

*John S. A.* 560



EAST AFR. PROT.  
2063 12/13

C. O.  
2063  
REC'D  
JAN 13 1898

I presume that full  
detail of the additional  
expenses will be furnished  
with the ~~report~~ supplementary  
estimate <sup>in which</sup> this additional  
expenditure is included  
  
I am

ernor  
Conf  
field 136  
  
Date.  
1912  
  
December  
  
Previous Paper.  
206768  
12

MASAI

Sends detailed account of the proceedings in  
Conference with the Masai Chiefs on the 5th December.  
Submits views as to the attitude of Legalishu and  
Masikondi and their adherents. States as to facilities  
afforded to Messrs Morrison and Home to visit their  
clients. Mr Home states Legalishu desires to send home a  
deputation. He has been infd that this is a matter  
for formal application and sanction of S. of S.

Dr J. Anderson

W. Morrison called me <sup>on Friday</sup>  
& Mr Bottomly & I saw him. He said  
that the fiat had been issued for the  
proceedings to take place, but that the  
trial would take a long time as I was  
a reserve action & he had to get the consent  
of all the parties joined. He seemed  
to be very anxious to send the S. of S.  
a copy of the pleadings but I told him  
that I did not see what the S. of S. was  
going to do with them, as the matter was  
about to be tried in Court. He then said that  
he was willing to treat with the S. of S. !  
We said as little as we could & got  
out of him as soon as possible. He  
asked

206415  
Subsequent Paper  
206415  
W 25,940-17. 40,000. 11/11. A. & E. W.  
W 25,404-55. 6060. 10/12

Mr Hancock.

Mr Morrison wishes to see you to 'treat' as to the Massac, presumably on the basis of restoring legislation & the maintenance to Laikipia in return for the withdrawal of the action against the Govt. That is impossible, as the action is based on a charge of a breach of a solemn Treaty by the Govt, and in any case to go back on the policy of concentration now would be fatal to our authority amongst the

Palmer of E. ahead

at the same time it may  
be that to refuse to see ~~him~~  
would be resented by some  
of the masses present in fact  
and if you think it desirable  
to advise to him for political  
reasons I tell him that  
that has been done much  
and I do not object.

Jan 1. 13

Mr Harcourt.

This is the East African solicitor who is acting for the Masai discontented with the move. Do you care to see him? There is an element of danger in doing so, since it appears from this letter that legal proceedings have now been instituted in the A.S.

If you do wish to see him, you will probably wish to have

a memo by the Dept.  
on his connexion with  
the question; & it would  
be safer to have a  
member of the Dept.  
present at the interview  
in case Mr. Morrison  
should try to build  
anything on it.

HAB

Jan 20

564

TELEGRAPHIC ADDRESS, "ENELSEE, LONDON"

TELEPHONE NO.  
3700 VICTORIA  
4 LINES

NATIONAL LIBERAL CLUB,  
WHITEHALL PLACE, S.W.

17 1 13

Sir  
Mr. Macdonald

I have the honor to request  
you to arrange if possible for  
an interview with the Secretary  
of State with regard to the  
Munich question to be of course  
without prejudice to the  
legal proceedings now instituted.  
Any time between Tuesday & Friday  
next morning will be convenient.

for me.

I am

your obedient servant

A. Morrison.

F. Butler Esq

Treasurer Secretary.

565

DOWNING STREET,  
21st January, 1913.

Dear Sir,

In reply to your letter of the 17th of January, I am desired by Mr. Harcourt to inform you that he will be prepared to see you at this Office at 12.30 p.m. on Thursday next, the 23rd of January. He desires me to say that, owing to other engagements, it will not be possible for him to prolong the interview beyond half an hour. He also wishes me to explain that, as the matter which you desire to discuss is now sub judice, he can only listen to anything that you may wish to say, and can express no opinion on any aspect of the question.

I am, dear Sir,

Yours truly,

F. G. A. Butler

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EAST AFRICA PROTECTORATE.

CONFIDENTIAL No. 136.

GOVERNMENT HOUSE,  
NAIROBI,  
BRITISH EAST AFRICA.

December 17th, 1912.



Sir,

I have the honour to inform you that in accordance with my cipher telegram of the 12th ultimo I left Nairobi on the 29th ultimo and proceeded to Naivasha Province in order to meet the Masai Chiefs.

*Handwritten notes:*  
1/35914/12  
Proceedings of Meeting.  
Mr. Morrison 1-11-12  
Mr. Morrison 22-11-12  
Mr. Home to Secretary 5-11-12  
of telegrams  
& to Mr. Morrison.

2. The meeting took place at Nakuru on the 5th instant and a detailed account of the proceedings in conference with the Masai representatives is appended for your information.

3. I consider that the remarks made by Legalishu and his adherents in connection with the move are evasive and that no attempt was made to express their true feelings in the matter or to disclose their reasons for taking legal proceedings against the Government.

4. I am of opinion that only a minority of

THE RIGHT HONOURABLE  
LEWIS HARCOURT, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON, S.W.

x No. 35914

Masai

-14821-12



of the tribal elders, headed by Legalishu and Masikondi, are responsible for this action, ostensibly on behalf of their tribe, and that the personal avidity and ambition of these two men are doubtless contributory causes of their organised opposition to the approved Government policy.

5. It has already been determined that the concentration of the Masai in one Reserve will assist the Paramount Chief to maintain his authority over the whole tribe, whereas the division of the tribe is likely to result eventually in two separate communities each with its own head.

The latter contingency was possibly foreseen by the majority of the Masai Elders and it is favoured by Legalishu, who has in view the chieftainship of the Northern Reserve, while Segi, the Paramount Chief, and his supporters are naturally opposed to any idea which betokens a division of the tribe.

The unexpressed desire of Legalishu and his friends is in my view to retain Laikipia whilst also acquiring the Southern Reserve.

6. I am satisfied that those who now oppose the move have no valid ground for their objection as to the unsuitability of the new country to which they are being moved.

The

The statements to the effect that the Southern Reserve is unhealthy and that the cattle are dying in large quantities are flatly contradicted by my officers in charge of that area.

7. Mr. Morrison was informed of my projected visit to Nakuru and its purpose. In spite of the fact that an invitation proffered to the firm to be present in Nakuru on the 5th instant was accepted, Mr. Morrison enquired at the last moment by telegram from Mombasa what was the latest hour at which he might leave the coast to be present at the meeting. By that time it was impossible for him or his partner to arrive in time.

Copies of communications relating to Messrs. Morrison's and Home's attendance are appended.

8. Messrs. Home and Buckland, the former being Mr. Morrison's partner and the latter being connected with his firm in this case, arrived in the evening of the 5th instant at Nakuru and after consultation with their clients they interviewed me on the 6th instant.

9. Mr. Home, after conveying to me Mr. Morrison's regret that he was unable to come himself, asked that the Government might afford his firm assistance in gaining free access to their clients.

clients. I fully consented to this request and I informed Mr.Home that all officers concerned had been instructed to give him and his partner every facility in that respect.

10. Mr.Home remarked that he and his partner were experiencing some difficulty in obtaining early payment of necessary fees by their clients. Also that his firm were not taking these proceedings with any feeling of animosity towards the Government but that they were following the example of Chief Justice Villiers of South Africa in taking up this case to enable natives to have access to the Courts.

It is probable that the cordial relations between ~~the~~ lawyers and their clients will become somewhat strained when the Masai Chiefs realise the extent of the fees which will be demanded.

11. I informed Mr.Home that I desire all consultations between his firm and their clients to take place up country as far as possible rather than <sup>that</sup> the clients should go to Mombasa.

12. Mr. Home informed me that Legalishu desires to send home a deputation of his followers to the Secretary of State and Members of Parliament. I advised him that such an undertaking is a matter for formal application and  
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the sanction of the Secretary of State.

13. I might mention that prior to my meeting with the Masai at Nakuru I visited a spot on the line where some 50 to 60 Masai with 12,000 head of cattle and sheep were congregated, and in course of conversation with some of those in charge of the herds I could find no indication of any kind of discontent and they appeared to be travelling peacefully and happily. This impression was borne out by Captain Leland, Assistant District Commissioner, and Mr. Kennedy, Veterinary Officer, who were in charge.

*etc*  
I have the honour to be,

Sir,

~~Your humble, obedient servant,~~

*A. Conway Bayfield.*

GOVERNOR.

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Encl. 1 in No.

INCLOSURE No. 1 571

In Despatch No. 36 of Dec. 17<sup>th</sup> 1912

MEETING AT NAKURU.

December 5, 1912.



Present:	His Excellency the Governor,	Mr Belfield, C.M.G
	The Honourable Chief Secretary,	Mr Bowring, C.M.G.
	Provincial Commissioner, Naivasha,	Mr McClellan.
X	District Commissioner	Mr Hemsted.
	District Commissioner	Mr Pickford.
X	District Commissioner	Mr McClure.
X	Acting District Commissioner	Mr Browne.
	Town Magistrate	Mr Donald.
	Asst. District Commissioner	Mr Crewe Read.

X Engaged on the Masai move.

Paramount Chief of Masai	Segi, son of Lenana.
Regent	Ole Legalishu
Regent	Ole Ngaroya
Regent	Ole Masikondi
Purko Elders:	Ole Batiat
	Ole Lengadado
	Ole Lengoito
	Ole Karria
	Ole Raurau
	Ole Kedenga
	Ole Nguruna

and forty-six others.

His Excellency after the principal Elders of the tribe had been presented to him addressed the assembly as follows:

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"I am taking this early opportunity of interviewing the Chiefs in order to make their personal acquaintance and to satisfy myself that the move to the Southern Reserve is proceeding satisfactorily.

Also it has been brought to my notice that certain Elders are dissatisfied with the move in which case it is desirable that they should communicate to me the cause of their dissatisfaction.

To thoroughly understand the position it is necessary to go back to the time of Lenana. I refer to the time when the two divisions of the tribe were located in the Northern and Southern Reserves. Lenana always had the interest of his tribe at heart and he feared that its division might be the cause of a disruption among the tribe. In consequence of this anxiety on his part, Lenana approached the Governor on the subject towards the end of 1910, at a time when the tribe's circumcision ceremony was due. Lenana represented that the ceremony could not be carried out in its entirety if the tribe was divided and settled in two different parts of the country and he requested the Government to preserve the entirety of the tribe by concentrating them in one part of the country. As a result of this expression of Lenana's desire, the Governor called a meeting of the Masai Elders at which Legalishu and Masikondi were present. At this meeting there was a unanimous expression of agreement to the inclusion of the tribe in one reserve. Matters were in that position when Lenana died. Though his personality was taken from them, the tribe remained obedient to his wishes. The two important points expressed in those wishes were that the tribe should obey the Government and that the tribe should concentrate in one

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reserve.

When the Chiefs Legalishu, Masikondi and Ngaroya were appointed Regents to Segi, Lenana's successor, a further meeting was held in order that the Government might learn their wishes. In consequence of their expressed desire His Majesty gave his permission for the move of the division in the North Reserve to the South Reserve. Finally a formal document of treaty was prepared and signed with all formality by those members representing the Masai tribe, and Officers representing His Majesty's Government.

In my opinion the desire of those present could not have been more emphatically expressed than it was in the terms of that document, and I am satisfied that at that time the majority of the tribe was in favour of the move.

The Governor was so anxious to meet in a favourable way all the requirements of the tribe when hearing that the number of their stock was too great for the portion of the country allowed to them, he arranged for a further addition of territory. This extension of area was not given blindly but Government Officers were sent to examine and report on the country proposed for inclusion in their Reserve, and representatives of the tribe were sent to visit the country which they reported to be favourable for their requirements.

I draw attention to these facts now to point out to you that you can not at this time say that the country in question is unsuitable or insufficient for your requirements. It is only comparatively recently that it has come to the knowledge of the Government that certain Elders are endeavouring to depart from the terms of the agreement made by themselves.

"It has been brought to my notice that Legalishu and possibly other Elders have been in communication with a firm of Mombasa lawyers to take action with a view to regaining possession of Laikipia country. I am not concerned whether the Chiefs approached the lawyers first or the lawyers approached the Chiefs, but in either case I am of opinion that it is not proper that the Chiefs should have taken those steps without first airing their grievances before the Government which has done so much to assist them. Also I understand that Legalishu is a paid servant of the Government and it is therefore most improper that he should have taken such steps without first approaching the Government. I have no desire to stand in the way of any man who wishes to take legal action in support of a grievance and you are at liberty to take such action. Before doing so however I would like you to consider whether the taking of such action will result in any material advantage to yourselves, or benefit to the tribe.

"In a few words I will tell you the intention of the Government with regard to the future, and then I will call upon you to state any grievances you may have. I am afraid that some Elders of the tribe are under the impression that if they agitate sufficiently the tribe will be allowed to re-occupy Laikipia and retain the whole Southern Reserve. Some have gone so far as to suggest that if they pay an increased tax and a certain number of stock each year they will obtain their desire. I wish you to clearly understand that Government has no intention of making anything in the nature of a bargain and has fully determined that the move from Laikipia to the Southern Reserve shall be carried out in its entirety. In maintaining that attitude Government is only carrying

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out the wishes of the tribal representatives as originally expressed and the time has passed when that expression of desire on the part of the Masai can be modified in any way.

So far as I am able to judge from reports of officers in a position to know, the tribe has been given a portion of the best country in the Protectorate, and an area which is quite sufficient for the inclusion of their stock. The Government expects the tribe to occupy their country in a peaceable manner and once they are settled in their Reserves they will have full liberty to move about in that Reserve but on no account to settle outside it. Further if Legalishu or any other opulent member of the tribe contemplates the purchase of land outside the Reserve for his own occupation or that of the tribe he had better reconsider his idea as it is most improbable that Government will allow any such transaction.

I hope I have made my position clear and that you will understand that the Government will not alter this policy. I will always take a personal interest in the tribe's welfare during my tenure of office, and I hope that you will represent to me any legitimate grievance which you may have to make.

Now that you have heard the intention of Government fully explained to you I desire any one having a grievance or statement to make to speak."

Legalishu stated that His Excellency began with words of long ago, and that he ( Legalishu ) would do the same. He wished to know on what account did the Masai who were originally at Naivasha move from there to Laikipia.

His Excellency replied that he was not concerned with the move from Naivasha to Laikipia but with the present move from Laikipia to the Southern Reserve, and that Legalishu's query was not to the point because the arrangements made at the time for the move from Naivasha to Laikipia were covered by subsequent arrangements made in accordance with Lenana's wishes.

Legalishu remarked with regard to the arrangements made by him and his friends with a firm of lawyers - that when a man is in trouble he goes to his lawyer.

His Excellency reminded Legalishu that it had just been suggested that Legalishu should tell His Excellency of his troubles now.

Legalishu replied that he did not understand His Excellency very well, and that His Excellency being a man of high position had power to punish him.

His Excellency explained that from first to last there was no question of compulsion, but merely an attempt to carry out arrangements to which both the Government and the Masai originally agreed.

Legalishu said that a broken weapon is finished with and that even if the arrangements had been made at the time before the Government and signed by both parties it was finished now as their cattle were going to die.

His Excellency enquired whether that was the reason why withdrawal from the terms of the agreement was contemplated.

There was no reply to this query.

Elder Ole Batiat enquired why His Excellency refused to discuss the move of the Masai from Naivasha to Laikipia.

His Excellency replied that he had explained that this matter was covered by the treaty of 1904, agreeing to the general move to the Northern Reserve ( Laikipia ). As that general agreement had been made he had a right to presume that at that time the tribe consented.

Ole Batiat said that they had agreed that the new country in the south was unsuitable from the day they signed the treaty.

His Excellency remarked that they had ignored the inspection and report of their six Elders made prior to their signing the treaty.

Ole Batiat replied that the Elders lied if they said that the country was good.

His Excellency understood that to be an expression of personal opinion.

Ole Batiat had nothing to add to his statement that the country was bad.

His Excellency suggested that such an expression of opinion might carry more weight after they had had some experience of the country in question.

Legalishu said that their grievance was that the new country allotted to them was not good, and that when they realised their misfortune they consulted a lawyer.

Ole Jogo ( one of the principal Moran ) urged that the country to which the Masai were being sent was not good for cattle, sheep or goats. The Masai had their trouble and it would be realised when they were dead. Many of their Stock and sheep had already died on the move.

Nguruna expressed his opinion as being similar to that of Legalishu, and that they would be pleased if His Excellency could give them some other country.

Masikondi supported the others in their opinion that the country was not good.

Ngaroya enquired about the water supply to the Magadi Railway from the Ngong Hills and expressed anxiety as to whether the supply for the Southern Reserve would be maintained.

His Excellency was unaware that the Company would take any water from that source but that, should they do so, the interests of the Masai would be safeguarded.

Ngaroya stated that he always agreed and he still agreed to the arrangement in which he participated with the Government for the move from the North to the South. He was unable to suggest any reason for his fellow tribesmen's objection to the move since cattle and sheep were dying everywhere and not only in the Southern Reserve.

Segi (Lenana's son and successor ) stated that the words uttered long ago to the effect that the Masai should move from North to South must stand and the Masai must go. Now they were behaving like children.

Marmaroya ( Lenana's brother ) requested that if His Excellency wished in future to discuss the matter of the Masai move again with the the Elders, he would call Legalishu only since the remainder were agreed as to the justice of the move, and had nothing further to add.

His Excellency then made the following remarks:

"I am pleased to have heard what you have had to say and to know what is your opinion. The discussion has convinced me that the opposition to the move is on the part of only a faction of the tribal authorities and that the dissatisfaction expressed by Legalishu and his adherents is of a very indefinite and inconclusive nature. When I heard that Legalishu had engaged a firm of lawyers to take his case into court I thought that he had some definite ground to go upon. If he has no better ground for his dissatisfaction than what he has expressed to-day I would urge him to consider his case very carefully before taking further actions. In order to give him due consideration I have given his lawyers intimation of to-day's meeting and I believe that one of them will arrive to-day so that they may discuss their case after what they have heard from me.

I cannot accept the allegation of the unsuitability of the new Reserve in view of my own officers reports to the contrary, and the very indefinite statements by yourselves as to its unsuitability. I am therefore unable to entertain the idea of any alteration in the arrangements. I expect that the Elders and Representatives of the tribe will carry out loyally all instructions given by officers in connection with the move. If at any time in future

14

10.

any of your tribe can show substantial reason for dissatisfaction - I shall be ready to listen and to remove the cause if possible. In conclusion I repeat that I do now and will continue in the future to take a sincere interest in the welfare of your tribe.

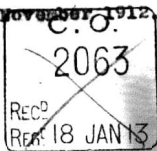
Encl. 2 in No

581

3221 Vol. II

INDEX No. 2  
136 Conf. Dec. 17th 1912

21st November 1912



Sir,

I have the honour to inform you that His Excellency proposes to visit Nakuru with a view to meeting the Masai Chiefs there probably between the 29th instant and the 7th proximo.

If you or your partner desire to have access to them during His Excellency's visit he will be pleased to assist you in any way.

I have the honour to be,  
*etc*

Sir,

Your most obedient servant,

**Ed. W.J. Monson.**

FOR CHIEF SECRETARY.

Morrison Esq.,

Advocate,

Mombasa.

Encl 3 in No.

582

No. 3.

136  
Copy Recd 17th 1912

The Secretariat,  
Nairobi.

November 22nd 1912.

Copy.

Sir,

With reference to my letter of yesterday's date I have the honour to inform you that His Excellency's meeting with the Masai Chiefs will not be held earlier than the 5th proximo, and will most probably take place on that date.

I have etc.,

W. F. MONSON

for Chief Secretary to  
the Government.

Harrison Esq.,

Embassy.



Encl. 4 in No

583

NOV  
1360  
1360  
17th 12

Mombasa,

25.11.12.



Chief Secretary,  
Nairobi.

Sir,

I thank you for your letters of the 21st and  
22nd inst.

With regard to H.E's kind offer - Mr Morrison  
and myself will avail ourselves of it and will  
proceed to Nakuru on the 4th inst.

I have <sup>etc</sup> the honour to be,

Sir,

Your most obedient servant,

Sd. A.D. HOME.

Encl. 4 in No

583

1368  
copy Recd 17th 12  
No 4

Mombasa,

26.11.12.

S.O.  
~~2063~~  
REC'D  
REG 18 JAN 13

Chief Secretary,  
Nairobi.

Sir,

I thank you for your letters of the 21st and  
22nd inst.

With regard to H.E.'s kind offer - Mr Morrison  
and myself will avail ourselves of it and will  
proceed to Nakuru on the 4th inst.

I have <sup>etc</sup> the honour to be,

Sir,

Your most obedient servant,

M. A.D. HOME.

Incl. 5 in No.

PROCEDURE No 584  
In Despatch No 136 of Dec 1912

Copies of Telegrams to and from Mr. Morrison re his attendance at Nakuru on 5th December 1912.

\*\*\*\*\*

C.O.  
2063  
REC'D  
18 JAN 3

- 1. Despatched from Mombasa on 1-12-12.  
Received in camp on 3-12-12.

To Secretary Governor

Please inform latest train from here time for meeting. from Morrison.

- 2. Despatched from camp Naivasha District on 3-12-12.  
To Morrison, Mombasa.

Meeting Nakuru morning Thursday next.  
Private Secretary.

- 3. Despatched from Mombasa.

To Governor's Secretary, Government House, Nakuru.

Arranged leave Mombasa Wednesday if can attend meeting was unavoidably detained yesterday kindly wire definite date.

from Morrison.

- 4. Despatched from Mombasa 4-12-12.

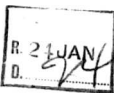
To Private Secretary, Governor, Nakuru.

Leaving by to-day's train.

from Home.

Gov. 2063/12/13

EAR



25 Janry. 1913

Sir,

I have the honour to  
acknowledge the receipt of

~~you~~ your despatch, No.  
Confidential, No. 136,  
~~#~~ of the 17<sup>th</sup> of Dec., and

~~to inform you that~~ <sup>acknowledging</sup>  
an account of  
your conference

with the ~~local~~ re-  
presentatives at Nakuru  
on the 5<sup>th</sup> of December.

(Signed) L. HARCOURT

DRAFT.

EAR  
Confidential  
Gov. Belfield

MINUTE.

Mr. Harper, 24 Janry.

Mr. Bottomley 24<sup>th</sup>.

Sir G. Fiddes.

Sir H. Just.

Sir J. Anderson.

Lord Emmott.

Mr. Harcourt.