	9.7.17	
"	"	Discharged	"	16.7.17	
3.10.17	" 16	Admitted	"	17.10.17	
14.11.17	" 18	Transferred	Dem.	2.11.17	
21.11.17	" 19	Transferred to	Morogoro	11.11.17	
19.12.17	" 23	Admitted hosp.	Dem.	8.12.17	
"	"	Discharged	Morogoro	11.12.17	
26.12.17	" 24	Transferred to	Mombasa	14.12.17	
18.1.18	R/R 5	Transferred to	Nairobi	18.12.17	
30.1.18	" 5	Discharged hosp.	Nairobi	22.12.17	
13.2.18	" 7	Admitted	Nairobi	8.1.18	
9.3.18	" 10	Discharged	"	7.2.18	
11.5.18	" 19	Transferred	Dem.	1.5.18	
16.5.18	" 20	Admitted	Lindi	21.4.18	
"	" 20	Transferred	Msa.	7.5.18	
29.6.18	R/R 26	"	Nairobi	10.5.18	
"	"	Discharged	Nairobi	15.5.18	
		& transferred to Nakuru.			

written on the 4th May, 1918, to the Officer Commanding the Pioneer Company requesting that she may be granted an order for rations in which she states "my husband is in the E.A.Pioneers as a Private".

In the circumstances there would appear to be no ground for entertaining the claim now submitted by Mrs.Oakley.

3. There is nothing on record to confirm the statement contained in paragraph 2 of your despatch that the late Mr.Oakley ever approached this Government on the subject now raised by his widow.

I have the honour to be,
Sir,
Your most obedient, humble servant,



BRIGADIER-GENERAL.
GOVERNOR.

74¹³



GOVERNMENT HOUSE
NAIROBI.
KENYA

KENYA.

NO. 314

RECEIVED
22 JUL 1932
G.O. OFFICE

28th June, 1932.

Sir,

Noted

With reference to your despatch No. 364 of the 11th May, regarding a claim by Mrs. R. Oakley for arrears of pay due to her deceased husband in respect of his service with His Majesty's Forces, I have the honour to forward a copy of Army Form B.103 in respect of the late Mr. Oakley from which it will be noted that he was enlisted as Intelligence Agent on the 25th Septembe 1915, and was discharged on the 30th November, 1915, "as useless inasmuch as he was disinclined to go forward". In this connection I would refer you to Sir Charles (then Mr.) Bowring's telegram No. 412 of the 28th of October, 1915.

Army Form.

Gen 5196/1916

He was re-enlisted on the 14th of May, 1917, under the East Africa Protectorate Compulsory Service Ordinance as a Private, East African Unattached List, and transferred as Pioneer to the East Africa Pioneers on the 14th June, 1917, being finally discharged on the 24th December, 1918, without any advancement in substantive rank. This is confirmed by a letter from the Commandant of the E.A. Pioneers addressed to the Staff Officer, Volunteers, Nairobi, dated the 24th December, 1918, a copy of which is also enclosed for your information.

Letter.

2. There is on record a letter from Mrs. Oakley written

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON S.W.

To Oakley - 10 ansd - ^{5/10} ~~in orig~~ 10 May 1932

18 To Gov 364 (w/ retract from 15) ^{10/11} ~~was~~ 5/32
+ encl
(10 ansd)

19 To Director of Health — 27/5/32

To Director of Health (19 ansd) — 27/5/32

STRUCTURE TITLE

21 Mrs Oakley — 14/6/32
8 returning to Kenya.

22 To Mrs Oakley — 15/7/32
(to 21. ansd)

? It might be well to inform Mr. Moore s/o that Mrs Oakley wrote to inquire about the arrears of pay ~~and~~ mentioning that she was sailing for Kenya on the 16th June and was informed as in the last para of 22.

J.H.S. P. Morris
16/6/32

Draft 110 for rent
air mail
J.H.S. P.
166
at end

Air mail 23 To H.M.M. Moore — 21. 6. 32

24 Gov. Kenya — 314 — 28/6/32

Reports on the military service of the late Mr Oakley. States that the ~~the~~ ~~circs~~ ~~these~~ would appear to be no ground for entertaining Mrs Oakley's claim for arrears of her husband's pay etc.

Comment seems superfluous.

I think we can assume from Sir R. Hamilton's letter at 22 final para, & from 23 that Mrs Oakley will be informed locally of the position.

It seems unnecessary to inform W.O.

Sir R. Hamilton might like to see in due course —

J.H.S. P. Morris
22/7/32

She is now in Kenya.

Patty

J.H.S. P.
12/7/32

Refer to Kenya as suggested, mentioning
the despatch of + July 1917 in 40274/17

EA

and inform Mrs Oakley on the lines
in despatch - Mr. [unclear] minute above

JH Parnham
4/5/32

Mr. Christie informs that the 15 medals
shown - [unclear] by [unclear] were awarded
in [unclear] and [unclear] [unclear] that
[unclear] nothing [unclear] probable
[unclear] intelligence [unclear] [unclear]
[unclear] rank

As regards the second part
of the [unclear] the reasons will only
involve further correspondence, but I agree
that we can hardly [unclear]

proposed

J. H. Parnham

Draft [unclear]

JH Parnham

5/5/32

about her voluntary work during the War, both in Dorset before her marriage and in East Africa, where, she said, she did nursing and bought hay for the army. She felt very grieved that her services had never been officially recognised and wondered whether the Colonial Office would now recognise them by paying for the cost of her passage to England and back to Kenya. As another reason for such a grant, she said that after the war her husband was offered a free 3rd class passage to England, which they considered an insult. At least, he should have been offered a 1st Class passage. I gathered that she ^{was} ~~seems~~ thought this an additional reason why we should pay for her passage. I told her that her request was hardly the concern of the Colonial Office and that I could hold out no hope of it being granted.

J.H. Hamilton
22/4/32

13 Mrs Oakley Further representations 22nd Apr 32
14 To Mrs Oakley 13 acks 25th April

Mr. Christian ^{see file}
You sh^d. see 13 & 14. Mrs Oakley - who saw me too on 22/4 did not let me that she had been, or was going, to see the Dept.

Perhaps the Dept. might be considering whether there is any substance in the point about her husband's pay. I expect she will call on me & try to get a further interview with Sir R. Hamilton in a day or two!

Mr Poynton's minute of 26/4. It seems certain that when Mr. Oakley was compelled to undertake military service in 1917 he was not enlisted as a 1st class Warrant Officer - ssn 40274 B.S.W., and Mr Goswami's summary.
? It will have to be necessary to ask the Comd^r to state in which capacity Mr Oakley served.

J.S. Poynton
29/4/32

J. Poynton
From the postscript to N2-14 I conclude that no further action is required until Mr. Oakley writes?

(Copy is illuminating; see especially para 5 of the dep. and the last enclosure!)

15. Mrs Oakley. *J. Poynton* 29/4.

Mrs. record of her late husband's military service, together with copies of relevant correspondence. States that his 3 medals are engraved "1st Class Warrant Officer M. Oakley" and that it is his pay, such that she is seeking to recover. Asks the grounds on which her compensation claim has been evaded. To Mrs Oakley. *25/7/32* *26/7/32*

DESTROYED UNDER STATUTE

Please see further letter now received from Mrs. Oakley, which raises two questions:-

(1)

That, I think, is the only point left: the Govt recognized the risk, & the precautions taken failed, once, but that was once too often. But the risk was Mrs Oakley's - an accident might well have occurred even with the policeman on duty.

as prepared?

W.C.S.

7.4.32.

Sir R. Hamilton

Jaffee.

R.A.B.

11.4.32.

If anyone is to blame it looks like the local J.P. who sent the policeman away: It is not the fault.

as prepared

W.C.S.

13.4.32

at once

18.4.32

11 Mrs Oakley

12 To Major W.C. Colfax M.P. — 19/4/32

Robert Oakley.

Served as a 1st Class Warrant Officer, in the Intelligence Department of the East African Forces, 1914-1919.

Mrs. Oakley called today.

She has recently arrived in England from Kenya, where she has resided since 1917.

Mrs. Oakley stated that Mr. Oakley died in 1929. They were married in 1916, whilst Mr. Oakley was on leave in England. She exhibited 3 of her husband's War Medals bearing his name engraved on the rims. According to Mrs. Oakley, her husband only received a private pay instead of that of a 1st Class Warrant Officer, at least from the time he returned to East Africa in 1917 until 1919, and she now wishes to claim the difference. I interrupted her very rapid talk to point out that the claim was rather belated, and enquired why she had not put it forward before. She told me that her husband approached the Kenya Government on the subject before he died, but with no success, and Lord Francis Scott then advised him to lay his case before the Colonial Office. But he died in 1929 at Nairobi, otherwise he would have done so. She herself has been living in "the back of beyond" and it would be realised how difficult it was to go into such matters in those circumstances. She has been to the War Office, and the official she saw there referred her to the Colonial Office. (She mentioned that she met Mr. Ormsby Gore in Kenya.)

I told Mrs. Oakley that if she cared to put her claim in writing, her representations would receive consideration. She said she would do so.

Mrs. Oakley then went on to tell me about

to afford special police protection
to Mrs Oakley. It seems clear
from para 5 that exception to
one night of the temporary
special police protection was
in fact afforded.

It is axiomatic that it is unsafe
for a European woman to live in
isolation among uncivilised
natives and the local authorities
seem to have done the best they
could when Mrs Oakley insisted
on doing so.

It then seems to be no ground
for ~~the point of law~~ ^{the point of law} in respect
of this point.

Mrs Oakley may be informed
that the Govt of Kenya have now
reported that they cannot accept
any liability to compensate Mrs
Oakley for any loss she may have
suffered by theft of cattle or other
~~consequence of the incident~~
~~amount to a criminal charge~~
and that after careful consideration
of all the facts, the S. J. reports
that he is unable to support
her claim for separate compensation
and in fact Major Colfax accedes

MS. 1000 & 1001
5/4/32

before him

"Haley means
that the natives
are watching the
S. J. and that they
have been in
contact with
him."

It is unfortunate (and not a little suspicious)
that the natives should have selected the
one occasion when the native policeman
was absent on other duties.

Government may properly disclaim any
obligation to provide Mrs Oakley with
greater protection. The fact remains
that such protection was afforded, with
the exception of the single night on
which the assault occurred; and Mrs.
Oakley may well argue that she
was thereby relieved of the necessity
for taking precautions on her own
account.

However, we may leave it to
her to raise the point. She can (not)
override the Government except on
her initiative.

? As proposed

L. B. [Signature]
5/4

So we that the point she intended
to make in the passage underlined
(by me in pencil & by her in ink) on p. 2 of (11)

J. A. [Signature]
64

That

Paragraph. Mr Oakley was charged
with ill treating a native.

W Allen

24/1/32

To Mr W P Colfox M.P. 20 (Banard) 26 Jan 31

Mrs Oakley — 17/7/32
Return to a complaint received from her representative
in Kenya regarding interference by the Dist. Off.

To Mr Oakley — (8 Am) — 18/7/32

DESTROYED UNDER STATUTE

Mr. Priestman,

Major Colfox, M.P., (who has written to
the Secretary of State about this case - see
Nos. 6 and 7) has asked Sir Robert Hamilton to
inform ^{him} as soon as a decision is taken on
the matter. Would you kindly note accordingly
when the reply to No. 5 is received?

W Marshall
23/2/32.

noted H.S.P. 23/2

Col
To Mr Oakley — 8/4/32
To Mr Oakley — 8/4/32

DESTROYED UNDER STATUTE

To Mr Kenya — 117 — 1/3/32
It must be accepted the assumption
implied by Mr Oakley in regard to Fort's
obligation for her special protection, or
that Fort can be held financially
responsible for any loss she may have
suffered during her husband's confinement
or through his suicide.

Mrs Oakley's claim for ex gratia
compensation is summarised in
the minute on 1. It is agreed
that there is no ground for any claim
in respect of her late husband's
imprisonment and she has been so
informed - see Sir R. Hamilton's
minute of 12/1/32.

This reduces the points to those
marked A and B in the summary.

As regards A there seems no
ground on which the Govt of Kenya
can be regarded as liable to
pay compensation for the cattle
which were stolen.

As regards B it is admitted
that on the night on which the
theft occurred no police protection
was available as the policeman
on that beat had been detailed
for other duties. The former
points out however in para 6 of
10 that the Govt has under no obligation

2312
A To Mrs. Oakley - 18/1/32

To Cor. 52 (w/c 1) Cons. 21 J. 1932

Mr. Allen

6
The attached is an extract from a letter which the Secretary of State received from Major W.P. Colfox, M.P. The Secretary of State thought that, if the incident has been correctly reported, it was rather disturbing, and he would like to have more detailed information.

Cz Cliffe

20.1.32.

~~Cz Cliffe~~

You will see from 17394/21 that Mrs Oakley has already made representations to Sir R Hamilton & that a despatch has been sent to the Gov.

In regard to Oakley's impression Sir R Hamilton told Mrs Oakley that it was useless for her to press any claim on that ground. A full report on that subject to the matter to the Attorney General will be found in 18004/29. Passes X - see in particular the last

The conjecture is at least plausible that the raids on the farm were due to the hatred which Mr. Oakley's conduct had inspired among the surrounding population; as to this see para. 15 of Mr. Hubbard's report.

Mrs. Oakley has no case, either on legal or on moral grounds. If her husband had not committed suicide, he would quite possibly have been sent to prison (the maximum sentence is seven years), and in this case she could hardly have claimed compensation.

If the request for an interview is refused, there will probably be questions in the House. It might be expedient to see her and to take the opportunity of discouraging any hopes that she may entertain. We ^{could} should, of course, undertake to ask the Governor for a report on the raid of April 9th 1929, in regard to which we have no information other than the Press cuttings. (Flynn D.E)

Mr. Oakley's brother is
no longer in A. for the
work - see Mr
Ormsby's note
18/12/31 or 18/12/31
1931

18/12/29

* Wandi shows that from Feb 28 to the date of the assault she had a police guard who was not there on the night of the assault. It states that Capt. Hicks, Supt. C.P.D., explained the reason for the absence of the guard but does not give the explanation. The man accused was discharged.

J. H. Allen

18/12/31

DESTROYED BY STATUTE to see Sir R. Hamilton Tomorrow.

P.H. Mavis

11/1/32

Mrs Oakley called today and I advised her that it was quite useless to press any claim in respect of her late husband's imprisonment. This, I think, she realised. She then went on to speak of the attack upon the farm and the assault upon herself when the farm was supposed to be under special govt protection. She mentioned £250 as her claim for compensation, stating that when she applied to the Kenya govt for compensation she was informed that it was a matter for the C.O. I said that in this matter I would advise the S of S to ask for a full report, in which she asked if the C.O. would advise compensation. I replied that she could make no such assumption with the Dept. Dept. Dept. to go accordingly, which she like to see.

Mavis
12-1-32

Draft memo to Govt

J. H. Allen

16/1/32

proceedings of the trial sent home
by the Governor the S. J. stated,
however, that he concurred in
the latter's view that these
allegations were improper and
in no way founded on fact.

As regards (5) we have
press reports of the attack
on Mrs Oakley on April 9th
1929 and of the trial of
a native who was accused of
being the aggressor. The latter
was discharged, however, as the
Magistrate did not consider
that a prima facie case had
been made out, and we have
no information here as to any
conviction on account of the
crime.

J. B. Williams

11.12.31

* Flag C

* Flag D

15371/29

Part 5

* Flag E

Part 7

A brief history of the case is as follows:-

On January 4th 1929 Mr. R. Oakley, a
coffee planter near Thika, was arrested by order of
the District Officer and charged under Section 327
of the Indian Penal Code - "voluntarily causing hurt
to constrain to an illegal act". As this offence
was non-bailable, Mr. Oakley was sent to Nairobi
Prison after one night in the local lock-up.
Fourteen days later he was committed for trial
under Section 330 of the Code - "voluntarily causing
hurt to extort confession". He appeared before the
Supreme court on 4th March; he was remanded on bail
until 7th March; on that day he failed to appear,
and on 11th March it was stated that he had committed
suicide. There is a laud account of the case by
Mrs Hubbard, Attorney General, flagged in 15644/29
below.

Mrs. Oakley's claim for compensation is
based primarily on the magistrate's refusal to allow
bail to her husband during the period 4th - 14th
January 1929. The Magistrate's explanation is flagged
A: it is clear that he acted in perfect good faith,
and with considerable reluctance.

At the end of her letter Mrs. Oakley says
"There is the finding of the Supreme court which
acquitted my husband at the end of April, which proves
there was no evidence against him". Possibly she
derived this impression from the report in the
Morning Post (No. 2 on 15644). It is, of course,
completely untrue. Mr. Hubbard's report leaves
little room for doubt that if the case had not been
prematurely terminated by Mr. Oakley's suicide, an
impartial jury would have returned a verdict of
'guilty'.

* For explanation of the
change; check the
Flag A of 15371/29

Mr. Bush agreed with
all Mr. Hubbard said
- minute of 1 Aug 29
a 15644/29

* See Proceedings
Flag 15644/29

Mrs. Oakley told me yesterday that she had failed to obtain satisfaction from the Kenya Government, and that she would be very grateful for an interview with you to discuss the matter.

I have sent her an interim reply.

150/2
DESIRE YOU TO SEND THE CORRESPONDENCE TO THE EAST AFRICA DEPARTMENT, AND ASK FOR THEIR COMMENTS: YOU CAN THEN DECIDE WHETHER AN INTERVIEW WOULD SERVE ANY USEFUL PURPOSE.

P.H. Morris
10/12/31.

E.A. Dept

I have shown to Sir Robert, who would be grateful to have your comments. (He wonders if there are any press cuttings, for instance, noted about the alleged attack on her by natives mentioned in (5) above).

P.H. Morris
10/12

3
A copy of the proceedings at the trial of Mr Oakley in March 1929 was sent by the Governor to the S.D.S. in No 5 on 15644/29.

As regards (1) and (3) in Mr Morris's minute on the preceding sheet, the explanation of why Mr Oakley was first refused bail and then allowed it appears in a letter to the Registrar of the Supreme Court, Nairobi, from the Magistrate who committed Mr Oakley (enclosed in No 5 on 15644/29).

* flg A

As regards (2) - the alleged raid on Mr Oakley's farm while he was in custody; - we do not appear to have any further information on this occurrence.

As regards (4) - The defending Counsel was reported to have said after the trial "Mr Oakley's mentality broke down under the harsh strain. The officials who investigated and conducted the case carried it to a venomous and relentless conclusion." After reading the copy of the

* flg B

1. Mrs Oakley

9/2/51

2

E. A. D-45

Sir Robert Hamilton,

In this letter, Mrs. Oakley, widow of Mr. Robert Oakley, a settler and coffee planter in Kenya, claims compensation against the Kenya Government.

The grounds on which she bases her claim are

- (1) that her husband was sent to prison for 14 days uncharged, bail being refused: this happened on the 4th January, 1929;
- (2) that while she was thus left alone on the farm, not having been informed what had happened to her husband, it was raided by Africans, and cattle to the value of £50 were stolen;
- (3) that this imprisonment, which the Magistrate subsequently admitted was unjustified, gravely impaired her husband's health and reason;
- (4) that various insulting remarks of the Crown Counsel when the case came up for trial in the Supreme Court finally unbalanced Mr. Oakley, who committed suicide on the 7th March, 1929; (Mrs. Oakley says her husband was acquitted, but does not mention the charge against him);
- (5) that, owing to police negligence, and her lonely condition, she was attacked by Africans at her farm, badly injured and robbed of property amounting to £200 in value;
- (6) that since that time she has been unable to run her farm successfully.

A

April 9th 1929

B

Mrs.

1. Mrs Oakley

9/2/51

2

E. A. D-4T

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A

April 9th
1929

B

Mrs.