

1934

Kenya.

No. 23048.

SUBJECT

C0533/443

Murders by the Samburu

& death of Mr. T. Powys.

Previous

3362/33.

Subsequent

See 23077/34. (Deputation of  
Samburu Wild  
Doctor.)

38036/35.

Lady Eleanor Cole called on me this morning and read me extracts from letters from her local manager, Mr. Pardoe, dating from November 8th to (I think) January 12th. There had been a gradual change of view on his part and that of his Masai headman from the theory of death by lion (on which the Masai were at first quite definite) to that of murder by Samburu. The letters showed also that Mr. Trafford, the D.C., Rumuruti, and Mr. Colville behind him, were active on the scent of Samburu culprits for murders generally, and that the Police were very active in their enquiries, but that there was great disinclination to move on the part of Mr. Cornell, the D.C. of the Northern Frontier Province district concerned. On the other hand they hoped for more active investigation and assistance from Mr. Glendon as P.C., N.F.P., than they would have had from Mr. Stone, the late P.C. The whole <sup>series of murders</sup> mystery was attributed to the local Samburu witchdoctor who had been deported to Meru, which was considered not nearly far enough away.

I said that we must wait for the Governor's reply which might very well come in by the next mail, but that I would remember what she had told me and that if necessary I would ask her to communicate suitable extracts from Mr. Pardoe's letters which I could send to Nairobi.

*Handwritten mark*

*wait Wed. 27.1.24*

*Handwritten initials*

*See my letter following - to ... and misunderstanding. Wait*

*Wed. 9.2.24*

*Handwritten notes at bottom*

Lady Eleanor Cole called on me this morning and read me extracts from letters from her local manager, Mr. Pardoe, dating from November 8th to (I think) January 12th. There had been a gradual change of view on his part and that of his Masai headman from the theory of death by lion (on which the Masai were at first quite definite) to that of murder by Samburu. The letters showed also that Mr. Trafford, the D.C., Rumuruti, and Mr. Colville behind him, were active on the scent of Samburu culprits for murders generally, and that the Police were very active in their enquiries, but that there was great disinclination to move on the part of Mr. Cornell, the D.C. of the Northern Frontier Province district concerned. On the other hand they hoped for more active investigation and assistance from Mr. Glenday as P.C., N.F.P., than they would have had from Mr. Stone, the late P.C. The whole ~~mystery~~ <sup>series of murders</sup> was attributed to the local Samburu witchdoctor who had been deported to Meru, which was considered not nearly far enough away.

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I said that we must wait for the Governor's reply which might very well come in by the next mail, but that I would remember what she had told me and that if necessary I would ask her to communicate suitable extracts from Mr. Pardoe's letters which I could send to Nairobi.

*wait*  
*Wed.*  
 27.1.24  
*See my letter of 15*  
*and misunderstanding. Wait*  
*Wed. 9.2.24*

*Handwritten initials*

2. Lady Eleanor (S.O.) ——— 2<sup>nd</sup> Feb 34.  
Encls. extracts from letters from Mr. Cardos & requests  
they may be treated as confidential.

3. To Lady Eleanor (S.O.) — 2<sup>nd</sup> Feb 34.

I have written to Sir John &  
in my answers.

15 Feb  
2.2.34

done

air mail 4 to Sir J. Byrne S.O. — 5<sup>th</sup> Feb 34

Legating Note

An extract from E.A. Standard, 8<sup>th</sup> January 34  
regarding the Samburu murders & death of Mr. Powys is  
on 23049/314, Pt. 2, Nos.

Parliamentary Question by Mr. Hallam

No 1 on P. 2 file

Tel. hereafter, after speaking E. T. Flood.

Recive to me a Tuesday morning, if  
no reply recd.

15 1/2 etc

5 Tel to him 34 cons 15<sup>th</sup> Feb.

6. Govs. Deputy, Feb 36 ——— 17<sup>th</sup> Feb 34  
States reference to two murders of Europeans is not  
understood. Mentions details of murders in the Samburu  
country & investigations in the Powys case. Considers there is  
no foundation for suggestion that general unrest prevails  
among the Samburu.

See on P. 9. file

Del. to Lady Eleanor Cole

19/2

7. Bureau Byrne Feb 36 ——— 20<sup>th</sup> Feb 34  
Amendment to No 6

8. To Lady Eleanor (S.O.) ——— 20 February 34

9. Lady Eleanor (S.O.) ——— 22 February 34  
Acks. No 8, & requests return of extracts from Mr. Cardos  
letters.

? Have a msg. made of the encls.  
in No 2 for retention in the file &  
send the original extracts back to  
Lady E. Cole in a short message

26/2

P. 41

27 etc

10 To Lady Eleanor Cole (9 encls.) on 28/2/34  
(4 encls. on 2)

2. Lady Eleanor Cole (S.O) \_\_\_\_\_ 2<sup>nd</sup> Feb. 34.  
Encls. extracts from letters from Mr. Cardozo & requests  
they may be treated as confidential.

3. To Lady Eleanor Cole (S.O) - contd \_\_\_\_\_ 3 Feb. 34.

I have written to Sir John...  
in my address.

5 Feb 2.2.34  
alone

air mail 4 No Sir J. Payne S.O. \_\_\_\_\_ 5 Feb. 34

Legating Note

An extract from E. A. Standard, 8<sup>th</sup> January 34.  
regarding the Samburu murders & death of Mr. Bourgo is  
on 23049/34, Pt. 1, Nos.

Parliamentary Questions by Mr. Hallam  
No 1 on P. 9 file.

Tel. Hurmonth, after speaking to Mr. Flood.  
Recie. to me on Tuesday morning, if  
no reply recd.

15/2 etc

5 Tel to her 34 cons 15<sup>th</sup> Feb.

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understood. Thinks details of murders in the Samburu  
country & investigations in the Bourgo case. Considers there is  
no foundation for suggestion that general unrest prevails  
among the Samburu.

See on P. 9 file

Ld. E Lady Eleanor Cole

19/2

4. Governor Borneo Feb 26 \_\_\_\_\_ 20<sup>th</sup> Feb 34  
Amendment to No 6

8 To Lady Eleanor Cole (S.O) \_\_\_\_\_ 20 February 34

9. Lady Eleanor Cole (S.O) \_\_\_\_\_ 22 February 34

Acts. No 8, 9 requests return of extracts from Mr. Cardozo  
letters.

? Have a copy made...  
in 1722 for revision on the file &  
send the original extracts with  
Ld. E. Cole in a short despatch

26/2

Pt. 44

27 etc

10 To Lady Eleanor Cole (9 cons.) etc 28/2/34  
(2 cons. encl. in 2)

11 Sir E. Grigg etc 2/3/34  
Draws attention to the alleged delay in  
the way the matter is being dealt with  
by the Kenya Govt

I attach copy of reply sent  
after discussion with Mr Hood.

W.S. 8/3/34

To Sir E. Grigg, etc. (11 ansnd) 6 Mar 34

Sir E. Grigg, etc. s/a..... 6th March, 1934.  
Acks. No. 12.

**CONTROLLED ORDER STATUTE.**

Sir C. Bottamley will now wish to  
send a copy of No. 11 s/a to Sir J. Byrne  
since he has Sir E. Grigg's permission  
to do so.

It might be added that an  
extract from 6 has been sent to  
Lady E. Cole

T.W. Davis: 8/3

P.L. dff.

T.W. Davis  
9/3 also

114 To Sir J. Byrne (etc 11) etc 13/3/34

*(Signature)*

position holding  
Chief Native Commr now reports  
present situation justifies no resquid

It hardly seems necessary to have the  
substance of this on to Lady E. Cole  
or Sir E. Grigg

? P.W. Davis

T.W. Davis 1/3

The Acting C.N.C.'s report is hardly  
worth passing on to Lady E. Cole  
or Sir E. Grigg

*(Signature)*

20/3

I attach an extract from a speech by the Governor to  
Council

15a

Partly sent 20.3.34  
etc etc

*(Signature)*

16 you 136  
Reports present position as to investigations  
inquiry etc be held under Collective  
Punishment Ordinance on 20th inst.

16 Feb 34

? The substance of para 2 should be heard  
on to Lady E. Cole, otherwise it would be  
harder to say that to announce it  
conveys a wrong impression.

There is no need to bother to write further  
to Sir E. Grigg at this stage.

T.W. Davis: 26/3

But we might want a word, in case  
the next annual brings the report forward  
in para. 3

Drinker  
26/5

Sir C. Bollenby

I don't think we need say any more to lady

Ellean Cole

? Put by all three is something definite  
11.0.22  
26.3

Yes - but I should like to see  
the finished report.

W.S.

26.3.34

Parliamentary Question by Mr. Col. Moore -  
No. 2 on P.C. file

Extract from The Times, 25<sup>th</sup> April 34

BYED UNDER STATUTE

8. 22 Apr. No. 111 cas. 27 April/34

19. Governor Byrne Feb 96 20<sup>th</sup> April 34

States no collective fine has yet been imposed. Enquiries  
under Collective Punishments Ordinance in respect of factory cases  
only referred to in No. 6 have just been completed & will it is  
believed warrant collective fine. Investigations still proceeding  
as to death of Mr. Courge.

? in view of action on P.R.  
file, now put by

W.S.  
11/5/34

Drinker  
11/5/34

20. Sir J. Byrne (P.C.) 25 April 34

States as to various aspects of Damburn arrest &  
death of Mr. Courge, encls. copy of latest report by Comms. of  
Police together with copy of address to leg. Council

Statement of  
Robert in Paris

21. Extract from 'Morning Post' 21<sup>st</sup> May 34

? Partly

Drinker

22

N.B.

~~murder~~ It is a very odd affair & probably  
can never be cleared up. How did the skull get over half a  
mile away? is one odd question. Was it Courge's skull?

11.0.22  
21.5

I found say I mentioned to the Board  
that, but it is all entirely unconnected

Lady Eleanor Cole's disappearance  
is for the future security of her  
employees, and I hope that she will  
contact with that she will have heard  
from Mr. Parson

W.S.

I should like you to know  
(in case of private enquiries) that  
this file exists. Mrs

Partly

Noted; thanks.

W.S.

Ed. Wood  
28/5/34

23.5.34

22 Extract from a Record of an Interview between the  
S. & S. & the Executive Elected Members of the League  
Council on 10<sup>th</sup> Feb. 34

? Put by  
Ch. G. G. G. G.  
30/17/34

Admitted  
30

There is nothing to be done but the elected members are strongly  
opposed of the Sanbun in matter of what they may do. The  
sanction is not to be used and settle near them. The League  
Commission has a whole chapter on the Sanbun and  
concludes that they should not be moved, and should have  
the League platform. The settlers argue that the League  
was destined for white settlement.

The argument that Sanbun "must" is due to  
the fact of the Commission being unimpaired, but will have  
being finally.

22.6.34  
S. S.

I have some hope that the  
Commission's proposals, by  
concentrating the Sanbun in  
a definite area and ending the  
project for state of uncertainty,  
will go far to end the trouble,  
at all events, until such  
settlement reaches the settlement  
line. Sanbun on the land  
now to be assigned will definitely  
be firmly handled.

We must wait for the Govt's  
comments on the recommendations.  
Put by G. G. G. G.

23 Extract from The Times 4<sup>th</sup> June 34  
(Reference to Sanbun)  
STATUTE

Put by A. G. G. G.  
12/6/34  
at all

24 Governor Byrne 351 \_\_\_\_\_ 6<sup>th</sup> July 34.

Trans. a copy of Proceedings on Mr. King's case as to the  
suppression of evidence in murder cases together with a copy  
of an Order inflicting a fine of Sh 18,000/- upon 5 Deacons of  
the Sanbun tribe. States that enquiries into the death of  
Mr. Poyry are still proceeding and sd. not. dupl. have been  
mentioned in the magistrate's finding.

Sir C. Bottomley

This is not legally conclusive evidence - a  
lot - no probably, not legal evidence at all - but it is a case  
in which there can be no doubt in the mind of the  
reasonable man, especially one who knows tribal  
and customs that the Sanbun did commit these sort of  
retail murders and that the whole lot have deliberately  
covered up the tracks of the perpetrators - and very  
naturally so.

? Put by

22.6.34  
307.

W. D. D. D.

We need your countenance  
as to the correctness of the procedure,  
but as to policy there can be no  
view be so little doubt that (as I  
am going on leave) I am in a way  
the minute - without prejudice to  
your sending on to Sir J. Shackleton  
If you see any thing seriously wrong

Non-undulyland battles  
are "Public Enemy No. 1" to  
their neighbours, black or white,  
and in the murders being based  
in positive custom - we must  
expect contactment of crime  
all the time are tangled that  
with the same way in contactment  
day

notice that the Governor  
has stepped up the fence that  
on the U.S. (where a section of the  
industry owners) heavy in comparison  
with the rest, but it has been  
raised - responsibility - less than  
the others.

(Noting)  
2.1.8.34  
me

H/B  
2/8  
H/B

25. A.C.C. Ross \_\_\_\_\_ 11 Aug 1934

None noted

States that a report appeared in the Daily Mail in  
which it was stated that Mr. Poyzo Abb had been murdered &  
a collective fine inflicted on the Danbure. Seeks information on  
behalf of the family of Mr. E. Poyzo Abb regarding this report & enquires  
whether it was Mr. E. Poyzo Abb who was killed.

A copy of the Manchester Edition of the  
Daily Mail of 3 Aug was ordered by  
the Office keeper on the 7th August &  
I understand that the newspapers  
have had to apply to Manchester for it.  
The report may be in today or  
tomorrow, but rather than hold  
up the reply to No. 25 any longer

I submit a draft for the  
C. J. P. with  
9/8/34

26. No Ross. (26 Aug) 9. 8. 34.

H/B

27. A.C.C. Ross \_\_\_\_\_ 11 August 1934

Re No 26 & states that it is clear that it was not Mr.  
E. Poyzo Abb, who was killed in the Danbure country.

The Director in my case to see this  
before it is set by  
C. J. P. with  
13/8/34

H/B  
13/8/34

25. City of Kenton Telegram, 6 Oct. 34

24. Extract from Daily Herald 8 Oct. 34

DESTROYED UNDER STATUTE

The Times 8 Oct. 34.

DESTROYED UNDER STATUTE

The Times 9 Oct. 34.

DESTROYED UNDER STATUTE

32

DESTROYED UNDER STATUTE

The Manchester Guardian 9 Oct. 34.

DESTROYED UNDER STATUTE

~~Sanctuary~~

Re Sanctions native arrested & warrants out against four others in connection with the death of the Phoenix Party.

1031. A Kikuyu headman is the latest victim of the Sanctions.

? Put by A. P. ... 11/10/34

A. P. ... 11/10/34

35. Extract from The Daily Telegraph 22 October 34.

The Govt. has issued orders a proclamation forbidding <sup>(? Sanctions)</sup> young warriors to carry arms. <sup>Especially their wives</sup> to a penal clause.

A. P. ... 24/10/34

Put by

A. P. ... 25/10/34

34. Extract from The Times of 9 Nov. 34.

DESTROYED UNDER STATUTE

35. Extract from The Daily Herald of 9 Nov. 34.

DESTROYED UNDER STATUTE

? Put by A. P. ... 12.11.34

A. P. ... 13/11/34

11/11

36. Extract from The Times of 5 Dec. 34.

Lady Elham Cole will not be pleased.

? Put by

A. P. ... 7/12

Second of 2 copies (see 35) that two of the accused admitted the murder: possibly at some time they boasted of it - a very different matter.

Sir J. Keating.

These Sanctions troubles came before the S. of S. in Kenya and although he has no doubt seen the report in 36 I send on

S. of S. 7.12.34.

A. P. ... 10/11/34

S. of S. has seen (35) & (36).

E. ... 11/11/34

above

Mr. F. Lamb  
S. C. Attorney

Mr. Freeston.

no make

37  
38

The Secretary of State has received the attached two letters from Sir Joseph Lamb, M.P. and Mr. C.W.H. Glossop, M.P., with regard to the Powys case. He wishes replies to be prepared, setting out fully such information as we have about the case and making it clear that the idea that the Government did not wish to bring the persons concerned to justice is an outrageous one which no responsible person would hold. They should also be informed that a copy of the correspondence is being sent to the Governor of Kenya.

L. J. Lamb

9.1.36.

I had prepared drafts on the above lines when the S. G. B. declined with no the letter from Sir E. Gray on the same subject (Copy of his reply, and of a letter to Sir J. Byrne, annexed.)

no copy of the

(16)

? The interim answer now submitted will meet the case.

L. J. Lamb

14/1.

Yes: I think this is all that the S. G. B. will wish to say at present.

S. C. Attorney 14.1.36

- 39 To Sir J. Lamb. (S.O) - 24 annul — 15 Jan '35
- 40 To G. W. H. Glensh (S.O) - 38 annul. — 15 Jan '35
- 41 To Sir J. Ryme (P.P) - cons — 10<sup>145</sup> Jan '35
- 42 To Sir E. Gugg (S.O) ————— 10 Jan '35.

43 Proclamation No 100 of 1934

Put by  
 C. P. P. 23/1/35.

W. B. D. 23/1/35

DM

1111 Extract from Daily Herald 12 Jan '35

Notes the written suggestion in the  
 last paragraph doubtless the police  
 or medical authorities whether  
 in Carpenter was or was not killed  
 by a spear. ? Put by

C. P. P. 25/1/35

DM

W. B. D. 25/1/35  
 ato

- 39 To Sen J. Lamb. (S-O) - 24 enrod — 15 Jan '35  
 40 To E. W. H. Glensh (S-O) - 38 enrod. — 15 Jan '35  
 41 To Sen J. Hume (R-P) - com — <sup>1945</sup> 10 Jan '35  
 42 To Sen E. Gugg (S-O) ————— 10 Jan '35

43 Proclamation No 100 of 1934

Put by  
 C. H. Forman  
 23/1/35

L. R. Austin  
 23/1/35

SM

44 Extract from Daily Herald 18 Jan '35

Note the hostile suggestion in the  
 last paragraph. Doubtless the Justice  
 or medical authorities <sup>consider some</sup> whether  
 in Carpenter was or was not killed  
 by a year. ? Put by

C. H. Forman  
 25/1/35

L. R. Austin  
 25/1/35  
 ato

SM

# BRITON GORED TO DEATH BY RHINOCEROS

## CARRIED INTO JUNGLE

### Friend Killed in Forest Ritual

News by Our Correspondent  
NAIROBI, Monday.

THE mutilated body of Mr. Hubert Carpenter, of Oshington, Devon, for some years farm manager to Lady Eleanor Cole, in Kenya, was found to-day in the forest, near Nyari.

His clothing had been ripped off, and his body was terribly mutilated.

After searching investigations by police and because the theory to-night is that he was gored by a rhinoceros and was carried, impaled on the beast's horns, into the bush.

Mr. Carpenter's riding horn was found some way away. It is assumed that, fighting the rhinoceros, the horse threw his rider, leaving him on the ground at the animal's mercy.

### ACQUITTED AT TRIAL

The investigators at first linked Mr. Carpenter's death with that of Mr. Theodore Powys, son of the noted writer, who was also employed on Lady Eleanor Cole's farm.

Mr. Powys' mutilated body was also found in the forest. His death was at first attributed to lions, but police investigations showed that he had been gored to death by rhinoceros' horns and that "blinded" their eyes in consequence of their ritual.

Five tribesmen who were charged with the murder were acquitted owing to absence of evidence, but their acquittal did not lift the blood-guilt from the Gashu tribe.

Mr. Carpenter, the new victim of the jungle, was a close friend of Mr. Powys. He had been living at the time of his death at a neighbouring farm owned by Mrs. John Pope.

### "APPEAR-BLOODING"

It is said that the new tragedy has happened within a surprisingly short time of the cessation of the so-called "appear-blooding" ritual, although, according to the law, ritual will have been discontinued by the primitive tribesmen.

But since then there has been great uneasiness over the return of the tribesmen to "appear-blooding" ritual, and it is possible that Mr. Carpenter was already dead when the rhinoceros gored him.

# BRITON GORED TO DEATH BY RHINOCEROS

## CARRIED INTO JUNGLE

### Friend Killed in Forest Ritual

From Our Own Correspondent  
NAIROBI, Monday.

THE mangled body of Mr. Heben Carpenter, of Okshampton, Devon, for some years farm manager to Lady Eleanor Cole, in Kenya, was found to-day in the forest, near Nyari.

His clothing had been ripped off, and his body was terribly mutilated.

After searching investigations by police and doctors the theory tonight is that he was gored by a rhinoceros and was carried, impaled on the beast's horns, into the bush.

Mr. Carpenter's hideless horse was found some way along. It is assumed that, fighting the rhinoceros, the horse threw his rider, leaving him on the ground at the animal's mercy.

### ACQUITTED AT TRIAL

The investigators at first linked Mr. Carpenter's death with that of Mr. Theodore Poyry, son of the noted writer, who was also employed on Lady Eleanor Cole's farm.

Mr. Poyry's mutilated body was also found in the forest. His death was at first attributed to Moma, but police investigations showed that he had been done to death by Samburu tribesmen who had "bleeded" their spears in accordance with their ritual.

Five tribesmen who were charged with the murder were acquitted, owing to absence of evidence, but their acquittal did not lift the blood-guilt from the Samburu tribe.

Mr. Carpenter, the new victim of the jungle, was a close friend of Mr. Poyry. He was working at the time of his death at a neighbouring farm owned by Mr. John Baye.

### " SPEAR-BLOODING "

It is felt here that the new tragedy has happened within a surprisingly short time of the acquittal of the accused Samburu—which, although right according to the law, might well have been misinterpreted by the primitive tribesmen.

For some time there has been great uneasiness over the return of the tribesmen to "spear-blooding" ritual, and it is possible that Mr. Carpenter was already dead when the rhinoceros gored him.

# BRITON GORED TO DEATH BY RHINOCEROS

## CARRIED INTO JUNGLE

### Friend Killed in Forest Ritual

From Our Own Correspondent  
NAIROBI, Monday

THE mangled body of Mr. Heben Carpenter, of Okehampton, Devon, for some years farm manager to Lady Eleanor Cole, in Kenya, was found to-day in the forest, near Nyeri.

His clothing had been ripped off, and his body was terribly mutilated.

After searching investigations by police and doctors the theory to-night is that he was gored by a rhinoceros and was carried, impaled on the beast's horns, into the bush.

Mr. Carpenter's riderless horse was found some way away. It is assumed that, sighting the rhinoceros, the horse threw its rider, leaving him on the ground at the animal's mercy.

#### ACQUITTED AT TRIAL

The investigators at first linked Mr. Carpenter's death with that of Mr. Theodore Powys, son of the noted writer, who was also employed on Lady Eleanor Cole's farm.

Mr. Powys' mutilated body was also found in the forest. His death was at first attributed to lions, but police investigations showed that he had been done to death by Samburu tribesmen who had "blooded" their spears in accordance with their ritual.

Five tribesmen who were charged with the murder were acquitted owing to absence of evidence, but their acquittal did not lift the blood-guilt from the Samburu tribe.

Mr. Carpenter, the new victim of the jungle, was a close friend of Mr. Powys. He was working at the time of his death at a neighbouring farm owned by Mr. John Byles.

#### "SPEAR-BLOODING"

It is felt here that the new tragedy has happened within a surprisingly short time of the acquittal of the accused Samburu—which, although right according to the law, might well have been misinterpreted by the primitive tribesmen.

For some time there has been great uneasiness over the return of the tribesmen to "spear-blooding" ritual, and it is possible that Mr. Carpenter was already dead when the rhinoceros gored him.

PROCLAMATION No. 100

COLONY AND PROTECTORATE OF KENYA



THE POLICE ORDINANCE.

PROCLAMATION.

J. BYRNE.

BY His Excellency Sir Joseph Aloysius Byrne,  
Knight Grand Cross of the Most Distinguished  
Order of Saint Michael and Saint George,  
Knight Commander of the Most Excellent  
Order of the British Empire, Companion of  
the Most Honourable Order of the Bath, a  
Knight of Grace of the Venerable Order of the  
Hospital of Saint John of Jerusalem, having  
the honorary rank of Brigadier-General in His  
Majesty's Army, Governor and Commander-in-  
Chief of the Colony and Protectorate of  
Kenya.

IN EXERCISE of the powers conferred upon me by section 68 (1) of the Police Ordinance (Chapter 36 of the Revised Edition), I do hereby declare the area in the Northern Frontier District occupied by the Samburu tribe to be in a disturbed state and that from the conduct of the native inhabitants of the said area it is expedient to increase the number of police officers therein.

This Proclamation shall, unless previously withdrawn, remain in force until the 30th April, 1935.

GOD SAVE THE KING.

Given under my hand at Nairobi this 13th day of October, 1934.

By Command of His Excellency the Governor.

A. DE V. WADE,  
Acting Colonial Secretary.

Private and Personal

10th January 1945.

My dear Ned

Thank you for your letter of the 9th of January, and for the enclosures, which I have read with great care. Let me deal first with several specific points, and then come to the more difficult question of the advice to be given to Lady Eldon.

(1) As regards the Acting Judge. The assignment of a judge to try a particular case rests with the Chief Justice, and the executive Government has no jurisdiction in the matter. Sheridan, the Chief Justice, had a long Kenya experience before his return, and I know everyone in Kenya was very anxious to have him back. So he has wide experience, and Gamble, the Acting Judge, whom he had assigned to try the case, is the Senior Resident Magistrate, frequently acts as a Judge, and has had 11 years' experience on the Bench in Kenya, and nine years' previous experience in Kenya as an Administrative Officer. In fact, I have no doubt he is well known to you personally.

(S. Edward Spring K.C. (G. M.))

(2)

(2) I am quite certain from letters I have received from him that the Governor is very fully alive to the importance of securing law and order among the Samburu. A collective fine of 18,000 Sh. has recently been imposed in the area which has been giving trouble - for combining to suppress evidence of murder in five cases of native murders. I understand this fine falls on about 1,000 people, and is therefore a very heavy one.

(3) I have not received as yet a copy of the judgment in the case. This would not in the ordinary course come here, but I have asked for a copy to be supplied to me.

(4) Without seeing this, it is impossible to say exactly what weight the judge attached to particular items of evidence, but there must, I imagine, always be great difficulty in securing a conviction in a case where the evidence deals with matters three years old; and of course one has to remember that it is the duty of the court to apply strictly the law just as it would be applied in a capital case in this country.

(5) It would of course be quite improper for me or anyone to criticise the findings of the judge, and indeed the judge

who tries the case and hears the whole of the evidence must be the man who is in the best position in fact as well as the only man in law who can form a judgment upon it.

(6) I am enquiring privately from the Governor (but this is for your personal information only) as regards the assignment of the particular counsel to prosecute, but I am sure both you and I would hesitate to accept an ex parte statement as to the conduct of counsel in charge of the case. I am confident that the Legal Officers of the Crown would have had one intention in a criminal case, namely, to present that case as fully and fairly as possible.

(7) As Lady Eleanor said that Bottomley had not communicated with her for a long time, I asked Bottomley, and he tells me that after his talk with Lady Eleanor he sent to her an extract from a telegram which showed that the Poyrs case was still under investigation. Later he received a letter from Sir Joseph Byrne which mentioned that he had explained the whole of the policy regarding the Samburu at a meeting at which Mr. Pardo was present and Bottomley thought that he could not usefully add anything to what Lady Eleanor would have received from her manager.

(2) I am quite certain from letters I have received from him that the Governor is very fully alive to the importance of securing law and order among the Sanburs. A collective fine of 18,000 Rs. has recently been imposed in the area which has been giving trouble - for combining to suppress evidence of murder in five cases of native murders. I understand this fine falls on about 1,000 people, and is therefore a very heavy one.

(3) I have not received as yet a copy of the judgment in the case. This would not in the ordinary course come here, but I have asked for a copy to be supplied to me.

(4) Without seeing this, it is impossible to say exactly what weight the judge attached to particular items of evidence, but there must, I imagine, always be great difficulty in securing a conviction in a case where the evidence deals with matters three years old; and of course one has to remember that it is the duty of the court to apply strictly the law just as it would be applied in a capital case in this country.

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(7) As Lady Sleane said that Bottomley had not communicated with her for a long time, I asked Bottomley, and he tells me that after his talk with Lady Sleane he sent to her an extract from a telegram which showed that the Poyas case was still under investigation. Later he received a letter from Sir Joseph Byrne which mentioned that he had explained the whole of the policy regarding the Sanburs at a meeting at which Mr. Perdue was present, and Bottomley thought that he could not usefully add anything to what Lady Sleane would have received from her messenger.

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12  
HH

Private and Personal

10th January 1962

My dear Ned

Thank you for your letter of the 4th of January and for the enclosures, which I have read with great care. I have dealt first with several specific points, and then come to the more difficult question of the advice to be given to Lady Justice.

(1) As regards the Acting Judge. The assignment of a judge to try a particular case rests with the Chief Justice, and the executive Government has no jurisdiction in the matter. Sheridan, the Chief Justice, had a long Kenya experience before his return, and I know everyone in Kenya was very anxious to have him back. So he has wide experience. In fact, the Acting Judge, whom he had assigned to try the case, is the Senior Resident Magistrate, frequently acts as a Judge, and has had 11 years' experience on the Bench in Kenya, and nine years' previous experience in Kenya as an Administrative Officer. In fact, I have no doubt he is well known to you personally.

(Sir Edward Gwyer KC for me)

(2)

(1) I am quite certain from letters I have received from him that the Governor is very fully alive to the importance of securing law and order among the Samburu. A collective fine of 18,000 Sh. has recently been imposed in the area which has been giving trouble - for combining to suppress evidence of murder in five cases of native murders. I understand this fine falls on about 1,000 people, and is therefore a very heavy one.

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so much for details.

As I come to the such more difficult question of the action which Lady Clarendon should take. It is of course out of all question that there can be any enquiry or action which impinges upon the sphere of jurisdiction of the court but in the extracts from letters there are serious reflections on Government officers. I think the fair thing is that if allegations of that kind are to be made, the people who make them must be prepared to stand by them and ask that they should be considered. The only course I can suggest, therefore, is that Lady Clarendon should send these to me on the understanding that I will send them on with any letter from her to the Governor. That I think is the only possible and fair way to deal with them.

As regards Mrs. Wesley, the only way in which any compensation could be given would be by a vote in the Legislative Council, and that, I think, would obviously be a matter for consideration out there. I do not know whether the Official Members have made any suggestion with regard to this.

Private and Personal

10th January 1935.

My dear Byrne,

*Answer 11 on 3036/35*

I am receiving a number of letters from Members of Parliament about the Povys case. They are not easy to deal with, partly because they are in many respects indefinite, and partly because they indicate a suggestion that the verdict was wrong. But the case will certainly be raised in the House of Commons, and we have got to see our way clear through the matter. There is a suggestion that a judge not Gamble ought to have tried the case. On this I am perfectly clear: first, that has nothing to do with the Government. It is entirely a matter for the Chief Justice to assign the judge to deal with a particular case. Secondly, even if this was a matter with which you or I were competent to deal, I have no doubt that Gamble was fully qualified to deal with the case. He has long experience on the Bench in Kenya, with administrative experience before that, and he has frequently acted as a judge

There

There is, however, a second point on which I feel more difficulty. It is alleged that a new and inexperienced (at any rate as far as Kenya is concerned) Crown Counsel was assigned to conduct the prosecution. I am sure that the sole desire of the Legal Advisers of the Government was to present in the fullest and fairest manner possible the whole of the case. But it must be admitted that this was a case of importance and complexity. It must be particularly difficult to handle a case the whole evidence in which deals with matters that are three years old; and it is a matter of fair comment to ask why the conduct of the prosecution was not in the hands of the most experienced lawyer available. It will be said that in England capital cases are almost always entrusted either to a Law Officer or some K.C. of experience.

From this there arises a suggestion which I am sure is utterly without foundation, but which it is doubly important to refute, that, as the critics put it, the Government was not interested in securing a conviction.

or, as a wiser critic would put it, that the Government was quite content to entrust the case to an inexperienced man. It is going to be particularly important to meet this charge, because it is going to be part of the critics' case that -

- (1) the police, having been wrong in the first instance, they were not anxious to be proved wrong in the final result;
- (2) the murders in the Sasbar District made it the more incumbent upon Government to leave no stone unturned to secure a conviction if the parties were in fact guilty, and that Government's conduct of the case showed a callousness in this matter which would re-act in increased disorder and risk of life in that area.

I am writing to you at once privately to let you know that this is a case which I shall have to meet. I should like you to write to me fully and privately about the whole matter, so that I may be in possession personally of your views. I should like you also to send me a copy of the judgment, which I have not seen.

In writing to me you will no doubt tell me of any representations which you <sup>may</sup> have received in the matter.

There

There are of course two distinct issues. As regards the finding of the court - upon that there can be no enquiry or criticism; but the conduct of Government in regard to the case is of course a matter for which we have to answer. I think it is very likely that I may have to ask you for a formal report in regard to this at a later stage.

*Yours sincerely*

(Sgd.) P. GUNLIFFE-LICHTER.

Personal

15th January 1935.

Dear Gossip,

Thank you for your letter of the 7th of January, about the Powys case in Kenya. I have written to the Governor about certain matters in regard to this case; and I shall be glad to see you when I have heard from him, and my information is complete.

*yp.*  
(Sgd.) P. CUNLIFFE-LISTER.

C.W. H. Gossip, Esq., M.P.

Personal

15th January 1935.

Dear Lamb,

Thank you for your letter of the 7th of January, about the Powys case in Kenya. I have written to the Governor about certain matters in regard to this case; and I shall be glad to see you when I have heard from him, and my information is complete.

Yp. —

(Sgd.) P. CUNLIFFE-LISTER.

Sir Joseph Lamb, M.P.

C. O.

39-40  
19

Mr. Johnston sub

Mr. Hood

Mr.

Mr. Parkinson

Sir G. Tomlinson

✓ Sir C. Bottomley

Sir J. Shuckburgh

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State

Proctor

In S. of S.'s signature

15 January 1935

DRAFT.

Sir John Lamb M.P.

The W. H. Lyas M.P.

I have written to the  
Government about certain  
matters in regard to  
this case; I shall  
be very glad to see  
you when I have

FURTHER ACTION.  
heard from him, &  
any information  
R. later is complete  
I am already ~~in~~ ~~case~~  
for

Dear ~~Mr. Lyas~~ ~~Mr. Lyas~~ Group,  
Thank you for  
~~the~~ ~~information~~ received from  
letter of the 7<sup>th</sup> ~~December~~ January  
about the Pongy case in  
Kenya. ~~By~~ ~~the~~ ~~information~~  
on the subject is not yet  
complete, and you will  
not, I am sure, expect  
me to form any conclusion  
on an ex-parte statement  
such as that which you  
enclosed. When the Governor  
has replied to a letter  
which I have sent to  
him by air-mail, I

shall be in a later position  
to judge, of the right  
course of the affair

Yours sincerely

(Sgd) P OUNLIFFE-LISTER

shall be in a better position  
to judge, of the right &  
wrong of the affair.

Yours sincerely

(Sgd) P OUNLIFFE-LISTER.

Bramwith Hall,  
nr. Doncaster.  
7th January 1925.

The Right Hon. Sir Philip Cunliffe-Lister, M.P.,  
7, Lygon Place,  
London S.W.1.

Answered 15 Jan 25

Dear Sir Philip,

I have received the enclosed letters from Mr. Stapleton, and as he is a very responsible and reliable man, I felt sure that there must be some substance in the matter which he sought to raise, and so I wrote to him and suggested that instead of asking a Question in the House, would it not be better if I sent the whole of the correspondence to you, and to this course he has agreed.

I am, therefore, sending the letters to you for your observation.

Yours sincerely,

*Philip C. Cunliffe-Lister*

38  
Bramwith Hall,  
nr. Doncaster.  
7th January 1935.

The Right Hon. Sir Philip Cunliffe-Lister, M.P.,  
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Yours sincerely,

*Ernest D. H. Gosnell*

---

TELEPHONE & TELEGRAMS

ENFIELD 1007.

STATION CREWS HILL, LANER

OWLES HALL,

N<sup>o</sup> ENFIELD.

1st. January, 1935.

My dear Mr. Glossop,

My son has just received a letter from a friend in Kenya Colony, a copy of which I enclose regarding the case which was reported in the Daily Papers sometime ago in connection with the murder of Mr. Powes.

It is quite apparent that feelings amongst the settlers in that part of the world are very seriously disturbed by the findings in this case, and it has created a sense of unrest and insecurity in consequence.

I am writing to you amongst others I know who are members of the House of Commons to ask if you would refer this matter in the house at some opportune time.

It is obvious the case is of the greatest importance as you will probably agree, with regard to the prestige of British rule in the Kenya Colony.

Trusting to see you next week,

I am,

Yours truly,

*J. Gillard Stapleton*

C.W.H.Glossop, Esq., M.P.,  
The Lundairies,  
Bramwith, Mr. Doncaster.

TELEPHONE & TELEGRAMS  
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STATION CREWS HILL, LARER

OWLES HALL,

Nº ENFIELD.

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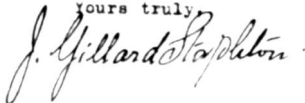
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C.W.H.Glossop, Esq., M.P.,  
The Lund Dairies,  
Bramwith, Nr. Doncaster.

TELEPHONE & TELEGRAMS-  
ENFIELD 1007.

STATION-DEWS HILL, LAKES

OWLES HALL,

Nº ENFIELD.

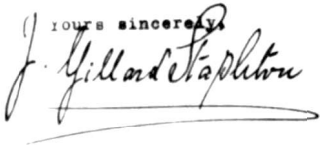
4th. January, 1935.

Dear Mr. Glossop,

I am very much obliged to you for your letter to hand in reply to mine, and it would certainly be the best possible procedure in this case to place the matter before the Secretary of State for Colonies, therefore, if you will be kind enough to do this, I will get my son to write to Mr. King and inform him what has been done.

We hope that the matter at any rate will be raised in the House of Commons, or on some other suitable occasion and be properly dealt with, as you must agree it is of the utmost importance that proper discipline is maintained amongst the native races.

Yours sincerely,



C. W. H. Glossop, Esq., M.P.,  
Bramwith hall,  
Gr. Doncaster.

TELEPHONE & TELEGRAMS

ENFIELD 1007.

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*J. Gillard Stapleton*

C. W. H. Glossop, Esq., M.P.,  
Bramwith Hall,  
Gr. Doncaster.

7<sup>th</sup> Jan. 1930

Rt Hon.  
Sir P. Cunliffe, Bart. M.P.  
Secretary of State for Colonies.

Dear Sir Philip,

I have received from Mr. Stapleton  
The enclosed copy of a letter which  
he has received from Kenya Colony.

The question seems to be of  
some of great importance but I  
thought that you would wish  
me to let you see it before  
raising the matter in any  
other way. I trust you could  
make enquiries if all I

Answer 18<sup>th</sup> Jan 30

7<sup>th</sup> Jan. 1930.

Rt Hon.  
Sir P. Cecil Rhodes M.P.  
Secretary of State for Colonies.

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I have received from Mr. Stapleton  
The enclosed copy of a letter which  
he has received from Kenya Colony.

The question seems to be of  
great importance but I  
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mind let me see it before  
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Answer 16 Jan 30

Thank that in seeing you  
particularly in our happiness.  
Yours sincerely  
Joseph I. Launt

COPY.

P.O. Thomson's Falls,  
Kenya Colony.

14.12.34.

Dear Stapleton,

I do not remember if you heard about the Powyes case, if it was under discussion when you were out here, but five Samburus were tried at Maxuru last week, for the murder of Powyes in October 1931. We are under the impression that those in authority did their best to stop Trafford investigating this case, or at least gave him no encouragement, as the Government Officials came out of the show so very badly because after the original information had been given them, they gave 5 months to one of the informers, who when he was released was subsequently murdered by the Samburus for giving evidence. The other man was flogged for giving information.

The bad point about it was that the 5 accused at Maxuru got off because the case which is of major importance was prosecuted by a very junior Crown Council who did not understand the country, the Natives, nor the language, and did not see the evidence at his disposal, and a great number of Settlers think that the Government are rather pleased that they have got off because had they been convicted it was obvious that they had punished the original witnesses unjustly.

If your father has any political power at home, do ask him to see your M.P., as we are asking that an inquiry should be made into this case, as this decision has upset the whole administration of the Northern Frontier because now the witnesses who have given evidence are terrified that they will be spared as Kiberingi was spared for giving evidence, and also the Dock is a safer place than the witness box.

Yours,  
Leonard T. King.

2071  
Times

36<sup>25</sup>  
5<sup>d</sup> Dec 1934

## SAMBURU WARRIORS ACQUITTED

FROM OUR CORRESPONDENT

NAIROBI, Dec. 4

The five Samburu warriors charged with the murder of Mr. Theodore Cowper Powys have been acquitted. The Judge considered them entitled to the benefit of the doubt which the evidence revealed concerning the circumstances of Mr. Powys's death. In summing up he drew attention to the existence of lions' tracks near the body. He also pointed out the difficulty of establishing a fact after three years and the impossibility of the accused persons now securing evidence of alibi.

The witch doctor, giving evidence for the defence, denied that any ceremony had been carried out or that he had ever seen the head of a European.

Mr. Powys disappeared in October, 1931, and subsequently his bloodstained clothes and portions of his body were found. It was alleged that he was the victim of ritual spear-blooding.

297

REUTERS  
NEWS

28

TELEPHONE

CENTRAL

*In Fredson*

ENGLISHMAN VICTIM OF RITUAL MURDER.

KENYA NATIVE ARRESTED IN CONNECTION WITH 1951 MYSTERY.  
SPEAR BLOODING SUSPECTED.

NAIROBI, SATURDAY.

STARTLING REVELATIONS REGARDING THE MYSTERIOUS DEATH OF A YOUNG ENGLISHMAN, MR. THEODORE POWYS, IN THE LAIKIPIA DISTRICT OF KENYA, IN OCTOBER, 1951, ARE LIKELY TO FOLLOW THE ARREST OF A SAMBURU NATIVE HERE TODAY.

THE AUTHORITIES ARE CONVINCED THAT POWYS WAS NOT KILLED BY A LION, AS WAS THEN SUPPOSED, BUT WAS THE VICTIM OF A SPEAR-BLOODING RITUAL MURDER BY NATIVES. THE NATIVE WHO HAS BEEN ARRESTED IS CHARGED WITH THE MURDER, AND WARRANTS HAVE ALSO BEEN ISSUED AGAINST FOUR OTHERS.

POWYS WAS EMPLOYED ON A FARM, AND HIS DEATH WAS NEVER SATISFACTORILY EXPLAINED. REUTER.

D/CFW/HT - OCT 6:54.

6.36. P.M. FIRST ADD NAIROBI.

.....

THE GRUESOME CONDITION IN WHICH THE REMAINS OF MR. POWYS WERE DISCOVERED LED AT ONCE TO THE SUPPOSITION THAT HE HAD BEEN EATEN BY A LION, AS THE LAIKIPIA DISTRICT IS NOTORIOUS FOR ITS ABUNDANCE OF LIONS.

THEODORE POWYS WORKED ON THE FARM OF LADY ELEANOR COLE. HE SET OFF ONE DAY ON HORSEBACK IN SEARCH OF GRAZING SHEEP, AND WAS NEVER SEEN ALIVE AGAIN. REUTER.

MH/RMK/HT/LM OCT 6.

27

11<sup>th</sup> August 1934

The Secretary of State for the Colonies,  
Colonial Office  
(East African Section)

Downing Street

Whitehall, W. 1

RECEIVED  
11 AUG 1934  
C. O.

Sir

1026

I have to acknowledge the receipt of your letter of 9<sup>th</sup> inst. relative to the reported murder of Mr. E. Powys Cobb, as stated in the Manchester Edition of the "Daily Mail" of 3<sup>rd</sup> inst.

I am extremely obliged for the trouble you have kindly taken in affording the information in this letter, which makes it quite clear that the man who met his death in the Tarnburne Country in October 1931 was definitely, not Mr. E. Powys Cobb, who has been in touch with his family since that date.

The similarity of the name "Powys" doubtless misled the correspondent -

Had the correspondent but mentioned the date of the death of Mr. Theodor C. Powys, I should not have needed to trouble you -

Again thanking you greatly for the trouble you have kindly taken for the promptness of your reply,

I am, Sir,

Yours faithfully,

H. B. Carne Ross

27  
17

11<sup>th</sup> August 1934

The Secretary of State for the Colonies,  
Colonial Office  
(East African Section)

Downing Street

Whitehall W. 1

THE EAST AFRICAN SECTION  
C. O.

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Again thanking you greatly for the trouble you have kindly taken, & for the promptness of your reply -

I am, Sir

Yours faithfully

H. B. Carver Ross

*26*

DOWNING STREET,

9th August, 1934.

*No draft.*

Sir,

I am directed by Secretary Sir Philip Cunliffe-Lister to acknowledge the receipt of your letter of the 6th August regarding a report in the Manchester Edition of the Daily Mail dated the 3rd August in which reference was made to the alleged murder of a Mr. Poyys Cobb by members of the Samburu Tribe.

It is the case that a collective fine has recently been imposed upon the Samburu Tribe for suppressing evidence in cases of murder, but the murders in question were various murders of native herdsmen and had no connection with the killing of any European. It appears probable, however, that the writer of the article had in his mind the case of a Mr. <sup>Theodore</sup> Arthur G. Poyys who met his death in the neighbourhood of the Samburu country in October 1931. The circumstances of his death have

A. G. CANNING ESQ., ESQ.

have never been satisfactorily explained and investigations are still proceeding. In this connection I am to invite reference to a report which was published in the Times newspaper of the 11th December, 1933.

Sir Philip Cunliffe-Lister has not received any information to suggest that Mr. Foyse Cobb has met his death and I am to suggest that if you still feel any uncertainty you should communicate with the Editor of the Daily Mail.

I am,

Sir,

Your obedient servant,

(Signed) J. E. W. FLOOD

6<sup>th</sup> August 1924 30

The Under Secretary of State for the Colonies,  
East African Section,  
Colonial Office  
Whitehall, S.W. 1

RECEIVED  
22/8/24

ACKD. BY P.C.

Sir, I shall be extremely grateful if you can kindly give me any information on the following report, which appeared in last Friday's issue of the Manchester Edition of "The Daily Mail" - page 3 column 4.

I make this application on behalf of the family of Mr E Powys Cobb, who are, naturally, greatly concerned at this news:

The report is headed -  
"Witch Doctors and Prims  
Instigating the Natives -  
From our own Correspondent  
Dar-es-Salaam - East Africa"

The correspondent, after commenting on the salutary effect produced by prompt police action in the recent sentences on natives convicted of murder & armed robbery in East Africa, writes as follows

(2)

Mr

- " Some of the worst offenders have been among
- the Samburu tribe, who inhabit the region
- between the Abyssinian frontier Mount Sandemat
- In suppressing evidence in connection with the
- murder of an English farmer, Mr Powys Cobb,
- a Communal fine of several hundred C. L. C.
- was inflicted on this tribe "

I infer that this alleged murder of Mr E Powys Cobb took place some time ago - no rumour of it however has reached this family - but if it did occur some time since, you will, of course, be fully cognizant of all the facts, & especially whether, in fact, it was, or was not Mr E. Powys Cobb that was killed -

You would confer a great kindness if you would kindly inform me of the facts of the case, at your earliest convenience

Yours, Sir,

Yours faithfully

A. B. Borne Wood

Copy regd no 2318/34

24 32



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

KENYA.  
No. 351

6<sup>th</sup> July, 1934.

U. O. REG.

Sir,

No 19

I have the honour to refer to my telegram No. 96 of 30th April 1934, on the subject of enquiries under the Collective Punishment Ordinance, No. 54 of 1930, in respect of various suspected murders by the Samburu in the Laikipia and North Nyeri Districts, and to transmit for your information a copy of the Proceedings in an Enquiry held by the 2nd Class Magistrate, Isiolo District, Northern Frontier District, together with a copy of the Order made by me under Section 2 of the Ordinance, inflicting a fine of Shs. 18,000/- upon 5 sections of the Samburu tribe, who have suppressed, or combined to suppress, evidence in 5 cases of murder. The Order provides for the payment of compensation of Shs. 5,900/- to the next of kin of the 10 murdered persons, the balance being paid into General Revenue.

2. The combined effect of the evidence in connection with these murders points irresistibly to the fact that they were committed by members of the Samburu tribe; and, with the concurrence of the Attorney General, I consider that the Magistrate was correct in concluding that the tribe as a whole has suppressed evidence for the following reasons:-

- (a) The Samburu were the only tribe in the vicinity ...

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. 1.

vicinity who were blooding their spears during the period in question;

(b) Statements or confessions by individual Samburu murderers have been made to the police implicating themselves in spear blooding murders, thereby showing that the Samburu were spear blooding during this period;

(c) Samburu were found with tribal marks on them indicating that they had killed some human being other than members of their own tribe;

(d) Samburu were in certain cases identified as the murderers;

(e) No flocks or cattle were stolen from the deceased;

(f) Samburu spears and ornaments were found at the scene of the murders;

(g) All the murders were committed on lonely farms in the vicinity of the Samburu;

(h) No evidence can be obtained from the Samburu with regard to the ownership of the spears, etc;

(i) The Samburu elders practically all admit that the murders were the work of their young men;

(j) From the very nature of the custom, the practice of which brings prestige to the warrior class, it is possible that the murderers themselves would be the first to advertise their own prowess to the Sections at fault.

3. I do not consider that in his Finding, any reference should have been made by the Magistrate as to the death of Mr. Powys, for it has yet to be established that the Samburu were in any way responsible

for his death, enquiries into which are still proceeding.

I have the honour to be,

Sir,

your most obedient, humble servant,



BRIGADIER-GENERAL.

G O V E R N O R.

Copy regd on 23186/34

24 32

KENYA.  
No. 351



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

RECEIVED  
26 JUL 1934  
O. O. REG.

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for his death, enquiries into which are still proceeding.

I have the honour to be,

Sir,

Your most obedient, humble servant,

BRIGADIER-GENERAL.

G O V E R N O R.

ORDINANCE NO. 54 OF 1930.

An inquiry held at Kisima, Isiolo District, on the thirtieth day of March, 1934 as to whether the Samburu tribe or certain sections of the Samburu tribe have suppressed or combined to suppress evidence in recent cases of murder, which have occurred at places mentioned hereafter, and on the dates mentioned with particular reference to

- 1st. Wallace Farm Case. Two Wakikuyu youths murdered on June 19th, 1933.  
 Curry Farm Case. Two aged herds murdered on July 13th 1933.  
 3rd Wallace Farm Case. Two Wakikuyu murdered on October 27th, 1933,

Representatives of the Samburu tribe present in person:-

Lengerassi	Government Headman	El Masula Section
Lalleist	" "	Il Pisingishu "
Ole Kopsa	" "	Lorogishu "
Legulal	" "	Lengelli "
Lekuyic	" "	Loimasi "
Legurana	" "	Il Ngwesi "
Lekulal	" "	Niapari "
Lemondillo	" "	Legumai "

and also about 120 elders and representatives of all sections of the Samburu tribe.

Headmen and representatives present informed that their tribe and sections are called to this inquiry and such inquiry is being held for the purpose of charging the Samburu tribe,

(1) in that they or some of them have suppressed or combined to suppress evidence in certain cases of murder mentioned hereafter Contra Section 2 (b) Ordinance 54 of 1930.

G.A. Connell,  
1st Class Magistrate.

1st Witness.

George Swart Griffiths, Christian  
 duly sworn states :- I am the Inspector in Charge  
 of the Mumuruti police station. I am now the  
 complainant in five cases of murder, which occurred  
 in my area last year. The first one was on the  
 15th June 1933, when two young Wakikuyu males were  
 murdered on Wallaces' farm in the Ol Arabel Valley.  
 The cause of death was spear and sword wounds, of  
 which I have medical evidence and record.

Place.

There were no exhibits in this case, but two moran  
 of  
 said to be Masai type were seen to chase the deceased  
 and a witness is present here to testify this.

The deceased were herding sheep at the time but none  
 were stolen and there appeared to be no motive for  
 the crime except spear bleeding.

As the result of information the District Officer,  
 Isiolo arrested two Samburu moran and both these had  
 tribal marks of having killed a moran man and certain  
 hersey evidence was obtained by the District Officer  
 as the result of his enquiries, but such evidence  
 was insufficient to place two accused on trial.

The Second Case occurred on July 15th 1933,  
 when a report was received by me that two aged herdors  
 were missing from their work of herding.... Mr Currys'  
 cattle on Major Tyndalls' farm.

Curry)

(This is known as the Curry case. CAC) and the cattle  
 returned without them. Their remains were subsequently  
 found. One was a mere skeleton, the body having been  
 picked by vultures. The second body was found later  
 and there was one spear wound through the left breast  
 and various other marks of spear thrusts. No property  
 was missing and no apparent motive could be found  
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3.

except that of spear bleeding. The club/<sup>now</sup> was produced (ex.A.) was found near the scene of the crime and was not the property of either of the deceased.

On information supplied by a Samburu man Ole Legada two Samburu men were arrested by the District Officer Isiele, and both these men bore tribal marks of having killed people.

The District Officer also obtained certain evidence including evidence identifying the club, but the charge had to be withdrawn owing to lack of corroborative corroboration.

The third case was on the 24th September, 1933. Three Wakikaya aged 25, 10 and 6 had been murdered on the previous day on Wallace's farm at Ol Arabal. I examined the three bodies and each body bore the marks of spear wounds, which were undoubtedly the cause of death. Again no property was missing and the three deceased were herding at the time of their deaths. Two Samburu men were arrested by the District Officer on information supplied by a Samburu Ole Legada, but were subsequently released for lack of further evidence.

(Wallace)

The fourth case was on 27th October, 1933 a small male Wakikaya child aged about 8 years was brought into Hamaruti with a spear wound through the body at the back of the right shoulder and out through the chest. He received medical attention but died a few hours later. The father of the child named Njagana came with the child and gave certain information and handed me this spear (marked P) and the following day he handed me two more spears (P.1., P.11) Njagana reported to me that another old Wakikaya had also been killed the same time as his child. The spears were subsequently identified as Samburu spears

(Wallace)

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(Wallace)

by a Samburu spear maker. The report was received by me at 5.40 p.m. on 27th October and I left at 7 p.m. that evening and arrived at Sagota Harbora about midnight and information was given to the Headman Ole Kopan at 9.30 a.m. the following morning, and the spear marked P was actually handed to him with a view to finding the owner. He agreed it was a Samburu spear and thought he would have no difficulty in finding the owner. On October 30th I again visited S. Harbora and handed the spear P.I. and P.II to a police askari (Mungao) to hand to Ole Kopan. The latter was then out making arrests, and according to statement made to me by Ole Kopan's brother he had made one arrest and gone out to arrest two others.

On November 2nd, I was with the District Commissioner Rumuruti (Mr. Trafford) at Sagota Harbora when I visited Ole Kopan, and saw both him and another named Ladama and found they had made no arrests. I told Ole Kopan he must bring them to me at my camp at S. Harbora in the morning. He came with several others and brought Logada (one of the suspects) but he was not under arrest and carried his spear. Mr Trafford held a barasa with the elders and told them that the Government were satisfied that the Samburu were connected with these cases and that their attitude since my previous visit had not been satisfactory in his opinion, and as a result of this barasa Ole Kopan and the elders promised to have the fullest enquiries made.

I am satisfied that on October 28th that the Headman Ole Kopan and the elders of S. Harbora had information that the spear owner and his companions had been absent from their homes and had returned under suspicious circumstances and had failed to act on it at the time

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of my visit on November 2nd.

On November 5th I returned to S. Marmora and found two other suspects in custody. An identification parade was held conducted by Supdt. Midway (who had come with me) The two suspects were placed with 15 others and were picked out by the witness Njaguna.

The District Officer Isiolo endeavoured to get corroborative evidence, but beyond evidence rebutting statements made by the three accused he was unable to do so. Certain evidence was led in this case but not sufficient to justify the magistrate at Rumuruti to commit for trial and the three accused were subsequently released.

Ball Case.

On October 31st, 1914 at 7 p.m. I received a report that a male Kikuyu had been murdered on Tindall's farm at 10 a.m. that day and that three Samburu natives had been seen running away from the scene. The body had eleven spear wounds on the body and the sexual organs had been cut out. This was the first case of mutilation. The ear ornament (X 2) was picked up near the scene by a Kikuyu girl who will give evidence. It is a Samburu ear ornament. This case was investigated by the District Officer Isiolo and myself and we both agreed that this murder was probably committed by the same persons who had committed a murder on the following day in the Manyuki area about 12 to 15 miles from where this occurred. The two accused in the Manyuki case had been arrested but in an identification parade at Nyeri on February 5th I was unable to establish identification by my witness.

I wish to call attention to the fact that these murders occurred on the most northerly farms in the Laikipia District, and on the most remote portions. The land between these farms and the Samburu District is

unoccupied

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I wish to call attention to the fact that these murders occurred on the most northerly farms in the Laikipia District, and on the most remote portions. The land between these farms and the Samburu District is

unoccupied

unoccupied except for three Temporary Occupation Licences on water holes. All the farms have no near neighbours and are sparsely occupied and these farms are in fact the nearest points of contact should any Samburu contemplate murdering any one of a different tribe.

All five of the cases referred to might be classed as the spear bleeding type and no property missing. As the officer who has been in charge of the investigations of these cases I am satisfied that no tribe within reasonable distance of Rumuruti have been spear bleeding except Samburu. In addition to the cases mentioned it is within my knowledge that similar types of cases have occurred in the Nanyuki area. I am satisfied that as a result of my investigations and from information received, the tattoo marks borne on the right forearm has some tribal significance in denoting a man of warlike who has taken human life. I understand that such a person would not be allowed to wear such marks for killing one of his own tribe. It is common knowledge that with this tribe it is the custom for the outgoing moran (or erija) before handing over to the incoming moran to blood their spears, or to take great pride in having accomplished such rite. The outgoing moran then marry and their duties as moran cease. It is customary for a moran who has killed, to boast of his deeds at agomas subsequently and I am satisfied as the result of my enquiries, all moran and girls know of killings done by moran of their particular section, and probably of other sections as well. I refer to my ordinary police enquiries and information supplied from Samburu sources.

G.E. Griffiths,  
Inspector of Police.

No questions  
G.A. Cornell.

R.O.C.  
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Inspector of Police.

No questions  
G. A. Cornell.

R. O. C.  
G. A. Cornell





1th witness.

Case).

Mugo wa Njiru - Wakikuyu duly affirmed states:-  
I am employed by Mr. Curry of Rumuruti and some eight months ago I went with Mr. Curry to Major Tyndall's farm. I was there when the two bodies of the herders were found. One had been eaten by vultures, but I recognized the body by the clothing and the registration certificate. The second body was intact and had spear wounds. I saw Edungu hand the club (B.A) over to Mr. Curry.

R.O.C.

C.A. CORNELL.

No questions.

C.A. CORNELL.

(Note in the Wallace Case - see also the native evidence produced. R.O.C.)

1th witness.

Wallace.

Njaguna wa Meriro - Wakikuyu duly affirmed states:- I was a squatter on Mr. Wallace's farm. I recollect last October when my child was killed. I took him into hospital at Rumuruti suffering from a spear wound in the chest. I arrived at 6 p.m. and the doctor saw my child, but the latter died that night. I reported the matter to the police and handed Inspector Griffiths one spear. When my child was speared we were herding goats in the forest. There were four of us. I did not see my child speared, as he was herding about 50 yards away. I heard my child crying and went to him and found him lying wounded with spear wounds. A few yards from my child was a Kikuyu named Njama who had a spear still in him and I pulled it out. Njama died almost

1st Witness.

Case).

Mogoo wa Njuu - Wakikuyu duly affirmed states:-  
I am employed by Mr. Curry of Mmuruti and some eight months ago I went with Mr. Curry to Major Tyndall's farm. I was there when the two bodies of the herders were found. One had been eaten by vultures, but I recognized the body by the clothing and the registration certificate. The second body was intact and had spear wounds. I saw Mungu hand the club (G.A) over to Mr. Curry.

W.O.C.

C.A.CORNELL.

In question.

C.A.CORNELL.

(Note in the Wallace Case that no positive evidence produced. A.C.C.)

2nd Witness.

Wallace.

Njaguna wa Keriro - Wakikuyu duly affirmed states:- I was a squatter on Mr. Wallace's farm. I recollect last October when my child was killed. I took him into hospital at Mmuruti suffering from a spear wound in the chest. I arrived at 6 p.m. and the doctor saw my child, but the latter died that night. I reported the matter to the police and handed Inspector Griffiths one spear. When my child was speared we were herding goats in the forest. There were four of us. I did not see my child speared, as he was herding about 50 yards away. I heard my child crying and went to him and found him lying wounded with spear wounds. A few yards from my child was a Kikuyu named Wjama who had a spear still in him and I pulled it out. Wjama died almost

almost immediately I pulled the spear out of him. I found Njamas own spear stuck in a tree near to him as if he had thrown it at someone. After I had pulled the spear from Njamas I saw two people. They threw two spears at me and I threw a panga at one of them. They then ran away- I then had 5 spears - Three belonging to the assailants- 1 my own spear- and one Njamas. I was present at S.Marnora on November 5th when an identification parade was held of 15 people, and I picked out two men I had seen and who had thrown the spears at me- I am sure about them and I can identify the three spears now before me as the ones I had on the day of the murder.

R.O.G.

G.A.Cornell.

No questions.

G.A.Cornell.

6th Witness.

Witness. Katchoi wa Njama - small Kikuyu boy aged about 6 years states:- My father was Njama and I remember the day he was killed. I was herding goats and was with Njama. <sup>with Njama</sup> I heard the child of Njama calling his father and Njama went to him and I ran away. I later saw the body of my father: it had spear wounds in it.

R.O.G.

G.A.Cornell.

No questions.

G.A.Cornell.

almost immediately I pulled the spear out of him. I found Njamas own spear stuck in a tree near to him as if he had thrown it at someone. After I had pulled the spear from Njamas I saw two people. They threw two spears at me and I threw a panga at one of them. They then ran away- I then had 5 spears - Three belonging to the assailants- 1 my own spear- and one Njamas. I was present at S.Marmora on November 5th when an identification parade was held of 15 people, and I picked out two men I had seen and who had thrown the spears at me- I am sure about them and I can identify the three spears now before me as the ones I had on the day of the murder.

R.O.C.

G.A.Cornell,

No questions.

G.A.Cornell.

6th Witness.

~~Witness.~~ Katchoi wa Njama - small Kikuyu boy aged about 6 years states:- My father was Njama and I remember the day he was killed. I was herding goats and was with Njama, <sup>in the forest</sup> I heard the child of Njama calling his father and Njama went to him and I ran away. I later saw the body of my father: it had spear wounds in it.

R.O.C.

G.A.Cornell.

No questions.

G.A.Cornell.

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7th Witness.

Kihato wa Waveri, Wakikuyu duly affirmed states:-

Case.  
I am a squatter on Major Tyndalls' farm and have two daughters. A man named Durumu (a Wakikuyu aged about 15) used to herd my goats for me. I remember the day he died. I received news of his death as my two daughters called me I went to them and saw Durumu was dead. I saw the body had spear wounds. Durumu had been out herding that morning with the goats, The ear ornament produced was given me by one of the girls after Durumu died and was picked up by her. Durumu had eleven spear wounds and the sexual organs had been removed.

R.O.G.  
G.A. Cornell.

Q. I did not see any stranger near the body.

No further questions.

8th Witness.

Wangshi binti Kihato, Wakikuyu girl aged about seven states:- I live with my father Kihato on Major Tyndalls farm. I remember Durumu and remember the day he died. He and my sister and myself were herding my fathers goats. That morning about 10 or 11 I saw three strangers. They were wearing chukas and carried spears. Each man had two spears. I recognised them as Samburu and I heard one speak. I can speak Masai and this man spoke with a different intonation to Masai or Wandorebo. I did not see Durumu killed; one of the strangers kicked me and I fell down and he thought I was dead and passed on to Durumu. I then saw the three of them about 30 yards ahead. I crept away and told my father. I returned with him and saw the body

7th Witness.

Kihato wa Waweri, Wakikuyu duly affirmed states:-

I am a squatter on Major Tyndalls' farm and have two daughters. A man named Durumu (a Wakikuyu aged about 15) used to herd my goats for me. I remember the day he died. I received news of his death as my two daughters called me I went to them and saw Durumu was dead. I saw the body had spear wounds. Durumu had been out herding that morning with the goats, The ear ornament produced was given me by one of the girls after Durumu died and was picked up by her. Durumu had eleven spear wounds and the sexual organs had been removed.

R.O.G.  
G.A.Cornell.

Q. I did not see any stranger near the body.

No further questions.

8th Witness.

Wangshi binti Kihato, Wakikuyu girl aged about seven states:- I live with my father Kihato on Major Tyndalls farm. I remember Durumu and remember the day he died. He and my sister and myself were herding my fathers goats. That morning about 10 or 11 I saw three strangers. They were wearing chukas and carried spears. Each man had two spears. I recognised them as Samburu and I heard one speak. I can speak Masai and this man spoke with a different intonation to Masai or Wandorebo. I did not see Durumu killed; one of the strangers kicked me and I fell down and he thought I was dead and passed on to Durumu. I then saw the three of them about 30 yards ahead. I crept away and told my father. I returned with him and saw  
the body

the body of Durumu. I picked up the ear ornament near to where I had been kicked. The ear ornament is the one produced now.

R.O.G.

C.A.Cornell.

No questions.

C.A.Cornell.

9th Witness.

*(all Case)* Kas-uni binti Kihato- Wakikuyu girl aged about 6 - States: I am the daughter of Kihato and live with him on Major Tyndalls' farm. I remember the day Durumu was killed. He and my sister and myself were herding my father's goats. I saw three strangers there and I think they were Sambaru.

R.O.G.

C.A.Cornell.

No questions.

C.A.Cornell.

(Note. Witness appears to me too young to give reliable evidence)

(Note. Kenge wa Nige- One of Mr. Curry's herdsmen and was herding cattle on Maj. Tyndalls farm at the time- He is stated to have seen the three men in question at a distance of about 4 miles. He has however been since discharged and although he can be called if necessary, it will entail expense and considerable time.

C.A.Cornell.

This concludes the native evidence of the cases in question. C.A.C.

the body of Durumu. I picked up the ear ornament near to where I had been kicked. The ear ornament is the one produced now.

R.O.G.

G.A.Cornell.

No questions.

G.A.Cornell.

2th Witness.

all Case) Kas-uni binti Kihato- Wakikuyu girl aged about 6 - States: I am the daughter of Kihato and live with him on Major Tyndalls' farm. I remember the day Durumu was killed. He and my sister and myself were herding my fathers goats. I saw three strangers there and I think they were Sumburu.

R.O.G.

G.A.Cornell.

No questions.

G.A.Cornell.

(Note. Witness appears to me too young to give reliable evidence)

(Note. Kenge wa Nigo- One of Mr. Curry's herdsman and was herding cattle on Maj. Tyndalls farm at the time- He is stated to have seen the three men in question at a distance of about 1/2 mile. He has however been since discharged and although he can be called if necessary, it will entail expense and considerable time.

G.A.Cornell.

This concludes the native evidence of the cases in question. G.A.C.

Inquiry adjourned until tomorrow - March 31st 1934.

March 31st. 1934.

Inquiry resumed - All representatives present.

G.A.Cornell.

10th Witness.

Mbulu Lesengei, Il Ngwesi Section, duly affirmed states:- About 8 or 9 months ago Tikere Lemailapicho was in my manyatta at Merti. One day Sereta Lesengei arrived from Donyo Nyire where some of the moran were with their cattle. After a couple of days they both went off at dawn saying they were going to Donyo Nyire. At 4 p.m. on the third day after leaving they returned. They said they had been to Lekipens manyatta on Merti. I asked them why they had not gone to Donyo Nyire. Lemailapicho said that they had been invited to go to a manyatta on the other side of Merti so they went there. When they came back they stayed in my manyatta for two days. They then went off. Lesengei to Donyo Nyire and Lemailapicho to near Soya.

After about a month Sereta returned. He had no tattoo marks on his arm. After another month I noticed he had got marks on his left arm. About November 7th I was in the D.O's camp at Laragai and saw Sereta arrested. That evening I saw Lemailapicho in Lesasurjans manyatta. A few days before the D.O. came here I saw Tikere and Sereta at my manyatta at Lekaravi and both were wearing rings on their fingers. I asked them why they were wearing them and they said they had killed two men. Just then Sereta was called away to go to the D.O's camp and nothing more was said. I have no more information to give.

R.O.S.

G.A.Cornell.

No questions.

G.A.Cornell.

Inquiry adjourned until tomorrow - March 31st 1954.

March 31st. 1954.

Inquiry resumed - All representatives present.

G.A.Cornell.

10th Witness.

Mbule Lesengei, Il Ngweni Section, duly affirmed states:- About 8 or 9 months ago Tikero Lemailapicho was in my manyatta at Merti. One day Sereta Lesengei arrived from Donyo Nyiro where some of the moran were with their cattle. After a couple of days they both went off at dawn saying they were going to Donyo Nyiro. At 4 p.m. on the third day after leaving they returned. They said they had been to Lekipens manyatta on Merti. I asked them why they had not gone to Donyo Nyiro. Lemailapicho said that they had been invited to go to a manyatta on the other side of Merti so they went there. When they came back they stayed in my manyatta for two days. They then went off. Lesengei to Donyo Nyiro and Lemailapicho to near Soga.

After about a month Sereta returned. He had no tattoo marks on his arm. After another month I noticed he had got marks on his left arm. About November 7th I was in the B.O.'s camp at Laragai and saw Sereta arrested. That evening I saw Lemailapicho in Lesasurjans manyatta. A few days before the B.O. came here I saw Tikero and Sereta at my manyatta at Lekarati and both were wearing rings on their fingers. I asked them why they were wearing them and they said they had killed two men. Just then Sereta was called away to go to the B.O.'s camp and nothing more was said. I have no more information to give.

R.O.S.

G.A.Cornell.

No questions.

G.A.Cornell.

11th Witness.**11th Witness.**

Kirimon Lekurana, Il Ngwesi Section Samburu  
duly affirmed states:-

I remember one day Ledipan Lekurana left our manyatta at Manye Nyire to go to our manyatta near Laragai he carried two spears and a club. When he returned he had no club. I recognise the club (produced Ex.A) as the one Ledipan carried. I am quite sure of it. After the rain fell we left our manyatta near Manye Nyire to go to Laragai and I asked my brother Ledipan Lekurana where his club was, because I wanted to borrow it. He said he had thrown it away. I asked him where and he said at the place where we killed two Kikuyu. He told me he had killed one Kikuyu and Sirimichiri had killed another. I did not say any more nor did Ledipan. Later at Laragai I saw both Ledipan and Sirimichiri wearing rings which I knew they denoted they had killed some people.

R.O.G.

G.A.Cornall.

No questions.

G.A.Cornall.

12th Witness.

Mukoila Lekurana, Il Ngwesi, Samburu duly affirmed states:- Last July and August myself, Ledipan Lekurana and Kirimon Lekurana were with our cattle on the Manyaki side of the Wase Nyiro near Ol Manye Nyiro. One day Sirimichiri Lekurana joined us from the Reserve. After three days on the morning of the fourth day after Sirimichiri came, Ledipan Lekurana told me and Kirimon to herd the cattle as he and Sirimichiri and Somba were going to the reserve to the main manyatta. Next morning I passed by Losengeiru manyatta and was surprised to see Somba. I did not ask him whether he had gone

11th Witness.

F.A.H.

Kirimon Lekurana, Il Ngwesi Section Samburu

duly affirmed states:-

I remember one day Ledipan Lekurana left our manyatta at Ndaye Nyiro to go to our manyatta near Laragai he carried two spears and a club. When he returned he had no club. I recognise the club (produced Ex.A) as the one Ledipan carried. I am quite sure of it. After the rain fell we left our manyatta near Donye Nyiro to go to Laragai and I asked my brother Ledipan Lekurana where his club was, because I wanted to borrow it. He said he had thrown it away. I asked him where and he said at the place where we killed two Kikuyu. He told me he had killed one Kikuyu and Sirimichiri had killed another. I did not say any more nor did Ledipan. Later at Laragai I saw both Ledipan and Sirimichiri wearing rings which I knew they denoted they had killed some people.

R.O.C.

G.A.Cornell.

No questions.

G.A.Cornell.

12th Witness.

F.A.H.

Mukoila Lekurana, Il Ngwesi, Samburu duly

affirmed states:- Last July and August myself, Ledipan Lekurana and Kirimon Lekurana were with our cattle on the Nanyuki side of the Uase Nyiro near Ol Donye Nyiro. One day Sirimichiri Lekurana joined us from the Reserve. After three days on the morning of the fourth day after Sirimichiri came, Ledipan Lekurana told me and Kirimon to herd the cattle as he and Sirimichiri and Somba were going to the reserve to the main manyatta. Next morning I passed by Lesengeire manyatta and was surprised to see Somba. I did not ask him whether he had gone

had gone or not.

After three days Ledipan and Sirinichiri returned. I asked them news of the manyatta and they said every thing was ~~sixty~~ all right.

I do not recognise the club (Ex.A) as the property of any one I know and have never seen it before. I do not know of Ledipan or Sirinichiri having killed any one, nor have I seen either of them ever wearing rings or tattoo marks.

R.O.C.

G.A.Cornell.

No questions.

G.A.Cornell.

(Note. This witness is the nephew of Ledipan Lekurana - one of accused in Curry case. G.A.C.)

1<sup>st</sup> Witness.

Lesakakwe Lekurana, Il Ngwesi, Sombura duly affirmed states:- I am the brother of Ledipan Lekurana (the latter was one of the accused in Curry Case) and uncle of Sirinichiri Lekurana.

I first saw marks (i.e. tattoo marks) on the arm of Ledipan Lekurana at Laraghi just before he was sent to the District Officer's camp.

I had not seen the marks on his arm before. I did not make any enquiries about the marks. Ledipan Lekurana is a different ~~crika~~ to me. I have never heard of either Ledipan Lekurana or Sirinichiri Lekurana having killed any one. I do not recognise the club (Ex. A.) and have never seen it before in my life.

R.O.C.

G.A.Cornell.

No questions.

G.A.Cornell.

had gone or not.

After three days Ledipan and Wirinichiri returned. I asked them news of the manyatta and they said every thing was straight all right.

I do not recognise the club (Ex.A) as the property of any one I knew and have never seen it before. I do not know of Ledipan or Wirinichiri having killed any one, nor have I seen either of them ever wearing rings or tattoo marks.

R.O.C.

G.A.Cornell.

No questions.

G.A.Cornell.

(Note. This witness is the nephew of Ledipan Lekurana - one of accused in Curry case. G.A.C.)

13th Witness.

Lesakakwe Lekurana, Il Ngwesi, Sazuru duly affirmed states:- I am the brother of Ledipan Lekurana (the latter was one of the accused in Curry Case) and uncle of Wirinichiri Lekurana.

I first saw marks (i.e. tattoo marks) on the arm of Ledipan Lekurana at Laraghi just before he was sent to the District Officer's camp.

I had not seen the marks on his arm before. I did not make any enquiries about the marks. Ledipan Lekurana is a different erika to me. I have never heard of either Ledipan Lekurana or Wirinichiri Lekurana having killed any one. I do not recognise the club (Ex. A.) and have never seen it before in my life.

R.O.C.

G.A.Cornell.

No questions.

G.A.Cornell.

(Note. Witness demeanour seems surly and he has the appearance of not telling all he knows.)

14th Witness.

Champati Lasoni - Il Ngvesi Section

Bamburu d. affirmed states:-

I am the head moran of the Il Ngvesi Section.

I admit I made a statement to the District Officer at Laragai on 21.11.33 when he was investigating the case of the murders on Mr. Currys' farm and two men Ledipan Lekurana and Sirimichiri Lekurana had been suspected and arrested. I have had the statement read over to me but I did not then tell the truth. I told him lies because I was a coward and afraid. Ledipan Lekurana did not talk to me at the D.O.'s camp at Laragai and say what I told the D.O. he said. What I told the D.O. was lies but this is true. About a month before the D.O. came to Laragai, a Wanderobe named Morate Lelumbeti came to my manyatta at Laragai and told me the D.C. Rukuruti or Evans Police had been to the Wanderobe manyatta with a club and had made enquiries as to whose club it was. Lelumbeti said the club was not the property of the Wanderobe and he told me two Kikuyu had been killed at Nangolewas and the Govt were trying to find out who had done it. This was the first time I had heard of the death of these two K Kuyu. I have nothing else I can say.

R.O.C.

C.A.Cornell.

No questions.

C.A.Cornell.

(Note. This witness gives me the impression of being unreliable and unhelpful C.A.C.)

Inquiry adjourned until tomorrow April 1st. 1934.

(Note. Witness demeanour seems surly and he has the appearance of not telling all he knows.)

14th Witness.

Champati Lasoni - I. Ngvesi Section

Samburu d. affirmed states:-

I am the head moran of the Il Ngvesi Section.

I admit I made a statement to the District Officer at Laragai on 21.11.33 when he was investigating the case of the murders on Mr. Currys' farm and two men Ledipan Lekurana and Sirinichiri Lekurana had been suspected and arrested. I have had the statement read over to me but I did not then tell the truth. I told him lies because I was a coward and afraid. Ledipan Lekurana did not talk to me at the D.O.'s camp at Laragai and say what I told the D.O. he said. What I told the D.O. was lies but this is true. About a month before the D.O. came to Laragai, a Wandorobe named Morate Lelembeti came to my manyatta at Laragai and told me the D.C. Rumuruti or Ewana Police had been to the Wandorobe manyatta with a club and had made enquiries as to whose club it was. Lelembeti said the club was not the property of the Wandorobe and he told me two Kikuyu had been killed at Nangolewas and the Govt were trying to find out who had done it. This was the first time I had heard of the death of these two Kikuyu. I have nothing else I can say.

R.O.C.

G.A.Cornell.

No questions.

G.A.Cornell.

(Note. This witness gives me the impression of being unreliable and unhelpful G.A.S.)

Inquiry adjourned until tomorrow April 1st. 1934.

April 1st. 1934.

Inquiry resumed. All representatives present.

G.A.Cornell.

15th Witness.

Place.

Lakosukarya Lekenjic - Loimusi Section Samburu d. affirmed states:- I am the headman of the Loimusi Section of the Samburu. I gave evidence in front of the District Officer at Kisumu on November 26th 1933 and I have had this evidence read over to me. I have tried since giving this evidence to find out more about the case, but have failed and have got no more evidence to offer. I cannot recognise the three spears shown to me now as belonging to any one I know (Ex.P.P.1, P.II.) They may be Samburu spears but Samburu, Wanderobo and Mera spears are all the same because they are made by a spear maker at Mera. I have nothing more to say.

R.O.S.

G.A.Cornell.

No questions.

G.A.Cornell.

16th Witness.

Place.

Aka Ole Lenguya - IlPisingishu, Samburu d. affirmed :- I remember the police officer coming to S.Murpura from Masuruti when he brought three spears. The three spears are the ones I see before me now (Ex.P.,P.1.,P.II.) Previous to that he had shown me two spears. On the second occasion he mixed the spears with about 20 others and I picked out and recognised two spears - P.,P.1. They were the property of Ol Lengua, and I know this because Ol Lengua had previously brought these spears to me to be altered and repaired. Ol Lengua gave me 2  
Lengua

April 1st. 1934.

Inquiry resumed. All representatives present.

G.A.Cornell.

15th Witness.

Witness.

Lokosukarya Lekenjic - Loimusi Section Samburu d. affirmed states:- I am the headman of the Loimusi Section of the Samburu. I gave evidence in front of the District Officer at Kisumu on November 26th 1933 and I have had this evidence read over to me. I have tried since giving this evidence to find out more about the case, but have failed and have got no more evidence to offer. I cannot recognise the three spears shown to me now as belonging to any one I know (Ex.P.P.1, P.II.) They may be Samburu spears but Samburu, Wanderobo and Meru spears are all the same because they are made by a spear maker at Meru. I have nothing more to say.

R.O.S.

G.A.Cornell.

No questions.

G.A.Cornell.

16th Witness.

Witness.

Aka Ole Lenguya - IlPisingishu, Samburu d. affirmed :- I remember the police officer coming to S.Margara from Rumuruti when he brought three spears. The three spears are the ones I see before me now (Ex.P.,P.1.,P.II.) Previous to that he had shown me two spears. On the second occasion he mixed the spears with about 20 others and I picked out and recognized two spears - P.,P.1. They were the property of Ol Lengua, and I know this because Ol Lengua had previously brought these spears to me to be altered and repaired. Ol Lengua gave me 2  
Samburu

kibuyus of milk for this work.

All spears are the same - Samburu, Wandereband Meru but each spear maker can recognise his own work.

I do not think any ordinary native could recognise the different spears unless he knew. The third spear P.II I can recognise as a Samburu made spear but I cannot say to whom it belongs. It is the custom for a Samburu moran, if he has two spears, for both these spears to be a pair or exactly the same length and size. If he has one spear and then has another one made - the second one is made to match the first.

R.O.G.

G.A.Cornell

No questions.  
G.A.Cornell.

17th Witness.

Wallace.

Mariri Ole Legada, Leimusi Section Samburu d. affirmed :- I do not recognise these two spears (P.andP.!) They are not my property and I have never possessed them.

I have never sent them to Aha Ole Lungaya to be repaired. I have never been to Mr. Wallaces' farm. I have nothing more I wish to say.

R.O.G.  
G.A.Cornell.

No questions.  
G.A.Cornell.

18th Witness.

Wallace.

Hannum Barogoto- Leimusi Section Samburu d. affirmed :- I have never been to Mr. Wallaces' farm. I admit I was picked out on parade by Njaguna, at an identification parade at S.Marsena, but I had nothing whatever to do with the killing of the two Kibuya at Mr. Wallaces' farm. The reason

kibayas of milk for this work.

All spears are the same - Samburu, Wanderooband Meru but each spear maker can recognise his own work. I do not think any ordinary native could recognise the different spears unless he knew. The third spear P.II I can recognise as a Samburu made spear but I cannot say to whom it belongs. It is the custom for a Samburu moran, if he has two spears, for both these spears to be a pair or exactly the same length and size. If he has one spear and then has another one made - the second one is made to match the first.

R.O.G.

G.A.Cornell

No questions.  
G.A.Cornell.

17th Witness.

Mariri Ole Lengada - Loimusi Section

Samburu d. affirmed :- I do not recognise these two spears (P.andP.1) They are not my property and I have never possessed them.

I have never sent them to Aha Ole Lengaya to be repaired. I have never been to Mr. Wallaces' farm. I have nothing more I wish to say.

R.O.G.  
G.A.Cornell.

No questions.  
G.A.Cornell.

18th Witness.

Mamum Barogoto- Loimusi Section

Samburu d. affirmed :- I have never been to Mr. Wallace's farm. I admit I was picked out on parade by Njaguna, at an identification parade at S.Mamum, but I had nothing whatever to do with the killing of the two Kibaya at Mr. Wallace's farm. The reason

Wallace.

Wallace.

The reason why the Kikuyu Njaguna picked me and Loobe Langeroni out of parade was because previous to the parade he saw us both in handcuffs and saw the handcuffs taken off us.

R.O.C.

C.A.Cornell.

No questions.

C.A.Cornell.

19th Witness.

Ledipen Lekurana - Il Ngwesi - Samburu  
d. affirmed states:- I do not recognise the club produced here (Ex.A.) It is not my property, and I have never told Kirimoh Lekurana I had thrown it away.

No questions

R.O.C.

C.A.Cornell.

C.A.Cornell.

20th Witness.

1521. And Erad- Ngutha wa Kalusi-  
Kenya Colony- duly sworn states:- I remember the day Supt. Ridgway and Insp.Griffiths arrived at S.Marmora. There were present police askari Abdulla, Quabe and Munyae. There were two Samburu accused present. We were sitting under some trees a little distance from the road. The motor car arrived and went past us about 500 yards, Supt Ridgway having got out. Insp. Griffiths was in the car when it drove on. Supt Ridgway mixed the two accused up with about 15 others and then blew a whistle and then Insp.Griffiths and Njaguna came up. Njaguna then picked out the tall moran first and then the younger one. Njaguna said the tall Samburu moran had thrown the spear at him, he (Njaguna) had thrown his panga at the smaller Samburu. After Njaguna had picked out the two suspects they were then rehandcuffed.

The reason why the Kikuyu Njaguna picked me and Looba Langeroni out on parade was because previous to the parade he saw us both in handcuffs and saw the handcuffs taken off us.

R.O.C.

C.A.Cornell.

No questions.

C.A.Cornell.

19th Witness.

Ledipen Lekurana - Il Ngwesi - Samburu d. affirmed states:- I do not recognise the club produced here (K.A.A.) It is not my property, and I have never told Kirimon Lekurana I had thrown it away.

No questions.

R.O.C.

C.A.Cornell.

C.A.Cornell.

20th Witness.

1320. And Grad- Ngutha wa Kalusi- Kenya Colony- duly sworn states:- I remember the day Supt. Ridgway and Insp. Griffiths arrived at S. Marmora. There were present police askari Abdulla, Quabe and Munyae. There were two Samburu accused present. We were sitting under some trees a little distance from the road. The motor car arrived and went past us about 500 yards, Supt Ridgway having got out. Insp. Griffiths was in the car when it drove on. Supt Ridgway mixed the two accused up with about 15 others and then blew a whistle and then Insp. Griffiths and Njaguna came up. Njaguna then picked out the tall moran first and then the younger one. Njaguna said the tall Samburu moran had thrown the spear at him, he (Njaguna) had thrown his panga at the smaller Samburu. After Njaguna had picked out the two suspects they were then rehandcuffed.

re-handcuffed and taken to Mumuruti. I was the person who undid the handcuffs in the first instance off Namunum Barsogoto.

R.O.C.

C.A. Cornell

No questions

C.A. Cornell.

1st Witness.

199.

17/2, 1st Grade Muniyo Kisumu - Kenya Police d. affirmed states:- I was present when Supt Ridgway and Insp Griffiths arrived at S. Marmora and held an identification parade. We were standing off the road when the car drove up. Supt Ridgway got out and the car drove on about 50 yards. P/c Ngutho undid the handcuffs of Namunum Barsogoto and another askari undid the handcuffs of Loba Langeroni. Supt Ridgway mixed the two suspects with about 15 other Samburu and blew a whistle, when Insp Griffiths came with a Kikuyu Njagana, who picked out Namunum Barsogoto and Loba Langeroni.

R.O.C.

C.A. Cornell.

No questions.

C.A. Cornell.

2nd Witness.

17/2, 1st Grade Mungat Topukwa - Kenya Police d. affirmed states:- I am a policeman stationed at Mumuruti and I remember a little over 2 years ago I was sent by my Inspector to investigate the murder on Mr. Armstrongs' concession at S. Mugie. I saw the body of a Lamsu Herdsman and saw two spear wounds in the body. I was accompanied by two Tribal Retainers. Near the body I saw the footprints of three men. We followed the footprints to a Samburu manyatta, near to the manyatta of the Headman Ole Kopem. We followed the footprints

re-handcuffed and taken to Mumuruti. I was the person who undid the handcuffs in the first instance off Mamunus Barsogoto.

R.O.C.

C.A. Cornell

No questions

C.A. Cornell.

1st Witness.

1734, 1st Grade Mnyao Kisumu - Kenya Police d. affirmed states:- I was present when Supt Ridgway and Insp Griffiths arrived at S. Marmora and held an identification parade. We were standing off the road when the car drove up. Supt Ridgway got out and the car drove on about 50 yards. P/c Ngutho undid the handcuffs of Mamunus Barsogoto and another askari undid the handcuffs of Loba Lanyeroni. Supt Ridgway mixed the two suspects with about 15 other Samburu and blew a whistle, when Insp Griffiths came with a Eikuyu Wjagana, who picked out Mamunus Barsogoto and Loba Lanyeroni.

R.O.C.

C.A. Cornell.

No questions.

C.A. Cornell.

2nd Witness.

1735, 1st Grade Mnyao Kisumu - Kenya Police d. affirmed states:- I am a policeman stationed at Mumuruti and I remember a little over 2 years ago I was sent by my Inspector to investigate the murder on Mr. Armstrongs' concession at S. Mugie. I saw the body of a Lamowa Herdsman and saw two spear wounds in the body. I was accompanied by two Tribal Retainers. Near the body I saw the footprints of three men. We followed the footprints to a Samburu manyatta, near to the manyatta of the Headman Ole Kopem. We followed the footprints

footprints and got information 3 people had passed and reported this fact to Ole Kopen. We slept that night and in the morning Ole Kopen called some moran. Then we returned to Rumrutu. Where the body was found to the border of the Samburu country was four hours walk. The man was undoubtedly killed by spear wounds.

R.O.C.  
C.A.Cornell.

No questions.  
C.A.Cornell.

(Note. Supt Ridgway wishes this evidence to be recorded, but at present do not grasp its due significance) except that he wishes to draw attention that in his opinion the Headman Ole Kopen was not helpful to the police askari C.A.C.

3rd witness.

Robert Ridgway, Christian duly sworn states :-  
I am in Charge of the Naivasha Police Unit which includes Laikipia. On the 5.10.55 I visited S. Marmora with Inspector Griffiths. Whilst there information was sent to me by the Samburu Chief Ole Kopen that he and other Samburu had gone out to arrest one Kiberenge. Up to date Kiberenge has not been arrested. Kiberenge is wanted for escape from custody and is a very important witness in the Povys' case. On 5.11.55 I again visited Marmora and with Insp. Griffiths in connection with the third Wallace Case. On that day I held an identification parade of 15 Samburu. The Kikuyu witness Wjaguna picked out two Samburu moran, identified by him as having murdered his son on Mr. Wallaces' farm. The parade was held strictly in accordance with Police Standing Orders. The two Samburu identified were arrested by me. While at Marmora that day a Samburu elder named Leknyie came to me and asked for the release for one of the prisoners Mamunum Baroegeto and offered to replace the prisoner by any other Samburu moran I wished.

footprints and got information 3 people had passed and reported this fact to Ole Kopen. We slept that night and in the morning Ole Kopen called some moran. Then we returned to Rumuruti. Where the body was found to the border of the Samburu country was four hours walk. The man was undoubtedly killed by spear wounds.

R.O.C.  
C.A.Cornell.

No. questions.  
C.A.Cornell.

Note. Supt Ridgway wishes this evidence to be recorded, but I at present do not grasp its due significance except that he wishes to draw attention that in his opinion the Headman Ole Kopen was not helpful to the police askari C.A.C.

3rd witness.

Robert Ridgway, Christian duly sworn states :-  
I am in Charge of the Naivasha Police Unit which includes Laikipia. On the 30.10.55 I visited S. Marmora with Inspector Griffiths. Whilst there information was sent to me by the Samburu Chief Ole Kopen that he and other Samburu had gone out to arrest one Kiberenge. Up to date Kiberenge has not been arrested. Kiberenge is wanted for escape from custody and is a very important witness in the Powys' case. On 5.11.55 I again visited Marmora and with Insp. Griffiths in connection with the third Wallace Case. On that day I held an identification parade of 15 Samburu. The Kikuyu witness Njaguna picked out two Samburu moran, identified by him as having murdered his son on Mr. Wallace's farm. The parade was held strictly in accordance with Police Standing Orders. The two Samburu identified were arrested by me. While at Marmora that day a Samburu elder named Leknyie came to me and asked for the release for one of the prisoners Mamunus Sarogeto and offered to replace the prisoner by any other Samburu moran I wished.

I refused.

I refused. I later learned that Samumu Sarsogoto was a head moran and it would be contrary to custom for other moran to marry unless he was available.

On 6.12.55 I delivered personally a confidential letter from the Chief Native Commissioner, <sup>General</sup> to Mr. Deverell District Officer, who was camped at Kisima. On the following morning the Samburu Laloon Ole Laguma was arrested by the District Officer (Mr. Deverell). On the same day 6.12.55 the District Officer recorded statements from the following (1) Champati Lasoni (2) Kiunguss Lengerassi (3) Losulei Lekurana (4) Ntai Lokulal. I ask that these statements recorded by the District Officer may be put in as evidence in this inquiry.

Mr. Theodore Powys was killed on the 12.10.1931 whilst riding his pony on the Il Pinguan plain. A direct line from Wallace's farm to Kirimon would lead one from Il Pinguan plain where Powys' remains were found. I took over the investigation of the Powys' case on the 10th January 1934.

On February 17th 1934 at S. Marmora I interrogated witnesses on the statements mentioned previously which had been recorded by the District Officer and the most important points contained in those statements were denied by Samburu witnesses, who had previously offered these statements to the District Officer. From my investigations in connection with the Powys' case I am convinced that Mr. Powys' was murdered. Apart from information I have no evidence to support a charge of murder in a Court of law, and in my own opinion there is little doubt that the statement given by Champati Lasoni to the District Officer is the true story of Mr. Powys' death and is consistent with such points as I have been able to ascertain in my investigation.

I refused. I later learned that Mamumu Sarsogoto was a Head moran and it would be contrary to custom for other moran to marry unless he was available.

On 2.12.55 I delivered personally a confidential letter from the Chief Native Commissioner, to Mr. Deverell District Officer, who was camped at Kisima. On the following morning the Samburu Liaison, Ole Laguma was arrested by the District Officer (Mr. Deverell). On the same day 6.12.55 the District Officer recorded statements from the following (1) Champati Lasoni (2) Kiungusa Lengerassi (3) Losulei Lekurana (4) Ntai Lokulal. I ask that these statements recorded by the District Officer may be put in as evidence in this inquiry.

Mr. Theodore Powys was killed on the 12.12.1934 whilst riding his pony on the Il Pinguan plain. A direct line from Wallace's farm to Kirimon would lead one from Il Pinguan plain where Powys' remains were found. I took over the investigation of the Powys' case on the 17th January 1934.

On February 17th 1934 at S. Marora I interrogated witnesses on the statements mentioned previously which had been recorded by the District Officer and the most important points contained in those statements were denied by Samburu witnesses, who had previously offered these statements to the District Officer. From my investigations in connection with the Powys' case I am convinced that Mr. Powys' was murdered. Apart from information I have no evidence to support a charge of murder in a Court of law, and in my own opinion there is little doubt that the statement given by Champati Lasoni to the District Officer is the true story of Mr. Powys' death and is consistent with such points as I have been able to ascertain in my investigation.

I refused. I later learned that Samumia Barogoto was a Head moran and it would be contrary to custom for other moran to marry unless he was available.

On 5.12.35 I delivered personally a confidential letter from the Chief Native Commissioner, <sup>to</sup> Mr. Deverell District Officer, who was camped at Kisima. On the following morning the Samburu Leiben Ole Laduma was arrested by the District Officer (Mr. Deverell). On the same day 6.12.35 the District Officer recorded statements from the following (1) Champati Laseni (2) Kiunguss Lengarasi (3) Losulei Lekurana (4) Ntai Lokulal. I ask that these statements recorded by the District Officer may be put in as evidence in this inquiry.

Mr. Theodore Powys was killed on the 19.10.1931 whilst riding his pony on the Il Pinguan plain. A direct line from Wallaces' farm to Kirimon would lead one from Il Pinguan plain where Powys' remains were found. I took over the investigation of the Powys' case on the 19th January 1934.

On February 17th 1934 at S. Marnora I interrogated witnesses on the statements mentioned previously which had been recorded by the District Officer and the most important points contained in those statements were denied by Samburu witnesses, who had previously offered these statements to the District Officer. From my investigations in connection with the Powys' case I am convinced that Mr. Powys' was murdered. Apart from information I have no evidence to support a charge of murder in a Court of law, and in my own opinion there is little doubt that the statement given by Champati Laseni to the District Officer is the true story of Mr. Powys' death and is consistent with such points as I have been able to ascertain in my investigation.

I refused. I later learned that Mamumun Barsogoto was a Head moran and it would be contrary to custom for other moran to marry unless he was available.

On 5.12.33 I delivered personally a confidential letter from the Chief Native Commissioner, to Mr. Deverell District Officer, who was camped at Kisima. On the following morning the Samburu Laibon Ole Laduma was arrested by the District Officer (Mr. Deverell). On the same day 6.12.33 the District Officer recorded statements from the following (1) Chaspati Lasoni (2) Kiunguss Lengerassi (3) Losulei Lekurana (4) Ntai Lokulal. I ask that these statements recorded by the District Officer may be put in as evidence in this inquiry.

Mr. Theodore Powys was killed on the 12.12.1931 whilst riding his pony on the Il Pinguan plain. A direct line from Wallases' farm to Kirimon would lead one from Il Pinguan plain where Powys' remains were found. I took over the investigation of the Powys' case on the 19th January 1934.

On February 17th 1934 at S. Marmora I interrogated witnesses on the statements mentioned previously which had been recorded by the District Officer and the most important points contained in those statements were denied by Samburu witnesses, who had previously offered these statements to the District Officer. From my investigations in connection with the Powys' case I am convinced that Mr. Powys' was murdered. Apart from information I have no evidence to support a charge of murder in a Court of law, and in my own opinion there is little doubt that the statement given by Chaspati Lasoni to the District Officer is the true story of Mr. Powys' death and is consistent with such points as I have been able to ascertain in my investigation.



On the December 2nd, 1931 a Lumbwa herd who was employed by Mr. Armstrong at S. Mugie was speared to death. The modus Operandi in this case is similar to that employed in the cases which occurred in 1935. The Samburu border is only four hours distance from the spot where the body of the Lumbwa was found dead. The wounds inflicted were caused by a spear.

In connection with murder cases I visited Nanyuki at the end of February 1934 and from the police records I found that on the 28th August 1931 a native was murdered on the Ngare Ruru Ngare and his wife wounded and who died 14 days later.

Three Wandorobe stood their trial and were acquitted on the 9th January 1932.

On December 7th 1935 I arrested at S. Marmora two Samburu men (1) Kirimon Lengala (2) Longure Lengala both of the Pisingishu Section, who confessed to having committed this murder.

On 4th September 1931 a male child was speared to death, whilst herding cattle on a farm near the Ngare Ruru. The two Samburu mentioned above (Kirimon Lengala and Longure Lengala) also admitted of having murdered this child, and these two are now waiting trial for murder at Nanyuki on a charge of murder.

During 1931 a Meru adult and a Meru youth who were in charge of an ox wagon on a road in the Loldai area about ~~the~~ Mr. Booth's farm were murdered. In Champati Loom's statement he states "I also knew who murdered a lorry driver in the Nanyuki area". He may have referred to this wagon as a lorry.

On February 21st 1935 the remains of a Kikuyu child who had been missing since February 12th 1935 was found.

was found at Ngare Ngare . A blanket which was found near the remains, had three cuts such as would be made by a spear. There was blood on the blanket. The body was badly decomposed and partly eaten and no wounds visible . This case is still under investigation and the police have no clues as to the perpetrators.

On November 1st 1933 two male Wandereb children were murdered near Uase Nyire - Manyuki, area at a place near the northern limits of the surveyed farms. A Samburu sandal was found at the scene and two Samburu moran were seen in the vicinity the previous evening. One youth (i.e. victim) was seen by a police constable before he died and stated he had been speared by a Samburu. Two Samburu moran have been arrested in connection with this case and are awaiting trial. It is doubtful if the evidence will be sufficient to sustain a conviction.

In all the Laikipia cases and two of the Manyuki cases the police information and evidence obtained is not sufficient to warrant a case being brought before a lower court. In cases from 1931 the modus operandi has been similar. The motive in all cases mentioned is one of spear bleeding and not of theft.

In my opinion the Samburu tribe are undoubtedly in a position to hand over to the Government all the accused in the murder cases mentioned and to supply the necessary evidence should they desire to do so, and in my opinion they are definitely withholding information.

A native cannot describe a case giving full details of same unless he knows something about it and I especially refer to the 'Fugu' case and the statement made by Shampati Looeni.

I wish to place on record that the police do apply for costs incurred in investigating the cases mentioned which have occurred in the Laikipia and Nanyuki areas, but the amount I would leave to the discretion of the Court.

R.O.C.

C.A.Cornell.

Q. by Court.

You have stated that in your opinion the Samburu are in a position to hand over to the Government all the accused in the murder cases mentioned- Do you agree that the Samburu did actually hand over eight persons- viz. two accused in the 1st Wallace, two in the Curry case, two in the third Wallace case, and two in the Nanyuki - Lumbwa herd case.

A. I agree they did this, but failed to produce the necessary evidence. If the Samburu were in such a position to produce as they did these eight suspects I contend they must have had information in their possession to warrant them to do so.

Q. In your opening statement you say Headman Ole Kopen on 30.10.55 was out arresting one Kiberenge. Had he been instructed to do so at that date and if so by whom?

A. I cannot say if he had been told to do so or not, but if he had not I fail to see why he should have sent me word he was doing so. Before the Powys' case was actually re-opened by Government I had expressed my wish to see Kiberenge, and I think that Headman Ole Kopen did know that Kiberenge was wanted

was wanted otherwise why should he say he had gone to look for him. I never asked Ole Kopon definitely myself to arrest Kiberenge. The fact has been extensively advertised since December 6th last year in the Samburu Reserve.

R. Ridgway.

(Note. The fact was advertised since December 6th 1933, but Supt. Ridgway in his statement draws attention that Ole Kopon had not arrested Kiberenge on October 30th 1933, on which date the Powys' case had ~~not~~ not been re-opened and enquiries were not being made concerning it).

24th Witness.

Lekutian Lesosurjan- Il Ngwasi Section Samburu d. affirmed states: Last October just when we had had some rain my manyatta was at Logarate and one day Ledipan Lekurana and Sirimohiri Lekurana came to me. I noticed both of them were wearing rings on their fingers. I thought they must have killed someone, because it is the custom to wear such rings when a moran has killed. Just before the District Officer came here last November I saw Sarete Lesengei and Tikero Lenailapicho near Logarate at Lesengei's manyatta and they too were wearing such rings. I did not speak to any one about this, but I thought all these four moran would not be wearing rings unless they had killed someone.

R.O.C.

C.A. Cornell.

No questions.

C.A. Cornell.

25th Witness

ry Farm)

Latumala Lekurana-Il Ngwezi Section Sambouru duly affirmed states:- About last October August my manyatta was at Garma near Kelele and about that time I saw Ledipen Lekurana and Girimichiri Lekurana. It was a dry time and the drought was ~~xxxx~~ bad. After the rain came these two men took their cattle to near Larapoi. One day Ledipen Lekurana came to my manyatta and I noticed he was wearing a ring on his finger. I did not say anything, but thought it was a sign he must have killed someone. I also saw Girimichiri Lekurana and he was also wearing a ring.

About 1 1/2 months after later (that would be about October) I went to the manyatta of Saruta Lesengei and ~~Tikoro~~ there I saw Saruta Lesengei and Tikoro Lemailapicho (two suspects in 1st Wallace case) and I saw these two men were also wearing similar rings.

In November last when the District Officer was at Sapota Marmora I spoke to Champele Lesoni (14th witness in this inquiry) who told me he had told the District Officer everything about Ledipen Lekurana and Girimichiri Lekurana and that a club had been recognised as their property and he said there was no need for me to say anything as he himself had told the Officer everything- so I said no more.

R.O. C.

C.A. Cornell

No Questions

C.A. Cornell.

26th Witness

20th Witness

Wallace)

Samanas Ladua, Chief of the Samburu  
 daily affairs states:- I remember one night when  
 the Inspector of Police arrived from Rumuruti at  
 Sigota Mbarara. He was asking enquiries concerning  
 the movements of Mariri Legada, Maminun Barasagoto,  
 and Laaba Bengeroni who were suspected of murdering some  
 Kikuyu on Wallace's farm, and I afterwards tried to  
 find out where these men had been, but could not.  
 I cannot say where these spears belong to.

R.C.C.

C.A. Cornell

No questions

C.A. Cornell.

7th Witness

About Lengerasi, El Mussala Section  
 Samburu states:- I am the Government Headman of  
 the El Mussala Section. I have heard the evidence  
 of the past three days and I believe the moran of  
 the Samburu are to blame for all this trouble, and I  
 hope Government will severely punish them. I do  
 not know of any elder who is withholding information.  
 When a moran goes out to blood his spear he does not  
 tell the elders about it so how should we know about  
 these crimes? I want to help the Government all  
 I can, but I do not know anything about these crimes  
 nor do I know of anyone who is hiding information.  
 Again I say I want to help the Government.

R.C.C.

C.A. Cornell

No Questions.

C.A. Cornell

20th Witness

Wallace)

Samanus Lafias, War Section Samburu  
 daily affirmed states:- I remember one night when  
 the Inspector of Police arrived from Rasamatiti at  
 Bagota warbara. He was asking enquiries concerning  
 the movements of Mariri Legada, Naminun Barasagoto,  
 and Laobe Lengeroni who were suspected of murdering some  
 Kikuyu on Wallace's farm, and I afterwards tried to  
 find out where these men had been, but could not.  
 I cannot say who these spears belong to.

C. A. Cornell

No Questions

C. A. Cornell.

7th Witness

Abnut Lengeras i, El Mussala Section  
 Samburu states:- I am the Government Headman of  
 the El Mussala Section. I have heard the evidence  
 of the past three days and I believe the moran of  
 the Samburu are to blame for all this trouble, and I  
 hope Government will severely punish them. I do  
 not know of any elder who is withholding information.  
 When a moran goes out to blood his spear he does not  
 tell the elders about it so how should we know about  
 these crimes? I want to help the Government all  
 I can, but I do not know anything about these crimes  
 nor do I know of anyone who is hiding information.  
 Again I say I want to help the Government.

R. G. C.

C. A. Cornell

No Questions.

C. A. Cornell

27th Witness.

Belibeo Leruk, Lo - Luma Section,  
Samburu duly affirmed states:- I used to be a  
Government Headman I have heard all the witnesses for  
three days. Since this trouble started last year  
I have tried to find information, but have failed.  
I desire to help Government, but this trouble is the  
work of moran, and have brought trouble and loss to our  
families. They should be punished and punished  
hard and I trust they will be. The elders are not  
hiding information.

R.O.C.

C.A. Cornell.

No Questions.

C.A. Cornell.

28th Witness.

Lechibus Len' Osi- Section IlPisain'ishu  
Samburu duly affirmed states:- I was a Samburu Elder.  
I want to say that when a moran goes out to do a  
bad thing to steal, or kill he does not tell anyone.  
He goes perhaps with a friend and does it and bloods  
his spear, but he does not tell us, the elders.  
I hope all the moran will be punished. They have  
brought trouble into our country, but we elders want  
to help the Government.

R.O.C.

C.A. Cornell.

No Questions.

C.A. Cornell.

29th Witness.

Lepilli Ole Kpen- Section Loro'ishu  
Samburu duly affirmed states:- I am the  
Government Headman of the Loro'ishu Section. I first  
want to talk about Kiberenge. When the Inspector of  
Police

28th Witness.

Bilibelo Leruk, Section  
Samburu duly affirmed states:- I used to be a  
government Headman I have heard all the witnesses for  
three days. Since this trouble started last year  
I have tried to find information, but have failed.

I desire to help Government, but this trouble is the  
work of moran, he has brought trouble and loss to our  
families. They should be punished and punished  
hard and I trust they will be. The elders are not  
withholding information.

R.O.

No Questions.

C.A. Cornell.

C.A. Cornell.

29th Witness.

Lechibus Len osigi- Section IPisinishu  
Samburu duly affirmed states:- I am a Samburu Elder.  
I want to say that when a moran goes out to do a  
bad thing to steal, or kill he does not tell anyone.  
He goes perhaps with a friend and does it and bloods  
his spear, but he does not tell us, the elders.  
I hope all the moran will be punished. They have  
brought trouble into our country, but we elders want  
to help the Government.

R.O.

No Questions

C.A. Cornell.

C.A. Cornell.

30th Witness.

Lepilli Ole Kpen- Section Lorigishu  
Samburu duly affirmed states:- I am the  
Government Headman of the Lorigishu Section. I first  
want to talk about Kiberenge. When the Inspector of  
Police

Police came to Sogota Marmora in October. I was informed  
 by Kiberenge and stolen a diamond ring. I was in  
 shamba. I told him I had heard, but I did not know  
 if it was true, that Kiberenge was at Leruk or Loroki,  
 and I should go to look for him. Inspector Griffiths  
 gave me two police askaris and I, the two police  
 askaris, and Samanga Laduma went to look for Kiberenge  
 - constable Mnyao of the Isiolo unit accompanied us  
 as far as his camp. We went to Leruk and there  
 we saw another police askari <sup>also</sup> of Isiolo unit. He  
 told us he had heard that Kiberenge was in the  
 neighbourhood. We then went to Leruk and met a  
 Isiolo P. M. Lotion on the way, who told us Kiberenge  
 had left the district some time ago. We then  
 returned, after making enquiries when we found that  
 Kiberenge was not at Leruk, and we got to Sogota  
 Marmora on November 2nd, where we met Supt. Ridgway,  
 Inspector Griffiths and the District Commissioner  
 Rumaruti. I swear I do not know where Kiberenge is  
 and I have not seen him since I saw him in Rumaruti,  
 which was, I think, at the end of 1901, when I went  
 to Rumaruti with Mr. Darresh, (District Officer Isiolo).  
 When the Lumbaa police askari came to mine  
 (i.e. witness No. 22) I gave him a very assistance,  
 and the case was enquired into at the time by an Officer  
 from Isiolo, and the Government wrote it all down.  
 When Mr. Poys died several police Officers  
 and the District Commissioner Rumaruti and the District  
 Officer Isiolo came up to my district at Sogota Marmora.  
 It is over two years ago now. There was also a  
 Locust Officer working at Kisumu and Sogota Marmora.  
 Many enquiries were made and a Government baraza was  
 held. Kiberenge accused me of being connected with  
 Mr. Poys death. He accused Moran of the Lorigishu

Section bringing Mr. Powys skull to Nyirayatta, and said Samburu had killed Mr. Powys. All the Samburu knew of these accusations, and everyone talked a lot about it. It was discussed everywhere Nyire, El Barta Mumba everywhere. All the accusations of Kiberenge were proved to be false. <sup>and still are false</sup> The Samburu never did murder Mr. Powys. We are innocent of that. After the enquiry we were all told by a European from Rumuruti. I do not know if he was the District Commissioner, but he was not a police officer - that Mr. Powys had been killed by a lion. The information that he was given by Champati Lasoni to the District Officer Isiolo at Sagota Marmora in December last was Kiberenge's story, which Champati Lasoni had heard when the enquiries two years ago were being made. I cannot say why he should tell such things again, but his story is not true, and now he has withdrawn it, it shows it is not true. All Samburu knew details of Mr. Powys death because many enquiries were made at the time and it was very much discussed.

I admit the Samburu men are responsible, or I believe they are, for some of the recent murders, and they <sup>have</sup> brought discredit and trouble to the Samburu country. I hope they will be punished, but I am not hiding information, nor are any of the Samburu elders hiding information or evidence from the Government. We want to help the Government.

R. O. G.

J. A. Cornell.

No Questions

J. A. Cornell.

1st Witness.

Longoloni Lokolol- Nyapari Section- Samsuru d. affirmed states:- I am a Government Headman. I only wish to say that we have no wish to hinder the Government. We have always wished to help the Government. The young men are responsible for all this trouble and they should be punished. I say that all the information which the Samsuru know has been told the Government and we are hiding nothing.

R.O.C.

C.A.Cornell.

No Questions.  
C.A.Cornell.2nd Witness.

Lemak Lellelit, IlPisingishu Section Samsuru duly affirmed states:- I am Government Headman of the IlPisingishu Section. I have heard all the witnesses and have seen the three spears and club and other exhibits produced, during the last few days. I believe that these spears and club are Samsuru property and I think therefore that these murders connected with these exhibits were done by Samsuru. I believe moran have done them. The moran (or some of them) will not always listen to what we headmen and elders tell them. Neither do they tell us all they do. They have brought trouble to our country. I am not hiding any evidence. Perhaps we have not looked after our moran as much as we ought to have done, but it is difficult when they are a long way away with their dry cattle during the dry weather, when grass is scarce. I want to help Government all I can.

R.O.C.

C.A.Cornell.

No Questions.  
C.A.Cornell.

33rd. Witness.

Htai Legulal - Longel i Section Samuru  
duly affirmed states:- I am a Government  
Headman. I admit from what evidence I have heard  
at this inquiry I think Samburu moran were responsible  
for some of the murders and trade, which have  
occured on the Laikipia border, but as far as my  
knowledge goes I have hidden nothing from the  
Government. I am anxious to help the Government.  
These troubles have given us all a bad name.

R.O.C.  
C.A.Cornell.

34th Witness.

Lesuti Legurana - Il Ngwesi Section -  
Samburu affirmed states:- I am Government Headman  
of the Il Ngwesi Section, and I gave evidence to the  
District Officer on December 4th last telling him  
certain things I had heard. This evidence I have  
had read over to me, but I told him things that I  
had heard, but I have found out since that all I  
said was not true. It was only what I had heard  
or been told. Chmpati Lasoni told me some of the  
things, which I told the District Officer, but I  
do not believe now the things he told me were all  
true. I have nothing more I want to say now,  
because I only want to say what I know is true and  
not what I have heard. I have not hidden any  
evidence.

R.O.C.  
C.A.Cornell.

3rd. Witness.

Ntai Legual - Longel Section Samburu  
duly affirmed states:- I am a Government  
Headman. I admit from what evidence I have heard  
at this inquiry I think Samburu moran were responsible  
for some of the murders and trade, which have  
occured on the Laikipia border, but as far as my  
knowledge goes I have hidden nothing from the  
Government. I am anxious to help the Government.  
These troubles have given us all a bad name.

R.O.C.  
G.A.Cornell.

4th Witness.

Lesuti Legurana - Il Ngwesi Section -  
Samburu affirmed states:- I am Government Headman  
of the Il Ngwesi Section, and I gave evidence to the  
District Officer on December 4th last telling him  
certain things I had heard. This evidence I have  
had read over to me, but I told him things that I  
had heard, but I have found out since that all I  
said was not true. It was only what I had heard  
or been told. Chwpati Lasoni told me some of the  
things, which I told the District Officer, but I  
do not believe now the things he told me were all  
true. I have nothing more I want to say now,  
because I only want to say what I know is true and  
not what I have heard. I have not hidden any  
evidence.

R.O.C.  
G.A.Cornell.

Findings.

This is an inquiry held under the Collective Punishment Ordinance, No. 54 of 1930, Section 2 (b) to determine whether the Samburu tribe, or certain Sections of the Samburu tribe, have suppressed or combined to suppress evidence in certain cases of murder which have occurred in the Laikipia area since June 13th, 1933. Before dealing with the purpose of the inquiry it is necessary briefly to record particulars of the murders in question, and the circumstances under which they were believed to have been committed.

The first one, known as the 1st. Wallace farm case, happened on June 13th, 1933, when two Wakikuyu youths were killed. Both bodies had marks of spear wounds, and one witness No. 2 (Kikondi wa Kairu) testifies to seeing two men with spears, who he thought looked like Masai, but whom he could not again identify. The farm on which this occurred is a very isolated one, large and sparsely populated. The victims were herding sheep at the time, but none were stolen, and there <sup>appeared</sup> little motive for the crime.

The second case, known as the Gurry Farm murder occurred on July 13th, 1933, when a report was received by the Inspector of Police, Hamuruti that two aged herdsmen were missing. Their bodies were subsequently found, one picked clean by vultures, and the second had spear wounds in it (testified by witness No. 4 Mbege wa Njuni). As in the first case the men were herding stock and none of this was missing or stolen.

A club was, however, picked up near the scene of the crime, which was not the property of either deceased, but which was picked out and identified by Kirimom Lekurance (witness No.11) who alleges it is the property of a Samburu named Ledipan Lekurana.

The third case, known as the 2nd Wallace farm case, occurred on September 24th, 1933, when three wakikuyu were killed. Beyond the fact that spear wounds were found by the police on the bodies, there is little evidence of any sort, and again no property was stolen.

The fourth case, known as the 3rd Wallace farm case, happened on the 28th October, 1933, when a Wakikuyu male adult and a Wakikuyu child were the victims. There is considerable evidence here. Three spears (marked P., P.I., P.II) were picked up near the scene of the crime, and there was also an eye witness, Njuguna wa Karire (witness No.5). The latter at an identification parade held at Sugeta Marmora on November 5th, 1933 under the charge of the Superintendent of Police (Naivasha area) picked out two Samburu (1) Hamunum Barsegote (2) Looba Langeroni as the two men who had actually thrown a spear at him when the crime was committed. The three spears were identified and recognised by a Samburu spear maker Aka Ole Lunguya (witness No. 16) who had some time previously repaired them, and who stated two were the property of a Samburu named Mariri Ole Legada (not one of the two men picked out by Njuguna wa Karire).

The fifth case known as Tyndalls case was the killing of a male Wakikuyu on October 31st 1933, and the body had spear wounds. A small

Wakikuyu

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Wahikuyu child aged about seven (witness No.8) named Wangohi binti Kihate picked up an ear ornament, which is similar to that worn by Samburu youths and which is produced as an exhibit. It has, however, not been identified. This young witness also states she recognised the assailants as Samburu, both from their appearance and speech, but on account of her age too much reliance cannot be placed on her evidence, especially as she was unable to identify any of the suspects on an identification parade held at Nyeri by the Inspector of Police, (Mamuruti) on February 5th 1934.

Other cases, notably the death of Mr Theodore Powsy, on October 19th 1931, and also the death of a Lumbwa herd employed by Mr. Armstrong on December 2nd, 1931, are mentioned by the Superintendent of Police, Naivasaga, in his evidence, but for the present and for reasons stated later I consider it advisable to confine attention to the five cases enumerated above. Each one has common characteristics. Each victim suffered death from spear wounds. In no case was any property stolen, and theft supplied no motive. All cases occurred on isolated and lonely farms, where the chances of eye witnesses were somewhat remote. In two cases, that of the Gurry farm case, and the third Wallace case, a club and three spears respectively were found near the scene, of the crime, and these have been identified by Samburu witnesses as Samburu property.

It is well known by the Administration that the old custom of blood spearing is a Samburu custom, although of recent years, it has been of rare occurrence. It is also that the present "erika"

"erika" or circumcision class of moran (or Samburu youths) are approaching marriageable age, when if the season is a good one and rains and grazing plentiful, the ceremony of becoming bridegrooms and ceasing to be "moran" will shortly take place. (It should here be stated that this does greatly depend on climatic conditions as affecting grazing and water and consequent condition of the cattle of the tribe and their material prosperity)

All these five cases appear to be "blood spearing" cases, and the majority, if not all, the work of a very small number of Samburu moran (or youths). I would here emphasise the fact that the purpose of this enquiry is not to investigate these particular cases or to try to establish the guilt or otherwise of any particular suspect, but only to determine whether evidence has been suppressed by the Samburu in connection with these cases, and if so what action should be taken under Ordinance No. 54 of 1930, and for this reason it is not necessary to record too minutely the details and facts of each case separately.

Before proceeding further it will here be convenient to deal with some of other cases mentioned by the Superintendent of Police Naivasha especially that of the death of Mr. Theodore Powys, and also some of the points raised by the Inspector of Police Kukuruti in his evidence. Mr. Powys died on October 19th 1931, and an inquest was held at Kukuruti, and police enquiries were also instituted, and also certain allegations by one Kiberenge were enquired into. The Superintendent of Police Naivasha, has made the request at this enquiry

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Inquiry that certain statements made by (1) Champati Lasoni (2) Kuingut Lengerassi (3) Losulei Lekurana and (4) Ntai Lokual to the District Officer, Isiolo at Sugota Marmora on December 6th, 1933 should be included. These duly appear in the appendix of this inquiry.

The first witness however- Champati Lasoni - Subsequently made a statement to the District Commissioner, on December 16th 1933 in which he contradicted his previous one (made on December 6th 1933) in which he accused Longure Lenkalasa and LemunKwekeri Lenkala of being connected with Mr. Powys' death. No further evidence has been produced at this inquiry with reference to Mr. Powy's death, except that the Superintendent of Police, Naivasha states that he interrogated witnesses on the statements mentioned previously and recorded by the District Officer, and the most important points contained in these statements were denied by the persons who gave them. Beyond proving that these particular witnesses gave inaccurate or false statements and have probably laid themselves out to a charge of perjury, it would appear no advantage in my opinion to include them in this inquiry, especially as it might estop further proceedings at a later date, and make the present points of issue still more involved.

Regarding the suggestion that the Headman Ole Kopan has failed to arrest an important witness Kiberenge wanted in the Powys enquiries. The facts appear as follows:- On October 28th 1933 Inspector of Police Rumurati saw Ole Kopan at Sugota Marmora when he informed the latter that Kiberenge was wanted for stealing a blanket and escape from lawful custody. Ole Kopan states he informed the

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Two days later the Inspector (together with Superintendent of Police) again visited Sugota Marnara when Ole Kopon had not returned. He returned on November 2nd 1933 when he reported that he had failed to find Kiberenge and that it was believed that he had gone to the Rendile country.

It should be noted that on October 28th Kiberenge was not being searched for by the Police in connection with the Powys' case, enquiries in which were not re-opened until about December 6th. The fact that on October 28th Ole Kopon together with two Amuruti police askaris went to try and find Kiberenge, but could not do so, and also at that date Ole Kopon did not know that Kiberenge was wanted or would be wanted as a witness in the Powys' enquiries, I consider does prove that in this particular incident Ole Kopon is quite innocent of trying to suppress evidence being given by Kiberenge or trying to prevent his appearance before the police.

To revert to the five original cases first mentioned. By the identification of the spears and the club, and the evidence both by Nakhaya and Samburu witnesses there is no doubt that at least three, if not all, were done by Samburu men. In each case some evidence has been forthcoming, but insufficient in the opinion of the police to justify them taking a case to Court on a capital charge, and further corroborative evidence is required. As all these murders were committed outside the Samburu district, it would appear that the Samburu could obtain knowledge of these crimes

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in possibly three ways only:-

(a) by conversation or statements made by the murderers to other Samburu.

(b) by identification of articles belonging to the accused with articles found at the scene of the crimes.

(c) by subsequent actions of the Samburu on their return indicating that they had killed some one - e.g. any native ceremony of cleansing themselves, or boasting at a native dance etc., etc.

Evidence under paragraph (a) has been given by Samburu witness No. 10 Mbulu Lesengei, No. 11 Kirimon Lekurana No. 12 Mukiola Lekurana, and No. 14 Champati Lasoni. (the latter witness by his withdrawals and contradictions is a most unsatisfactory witness and has without doubt made false statements).

Evidence under paragraph (b) has been given by Samburu witness No. 11 Kirimon Lekurana, No. 16 Aka Ole Lenguya.

There is no evidence by Samburu under paragraph (c) with the exception of four witnesses who testify to the fact that they had seen certain suspected persons wearing rings, and which according to their custom denoted that these persons had recently killed people.

In any inquiry as to whether a certain tribe or particular section or persons of that tribe have suppressed evidence, it is a thing very difficult to prove, more especially as in these proceedings when about five separate cases are involved. The fact remains that five cases of murder have taken place, and the question arises that after reading the total evidence giving by the Samburu concerning them, would it be accepted by any reasonable man or jury that this is all the evidence in possession of the Samburu? Is it possible that five murders could be committed by at least eight different persons belonging to

four different sections of the tribe and so little be known about them.

I consider there is but one answer, and that is that there are other Samburu who have evidence in their possession, but possibly for family or other reasons refuse to divulge it. I firmly believe, that these crimes are the work of Samburu youths, and that the elders knew little or nothing about them, and for this reason I consider that the punishment given should be placed more heavily on the young men or "meran" of the tribe.

I can see no evidence whatsoever that either the Longelli El Mussala or Niapari sections are in any way involved, and consider they should be exempt from this finding.

I recommend that a fine of Shillings Twelve thousand (Sh. 12000/-) should be levied under the Collective Fines Ordinance No. 54 of 1950, on the remaining Sections of the tribe in the following proportions:-

Il Pisingishu Section		Sh. 2500/-
Leregishu	"	" 250/-
Legumai	"	" 2000/-
Loimusi	"	" 2000/-
Il Ngwesi	"	" <u>3000/-</u>
		<u>12000/-</u>

In arriving at the above proportions I have taken into consideration the population and cattle owned by each section and also to what extent the particular section appeared to be concerned in the recent murders.

Should my recommendation be accepted I would again urge strongly that every effort should be made for the fines to fall more heavily on the young men of the tribe, whom I am convinced are wholly responsible

for

for the past trouble, in consequence of which  
some innocent people will suffer.

G.A.Cornell.

District Commissioner,  
First Class Magistrate,  
Isiolo District.

9th April, 1934.

Particulars of information required by  
Chief Native Commissioner's Circular No.22 dated  
October 14th, 1930,- Number of natives on whom  
the fine will fall:-

Il Pisingishu	353	<i>(Property owners)</i>
Leregishu	311	
Legumai	218	
Leimasi	110	
Il Ngwesi	96.	

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THE COLLECTIVE PUNISHMENT ORDINANCE, 1930

ORDER

WHEREAS after due inquiry I am satisfied that the members of the Il Pisingishu, Leregishu, Legumai, Loimusi and Il Ngweei sections of the Samburu Tribe have suppressed or combined to suppress evidence in the following cases of murder, viz -

<u>Persons Murdered</u>	<u>Place</u>	<u>Date</u>
Two Wakikuyu Youths	Wallace Farm	13th June, 1933.
Two aged Herds	Curry Farm	13th July, 1933.
Three Wakikuyu	Wallace Farm	24th September, 1933
Two Wakikuyu	Wallace Farm	27th October, 1933.
One Wakikuyu	Tyndall Farm	31st October, 1933.

NOW, THEREFORE, I, Joseph Aloysius Byrne, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, a Knight of Grace of the Venerable Order of the Hospital of Saint John of Jerusalem, having the honorary rank of Brigadier General in His Majesty's Army, Governor and Commander in Chief of the Colony and Protectorate of Kenya, in exercise of the powers conferred upon me by the Collective Punishment Ordinance, 1930, hereby impose a collective fine of Shs.18,000/- on the males of the aforesaid sections of the Samburu tribe in the following proportions -

Il Pisingishu	Shs.4,000/-
Leregishu	" 4,000/-
Legumai	" 3,000/-
Loimusi	" 3,000/-
Il Ngweei	" 4,000/-
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Loimusi	" 3,000/-
Il Ngwesi	" 4,000/-

AND I HEREBY ORDER that of the said fine of Shs.18,000/-, when recovered, Shs.8,900 as compensation shall be paid to the next of kins of the following deceased persons in the proportion of Shs.900/- for each such deceased person -

- Ekwendi s/o Githeria
- Amisi s/o Ngutia
- Ngonjiri (Hjoroje) s/o Chege
- Kunter Nwembai
- Muzoi s/o Kinyanjui
- Mwainani s/o Hjoroje
- Maima s/o Hjoroje
- Hjama s/o Kanyere
- Hjoroje s/o Hjoguna
- Darum s/o Kifuta.

AND that the balance of the fine amounting to Shs.18,100/- shall be paid to the general revenue of the Colony and Protectorate of Kenya.

GIVEN under my hand at Nairobi this 26th day of June, 1954.

J. BYRNE.  
GOVERNOR

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they have done should be taken into consideration. Captain Cotter is the Member living in that part of the world.

SECRETARY OF STATE. I am not sure that it is very useful my discussing this matter with you, for this reason:- as regards the question of Administration, the maintenance of law and order and so on, and the removal of this person who has just been removed - that is of course a matter for His Excellency, and I understand action has been taken. As regards the ultimate solution of ~~the~~ <sup>the</sup> problem, it is dealt with, as a matter of fact - very comprehensively, as you will find when the Report is published - in the Carter Commission Report, and of course it is impossible for me to make a pronouncement on that at this stage.

LORD FRANCIS SCOTT. The reason we brought it up was that these things have happened since that Commission was there, and it has led to these very serious crimes.

CAPT. COTTER. It is not a question of land so much that is at issue. We who live in that part of the world - practically everybody - go about armed now. There was an unfortunate shooting affray the other day, and if you live in that part of the world you have to make up your mind fairly quickly whether you have to defend yourself or not.

SECRETARY OF STATE. There are really two issues. The issue of land, which is a matter with which the Carter Commission deals, and the ~~the~~ issue of maintaining order and security.

CAPT. COTTER. It is the second one to which I refer, Sir.

SECRETARY OF STATE. It is fully appreciated by the Government, I am sure.

CAPT. COTTER. I am not saying it is not, Sir. Perhaps you have read about the death of Mr. Fowys. I think we have reason for saying that he was murdered and mutilated as well by this same tribe, and we feel that we have not in the past had sufficient protection, although we are not frightened to ride about on our farms. Boys have been murdered for a considerable time now. I have a memorandum before me which I have been asked to read. Well, this is the real position: the tribe has been out of order and it has treated both the Government and the neighbouring European settlers, of which I am their Member, with absolute contempt.

SECRETARY OF STATE. This is a matter with which the Government are very fully concerned, and I am convinced that the Government is absolutely determined to maintain law and order.

CAPT. COTTER. Government has taken steps...

SECRETARY OF STATE. That is the point.

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*Extract from a Record of an Interview between the S of S  
and the European Elected Members of the Leg Council on  
11<sup>th</sup> Feb 34*

LORD FRANCIS SCOTT.  
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You may say it is a local thing, but we feel it is rather indicative of two rather major principles, Sir. First of all, you probably know all about the history of the Samburu and how they have gradually come down and down. As you know, Sir, during the last year there have been twelve definite murders by them - murders, I think, entirely around the principle of "blooding the spear" - and there are probably a great many more murders which are not known. This tribe - not naturally a very warlike tribe - have been encouraged, in our opinion, to become lawless like this through mal-administration in the past which has necessitated Government taking action.

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Yes, Sir. I am talking now about previous action. They have been encouraged to come down and encroach on land which has been reserved for European settlement in the future, and that has led to this very serious lawlessness in that part of the world, Sir. We wanted to point out that these murders have all occurred since the Morris Carter Commission reported and had interviews there, and that the great danger of allowing a tribe like this to go on pushing down further South and South, and encroaching on the settled areas in the way

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CAPT. COTTER. Government has taken steps...

SECRETARY OF STATE. That is the point.

## MORE KENYA RITUAL MURDERS

### AMBUSHED NATIVES SPARED

NAIROBI, May 26.

Fresh "ritual" murders by Samburu warriors, similar to those they carried out last year, have alarmed the dwellers of North Kenya.

The tribesmen's latest exploits were carried out in broad daylight. Two young herdsmen, driving their stock to a watering-hole in the forest, were ambushed and mutilated.

A farmer who heard the cries rushed out, gun in hand, to try to save them, but arrived too late. The assailants escaped.

A few days later a young Kikuyu, son of a chief, was another victim of the Samburu ritual, which commands them to dip their spears in blood. He, too, was waylaid and speared, and his body mutilated.

The Government recently imposed a fine on the tribe to which the murderers belong, following previous ritual murders, concerning which questions were asked in the House of Commons.—Reuter

PERSONAL AND CONFIDENTIAL.

20<sup>11</sup>  
GOVERNMENT HOUSE,

KENYA,

EAST AFRICA.

28th April, 1954.

RECEIVED

22 MAR 1954

C O REGY

My dear Bottomley,

No 14

Your letter of the 13th March enclosing one from Grigg on the subject of Samburu unrest. I can assure you that no problem has taken up more of our recent time and attention than this one.

There are three aspects,

- (a) The political aspect which is now much in the forefront and which is stimulating some of the present agitation. It has got about somehow that the Land Commission Report will recommend the exclusion of the Loroki Plateau from the White Highlands. I think this decision is a just one but it will be most unpopular with the most 'Bolshy' elements in Kenya, namely, the Settlers of the Rumuruti area.
- (b) The enquiry into the death of Mr. Powys:- I enclose a copy of the latest report submitted to me by the Commissioner of Police. I do not think that we shall ever get to the bottom of this unfortunate mystery and the investigation is made more difficult by reason of the activities of a local committee which tries to collect evidence itself and in consequence the Samburu are becoming most reticent.

(c).....

20<sup>81</sup>

PERSONAL AND CONFIDENTIAL.

GOVERNMENT HOUSE,  
KENYA,  
EAST AFRICA.

RECEIVED  
22 MAY 1954  
C O REGY

25th April, 1954.

My dear Bottomley,

No 114

Your letter of the 13th March enclosing one from Grigg on the subject of Samburu unrest. I can assure you that no problem has taken up more of our recent time and attention than this one.

There are three aspects,

- (a) The political aspect which is now much in the forefront and which is stimulating some of the present agitation. It has got about somehow that the Land Commission Report will recommend the exclusion of the Loroki Plateau from the White Highlands. I think this decision is a just one but it will be most unpopular with the most 'Bolshy' elements in Kenya, namely, the Settlers of the Rumuruti area.
- (b) The enquiry into the death of Mr. Powys:- I enclose a copy of the latest report submitted to me by the Commissioner of Police. I do not think that we shall ever get to the bottom of this unfortunate mystery and the investigation is made more difficult by reason of the activities of a local committee which tries to collect evidence itself and in consequence the Samburu are becoming most reticent.

(c).....

(c) The recent bleeding of spears in the Laikipia area alleged to be the work of Samburu Moran. Here there is not sufficient evidence to bring anyone before a Court of Justice, but there is now sufficient to justify a Collective Punishment which will be imposed. In addition, a special temporary Boma is being established in the centre of the area and will be in charge of an administrative officer.

I may mention that I had on Monday 23rd instant a meeting <sup>with</sup> of the local leaders so that they should understand that the Government was <sup>in</sup> doing everything in its power to deal with the problem and to show them that we were anxious to obtain their advice and assistance. I presided at the meeting, the others present being

The Colonial Secretary.

The Acting Chief Native Commissioner.

Mr. Glenday (Northern Frontier Province).

Mr. Welby (Rift Valley Province).

Mr. Cavendish (Commissioner of Police).

Mr. Barton (Secretariat).

Lord Francis Scott.

*Mr. H. Wright. M.P. for the Aberdeenshire Constituency.*

Mr. Gilbert Colville.

Mr. Pardee (Lady Eleanor Cole's Agent).

The.....


GOVERNMENT HOUSE,  
KENYA,  
EAST AFRICA.

5.

The unofficials appeared to be satisfied with the action we were taking.

Finally I send you a copy of the address I made at the opening of Legislative Council yesterday. I have underlined that portion which deals with the Samburu.

Yours sincerely,



Sir W.C. Bottomley, K.C.M.G., B.E., O.B.E.  
The Colonial Office,  
London. S.W.1.

COPY

Office of the  
2

THE DEATH OF MR. T. L. POWYS.

Mr. Theodore L. Powys (English, aged 34) was employed by Lady Eleanor Cole as an assistant farm manager on her estates. He usually resided on an estate at Wanyuki, but proceeded on October 10th, 1961, to Lady Eleanor Cole's sheep farm at Il Pinguen in connection with a flock of sheep being grazed there.

On the 10th October, 1961, Mr. T. Dawson, farm manager of that farm, left for the boundary of the property, some 10 miles distant, to open up a new road of access. He remained in camp on the boundary and Mr. Powys was the only European at the homestead.

Mr. Powys had resided in Kenya for a number of years and spoke Ki-Masai fluently. Enquiries since conducted refute the possibility of any antagonism between the native employees on the farm and himself and he is said to have been well liked.

A large portion of this Il Pinguen farm comprises a valley to which reference is hereafter frequently made. This valley, with a gentle slope of about 3 miles in width on the south side has a floor about  $\frac{1}{2}$  mile wide. The north side of the valley has a much steeper slope. The top of the south side flattens out into the Il Pinguen Plain.

The country is scattered with small bush with occasional large thorn trees. The soil is sandy with  
outcrops

outcrops of rock, grass is very scanty. There is a perpetual wind.

On the 19th October no rain had fallen for a considerable time and the country was very dry.

At about 8 a.m. on the 19th October, 1951, Poyys instructed a Kikuyu employee, MWANGI, and 2 other Wakikuyu to open up a water hole approximately 1½ miles along a valley on the farm and informed them that he would inspect their labours at 11 a.m. He then left the homestead mounted on a white pony, and proceeded in the direction of some water troughs, approximately 5½ miles along the valley. He was unarmed. He gave no intimation of his destination or the hour of his return, but it was assumed that he would be back for lunch. It was considered that he had left in search of suitable grazing for some cows about to lamb.

His movements thereafter are unknown until at about 11 a.m. when MWANGI and his companions at the water hole, 1½ miles from the homestead, saw the pony returning from the direction of Il Pinguin Plain. It was riderless. They endeavoured to catch it but were unsuccessful and it proceeded towards the homestead where it was caught by the eyes, HACHARIA CHEGGOK. The reins were on the pony's neck and it was sweating on the shoulders. It was not examined, however, until the evening when scratches were noticed on its near hind leg. The flesh of the leg was not, however, torn. The opinion was expressed that such scratches

scratches might have been caused by the claws of a lion, but they might equally have been made by thorns and shrub through which the riderless animal had passed.

On return of the pony it was thought by the native staff, and in particular by GATHORON WAHOND, the personal servant of Powys, that it had bolted and he instructed the ayee to take it back and endeavour to find Powys. The ayee (MACHARIA) proceeded to the water hole where he found MWANGI and his companions and thence to the water troughs. On arrival at that spot he shouted but received no response and returned to the homestead.

On the return of MACHARIA to the homestead not having located Powys, GATHORON became perturbed and calling 6 Masai employees proceeded to conduct a further search. They searched along the valley for some 10 miles, MWANGI and his companions at the water hole joining the party. During this search no trace of Powys was found. At the water troughs, 3½ miles along the valley, hoof marks of a pony were found. No direction or other information could, however, be obtained, a herd of zebra having partially obliterated the tracks, nor was it known whether they were made when Powys was riding the animal or when MACHARIA visited the scene. MACHARIA during his first search does not appear to have noticed tracks of the pony or if zebra had visited the troughs before him.

The search was unsuccessful and the party retired to the homestead at 6 p.m. During the night

17

4

GATHERBURN fired a shot gun in the hope that Powys might answer. A subsequent examination of the shot gun disclosed that one barrel was dirty as though a shot had been discharged through it. The shot failed in its purpose. No steps were taken to inform Mr. T. Dawson Shaw in his camp, a distance of 10 miles away, until day break the next morning the 30th October, 1951, when GATHERBURN rode the pony to his camp and arriving at about 7 a.m. reported the disappearance.

Mr. Shaw at once proceeded by car to El Pinguan. All the native employees were absent searching together with a number of Europeans who had been advised. The search was confined to the valley by reason of the course taken by Powys and the pony as it returned and although continued throughout the day was again unsuccessful. A further search was conducted during the night by the aid of lamps when signal shots were again discharged.

Early the next morning (31st October, 1951) an intensive search was organised in which an aeroplane assisted. The party proceeded some 12 miles along the valley and then divided returning to the homestead traversing the slopes of the valley. No trace of Powys was discovered in the valley, but on the return journey at about 2.30 p.m. a party led by Mr. Rutherford discovered his remains on the south slope about 5 1/2 miles from the homestead.

An immediate examination of the scene disclosed two deep hoof marks as though the pony had been suddenly halted. Some 9 yards from these marks and approximately in front of them was a bush under which

were found signs indicating a wild animal's lair. Ahead of the hoof marks was an impression on the ground which was considered at the time to have been caused by Fowys' fall from his pony, while close by his hat was found. The soil at the scene was sandy and with a constant wind blowing the task of distinguishing tracks even a short period afterwards was made extremely difficult.

About 9 yards away were two boulders freely sprinkled with blood while at the base of one was a larger quantity. Between the boulders and the hat was lion spoor and nearby were indications of the recent presence of vultures. Here was also lion spoor which was traced for 120 yards going away from the scene. Scattered about was found the deceased's clothing, 5 human ribs, 2 thigh bones, left foot in boot, 3 arm bones; on his shirt was found animal hair, believed to be that of a lion or hyaena. The neck part of deceased's shirt and pullover were torn away and there appeared to be more blood on the chest of the shirt and pullover than elsewhere on those garments. The trousers were found intact except for a large triangular tear in one knee, there was, however, no blood near the tear. The buttons were still fastened. There was a heavy leather cartridge belt in the belt loops of the trousers which was also found fastened.

All these signs appeared to suggest that the pony on scouting or seeing a lion suddenly "propped" and threw the deceased who either broke his neck or was stunned by the fall. The lion is then thought to have carried him to the boulders and there killed and devoured him aided by vultures and hyaena.

8.

These suppositions at the time appeared reasonable and people present agreed that the deceased was killed as a result of an accident. It is now realized, however, that all the discovered facts would be equally consistent with his having met his death at the hands of human beings. That after death the body was devoured by vultures and hyenas is undoubted, but it is recorded that tracks of the pony indicated that it approached the spot at a "triple" and there were clear marks of where it "propped", that is to say straightened its forelegs. It is suggested that the pony did this on scouting or seeing a lion, but it would presumably have behaved in the same way if a native or natives suddenly entered the path and confronted it. It is said that the pony slips very easily.

No spear marks were discovered in the remains or in any of the clothing, but all the remains were very fragmentary.

The pool of blood 9 yards from the mark where deceased was believed to have fallen from his pony, the lion spear and the hair found on the clothing were all thought to point to the fact that the lion picked up the body from where it lay and carried it to where the pool of blood was found. Here it was considered to have been partially devoured and subsequently finished off by vultures and hyenas. It seems, however, improbable that a lion would drag a human being such a distance before devouring him. It is also understood that no signs of dragging were found.

7.

Further had Popsy, as is suggested, been dead when picked up by the lion "post mortem" bleeding is unlikely to have occurred.

There appear to have been no signs of a struggle

The pony arrived at the homestead in a comparatively calm condition. The sweat on its shoulders may have been due to the gallop when free, but it is thought that had it sustained a fright by lion it would have been in a state of greater alarm.

It has also been suggested that had the pony been frightened by lion it would have refused to have been ridden back in the same direction by M'CHAMBA,

but as he does not appear to have approached the spot where the remains were ultimately found little importance can be attached to this contention.

It is surprising that the remains were not found earlier by the searchers as they should have been able to see the vultures, the aeroplane employed on the search, however, also failed to observe them.

The Inspector i/c Police, Rumuruti, who arrived at Il Pinguin on the 30th October, 1961, and assisted in the subsequent searches, completed an inspect report which was submitted to the District Commissioner, Rumuruti. In view of the general opinion that death was accidental the District Commissioner dispensed with a magisterial inquiry and endorsed the Police inspect file accordingly. The matter was thereupon considered closed although very shortly afterwards vague and hazy rumors to the effect that Popsy had been murdered by Sushwa caused distress and resentment to his relatives and friends.

8.

On the 19th December, 1951, a native, KIBBENGE S/O LOKABAI, of Nandi-Lumbwa extraction but a resident in the village of Nandun LOINEN OLN LOIGOBEN at Nandi in the Emburu Reserve visited Mr. Alex. Armstrong, a resident of Lokipia, who had known him for a number of years and when KIBBENGE volunteered information in reference to a recent murder in that area Mr. Armstrong inquired as to the reason for reporting the information to him. KIBBENGE stated that he was in serious trouble with his Nandun (LOINEN OLN LOIGOBEN) and desired protection. He said he was unable to secure the assistance of the magistrate (presumably the District Commissioner, Nandi) who was absent and he could not go to the Police as he had been threatened by Inspector Ash who at that time was in charge of the Nandi Police Station. He alleged that some time previously he had visited Nandi and endeavored to give the Police certain information in regard to the murders of a European at Il Pingan. Inspector Ash, he alleged, accused him of fabricating evidence and informed him that the enquiries into the death of Pops at Il Pingan had been satisfactorily completed and admonished him for attempting to disseminate false information. KIBBENGE contended that some 3 or 4 days before he visited Mr. Armstrong, 5 Police constables in plain clothes arrived at his village. They visited Nandun LOINEN OLN LOIGOBEN and requested the surrender of 3 "Kurus" who were implicated in a native murder on the farm of Mr. Armstrong near Ngia. LOINEN OLN LOIGOBEN refused to assist and ordered that the constables be driven away or killed. KIBBENGE asserts he succeeded and sheltered them but

by reason of pursuit by a body of 50 Senhuru "Moran" the constables left and proceeded separately to the camp of Mr. Armstrong. KIBERENGE'S statement as to his differences with the Headman is to some extent confirmed as some 5 hours after his arrival at Mr. Armstrong's farm 5 elderly Senhuru men accompanied by 4 "Moran" of the same tribe appeared. The 5 Elders proceeded to a sheep house where at that time KIBERENGE was and informed him that he was required by Headman LOIHEN OLE LOIGOBW and must return with them. KIBERENGE suggested to the Police that as they carried spears and a rope they possibly desired to kill him, and these secured their arrest. They were escorted to Namweti where they were detained and charged under the Native Arms Ordinance. Mr. Armstrong having given KIBERENGE an assurance that he would be accorded all possible protection the latter then proceeded to give information in reference to the murder of a Lushu native on the farm of Mr. Armstrong. This account, related in considerable detail, had, however, no bearing on the death of Fouya. KIBERENGE then proceeded to give Mr. Armstrong information in regard to the murder by Senhuru tribesmen of a European, presumably Fouya. He stated that some time previously, he was uncertain of the date, when he was in the village of Headman LOIHEN OLE LOIGOBW in the Senhuru Reserve, he saw six "Moran" arrive at the village. They had come from the direction of Namur. Each carried two spears, and one in addition carried something hidden under his "shaka". KIBERENGE alleges they entered Headman Loihen Ole Loigobw's house and that he himself went to the house of his father which adjoins that of LOIHEN OLE LOIGOBW. (It should be noted that

his father did not reside in the Santuru Reserve though he himself lived in the same paoyatta as Headman LOIBEN OLS LOIGOBEN and LAIBEN OLS OMOHA). He states he heard the "Moran" say "we have killed a European. Here are his head, his penis, and his testicles as proof". The Headman (LOIBEN OLS LOIGOBEN) then made them lay their spears in two rows on the floor, point to point, place the articles on the top of the blades and made each "Moran" step over the spears and swear an oath of secrecy. KIBERENG then states the "Moran" were instructed by the Headman (LOIBEN OLS LOIGOBEN) to take the articles to the girls of the village, one of whom was his own (the Headman's) daughter. She particularly had to see to the burying of the articles after the girls had satisfied themselves that a European had been killed by the "Moran". The "Moran" whom the girls considered had conducted himself in the bravest manner would be accorded the privilege of cohabitating with the daughter of the Headman and other girls would cohabit with the other "Moran". KIBERENG then alleges that he left the position he had been in and went to the door. He asserts that he then saw the head of a white man, and the other parts of a human body being carried away by the "Moran" and that later he saw the "Moran" with some girls going off, he pretends to bury the articles.

LOIBEN OLS LOIGOBEN is said then to have emerged from his house and seeing KIBERENG exclaimed "we are all dead, this man has seen and heard". LOIBEN OLS LOIGOBEN then proceeded to the house of the Laibon OLS OMOHA with whom he is said to have conferred.

KIBERENG

KIBERNGE states LOIBEN OLE LOIGOBEN returned to him shortly afterwards and offered him 5 cows as the price of silence.

On the 14th December 1931 KIBERNGE made a statement at Rumuruti to Mr. Holmes, Asst. Supt. of P. I. C. He reiterated what he had told Mr. Armstrong, but added that on their return from burying the articles the six "Moran" came to his house. They were armed with spears and placing them down point to point made him walk between the spears to ensure his silence. He stated that five cows were given him and that they were at that time at his house in the Samburu Reserve.

He gave the names of the six "Moran", of whom four were of the Lomagila section, he had seen enter the house of Headman LOIBEN OLE LOIGOBEN.

KIBERNGE stated that when the "Moran" arrived at the manzette he overheard them telling the Headman how they had murdered a European. They told him the European <sup>was</sup> riding a horse had dismounted and called upon them to produce their passes. One of the "Moran" KIBENO OLE LARANIA is said to have then speared him through the side of his chest. MERETONI OLE LERIALA also speared him in the side just above the hip, LULGOIYE OLE LENCIDA spearing him a third time in the back. The others present smeared blood on their spears and the party proceeded to their Reserve.

None of the names of the "Moran" mentioned by KIBERNGE agreed with those of other persons subsequently indicated as the culprits by Samburu informants.

12.

Five of the "Moran" referred to have been located. They deny all knowledge of the affair and nothing can be proved against them. The sixth has not been located.

As a result of the information received the Criminal Investigation Department were informed and Inspector Elliott proceeded to Ruarua on the 14th December 1951 to conduct a further inquiry into the death of Poyu. He proceeded to the Nambura border and met Mr. Darroch, District Officer, Isiolo. Mr. Hicks, Supdt. i/c Police, Northern Frontier Province, also proceeded to the area.

Mr. Hicks visited the spot at Il Pingan where the remains were found. He conducted a search of the surroundings and at 4 p.m. on the 19th December 1951 found, about 1000 yards due north, a skull which was believed to be that of Poyu. The skull was subsequently sent for examination. A fracture of the lower jaw was disclosed and seemed to support the theory of death as a result of being thrown from a horse.

The enquiries conducted by Mr. Darroch and Insp. Elliott generally disproved the statement of KIBERENG. They made extensive searches in the locality where, according to KIBERENG, the skull had been disposed of but were unable to find it. KIBERENG described the incidents he had witnessed as having occurred at the former "mangacha" of LOIBEN OLE LOIGOBEN, it was proved, however, that LOIBEN OLE LOIGOBEN had ceased to live there before Poyu died.

KIBERENG'S description of the cattle he was given was entirely different to those he eventually produced as the animals in question. He also failed to identify

identify on sight some of the six men he had previously named and claimed to know well.

His version of the cohabitating of the girls and "Moran" was corroborated but this is customary and the pairs of lovers must have been well known in the "kampete".

Mr. Hicks, Mr. Darroch and Inspector Elliott as a result of their investigation were of the opinion that there were no grounds to support a contrary opinion to that expressed at the time the remains of Poyys were found.

At the request of the Commissioner of Police the District Commissioner, Rumuruti held an inquest and on the 10th February 1968 gave his finding that Poyys' pony shied at a lion, threw its rider whose neck was broken as a result of the fall and recorded a verdict of death through misadventure.

On the 27th January 1968 KIBURUENGE was charged before the District Commissioner, Rumuruti with giving false information to a public servant, Section 115A, Penal Code. He pleaded guilty and retracted his previous statement. He was sentenced to 5 months hard labour.

Towards the end of November 1968 Mr. G. Colville (a resident in the Rumuruti area) received information from Native sources to the effect that Samburu tribesmen had murdered Poyys and that the fact was common knowledge in the villages of the Samburu Reserve.

They

They informed him that at dances at which they had been present they had heard the "Moran" singing a song a free translation of which is "the vultures are dropping on Il Pigan to eat one well liked and respected by the people of Nairobi". This they informed him was a reference to the killing of a European on Il Pigan. One of Mr. Colville's informants suggested that he should interview **MARIRE OLE LEGADA**, a Samburu, at that time in Rumuruti Prison on remand on a charge of complicity in the murder of two Wakikaya on Mr. Wallace's farm, Laikipia, in the month of October 1958.

This Mr. Colville was allowed to do and having received confirmation from **MARIRE OLE LEGADA** he informed the District Commissioner, Rumuruti, Mr. Trufford, to whom **MARIRE OLE LEGADA** subsequently made a voluntary statement to the same effect.

**MARIRE OLE LEGADA** affirmed that he was a Samburu of the Loimani Section and had heard Samburu "Moran" at their dances singing the "song of the vultures". He asserted that these "Moran" were of Lorogishu Section and **LOININ OLE LOIGOBEN** their Headman. **MARIRE OLE LEGADA** said he understood the phrase to mean that a man had been murdered. When singing the song the "Moran" became greatly excited and hysterical. Although the song did not specifically mention the death of a European it was generally understood to refer to that of Panya. He stated that similar songs were sung at all the large dances in the reserve and that it was common knowledge that the skull of the European was taken to the Samburu Reserve.

He further stated that when the Laibon (OLE ODOMA) heard that KIBERENGE had reported to the Police that the skull was in the Saburu Reserve he took steps to cause the story to be discredited. MARIRE OLE LEGADA had, however, not heard of the skull having been returned to Il Pingan. KIBERENGE has since disappeared and although he is known to have been in the Gelubba country of the Northern Frontier Province in about September last all efforts to trace his subsequent movements have completely failed.

MARIRE OLE LEGADA has since, for lack of evidence, been released from custody in which he had been detained on suspicion of the murder of two natives.

Two Dorobo natives named MASACHE OLE LANGABORO and LERATIA OLE DORHUNT living at Balagalachi in Saburu confirm MARIRE OLE LEGADA'S story of the singing of the "song of the vultures".

Mr. Trafford advised the Provincial Commissioner, Rift Valley of the new developments, and as a result an administrative officer (Mr. Deversell) of the Northern Frontier Province and a police officer (Mr. Ridgway) were deputed to conduct an entirely new investigation. Mr. Deversell and Mr. Ridgway met on the 2nd December 1935 at Kisumu, in the Saburu Reserve, and forthwith commenced inquiries.

It was considered that no information would be forthcoming while the Laibon was still at large in the Reserve and his arrest and removal was an essential preliminary to the thorough investigation of the alleged crime. He was accordingly arrested at 5 a.m.

on the 3rd December 1935 on a charge under the witchcraft Ordinance.

After the arrest of the Laibon (OLE ODOMA) CHAMPATI OLE LASONI, head of the Il Hgweal "Moran", made a statement to Mr. Deverell in which he alleged that at a "barasa" of the Pisin Gishu section, held two days before, allegations were made implicating two Sambaru of the Pisin Gishu section in the murder of Mr. Poyya. The two Sambaru (LONGURN OLE LUKALASAS and LIMONKUSKESI OLE UNKALA) were arrested on the 7th December 1935 and although they confessed to complicity in two other murders they denied any connection with the death of Poyya. This statement was confirmed by two other Sambaru, Headman USULI OLE LAMURANA and KIANGUT OLE UNGUASSI. The Pisin Gishu section admit the validity of the confessions but deny that the culprits had any concern in the death of Poyya.

It was thought that the 2 Sambaru "Moran" arrested were responsible for the death of Poyya but had been advised by the Elders of the tribe to confess to other murders and not that of Poyya as it was considered that the murder of a European would undoubtedly be looked upon seriously and possibly being retribution upon the whole tribe. The two "Moran" are at present on remand awaiting trial for the murders which they have admitted.

CHAMPATI OLE LASONI in his statement to Mr. Deverell at Hagar on the 6th December 1935 gave details as to how Poyya met his death. Just after Poyya

17.

Powys' death he heard the "song of the vultures" and learned that LONGURE LENKALASA and LEMONKWEKERI UNKALA were among the murderers.

He deposed that he had heard that the murderers first went to Wallace's farm where they killed a native. They then hid in the bush and returned to their reserve on the following morning. On their journey at about 11 a.m. they met Powys who is said to have stopped his horse to speak to them. They observed he was unarmed and thinking that he would capture them if they did not kill him. LONGURE OLE LENKALASA said that as LEMONKWEKERI OLE UNKALA had killed the man on the farm of Mr. Wallace, he (LONGURE OLE LENKALASA) would kill Powys. He then speared Powys in the chest and LEMONKWEKERI OLE UNKALA afterwards speared him through the stomach. Powys is said to have fallen backwards and lay with his hands above his head. The murderers withdrew their spears and tethered the horse but it broke away and bolted. The Samburu then proceeded on their journey to Kiriman in their reserve.

CHAMPATI OLE LAGHI added that in July 1935 he saw LEMONKWEKERI OLE UNKALA and LONGURE OLE LENKALASA. Both have tattoo marks on their arms and wore the rings which are symbols used by men who have killed.

It should be observed that the direct route from the farm of Mr. Wallace to Kiriman in the Samburu Reserve, the district in which the two suspects reside, passes through Il Pingen and in close proximity to where the remains of Powys were found.

There

12.

There is, however, no record of any report of a murder having occurred on the farm of Mr. Wallace at or about the time of the death of Mr. Pugs although there have been several since.

The facts established at the original inquiry into the circumstances of Pugs' death are not inconsistent with the story related by CHAMPATI OLE LABONI.

CHAMPATI OLE LABONI and the other Beshuru who originally supported his story have now, however, retracted their statements and declare that the information they gave was untrue. It is considered that the tribe has discussed the matter and have decided to withhold further information and to repudiate that which has already been given.

On the 18th December 1955 the Officer-in-Charge of the Northern Frontier District, accompanied by Mr. Cornall, District Commissioner, Isiolo, met Mr. Devereill and Mr. Ridgway at the Bernaldi Ford and the future conduct of the investigations was discussed. The next and following days the Officer-in-Charge, Northern Frontier District made a further examination of the whole situation and informed the Beshuru Headmen and Elders that he was not satisfied that they had produced all the evidence at their disposal; that he was removing the Laiten OLE ODOMA because it was alleged that his presence was detrimental to their being able to obtain this and that he would give them 10 days in which to produce further evidence; and that it would depend entirely on their attitude as to the severity of the measures which he would ask Government

to impose on them for the acts of their "Morun".

He instructed Mr. Beversell to proceed to Barotsai and make a rigorous search for the man KIMBERGHE s/o LOKANDARI in the Ki Barta area. Thereafter he was to return to Nagata Marung to obtain such evidence as he could regarding the alleged malignity of the Leiben. On his return to Isalo Mr. Gladney took with him the Leiben who was afterwards sent to Mera for custody.

KIMBERGHE is said to have been in the Sauturu Reserve at the "mangata" of Heedhan LOIHEN OLE LOIGORIN and OLE ODOMA (Leiben) at the end of October 1933, but when an endeavour was made to secure him he was mysteriously spirited away.

Mr. Ridgway has continued his enquiries in full collaboration with the administrative officers and has had constant access to every source of information either official or public. There has been a reciprocal exchange of information and complete co-ordination of effort throughout the investigation.

On the 17th January 1934 a meeting took place at Namuruti at which the following were present:-

Officer-in-Charge, Northern Frontier District.

Ag. Provincial Commissioner, Rift Valley.

District Commissioner, Namuruti.

Mr. Ridgway and

The Inspector i/o Police Station, Namuruti.

The situation was fully discussed and the Officer-in-Charge, Northern Frontier District decided upon the following procedure:-

- (i) To produce all available information before the Supreme Court to secure the removal of the Laibon.
- (ii) To take administrative action to depose the headmen OLUK LOIGORON and OLUK LILAKI who are alleged to be instrumental in the suppression and withholding of evidence.
- (iii) To impose punishment on the tribe under the Collective Punishment Ordinance.
- (iv) That the further investigation of the alleged murder should be conducted by Mr. Ridgway while an administrative officer remained in the locality to provide him with any assistance he might be in need of.
- (v) That a barasa would be held by the Officer in charge, Northern Frontier District at Kisumu at an early date when he would make known due to the tribe the requirements of Government and would in public depose the headmen referred to in paragraph (ii).

As a result evidence was subsequently led in the charge against the Laibon and he has been deported to Nuele in the Coast Province. Prior to his removal and when he was in custody in Nairobi Prison he was interrogated by Mr. Ridgway for a considerable time but gave no information.

Mr. Ridgway was then deputed to be personally and primarily responsible for the conduct of further enquiries into the death of Mr. Poye. Mr. Deverell was instructed to remain in the Southern Reserve and to render any assistance that Mr. Ridgway might require. Little or no progress was, however, made. Mr. Ridgway encountered a marked disinclination on the part of the Sushuru to give the necessary information which he is convinced they are in possession of, to bring the culprits to justice. He suggested that one of the first measures to be taken should be the suspension or cancellation in

barana of the appointments as headmen of OLE LOIGORIN and OLE LELALIT whose influence he believed now to be in the main factor in the withholding of evidence.

At the meeting on the 17th January 1954 the Officer-in-Charge, Northern Frontier District, decided to adopt what appeared at the time an appropriate line of action in connection with the investigation of the alleged murder of Porya. In his subsequent efforts to give practical and prompt effect to his proposals he was, however, confronted by unexpected difficulties in regard to the removal of the headmen and the imposition of a collective fine as referred to in paragraphs (ii) and (iii) above, as a consequence of which no useful purpose could be served by the holding of a barana as suggested in paragraph (v). He was, however, still prepared to have recourse to the action indicated above, provided that he was supplied with the necessary evidence to support it.

Mr. Ridgway was accordingly instructed to endeavour to procure evidence to show that some or all of the murders committed in the Karamoti District were acts of members of the Somburu tribe, and to obtain confirmation of the allegations against the two headmen.

A barana was held at Kiama by the District Commissioner, Isiolo on the 30th and 31st March and 1st April when Mr. Ridgway was present and presented the required evidence. The proceedings were adjourned

barana of the appointments as headmen of OLE LOIGOBEN and OLE LELALIT whose influence he believed now to be the main factor in the withholding of evidence.

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Mr. Ridgway was accordingly instructed to endeavour to procure evidence to show that some or all of the murders committed in the Hamaruti District were acts of members of the Sankuru tribe, and to obtain confirmation of the allegations against the two headmen.

A barana was held at Kisumu by the District Commissioner, Isale on the 30th and 31st March and 1st April when Mr. Ridgway was present and produced the required evidence. The proceedings were adjourned



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which are the members of the family

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RECEIVED

30 APR 1934

Telegram from the Governor of Kenya to the Secretary  
of State for the Colonies.

Dated 30th April, 1934. Received 11-41 am 30th April, 1934.

-----

No. 96.

*No 96*

Your telegram of the 21<sup>st</sup> April, 1934,

No. 111

No collective fine has yet been imposed upon the sambura tribe. Enquiries under the Collective Punishments Ordinance in respect of native cases only referred to in my telegram No. 36 of the 17th February have just been completed and will it is believed warrant the imposition of a collective fine.

*No 6*

Investigations still proceeding as to the death of Powys and it has not yet been definitely concluded that he was murdered by the Sambura.

RECEIVED

30 APR 1934

Telegram from the Governor of Kenya to the Secretary of State for the Colonies.

Dated 30th April, 1934. Received 11-41 am 30th April, 1934.

No. 96.

*No 95*

Your telegram of the <sup>27</sup> 21st April, 1934,

No. 111

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No 6

G. O.

Mr. Cliffs 27/4

Mr. Rhod 27 atome

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shackburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Answered by No 19

Coded search  
4 p.m. 27.4.34  
WTV

C. D.  
R 27  
27

~~17C~~

No. 111

DRAFT: forward

Governa

Nairobi

[Question that follows  
has been asked in Parliament  
Please telegraph without  
delay as fully as possible  
to enable me to reply.]

\* Q. by Sir: -

[Quote No: 2 in PQ  
file]  
Eids.

Date of question 2nd M

SECRET.

Samburu.

There has, as you are aware, been some uneasiness over events in the Samburu country, particularly with regard to murders that have been committed there and to the difficulty of obtaining evidence sufficient to bring the perpetrators to justice. Evidence has now been produced to the satisfaction of the Supreme Court that owing to the influence of the Laibon Ole Odomo the administration was being hampered in this respect and he was recommended for deportation by the Judge. The recommendation received the approval of the Governor-in-Council, and arrangements have been made to deport him to Kwale in the Coast Province.

-----

15  
113

GOVERNMENT HOUSE,  
KENYA,  
EAST AFRICA.  
22nd February, 1934.

RECEIVED  
17 MAR 1934  
C. O. REGY

My dear Bottomley,

4

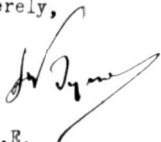
Your confidential letter of the 5th February on the subject of Lady Eleanor's anxiety over the Samburu unrest.

6

I think our telegram No. 36 of the 17th February explains the position. I can assure you the Government is watching events very closely and the Acting Chief Native Commissioner now reports that "no murders by Samburu have been reported recently and the present situation justifies no disquiet".

I may also mention that the matter was raised at an interview which the Secretary of State gave to the European Elected Members who informed him that they were now satisfied with the action the Government had taken.

Yours sincerely,



Sir Cecil Bottomley, K.C.M.G., C.B., O.B.E.,  
Colonial Office,  
Downing Street,  
LONDON. W. 1.

C. O.

3048/34 Kenya

114  
14

- Mr. Davies *9 Nov*
- Mr. ~~Green~~ *9*
- Mr. Flood *10*
- Mr. Parkinson.
- Mr. Tomlinson.
- X Sir C. Bottomley. *12 p*
- Sir J. Shuckburgh.
- Perm. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

Oto for Sir C. Bottomley's signature

13 March 1934

C. D.  
 R 12 MAR  
 D 12

*My dear Byrnes.*

**DRAFT.**

SIR JOSEPH BYRNE,  
G.C.M.G., K.B.E., C.B.

*R. W. E. Gigg: 2 Nov  
M-11*

Following upon the correspondence with Lady Eleanor Cole, I have now had a letter from ~~Mr~~ **Edward** Gigg about the Samburu murders. I asked him whether he would mind my sending a copy of it to you as I thought you ought to know of any criticisms which might be going about. He replied that he had no objection, so I am enclosing a copy herewith.

*have*  
We sent an extract from your

(6) official telegram No. 36 on the 17th of February about the murders to Lady Eleanor Cole for her information.

YOURS SI OERELY

(S. 114) W. C. BOTTOMLEY.

**FURTHER ACTION.**

2nd March 1974.

My dear Bottomley,

I don't at all like butting into questions of administration in Kenya, but I am being bombarded from more than one quarter with complaints about the lack of promptness - or so it is said - of the Kenya Government in dealing with the Samburu murders. Lady Eleanor Cole has shown me the extract from a telegram from the Deputy Governor dated 17th February which you sent her, but she has letters showing that the enquiry into the murder - if it was a murder - of Powys is still going very slow. I have been pressed to put questions on the subject, but I don't want to do that.

Between ourselves, however, the whole correspondence makes me feel that the people on the spot have some ground for complaint. The Samburu were always a difficulty owing to the fact that their trespasses occurred in the Kikuyu province whereas their proper authorities and home were in the North Frontier Province. It is a long way from Isiolo to Rumuruti, and D.Cs, not to say P.Cs, don't like butting into each other's kingdoms. At the same time there is real unrest amongst the settlers in that part of the world - of that I have no doubt - and once a feeling of insecurity starts it is apt

114  
Copy to Sir Payne

Answer 12

to grow very fast.

I have therefore felt bound to write you this privately and informally and hope you may find it possible in some way to get the investigation speeded up. I understand that the Laibon has now been moved from Meru to the coast - which is all to the good, but the real trouble is the investigation of Powys's death. Unless that is taken in hand with real vigour the unrest will increase.

I have no business, however, to butt into these things, and I do so not from any desire to criticise the administration but rather from a desire to avert criticism that may become fierce.

*Yours very sincerely,  
Edward Gigg.*

61r Cecil Bottomley, K.C.M.G., C.B., O.B.E.,  
Colonial Office,  
Downing Street,  
S.V.I.



TELEPHONE  
WOKING 421

Feb: 22 1934  
FISHER'S HILL 118  
WOKING. 9

RE  
Dear Sir Cecil

Many thanks for sending me the  
extract from Sir Joseph Byrne's telegram.

I only hope government will press their  
investigation with vigour. It is not good

for the prestige of government to have a  
tribe quite openly boasting that they have  
celebrated the killing of a European for  
over a year without the government pursuing

Ans (10)

TELEPHONE  
WOKING 421

Feb: 22 1934  
FISHER'S HILL, 118 9  
WOKING.

RECEIVED

24 FEB 1934

C.O.

Dear Sir Cecil,

Many thanks for sending me the  
No 8 extract from Sir Joseph Byrne's telegram.  
I only hope Government will press their  
investigations with vigour. It is not good  
for the prestige of Government to have a  
tribe quite openly boasting that they have  
celebrated the killing of a European for  
one a year without the Government knowing

Quoted (10)

anything about it or taking any steps.

Again thanking you for your help in  
the matter —

Yrs sincerely

Steven Cole.

P.S. Could I have those extracts from  
M. Pardo's letter back?

anything about it or taking any steps.

Again thanking you for your help in  
the matter —

Yrs sincerely

Oliver Cole.

P.S. Could I have those extracts from  
M. Pardo's letters back?

8119

C. O.

Mr. Preston. 19/2

Mr. Hand. 19

Mr.

Mr. Parkinson.

Mr. Tomlinson.

\*Sir C. Bottomley. 19.2. f.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

For Sir Cecil Bottomley's sig.

DOWNING STREET,

20<sup>th</sup> February, 1934.

**DRAFT.**

LADY ELEANOR COLE.

Dear Lady Eleanor Cole,

I enclose for your personal information an extract from a telegram just received from Sir Joseph Byrne about the troubles in the Samburu country. You will see that the Government of Kenya has not yet come to a conclusion on the Powys case.

Yours sincerely,

No. 6 on 23048 omitting pencil brackets.

**FURTHER ACTION.**

C. O.

8 119

Mr. Freeston. 19/2

Mr. Hand. 19/2

Mr.

Mr. Parkman.

Mr. Tomlinson.

Mr. C. Bottomley. 19-2. J.S.

Sir J. Stuchburgh.

Permt. U.S. of S.

Party. U.S. of S.

Secretary of State.

For Sir Cecil Bottomley's sig.

DOWNING STREET,

20<sup>th</sup> February, 1934

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Yours sincerely,

**DRAFT.**

LADY ELEANOR COLE.

No. 5 on 23048 omitting pencil brackets.

**FURTHER ACTION.**

100  
1

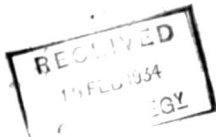
● TELEGRAM from the Governor of Kenya to the Secretary of State for the Colonies.

Dated 20th February, 1934. Received in the Colonial Office at 10.14 a.m., 20th February, 1934.

-----

No.38.

Your telegram 19th February Unnumbered.  
Resulting in Murderers 12 Kikuyu native herdsmen of European farmers.



Telegram from the Deputy Governor of Kenya to the Secretary of State for the Colonies.

Dated 17th February, 1934. Received 2.30.p.m.17th February.

No.36.

05 Your telegram of the 15th February, No.34 reference to the two recent murders of Europeans in connection with alleged Samburu unrest not understood. Presume that reference is to murder of Carlton and Fabian. Both occurred in the neighbourhood of Nairobi see East African Standard 21st November and 17th July 1933 and have no connection with Samburu whatever.

During the last eight months there have been six cases of assault resulting in murder of Kikuyu natives herd (7 men) of European farmers in area abutting on Samburu country and until recently evidence as to murders could not be procured. These murders in the opinion of the Administration were probably due to Samburu custom of blooding spears. Fact that responsibility for these murders was not immediately established and that local farmers were receiving through native sources rumours reviving suggestion previously discarded in 1931 that Powys had been murdered has caused uneasiness amongst them. Local Administration is carrying out full enquiries and already Samburu LAIBON considered responsible for suppression of evidence has been deported and evidence has been procured justifying prosecution of accused in four out of six native cases referred to. Powys case still under investigation and will require closest examination since as a result of two independent enquiries in 1931 SHANAN death by misadventure was considered established. Consider that no foundation for suggestion that general state of unrest prevails amongst Samburu. This telegram also replies to

C. O.  
Mr.  
Mr.  
Mr.

R297

23048/34

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Kenya

Code & Sub

7/2

15/2/34

~~Approved by No 6~~

C.D.  
16

Well

Mr. Tomlinson.

Sir C. Bottomley

Sir J. Shuckburgh

Sir G. Grindle

Perm. U.S. of S

Parly. U.S. of S

Secretary of State

S-2262

DRAFT. Tel.

Gov. Nairobi

Nº 34 My despatch 19 Dec. 1954.

Question that follows has been asked in Parliament. Please telegraph without delay as fully as possible to enable me to reply.

Question begins whether he can make any statement as to the unrest which exists among the SAMBURU in East Kenya

recent murder of European, question ends,

21<sup>st</sup> February.

SECEB

recent murder of European question ends,  
21<sup>st</sup> February.

SECEK.

*Sir*

Downing Street,

5 February, 1934.

*My dear Sir*

The Secretary of State's despatch, No. 954 of the 19th of December, will have shown you that Lady Eleanor Cole is much disturbed by the recent murders by Samburu, and that she is anxious about the position of those working under her in the Kuaruti District or thereabouts.

She has recently sent me extracts, which I now enclose, from letters from her manager, Mr. Pardoe. I have her permission to send them to you as she is very anxious that they should be regarded as strictly confidential. Mr. Pardoe makes free use of the names of Government officials.

Lady Eleanor's anxiety is very much increased by the fact that Pardoe himself, who at first was convinced that the death of Powys was caused by a lion, has now, with his Masai headmen, come round to the other view of murder by Samburu. She is most anxious for

re-assurance

BRIGADIER GENERAL  
SIR JOSEPH BYRNE, C.S.M.C., K.B.E., D.S.O.

re-assurance as to the safety of her people, and of course attaches great importance to strong action on the part of the Government.

I think that I can only put the matter in your hands and leave it there. It is obviously urgent from lady Eleanor's point of view.

*Your sincerely  
Wood Stoney*

re-assurance as to the safety of her people, and of course attaches great importance to strong action on the part of the Government.

I think that I can only put the matter in your hands and leave it there. It is obviously urgent from Lady Eleanor's point of view.

Your sincerely  
Wood Stoney

3  
125  
DOWNING STREET,

3rd February, 1934.

Dear Lady Eleanor Cole,

I write to acknowledge the receipt of your letter of the 2nd February enclosing the extracts from Mr. Pardoe's letters.

I am having them copied to save time if nothing comes by the air mail.

I will take care, if I send them to Sir Joseph Byrne that they are treated as confidential.

Yours sincerely,

*W.C.S.*

LADY ELEANOR COLE.

DOWNING STREET, 175

3rd February, 1934.

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I will take care, if I send them to Sir Joseph Byrne that they are treated as confidential.

Yours sincerely,

*W.S.*

LADY ELEANOR COLE.

TELEPHONE  
WOKING 421

RECEIVED  
EGY

FISHER'S HILL,  
WOKING

Feb: 2, 1937

126 of 2

Dear Sir Cecil Bottomley

Thanks for your letter of 25th inst  
date. I have copied out what I  
think are suitable extracts from  
Mr. Fardoe's letters to me. I would  
like you to look through them before  
sending them. They were ~~of course~~  
written privately & personally to me  
with no idea of their being passed  
on & should be treated as confidential.  
At the same time I am sure they give  
a true picture of the situation &  
no means an exaggerated one. Still  
I can feel that Govt is taking a  
firm line I shall not feel happy  
about the position of the men in  
employ. Many thanks for your help in  
the matter. Yrs sincerely  
Edward Gell

Answered 3rd Feb. 37  
Sent in reply card 10

1276

Extracts from letters from Mr. E.W.Pardoe to  
Lady Eleanor Cole.

(1) November 11th, 1933.      Kekopey, Gilgil.

..... I daresay you will have seen in the Standard that there have been a whole series of murders of Natives in the Rumuruti area near Pingwan; these have been according to Trafford entirely the work of Samburu, and he has been hampered by the Isiolo administration in tracing or doing anything; they apparently took the line that unless definite proof could be handed to them that the Samburu were responsible it was not up to them to do anything or make any enquiries. Luckily, after a particularly brutal murder they have got 3 of the culprits, all Samburu, and they know the rest of them. It now remains to see what action Government will take and it ought to be pretty drastic. There have been 11 murders so far and of course it has again raised the idea that Powys was the first of them..... Our Kikuyu at Pingwan are a bit worried over it, but the Masai not at all, and if action is taken quickly the whole trouble should stop.

(2) December 6th, 1933.      Kekopey, Gilgil.

..... Colvile came here yesterday and brought with him a whole lot of statements taken from various including one from a Samburu native natives up there (Rumuruti area) who is waiting his trial for one of the recent murders up there. These all point definitely to Powys death being murder and not accident. The statements definitely inculpate the Laibon who has apparently been the inspiration

of the recent murders. According to Colvile every native up there is saying that Powys was killed by a Samburu and that at the Samburu ngomas boasts have been sung about it, so much so that at one boma the sub-chief stopped the ngoma as he said it would bring trouble.

Both Colvile and Trafford, the District Commissioner are convinced that there is no doubt about Powys and also none that the witch doctor is responsible for it and for all these others and they are doing their utmost to get steps taken against him. Welby, the Provincial Commissioner is, according to Colvile, satisfied as to his guilt and wants him arrested and deported..... of course the great thing is to get action taken against the Laibon.

(3) December 21st. 1933. Kekopey. Gilgil.

..... I feel sure that the moment the Samburu understand that the Government mean these murders to stop, it will die out automatically at once, but as long as they think the Government are merely going to look on and make a few fruitless enquiries as to who are committing the murders the murders will go on increasingly .....

I am going up to Pingwan about the 5th of January, and I will let you know if there is anything in the position that is likely to endanger Tom Rawson Shaw and the Masai..... I feel sure that if Government stands ready to enforce law and order and not connive at disorder through apathy or lack of sympathy, the whole trouble will die down absolutely at once. As you know, the Samburu have always

(129)

always been a thoroughly characterless tribe, who have never had an easy time from any of their neighbouring tribes, and now they are safe on that score, they have got above themselves. Lack of a decent administration and transport difficulties in administration are probably the whole cause of the present troubles.

(4) January 5th. 1934. Kekopey. Gilgil.

..... I have heard no more definitely about Powys but I am told the police have arrested 2 boys on suspicion. Tom Rawson Shaw looks upon the position as a mountain being made out of a mole hill - He says Rumuruti is bristling with revolvers and danger, but at Pingwan he feels out of all danger and he thinks the Masai and Kuke feel the same, though had the Samburu been allowed to continue their killing of natives - they have 12 murders against them now - the position would have become serious. There are so many European police, District Commissioners and askari patrols all in that area that he thinks provided definite punishment is meted out to the tribe, the Samburu will relapse again into a peaceful tribe.

(5) January 12th. 1934. Kekopey. Gilgil.

..... I came back from Pingwan last night after a hurried visit. I saw Trafford the District Commissioner and also had a long talk with Liberis (head Masai at Pingwan) who says that he and all the Masai now know that Powys was definitely murdered, and he considers there is no room for doubt at all. I asked what made him now as definite that way as he was that it was an accident before. His answer was that he like the rest of us, saw nothing whatever at the time to suggest foul play and plenty to suggest

suggest that it was a lion. Afterwards he heard a variety of rumours from native sources which he ignored, but that now he knew it for a fact that at their ngomas celebrating killings ( I forget its name) which is in their eyes a real ceremonial in which no one can take part except those who have proved their deeds to the witch doctor and carried out the regular ritual with him, the Samburu have celebrated the killing of Powys. He says no Masai speaking native would either look for or require any further evidence. Afterwards I saw Trafford again and he showed me some of the evidence and I am afraid it looks quite positive. Actually statements were made regarding the murder by 3 Samburu; the first one gave some contradictory evidence and said Powys was fair and the District Commissioner thought it was pure fitina ( the boy was a proved blackguard wanted for house-breaking) and gave the boy 5 months for making mischievous statements; the other 2 boys statement apparently never got beyond the Police who disbelieved it and never took action. In these statements a list of 6 boys was given who had done the deed, and apparently one of the boys who is now arrested on suspicion was definitely on the list. Evidence has been given shewing that a party of 6 Moran and 1 old man were returning from the killing of a Kikuyu somewhere on the Uaso Nyiro when they happened to come across Powys at Pingwan and they immediately speared him, and the statements are to the effect that his head was taken into Samburu. The time of day and everything given in this statement tallies exactly with

suggest that it was a lion. Afterwards he heard a variety of rumours from native sources which he ignored, but that now he knew it for a fact that at their ngomas celebrating killings ( I forget its name) which is in their eyes a real ceremonial in which no one can take part except those who have proved their deeds to the witch doctor and carried out the regular ritual with him, the Samburu have celebrated the killing of Powys. He says no Masai speaking native would either look for or require any further evidence. Afterwards I saw Trafford again and he showed me some of the evidence and I am afraid it looks quite positive. Actually statements were made regarding the murder by 3 Samburu; the first one gave some contradictory evidence and said Powys was fair and the District Commissioner thought it was pure fitina ( the boy was a proved blackguard wanted for house-breaking) and gave the boy 5 months for making mischievous statements; the other 2 boys statement apparently never got beyond the Police who disbelieved it and never took action. In these statements a list of 6 boys was given who had done the deed, and apparently one of the boys who is now arrested on suspicion was definitely on the list. Evidence has been given shewing that a party of 6 Moran and 1 old man were returning from the killing of a Kikuyu somewhere on the Usao Nyiro when they happened to come across Powys at Pingwan and they immediately speared him, and the statements are to the effect that his head was taken into Samburu. The time of day and everything given in this statement tallies exactly with

with the time of arrival of the pony back in camp. Apparently it was just a case of shocking luck; the statement admits that the Momen when they started out had no intention whatever of trying to get Powys but seeing him by himself on their return to Samburu, speared him - quite possibly thinking he was there to try and intercept them on their return from the other murder. Nothing happened over this or the other murders and so naturally the murders increased, until now, when things have come to a head and Government have it in their power to stop trouble once for all, but according to Gilbert Colville Government are being very hesitating and difficult to make move, though the 12 native murders are of course undisputed and the Police reports are, as a result of their recent investigations, quite definite that there is no doubt whatever that Powys was killed. The Samburu themselves apparently readily admit that he was killed by them, but one section says the other did it and vice versa.

As you know all along I have felt that but I am afraid with the new evidence the murder theory was most improbable, it is quite definite I was wrong. Trafford could give me no information as to what the Northern Frontier Province are doing about things, except that apparently they are going to put a District Commissioner and Boma at Kisima. The witch doctor has been taken and put at Meru under open arrest, which is nothing like far enough from Samburu. The whole thing boils down to lack of Administration. The Northern Province headquarters are at Isiolo; to get to Samburu, the District Commissioner has to come about 140 miles or so to Rumuruti and then on to Samburu. The

The result is that no District Commissioner ever did come and they were never administered at all. They found that they could occupy all the Leroghi district and 80 miles beyond their boundary with impunity and gradually thought that their witch doctor was all powerful against the Government. The Acting District Commissioner when visiting Samburu and investigating the murders etc. threatened the Samburu that unless they produced the people concerned the Government would send a platoon of King's African Rifles up there, but nothing whatever is being done about that and the witch doctor claims that his dava is sufficient to stop any steps of that sort. If something like that were done, the Samburu would see that Government meant their words and the witch doctor was not all powerful.

Amended No 2

133

COLONIAL OFFICE,  
DOVER STREET,  
1st February, 1926.

Dear Lady [Name obscured]

I have been speaking with the Governor of Kenya  
in regard to the [Name obscured] matter, and  
it seems that the arrangements which we made  
for the [Name obscured] of the [Name obscured] are defective in one  
particular.

As suggested by [Name obscured] I should propose  
that [Name obscured] be given [Name obscured] to the  
[Name obscured] [Name obscured] in the [Name obscured].  
[Name obscured] [Name obscured] [Name obscured] [Name obscured]  
[Name obscured] [Name obscured] [Name obscured] [Name obscured]  
[Name obscured] [Name obscured] [Name obscured] [Name obscured]  
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[Name obscured] [Name obscured] [Name obscured] [Name obscured]

Yours faithfully,  
[Name obscured]

and let me have them by Tuesday morning at the latest.

Of course if we give you reassuring news from  
the Governor the making of extracts will be waste labour,  
but as a precaution against delay it seems to me to be  
worth while.

*The smiling*  
*W. B. ...*

A. L. No. 2  
COLONIAL OFFICE,

DOWNING STREET,

1st February, 1934.

Dear Lady Eleanor Cole,

We have had nothing from the Governor of Kenya in reply to our despatch about the Mombasa matter, and it occurs to me that the arrangements which we made when you called here on the 27th are defective in one respect.

If we get nothing by Monday I should propose under our arrangement to write out personally to Sir Joseph Byrne explaining your anxieties in the matter, and we left it that I might ask you to give suitable extracts from the letters which Mr. Pardoe has sent you which I could send out. But if we wait till Monday there will be no time to get the extracts before I write to the Governor, and I think that it will be best, if you agree, for you to make extracts

and

ELEANOR COLE.

and let me have them by Tuesday morning at the latest.

Of course if we give you reassuring news from the Governor the making of extracts will be waste labour, but as a precaution against delay it seems to me to be worth while.

*In answer*

*W. S. ...*