

DESPATCH

EAST AFR. PROT.
No. 5818

C.O.
5818
Recd
Regd 17 FEB 08

Serial No.
1908
1/30/08

(Subject.)

Nairobi Incident

Reports on statements that Major
W.D. Burn, H. Low & Capt. Fichat, were concerned
in the organization of the incident

(Minutes.)

~~Mr. Hunt~~ Antrobus.
It appears to me that Mr.
Jackson was quite justified in
expressing his belief that
Mr. Low & the others had engineered
the incident, on the evidence here
given. Any way the statements
& its publication are absolutely
justified.
The matter is I hope cleared
up now.

Pub by M.L. 20/2

M.L. 26.22 H. J. R. 20/2

Subsequent Paper.

(No. 219)

C. 219
5818
Recd
FEB 17 1908

East Africa Protectorate
Confidential (5)

Governors Office
Laird

18 January 1908

My Lord,

In reference to Your Lordship's despatch confidential of the 12th of November 1907 requesting evidence in support of the opinion expressed in L. Jackson's telegram of the 16th of March 1907 that Major W. A. Burn was one of the persons who organized what is known as the flogging incident, I have the honour to report as follows.

1. L. Jackson's statement is in the nature of things scarcely susceptible of direct proof. It was intended as a confidential expression of his views as to the persons responsible and, while he is convinced of the correctness of his impressions on the subject there is but little evidence available.

3. It was notorious in the early months

Principal Secretary of State
for the Colonies
Downing Street
London

S.W.

months of last year, that a certain colonial comprising a large proportion of the members of the Committee of the Colonists' Association, was endeavouring to discredit the Government by all means in its power. So that colonial and to that Committee the persons mentioned in his Jackson's telegram all belonged.

4. These negotiations and proceedings were naturally kept secret but their sympathies as expressed in conversation and in the columns of the Star the party organ, were public property and from the information his Jackson had at the time I am of opinion that it was clearly his duty to acquaint Your Lordship with the names of the persons he considered to be chiefly implicated in the accident.

5. As regards Major Buxton's actual behaviour at the flogging itself I enclose a memorandum by the Inspector General of Police from which it appears that he knew beforehand what was going to take place and at what hour, that he was a spectator of the incident, that he made no effort to assist the Court to which he was attached as a pleader, and that his attitude appeared to look on to

Enclosure to Lord of Miss
3 January 1898

to indicate approval of Captain Frogan's action.

6. This latter supposition is borne out by the fact that the messages sent by him to the "Daily Herald" in his capacity of special correspondent were of a grossly false and misleading nature and were calculated to induce the public to suppose that the circumstances preceding the flogging were of such a kind as to render it justifiable. It is true that he does not admit that the cablegrams as published were sent by him but I am in a position to prove in case of need that they were.

7. I would contend that in view of these facts Major Bains' sympathies are clearly shown to have been with the organizers of the flogging and that it was reasonable to regard him as one of them himself.

8. As regards the other persons named in his Jackson's Telegram Captain Frogan's inclusion amongst them was inevitable, and Captain Fichat was consulted by him on the evening before the flogging took place. He was moreover concerned in a previous attempt to bring the Administration into contempt by flogging out certain
 areas

meas in the township of Leicestershire as
 a protest against the mineral laws
 of the Protectorate.

I know in the Editor and
 claim to be the sole proprietor of
 the "Star" newspaper. The articles
 published by him before and after the
 flogging indicate his attitude very
 clearly and practically amount to
 an incitement to the public to attack
 the Government.

I have the honour to be
 with the highest respect,
 My Lord,

Your Lordships most Obedient
 humble Servant,
 Thomas Fuller

MINUTE PAPER.

C. O. 5818
REC-17 FEB 08

With reference to the verbal request made by you regarding Mr. Burn's claim for compensation I have the honour to report as follows:-

Mr. Allen, Solicitor gave the following evidence:-

"Mr. Burn was on the verandah just at top of steps - There were many others in the verandah, it was full. I asked Mr. Burn what the matter was all about, he said that Captain Grogan was going to beat some natives for insulting white women. I then said what about the Magistrate & the Police & asked if Logan was not in his room. He replied what can they do, they have got neither Military nor Police in the country, how can they stop it, he said the Magistrate came out a minute ago & made some ridiculous remarks about proceeding not being legal, he is gone back to his chambers, I said that I was afraid there would be trouble over this. He said yes there is bound to be & then he asked me if I thought the Government would do anything or take any notice of it. I said I thought they would be bound to. He said they would have either to ignore the matter altogether, in which case it would be an absolute admission of impotence, or take it up, in which case if they tried to arrest anybody there would be the biggest row there ever had been in East Africa".

On being cross examined by Mr. Burn

(Question) Did I discuss this matter with you from other than a spectator's point of view.

Answer. Understood you to take a greater interest in it than that.

On being reexamined by Mr. Combe Mr. Allen stated as follows:-

Secretary,
to the Administration.

When

" When I saw Burn at the assembly I thought he was more than spectator. - He struck me as being there approving the proceedings that were going on. I formed this opinion from what he (Burn) said & from his manner".

Dr. Milne gave the following evidence:-

" I stepped to speak & Mr. Burn who stepped also pulled out his watch & at the same time said I must not miss this. I asked him what was up. He replied that Grogan was going to flog his gharri boys at the Court House".

Pherez Shah Nadir Shah, Court Clerk gave the following evidence :-

" I came to the steps of the Court & there I saw Burn. I asked him if these gentlemen wished to see Logan on any urgent business. Burn looked round & smiled but he did not give me any answer. I addressed the question directly to Mr. Burn. Mr. Burn had no engagement in Court that morning. That is there was no Court case in which he was engaged that morning".

Mr. Burn gave the following evidence:-

- (Q) Were you present when the natives were flogged
- (A) Yes
- (Q) Were you a member of that assembly
- (A) No, I had no connection with the proceedings at all
- (Q) Did you repudiate this meeting altogether & say you had nothing at all to do with it.
- (A) Nothing at all, I was an on looker.
- (Q) Is it true to say that you were a sympathiser
- (A) No, I was an on looker
- (Q) What object had you on being an on looker
- (A) To collect copy for a newspaper for which I contribute in London
- (Q) Had you not been a Newspaper correspondent you would not have gone
- (A) No I don't think I should.

In my opinion from the above evidence it appears that Mr. Burn was more than an on looker he was an approver & was in full sympathy with the proceedings. From his statement to Mr. Milne "I would not miss this for anything" does not point to the fact that the only interest he took in the proceedings was to collect material for a newspaper. From the conversation he had with Mr. Allen he led that person to believe he was an approver - When the Court Clerk asked Mr. Burn if the Europeans wished to see Mr. Logan on urgent business. Mr. Burn looked round & smiled but gave no answer. Mr. Burn was aware of what was going to take place before he got to the Court, & under Sec 44 of the Criminal Procedure Code he was bound to give information to the nearest Magistrate.

This he failed to do, & there can be no excuse for Mr. Burn. He is a Barrister & practises in Nairobi. The only reason I can assign for not laying the information, he approved of what was going to take place.

I would also refer to a Colonist Association meeting which took place a few months ago when Mr. Burn was asked to produce the cables he sent home regarding this incident or that he may give permission to the Colonist Association to obtain copies - he declined to do so, the inference being that he sent a wrong account of what took place.

Sd/ W. Donald.

Inspector General of Police

3 - 1 - 08.

EAST AFR. PROT.

No. 5820

C. O.

5820

Recd
17 FEB 08

No. 1908
18 Jan

(Subject)

Pension of M. J. H. Murray

Returns paper of particulars duly filled in. Copy report by P.M.O. as to alcoholism. Considers deduction not exceeding 1/2 and should be made from his pension.

See previous Paper.
3274

General Dept. (Minutes)
H. J. R.
19/2

See also 6183

Mr. Harn.

The form of particulars has been returned without the provision for which Mr. Murray is qualified being completed, but as he is passing for a pension it will perhaps be necessary to make the award without a further reference to the Medical Board. Through the confusion should be pointed out.

Alcohol Conf 27/9/08

He has evidently qualified for a pension of

15/60ths of £440 £110

See previous Paper

In 1908 the Governor was asked if he would recommend a reduction on account of the consumption of alcohol. He has recommended that the pension be reduced by 1/2. Surely this is a heavy penalty to lay especially when the charge has not been proved to the Medical Board (18727) any pension has

6183

"possibly" been approximated by the injudicious use of
"alcohol". The Governor (1872) cannot say
how far the use of alcohol has affected Mr Murray's
health, & now in this despatch Mr Jackson
admits that Mr Murray has never been treated for
"alcoholism". The P.M.O.'s report in the present
despatch is also distinctly non-committal.

Had the Governor not been asked for a recommendation
the full pension might fairly have been awarded. As
it is we are bound to make a reduction in the
amount, but £10 would be sufficient, looking to
the entire absence of proof.

U.H.

21.

Mr Cox.

I hardly had time to put the finishing touches
to this before I went away the other day.

I think some deduction is fair, ~~must~~
though I agree with Mr Hunter that it need not
be excessive. I am inclined to take 5% off
to make the pension £104.10.

at.

~~Dr. Wood~~

10 Mar

I think that no deduction whatever
should be made. No charge of intoxication
has ever been brought against the man.
Unofficial & private rumours have been
made but the Governor did not think
fit to investigate them. All the medical
boards say is that the ~~man~~ ^{patient}
suffers has possibly been approximated by the
injudicious use of alcohol. In particular all
alcohol should be avoided. Any use is

"injurious". A man in the world²²⁷
who did not know this might
easily take ground in the idea that
the weakness he suffers from might
be ameliorated thereby.

As a general rule a man's pension
ought not to be reduced save on
proved misconduct. or Removal
& "possible" injurious use of alcohol
are insufficient in my opinion.

I would give this man his
full pension & explain to the persons
above.

HBL
12/3

W. Churchill

Lord St. John

I agree

Glt 12.3

Very well - thank
I read & approved the
decided then to

12.3

5820

REC
REG 17 FEB 08

Foreign Office

hand

18th January 1907East Africa Protectorate

Confidential (7)

My Lord.

I have the honour to return the paper of particulars respecting Sir Murray's pension, enclosed with Your Lordship's Confidential Despatch of the 1st of November last, duly filled in.

2. With regard to paragraph 3 of Your Lordship's despatch under reply, I enclose the opinion of the Principal Medical Officer.

3. Sir Murray has never been treated for alcoholism nor can I find any reports in my Office against him to that effect. It has however been generally known that Sir Murray was at times addicted to the immoderate use of alcohol. At Bealinda where he was District Commissioner this was brought to my notice through unofficial and private sources at the time he was suffering from the ailment for which he was subsequently invalided.

4. Return

Principal Secretary of State

for the Colonies

Downing Street

London

S.W.

Murray's Pension Form

3959/07

Minute of C.O. 18 December 1907

4. As he was in ill health at the time, had applied for leave, and I was aware that he was about to retire, I did not consider it necessary at that time to further investigate the unofficial reports to which I have referred.

5. Taking Colonel Hill's report and what I have said above into consideration it appears to me that his state of health probably had been aggravated by the injudicious use of alcohol, though to what extent it is not possible to say, and that therefore some deduction which should not exceed $\frac{1}{3}$ rd, should be made from his pension.

I have the honor to be
with the highest respect
My Lord,

Your Lordship's most obedient
humble Servant,

 J. Galloway

in the absence of H. C. The Governor.



Indonesian East Africa Protectorate
Confidential (7) 9
January 1908

C. O. 230
5820
Recd
Recd: 17 FEB 08

Minute Paper.

Subject. Effects of the injudicious use of alcohol on the health of Mr. Murray.

Mr. Murray suffered from Chronic Gastritis with occasional acute exacerbations. In this condition alcohol should be entirely avoided, and its injudicious use undoubtedly does aggravate the disease, depending mainly on the amount consumed.

It would however be difficult to estimate to what extent the condition which necessitated Mr. Murray being invalided was affected in this respect as I have no knowledge of the quantity used.

There is no record of Mr. Murray ever having come under medical treatment for "alcoholism".

Nairobi.
18-12-07.

Principal Medical Officer.

East Africa

PROTECTORATE

3958731

REC'D
APR 11 1907

SUPERANNUATION.

PARTICULARS required to be furnished in reference to Persons recommended for Superannuation or Compensation Allowances, or Gratuities on retirement.

1. Name of Applicant George Henry Lygon Murray

2. Office or Situation District Commissioner

3. Recommended for Pension

4. Age (give date of birth) 36 years. Born 25th May 1871

5. Service in Years and Months 10 years 1 month & 15 days

6. Addition (if any) in respect of unhealthy climate 5 years

7. Salary or Wages* (actual) £400 PA

8. Emoluments* House rent 20 PA

Total amount of Salary or Wages and Emoluments on which Superannuation, &c., is claimed } £420 PA

Whether the Salary and Emoluments (so far as received in money) have throughout the whole period of Service been paid out of the Public funds of the Protectorate. Re Salary, Geo. The Protectorate has provided a house rent free

[LEAVE THIS SPACE BLANK]

a. Here state the description of allowance for which the applicant is recommended, viz. Superannuation, Compensation, or Gratuity. Reference should be made to the Warrant or Order under which the claim is made.

b. If the Service has been interrupted by one or more breaks, the word "broken" should be added after the number of years and months. The causes, dates, and circumstances of the break or breaks should be stated on the second page of the form under heading 11.

c. If the person retiring has been in receipt of the same salary, or in the class from which he retires, for three years immediately before the date of his retirement, the actual annual rate of salary or wages at that date should be inserted, preceded by the word "actual." In other cases the average annual amount of salary or wages for the three years next preceding the date of retirement should be inserted, preceded by the word "average" but if the whole period of service is less than three years, then the average for the whole period of service should be inserted.

d. A separate statement should be inserted of the average annual value for the last three years of each emolument (exclusive of salary or wages) which is claimed to be included in the calculation of the pension or gratuity.

10. Cause of Retirement [with annexed Medical Certificate, if from 'infirmity of mind or body, and under 60']. The signature of the Medical Certificate must be sufficient to enable the name to be identified in the Medical Register.

Ill health. The report of the Medical Board was forwarded in September to H.E. the Governor.

11. Dates of Commencement and Termination of the several Appointments held by Applicant, since entering the Public Service, with their Emoluments, distinguishing Salary from other Allowances, and specifying such Allowances. (See note b on page 1.)

*Assistant Collector 24 12-1897 to 15-4-1901
(as Collector, Vanga, 18-8-00 to 15-4-01) Salary £250
Acting Provisional Comm. Korum from 28-9-06 to 1910-06.
Collector 16-4-1901 to 27-1-1908. " £400*

12. Date and description of the instrument of appointment to the established service of the Protectorate (or of each Protectorate, in cases of transfer).

Letter of appointment from the Secretary of State for Foreign Affairs, dated 15th December, 1897

13. Whether the duties of the several Offices or situations held since the applicant was first appointed have been such as to require that the holder should give his whole time to the Public Service.

Yes -

14. Whether holding any other Public Appointment, or receiving or claiming to receive any Public Money by Compensation, Half Pay, Retired Pay, or otherwise.

No

15. If any kind of pension or other allowance has been either commuted under the Pensions Commutation Acts, 1869 and 1871, or otherwise, the annual amount and particulars of Pension or Allowance so commuted and the date of Commutation should be inserted.

No

16. Absences during each of the last ten years ...

YEAR	NO. OF DAYS		
	Ordinary leave	Illness	Other cause
1898			
1899	96		
1900	15		
1901			
1902	122	38	
1903			
1904			
1905	188		
1906			
1907	95		

17. Date of Cessation of Duty.

27th Sept 1907.

18. Date up to which inclusive Salary has been or will be paid.

27th January 1908.

19. Certificate of the manner in which the applicant has discharged his duties, stating whether he has served with diligence and fidelity to the satisfaction of the Head Officer of his Department.

Mr Murray ... has discharged his duties satisfactorily ... he has been ... suffering from ...

*Nairobi
18th Jan 1908*

W. J. ...

DRAFT

25 March 1908

The Secretary
to the Treasury Sir,

- March
- MINUTE.
- Mr. Hunter 20
 - Mr. Harris 24 *per*
 - Mr. Just.
 - Mr. Antrobus
 - Mr. Cox.
 - Mr. Lucas.
 - Sir F. Hopwood.
 - Mr. Churchill.
 - The Earl of Elgin.

500

Sum of 167 Conf (12) 500

1000 Conf (11) 1000

I am directed by the Earl of Elgin to transmit to you, to be laid before the Lords Commissioners of the Treasury, the accompanying ^{copies} papers relative to the retirement of Mr. Gt. L. Murray, District Commissioner in the East Africa Protectorate.

Your Lordships will observe that Sir J. Stanger Jaggard, in his report of the 5th of October last is commencing his retirement of Mr. Murray, which has been accepted.

38727

to believe that for some time past
Murray has not been moderate in
his use of alcohol; and that the
medical report which accompanied
that despatch stated that his health
is a complaint from which he suffered
exactly has possibly been
aggravated by the injudicious use
of alcohol.

The state of health disclosed by the
medical report, caused Mr Murray
to be brought out in his
condition in the Protector's charge
whether the Governor having regard
to the expense of alcoholism should
to recommend any reduction of
pensions.

Mr P. L. appears from
the reply of the
acting Governor to have
that Mr Murray had never been

(39587) 9
7

treated for alcoholism, nor could
reports against him to that effect be
found in the Governor's office; this
is confirmed by the certificate of
the Principal Medical Officer, who

states that the Governor, in his certificate
under head 19 of the paper of
particulars attached to the despatches
despatch states that Mr Murray
was at times not judicious in
the use of alcohol, but it is clear
from the correspondence as a whole
that not only had a large
objection has been brought
against Mr Murray, but that the
local authorities have never thought
it to indicate the possibility of
suspicions which the state of health
was aroused.

before
and of the entire absence of
that Mr Murray's name was approved

233a

