

EAST AFR. PROT.

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15 SEP 13

1913

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August

FINE UNDER COLLECTIVE PENITENTIARY ORDINANCE

of the Mopeka Clan of Kitutu in the South Kavirondo District for the theft of a cow. Reports on circumstances.

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The 4 divide

*Handwritten notes:*  
I understand the requirements of the...  
...of a... of... where...  
...of... with... the case

*Handwritten notes:*  
Yes, assuming that the... was  
taken... the... concluded...  
to the... relating to Criminal  
Procedure - an assumption which I  
think is very much

*Handwritten notes:*  
21/9/13  
23/9/13

Subsequent Paper

~~EAST AFRICA PROTECTORATE~~

August 21st 1912.

No. 658

Sir,

I have the honour to inform you of the circumstances under which I have approved of the imposition of a committal fine on the Mogeke clan of Kitutu in the South Kavirondo District under the Collective Punishments Ordinance 1909, in respect of the theft of a cow which was traced into the locality of a Headman, Mairura by name, who, from the evidence in the case, appears to have taken little or no steps towards the recovery of the stolen property, and to have failed to restore the cow or pursue the tracks leading from his location.

4/19  
69/10

2. Thefts of Kavirondo cattle in this District have been of very frequent occurrence of late, and though it is, in most cases, somewhat difficult to obtain reliable evidence, I am of opinion that in the present instance sufficient has been adduced to warrant the imposition of a fine.

3. The inquiry was held by the District Commissioner, Kericho, a Magistrate of the 2nd class, and the evidence taken and his findings were submitted to the Attorney General before the infliction of the

fine.

THE RIGHT HONOURABLE

LEWIS HARCOURT, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

fine was sanctioned. Subsequently I approved the imposition of a collective fine to the extent of five times the value of the stolen property, viz: Rs.500 on Mairara's section of the Hogeke clan of Kituta. This amount has now been collected, out of which Rs.100 has been paid to the complainant in the case and the balance of Rs.400 credited to Revenue, and I trust that you will approve my action in the matter.

I have the honour to be,

Sir,

Your humble, obedient servant,

*Alonso B. B. B.*

GOVERNOR.

124 SEP  
1913

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179

E.A.P.

See

Draft

E.A.P.

Rs 50/-

O.A.S.

25 Sept. 1913

Sir,

I have the honour to acknowledge the receipt of Mr. Belfield's despatch, No 658, of the 21<sup>st</sup> of August and to inform you that I approve of his action in inflicting a fine of Rupees 500 on the insurance's section of the Brogeka clan of Kistutu, under the collective Punishment Ord<sup>s</sup> 1909, in respect of the theft of a cow

*[Signature]*

*[Handwritten notes]*  
24/9/13  
Bottomley 24/9/13