

DESPATCH

EAST AFR. PROT.

No. 13510

13510

(Subject.)

Flogging of Natives by Messrs Grogan  
Bowker and Kora Gray.

Reports on - Further report will follow.  
Submits that in view of this incident proposed  
establishment of a Legislative Council premature.

(minutes.)

Mr. Antrobus

- The following points to note are
1. The natives flogged were Grogan's own servants.
  2. The ladies insulted were his sister & a friend.
  3. The insult consisted in dancing round the <sup>nicobars</sup> ~~ear~~ (young, instead of pulling it.)
  4. The story was, however, circulated (though Grogan states, not by him) that an indecent assault had been committed, & many of those who assisted at the flogging no doubt believed this story.
  5. The natives had been kept imprisoned.

subsequent Paper

Hgc  
13589



by Mr. Grogan through the previous night  
in order to be at hand for their public  
punishment.

6 The punishment was carried out in  
spite of the protest of Mr. Grogan,  
the Town Magistrate, & Mr.  
Smith, a Police Officer. Force was used  
to the latter.

7 The affair was obviously meant  
as a public challenge to the authorities,  
this is particularly clear from the  
article from the Star which Grogan  
if Grogan had flogged the natives  
privately, his censure, though illegal  
and improper, would probably not have  
led to legal proceedings.

The only point which seems to  
call for immediate decision is  
whether, in view of these proceedings,  
the establishment of the Legislative  
Council shall be delayed.  
Mr. Jackson, the Acting Comr., Mr.  
Hobley, the Sect. Comr. of Nairobi,  
& Mr. Waddell, the author who has  
written and repudiated Grogan's  
action, all recommend this step.

Order in Council  
 The ~~Letter~~ of Royal Instructions  
 providing for the establishment of the  
 Leg. Council went by the mail of the  
 8 April & will reach the Post on  
 the 24<sup>th</sup> April. Their publication in  
 the Post even of course be stopped by telegram,  
 & they can be revoked, if necessary.

The question as to the policy to be  
 pursued in this matter is mentioned  
 on 10387 when Mr. Read expressed  
 the view that the publication of  
 the <sup>Ag. C.</sup> etc. should not be delayed, as  
 the flapping trouble was only the  
 work of the noisy P. African group &  
 not of the strategizing middle. But,  
 as Mr. Hobley points out, it is just  
 this noisy group which is necessary  
 for a Legislative Council. strategizing  
 people are <sup>probably</sup> different, or, as in the  
 case of Mr. Suddell, opposed to the  
 proposal to establish a Council.

At least, we did telegraph to the  
 Acting Commr. to hold back the  
 Ag. C. etc. until Col. Sadler, who  
 is now on his way back, has returned.

were full  
 in the  
 London Gazette  
 160<sup>th</sup> 56.  
 200 per cent.  
 read the  
 the that no  
 can last  
 are means  
 known about  
 They  
 not come  
 to force until  
 returned in  
 the Post.  
 102

1  
gratified on the situation.

(Common prof. comments on the  
offer), from which it appears  
among other things, that  
the offenders were summoned for  
riot, grand jury assembly as well  
as for assisting the police. The  
grave charges were presumably  
dropped because they had been con-  
sidered by the offenders by a  
jury) 1841

There does not seem to  
me to be any reason to  
postpone the creation of a  
Legislative Council. It is not  
as if a representative assembly  
were being set up. The  
Council will be a purely Crown  
Council - with a minority  
of nominated unofficial  
members. It was proposed  
that Mr. Grogan, as President  
of the Colonists' Association,  
be nominated to fill one  
seat. Now, of course, he  
will not be nominated. But

there are other men, eg. Lord  
John Russell, who have taken  
no part in, and disapprove  
of, Mr. Gifford's lawful  
proceedings, and I think  
that it wd be a pity not  
to make use of their assist-  
ance in the Council.

Wm. M. P.

Dear Christian

Love Henry

I should myself be disposed  
to telegraph & propose his  
creation for legislative Council  
with or without a special  
reference from Cr. Sadder.  
This is not from any vindictive  
feeling but simply because  
Cr. Sadder may want to review  
the situation generally. He  
may desire to look round  
afresh for the most suitable  
man to serve him.

Wm. M. P.

Yes. I agree we may  
await his opinion.

17.4

Wm 20.4

Cr. Sadder when he took leave expressed  
a strong opinion that it would be best to

The Legislative Council ought not to be  
delayed. He thought that it would  
afford a right value which would make  
a great deal of the operation of the  
Council's operations. His chief difficulty  
was that he had intended to propose  
to a member.

It may be well that the original Resolution  
should not be made like Col. Paddy's annual  
but rules be then after his opinion  
I am sure him that the resolution  
of the Council should not be delayed in  
consequence of this incident

Σ 29-6

C.O.  
13510  
Recd  
6 APR 07

Commissioner's Office

Nairobi,

March 8th 1907.

EAST AFRICA PROTECTORATE.

Confidential (14)

(Incl. 2.)

My Lord,

With reference to my telegrams Nos. 36 and 39 of

16th and 19th instant I have the honour to transmit to

Your Lordship herewith a copy of a letter which I have

received from Mr. Mobley, the Acting Deputy Commissioner and

Sub-Commissioner of Nairobi, reporting the circumstances

of the flogging of three Kikuyu natives by Messrs. Crogan,

Barker and Thord-Gray.

2. As I have already informed Your Lordship, some 30 persons made their way to my Office immediately after the floggings, and Mr. Crogan, their spokesman, stated that the Europeans of Nairobi were much alarmed at the prospect of a native rising and that their excitement could only be allayed by means of self protection being given them.

Case No. 50  
March 22nd  
March 18th

H.M. Principal Secretary of State

for the Colonies,

Downing Street,

London, S.W.

them by the Government. In order to calm their feelings I consented to a loan of ammunition being made to those persons whose isolated farms rendered them in their own opinion insecure. Up to date only one man has applied for ammunition, but none has been issued as the person who submitted the application did not possess a rifle.

3. Legal proceedings have been taken against the ringleaders of the outrage and the case will be heard to-day in the Magistrate's Court. If the accused are committed to sessions the trial will commence on April 5th. At first I thought it would be advisable to select Mombasa as the place of trial; but as the Judges were of opinion that it would be preferable on general grounds that it should be at Nairobi, I have accepted their views. I am happy to be able to report that the accused already show a feeling of regret for their misdeeds and I do not think there will be any necessity to ask for assistance from the Navy as I at first anticipated. I have however warned the Admiral that a demonstration of force may be necessary and H.M.S. "Hermes" arrives at Kilindini on April 4th.

4. The steps which were taken to reassure these Kikuyu who showed signs of unrest after the floggings were, I am glad to report, successful, and there is no fear of any trouble amongst the native population.

5. As a proof that only a small section of the white inhabitants approve of Captain Progan's action in defying the law, I have the honour to enclose a copy of a letter from Mr. Waddell one of the leading settlers in the

Kikuyu area. Mr. Waddell has also written the

6. I have to say that Mr. Hobbs and Mr. Waddell are of the opinion that the time is not yet ripe for the establishment of a

must admit that in view of the lawless behaviour of the Nairobi people, I am obliged to agree with them. I would therefore submit for Your Lordship's consideration whether it would not be wise to defer the establishment of the Legislative Council for one year.

7. A further despatch reporting on the circumstances which gave rise to the flogging incident will be

Forwarded

forwarded to Your Lordship by next mail.

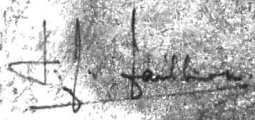
I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,

Humble servant,



Acting Commissioner.

ENCLOSURE

In Despatch No. 22 of 22-1-1907  
Sub-Commissioner's Office,

No 40  
8

Nairobi

March 22nd. 1907

C.O.  
13510  
209  
Recd  
16 APR 07

Your Excellency:-

I have the honour to bring to your notice a disgraceful occurrence which took place on the 14th. inst. About 10.a.m. upwards of a 100 Europeans assembled outside the Town Magistrate's Court and inside the court compound. The crowd was led by Mr. Grogan as President of the District Association Mr. R. Bowker and others. They brought three Kikuyu natives with them and after a certain amount of palaver laid them out on the ground and proceeded to beat them, I am informed that the beating was carried out by Mr. Grogan, Mr. R. Bowker and a South African named Thord Gray (formerly a temporary police Inspector)

According to Mr. Grogan's story the natives in question (who were his rickshaw boys) on the previous afternoon danced round a rickshaw in which his sister and Miss Marshall were riding and insulted the two ladies.

Your Excellency  
The Acting Commissioner

INCLOSURE 2

In Despatch No. of 25/100  
Sub-Commissioner's Office,

No 40  
8

Nairobi

March 22nd. 1907

|           |
|-----------|
| C. O.     |
| 13510     |
| 209       |
| Recd      |
| 16 APR 07 |

Your Excellency-

I have the honour to bring to your notice a disgraceful occurrence which took place on the 14th. inst. About 10 a.m. upwards of a 100 Europeans assembled outside the Town Magistrate's Court and inside the court compound, the crowd was led by Mr. Grogan as President of the Mists Association Mr. R. Bowker and others. They brought three Kikuyu natives with them and after a certain amount of palaver laid them out on the ground and proceeded to beat them, I am informed that the beating was carried out by Mr. Grogan, Mr. R. Bowker and a South African named Thord Gray (formerly a temporary police Inspector)

According to Mr. Grogan's story the natives in question (who were his rickshaw boys) on the previous afternoon danced round a rickshaw in which his sister and Miss Macdonell were riding and insulted the two ladies.

Your Excellency  
The Acting Commissioner

No 40  
8

Nairobi

March 22nd. 1907

C.O.  
13510  
209  
Recd  
16 APR 07

Your Excellency:-

I have the honour to bring to your notice a disgraceful occurrence which took place on the 14th. inst. About 10.a.m. upwards of a 100 Europeans assembled outside the Town Magistrate's Court and inside the court compound, this crowd was led by Mr. Grogan as President of the Mists Association Mr. R. Bowker and others. They brought three Kiloga natives with them and after a certain amount of palaver laid them out on the ground and proceeded to beat them, I am informed that the beating was carried out by Mr. Grogan, Mr. R. Bowker and a South African named Thord Gray (formerly a temporary police Inspector)

According to Mr. Grogan's story the natives in question (who were his rickshaw boys) on the previous afternoon danced round a rickshaw in which his sister and Miss Macdonell were riding and insulted the two ladies.

Your Excellency  
The Acting Commissioner

No 40  
8

Nairobi

March 22nd. 1907

C. O.  
13510  
209  
Recd  
16 APR 07

Your Excellency:-

I have the honour to bring to your notice a disgraceful occurrence which took place on the 14th. inst. About 10 a.m. upwards of a 100 Europeans assembled outside the Town Magistrate's Court and inside the court compound, this crowd was led by Mr. Grogan as President of the District Association Mr. R. Bowker and others. They brought three Kikuyu natives with them and after a certain amount of palaver laid them out on the ground and proceeded to beat them, I am informed that the beating was carried out by Mr. Grogan, Mr. R. Bowker and a South African named Thord Gray (formerly a temporary police Inspector)

According to Mr. Grogan's story the natives in question (who were his rickshaw boys) on the previous afternoon danced round a rickshaw in which his sister and Miss Marshall were riding and insulted the two ladies.

Your Excellency  
The Acting Commissioner

No 40  
8

Nairobi.

March 22nd. 1907

C. O.  
13510  
209  
REC  
16 APR 07

Your Excellency:-

I have the honour to bring to your notice a disgraceful occurrence which took place on the 14th. inst. About 10 a.m. upwards of a 100 Europeans assembled outside the Town Magistrate's Court and inside the court compound, this crowd was led by Mr. Grogan as President of the Artists Association Mr. R. Bowker and others. They brought three Kikuyu natives with them and after a certain amount of palaver laid them out on the ground and proceeded to beat them, I am informed that the beating was carried out by Mr. Grogan, Mr. R. Bowker and a South African named Thord Gray (formerly a temporary police inspector) According to Mr. Grogan's story the natives in question (who were his richshaw boys) on the previous afternoon danced round a richshaw in which his sister and Miss Macdonell were riding and insulted the two ladies.

Your Excellency

The Acting Commissioner

From what I can gather the natives were seized and kept under arrest all night by Mr. Grogan in order to be ready for the disgraceful scene which took place on the 14th. No trial or pretence at a trial took place; no evidence of identification or guilt was called; after the beating the bleeding, lacerated youths were allowed to go away. A speech was made in Kikuyu by one of the settlers warning the natives that in future the settlers would ignore the Courts and punish the natives themselves and if they thought necessary shoot them.

Mr. Grogan later in the morning acknowledged in your presence that he was responsible for this act, and that it was carried out as a protest against the impotency and ineffectiveness of the Courts and to instil due respect for the Europeans in the minds of the natives.

Mr. Logan, the Town Magistrate, made a formal protest at the time and was insulted, and A.D.S.P. Smith attempted to intervene but was hustled on one side.

It has since transpired that the majority of the persons present had no idea of the true facts of the case, the alleged serious insults being of quite a trivial character; certain men in town, however,

appear to have assiduously spread reports that <sup>an</sup> attempted indecent assault had been perpetrated upon the respected European ladies. I do not know what Mr. Grogan said to lead up to this idea being circulated. In fact he maintains that he knew nothing of this version until he reached the scene of the flogging. The evidence given during the legal proceedings will definitely clear up these points; the fact, however, remains that the leading officials of the Colonists' Association, Messrs. Burn, Pichet, and McLeellan Wilson, together with R. Bowler, were the moving spirits in the illegal proceedings and it is worthy of remark that these men are all noted negro-haters and are practically the only colonists who harp on the probability of a native rising <sup>being</sup> imminent.

After the incident was closed a large number of the participants rushed up en masse to your office to demand Government ammunition to protect them against a Kiluga rising supposed to be impending. Possibly they thought the natives they had just beaten would go off and attempt to raise their friends.

The first <sup>thing</sup> to consider is what is to be done to restore the prestige of the Courts and reinstate



the rule of law and order; for here we have an example of pure mob rule and deliberate contempt of Court and a precedent which will undoubtedly convince any settler that he can henceforward take the law in his own hands with impunity. In fact, a few days later, certain members of the more rabid section were advising men to go out into the Kikuyu country and shoot down a few of the natives. I believe that a large number of these men will probably be advised to do so rashly; for one cannot advise a man to do so. Of course, if the natives who have been beaten can be found, they can prosecute the offenders for assault, but I do not recommend this scheme as being one that would only increase race hatred.

The ringleaders can be prosecuted under riotous assembly so. This seems a reasonable procedure to adopt.

I would however point out that these are the men who are ever demanding representation in the conduct of the affairs of the people and that they are the men who are always demanding that the Council should be reformed. I would therefore recommend that the Council should be reformed.

I maintain that these men have shown themselves quite unfit to sit on such a Council. They have demonstrated their unbalanced frame of mind and their inability to approach a question in a rational, logical manner.

Men of Mr. Grogan's stamp, if so minded could prove a great assistance to the Administration but on the contrary their ingenious minds merely devise schemes to embarrass the Administration. Mr. Grogan's recent action in pegging out the vacant land in Nairobi town was a notable example of this policy, and he appears to aim to become the people's hero, the man of the hour &c. and his criticism is invariably destructive and ~~never~~<sup>never</sup> followed by constructive suggestion.

I therefore maintain that the white community of East Africa at present is not in a fit stage of political development to warrant its receiving representation and I would venture to urge that you report the details of this incident to the Secretary for the Colonies and beg him to consider the advisability of informing the Community that as they have seen fit to behave in such an unwarranted manner and deliberately insulted the Courts of Justice, that the formation of the

Legislative Council will be referred  
 time as he considers that the Community is capable  
 of conducting its affairs in a more constitutional  
 manner. I believe the effect of such a ruling  
 would show these people how foolish they had been  
 in following the dictates of impulsive illogical  
 men like Mr. Grogan and would convince the agitators  
 that they are not such an important factor in the  
 British Empire as they imagine they are.

I still, however, recommend that some arrangement  
 should be devised by which the non-official element  
 should have a recognized channel through which  
 their views should reach the Administration. The  
 Colonists' Association has not justified its claim  
 to be a representative body being run by a <sup>committee</sup> ~~committee~~  
 of Nairobi wire-pullers; it moreover ignores the  
 interests of the merchants and the pastoral section.  
 To all liberal-minded members of the Administration  
 it is a matter of deep regret that the Colonists  
 will not co-operate with us in devising means for  
 the better government of the country instead of  
 heaping virulent abuse upon every action it may take.  
 The community undoubtedly has grievances and we  
 are face to face with many difficult problems which

must be boldly tackled and not trifled with  
and if H.M.'s Government could succeed in convincing  
the nationalists that it really meant to devote serious  
attention to the settlement of some of the more  
important problems, I firmly believe a basis for a better  
understanding could be arrived at without great  
difficulty.

I have the honour to be,

Your Excellency's

Most obedient, humble servant.

G. W. Ubbel

must be boldly tackled and not trifled with  
and if H.M.'s Government could succeed in convincing  
the colonists that it really meant to devote serious  
attention to the settlement of some of the more  
urgent problems, I firmly believe a basis for a better  
understanding could be arrived at without great  
difficulty.

I have the honour to be,

Your Excellency's

Most obedient, humble servant.

C. W. White

Nairobi,

March 14, 1907

13510

REC  
APR 16 1907

To

M.H. Acting Deputy Commissioner,  
East Africa Protectorate,  
Nairobi.

Sir,

I have the honour as a Landholder and Settler in this Protectorate to address you with my desire to put on record my most emphatic disapproval of and to disassociate myself from the high handed and unjustifiable action of Messrs. Grogan, Bowker and others in taking the Law into their own hands and deliberately and openly defying the Government by publicly flogging certain Natives on the morning of Thursday the 14th instant within the precincts of the Town Magistrate's Court at Nairobi and I trust that the Government will take measure to prevent a recurrence of such conduct in the future.

I have further the honour to point out that in my opinion if such action be overlooked it may lead to trouble with the Natives by which the residents of the country may be very great sufferers.

I may further add that I am only one of a large number of European Residents in the Protectorate who hold with the opinions expressed above.

I may say that as a Settler moving among the Wakikuyu Natives for the last four years I have not seen any signs of the unrest or inscience as is alleged to exist and I am confirmed in this from enquiry I have made from others employing large numbers of Natives.

I have the honour also respectfully to submit for

the

the consideration of H. M. Government whether or not regard to the above incident it is advisable at present that this Protectorate should, as reported, be administered by its own Legislative Council.

I have etc.,

A. Weddell.

The ~~State~~ of East Africa

March 16 1907

## THE PEOPLE'S ULTIMATUM.

Two days have passed since the Grogan flogging incident. 48 hours have now elapsed since the people openly flouted the law, defied the magistrate and the police to turn them from their purpose, were, in short guilty of a piece of lawlessness, deliberate, cold blooded and unmistakable, in its intent. Personally, we hold, and we know that in this we have with us every white man in the country, that this display of lawlessness was not only justifiable but necessary and imperative. As we have said before, those upon whom the task of protecting us devolves have flagrantly failed in their duty. Hence we must protect ourselves, our lives and our property, and more than all those who are far dearer than our lives and our worldly possessions. This point need not be laboured. The nigger who molests or even offers the shadow of an insult or foul insinuation to a white woman must be made to realize that that way lies his danger and death. Thursday's proceedings were doubtless of a Swiss character, we hope and trust that Britishers in similar circumstances will always be guilty of a similar species of lawlessness.

That is the peoples point of view. What of the Government? Provided the flogged niggers do not move it may be assumed that no charge of assault can lie against Captain Grogan and the two gentlemen who assisted him. But the magistrate ordered the business to stop; a police officer, acting on his instructions, intervened—and both were disregarded. Consequently we take it that every person present was guilty of offences under the law. Whether of unlawful assembly, resistance to the authorities or precisely what we are unable to say but certainly offences of some gravity and punishable under the law—even under the Indian Penal Code. Is that law to be set in motion or not? So far as we know no one has received a summons as yet, not even Captain Grogan who we suppose has laid himself open to the additional charge of inciting the populace to resist the lawful commands of the civil authorities. Is there any law in this country or is there not? If the former we look to the authorities to enforce it without fear or favour. If not let them confess that while they are the *de jure* Government of the country they lack the power to become the Government, *de facto*. We want no answer and we want it at once. The people are determined to have no more sabbily-shally. If the Government do not proceed against the guilty persons, we shall not need to be told the reason why. It will be because they have given up their task as helpless, have in fact confessed themselves beaten to a standstill.

We repeat, will they move now or for ever after hold their peace?

The King of East Africa

March 16 1907

Colonists Association of C.E.A.

**EMERGENCY COMMITTEE MEETING**

On Thursday an emergency meeting of the committee was held to discuss the situation which had been brought to a culmination by the events which had transpired on the same morning.

There were present Mr. Grogan, the Hon'y. President, Mr. W. A. Burn, Deputy President; Mr. Elshat, Vice President; Messrs. T. A. Wood, H. Terles, Bayison, Gulowson, Bennett, Howitt, F. Baillie, G. Woods and the Secretary, other members of the Association present were Messrs. S. Ellis, Faure, Hasley, Colman Brown, King, Newland, Roberts, Dean and Watkins.

The Hon'y. President, Mr. Grogan, in addressing the meeting stated that he did not think that there was any cause for alarm, but he thought that some steps should be taken to ensure protection. There was unrest amongst the natives as he had just seen in his tour around the Kikuyu district. He thought that there should be some form of organization amongst the settlers, and that every man who required it should be supplied with a rifle and ammunition.

The following resolution was then unanimously carried:—

"That a defence force be formed to be organized by the Colonial Association and called the 'Colonists Defence Force.' That the members elect their own section and district commanders. That there should be a scheme of defence with rallying points. That Government be asked to supply rifles and ammunition.

On a second resolution being carried that the Commissioner be sent at once the members proceeded to H. E. the Commissioner's office. The number was largely increased en route. The Hon'y. President, after an interview, intimated that the request of the Association would be acceded to, rifles and ammunition would be given out and that certain gentlemen would be nominated to arrange a defence scheme.

W. MACLELLAN WILSON,  
Secretary,  
Association Rooms, Nairobi, 14/3/1907.

The Star of East Africa  
March 16

SATURDAY MARCH 16TH, 1907.

RIFLES FOR THE SETTLER.  
GROGAN'S ACTION.  
AN IMMEDIATE RESULT.

Immediately after the meeting of the settlers on Thursday night the committee of the Association for the defence of the Colony met to discuss the matter. Mr. Grogan was present and his views were given. It was decided that the Government should be asked to purchase a certain number of rifles for the settlers. It is expected that this will be done.

THE SUPREME  
LAW.

The Will of the  
People.

Grogan Shows the Way.

Thursday, March 14th, 1907 will not stand as an epoch marking day in the history of British East Africa, but that day it was laid down, once and for all, that the people of this colony are to be treated as the dominion of a few white men, and that they are determined to brush aside contemptuously laws which only serve to encourage crime against the blacks and bring the dominant race into contempt. The facts are extremely simple. Early in the morning the native can round like wildfire the name of E. B. Grogan, President of the Colony Association had decided to take the law into his own hands and inflict public chastisement on three niggers who had most grossly insulted his wife and his sister. At 10 o'clock was the time appointed, and fitly the scene took place before the Magistrate's court the place.

At 10 o'clock Captain Grogan arrived, the three black ruffians, securely tied being led up behind him. The proceedings were short, deliberate, cool and effective. Practically all non-official (there may have been an official or two if we mistake not hovering in the background) population of the town was present. They formed a ring in front of the Court House door, the outer side being reserved for natives, as many as possible of these being brought in to witness the punishment meted out to the black man who dared to molest a white woman. Everything was in readiness, the culprits having been placed on the ground and triced up securely by Mr. Russell Bowker, when Mr. Logan, the magistrate, stepped out to the front of the verandah and demanded to know—rather tremulously—what was being done. Captain Grogan answered that he was about to beat these boys because they had insulted his wife and sister. Mr. Logan replied that he had no right to take the law into his own hands and added some feeble platitudes about the "proper course" etc. Captain Grogan sarcastically remarked that he assumed the proper course of the magistrate was to tell the natives that they were not to molest a white woman.

At 10 o'clock Captain Grogan arrived, the three black ruffians, securely tied being led up behind him. The proceedings were short, deliberate, cool and effective. Practically all non-official (there may have been an official or two if we mistake not hovering in the background) population of the town was present. They formed a ring in front of the Court House door, the outer side being reserved for natives, as many as possible of these being brought in to witness the punishment meted out to the black man who dared to molest a white woman.

Everything was in readiness, the culprits having been placed on the ground and triced up securely by Mr. Russell Bowker, when Mr. Logan, the magistrate, stepped out to the front of the verandah and demanded to know—rather tremulously—what was being done. Captain Grogan answered that he was about to beat these boys because they had insulted his wife and sister. Mr. Logan replied that he had no right to take the law into his own hands and added some feeble platitudes about the "proper course" etc. Captain Grogan sarcastically remarked that he assumed the proper course of the magistrate was to tell the natives that they were not to molest a white woman.

ment, "give 'em a fortnight's imprisonment and feed 'em upon beans" shouted some one. Everyone laughed but there was no laughing at the danger of the matter, and the law was carried out immediately with-  
out delay.

Three negroes were then seized on their way to the place where they stood ready with a formidable looking mob. Some one promptly told them to get on their feet, half a dozen others tried but not roughly assisted him—and he was within the circle, not ill-pleased, perhaps, to have made his present and done with it.

Captain Grimes then explained that the reason of the step he was taking was to instil into the natives that it was dangerous for them to insult or in any way molest white women. Mr. Campbell Cowley translated into kikuyu and the business of the hour commenced.

Those negroes were soundly flogged. Captain Grimes himself laid 25 of the lash on the first boy; Mr. Russell Dowling operated on No. 2; Captain Thorne Gray performed a similar duty on the last of the two. All three powerful men and those "boys" will remember for a long time to come what pain they paid for their little pieces of liberty and insult towards the women of the dominion. **74-11**

Three charges for Captain Grimes were given and the crowd dispersed. Everything was conducted in the most orderly fashion, without heat and without hurry. Indeed in the dispositionness of the whole business there was something judicial—and exceedingly impressive. "Something judicial—yes it was in truth the very essence of the judicial. The carrying out of the supreme law—the will of the people. And that law has come to stay."

March 23

# The Flogging Incident.

## The Government Takes Action.

### "CRIMINALS" SUMMONED.

The Government has issued summonses against a group of individuals for the flogging of three boys in the Town Hall on last Thursday week. As there were assembled on that day, it is to be presumed that the individuals named have been flogged at that time. The Government has taken action against the individuals named, and has issued summonses to appear on Monday, March 24th, to answer to the following charges:

### THE CHARGES.

The above are summoned to appear on Monday, March 24th to answer to the following charges:

(1) Being a member of an unlawful assembly outside the Town Magistrate's Court at Nairobi at or about 10 a.m. on Thursday, 14th March 1907, in contravention of Sec. 143, I. P. C.

(2) Being a member of an unlawful assembly and being armed with a deadly weapon, to wit a revolver, outside the Town Magistrate's Court at or about 10 a.m. on Thursday, 14th March, in contravention of Sec. 144, I. P. C.

Capt. Smith,  
Magistrate's  
Court,  
Nairobi.  
Sec. 147.

### THE LIST OF DEFENDERS

Captain E. S. Gregory

President of the Colonists' Association and  
Member of the Nairobi Municipal Committee. Large  
Landholder.

Russel Bowker.

Major Burn.

Deputy President of the Colonists' Association  
Barrister.

Rev. F. A. Bennett.

Member of Committee of Colonists' Association, late Vice-President. Farmer.

Captain S. C. Fichtel.

Vice-President of Colonists' Association.  
Estate Agent.

W. MacLellan Wilson.

Secretary of the Colonists' Association.

Ernest Low.

Proprietor and Editor of the Star.

March 1907, at or about 10 a.m. outside the Town Magistrate's Court at Nairobi in contravention of Sec. 143/144, I. P. C.

As the case is now sub-judice we make no comment upon it. The public must curb their curiosity till after Monday.

## A Correction.

### The Supreme Law.

In our last issue we made Captain Gregory say that he was about to beat those boys because they had grossly insulted his wife and sister. This should have been "his sister and another lady."

The Star of East Africa

March 23 1907

### The Flogging Incident

#### THE REAL FACTS!

TO THE EDITOR OF THE "STAR"

Sir,—Since the native flogging incident so many wild rumours have been circulated as to the offence committed by the culprits and so strong is the feeling that the safety of our white womenfolk is endangered that I have to-day felt it advisable to ascertain the real facts of the case. I learn from Captain Grogan that there is no truth whatever in the statement that an indecent act of any sort took place. The native were told by a white lady to do certain work they refused and jeered when punishment was threatened. Capt. Grogan's action was consequently taken to assert the authority of the white man and to draw public attention to a state of affairs which he regards as unsatisfactory. Capt. Grogan's political motive requires no justification from me and he would be the last person to desire any interference in his acts. As far as he is concerned he did not at any time authorize the circulation of reports that assault of any sort had been attempted on white women. In giving publicity to these facts I have no wish to conceal the fact that I was present at the flogging and went there with the intention of taking part in whatever occurred, but I also wish to place on record that not only was I personally deceived as to the reason of the occurrence, but I am convinced that the majority of the people present were labouring under a false impression and feel that the persons responsible for the circulation of false reports are under the gravest responsibility to a public either willfully or carelessly misled.

I am etc.

V. M. NEWLAND.

Nairobi, 22nd March, 1907.

[Mr. Newland admits he was present but says he was "personally deceived." Whose fault was that? He heard Capt. Grogan's own words that he was beating those boys because they had insulted his sister and another lady. If he was not satisfied why did he not then and there ask for the nature of the insult? And if not satisfied that the offence merited the projected punishment is was his business to withdraw? But he stayed and made one of that "unlawful assembly." Hence his plea of being "deceived" is a trifle belated.—ED. of the Star.]

The Times of East Africa  
March 16 1907

### Unflinching Justice at Last At the Town Magistrate's Court.

The fact has gone forth and will be known throughout British East Africa and, once known, will be followed by nearly every European within our borders. We say "nearly" because there are some individuals among us whose blood is water, whose heart is Easter Hell and who will do their hands in pious horror at such a scene as took place at 10 o'clock on Thursday morning at the Judge of Nairobi's Hall of Justice (!) Any one passing through the town at 10.30 a.m. would perhaps have attributed to the interest in the gold discovery the presence of so many groups of our townsmen and settlers at a court of law. A far more important quarter however had occupied the tongue of the speaker, a matter so important and far-reaching that it cannot be over-emphasized.

#### THE SAFETY OF OUR WOMEN FOLK.

The facts of the case so far as we are able to ascertain then are as follows. Capt. Grogan's sister and a lady friend were in aricksha on Wednesday afternoon when they were grossly insulted with evident intention to assault by 3 Wakisuyu. Fortunately Capt. Grogan was able to secure the men and came immediately to the conclusion which would be shared by all men, that the only way to get justice done was to take the law into his own hands. Accordingly at 10 a.m. he and his brother in law, Mr. Hunter, brought the culprits to the steps of the Town Hall. So quickly had the rumour of his intention spread abroad that 250 of his fellow colonists of all classes and positions, including a number of officials, were present. Capt. Grogan explained the facts of the case and must have been cheered to find how warmly and unanimously he stood up approved by one and all. As the boys were

#### THEIR OWN PUNISHMENT

Mr. Logan came to the Town Magistrate's Court and demanded to know what was about to happen. He was quietly but firmly informed by Capt. Grogan of the boys' crime and his settled intention of punishing them. Mr. Logan haltingly endeavoured to express a protest against individuals taking the law into their own hands and suffered some severe verbal handling and some scathing rebukes from Capt. Grogan and others as to what the result would be if the matter were reported to the authorities. Some asked Mr.

Logan whether the punishment would take the form of a recommendation not to do it again. Others challenged him to deny that the offenders would probably get only a fortnight's imprisonment. Mr. Logan, who seemed in a remarkable condition of fright, tried to finish his sentence but his words died away into nothingness as he fled from the wrath to come. Capt. Smith A. D. S. P. who was present did his best to dissuade Capt. Grogan from carrying out his work of justice but failed. He then went to Mr. Logan and returned at once, apparently with powers to enforce the law. He had hardly touched Capt. Grogan on the shoulder when he was surrounded by men who had made up their minds what to do, and was escorted outside the crowd, where he was powerless. At Capt. Grogan's request the onlookers to a man promised not to take any further steps against the men after they had been flogged. After Mr. Campbell Cowley had explained in Kikuyu to the offenders what their crime was and what their punishment would be, with a strong warning to them and their fellows, Captain Grogan then took a good kiboko and laid on them a WELL DESERVED 25 LASHES.

He was succeeded by Mr. W. R. Braker who did the like by the second and Mr. Thorl Gray the third man. The crowd had surged at one side and all the boys in the neighbourhood were called in to witness the punishment. No one failed to promise not to interfere and the natives took the compound bearing a memento of their misdeeds written in legible characters on their skins. The crowd then quietly dispersed after assuring Capt. Grogan with hearty cheers of their intention to stand by him whatever happened.

There can be only one sequel to this occurrence. The Government must, may it not, delay take any

steps as will ensure prompt and efficient justice being meted out to offenders of this type in particular and to all native culprits in general. A few more childish and ridiculous sentences such as fall from the lips of the occupant of our bench and the black will feel perfectly assured that this earth is his to do as he likes with. The power of the white man and his sacred, uncomproamisng and just law must be shown right here and now. Let the Government take warning. We have suffered too long at first in silence, following this... But treaties and... enough and do... have alike failed their object. Our blood is roused now and will not be quick to cool. Again we say let the authorities be warned; they are living on the brink of a volcano which may break out at any moment or the... of that eruption, when... the black front and... at the branches of... in some instances we would like to ask Mr. ... what would have been his... wife been the insults... it be... not acted as Capt Grogan... Let him look to himself... his deplorable weakness... the bench that has resulted in the native becoming as dangerous as he is at present. Let us hope worse cases of this kind will not... and that Capt. Grogan's... may put the check on... natives in future.

steps as will ensure prompt and efficient justice being meted out to offenders of this type in particular and to all native culprits in general. A few more childish and ridiculous sentences such as fall from the lips of the ignorant at our bench and the black will feel perfectly assured that the earth is his to go as he likes with. The power of the white man and his stern, uncompromising and just law must be shown right here and now. Let the Government take warning. We have suffered too long at first in silence, following this

Entreaties and  
 have failed  
 their object. Our bench is roused  
 now and will not be quick to cool.  
 Again we say let the authorities be  
 warned, they are being struck  
 of a volcano which may break out  
 at any moment or the  
 eruption, when  
 black feet will tread  
 branches of trees. In consequence  
 we would like to ask Mr. [?]  
 what would have been his  
 his wife been the insult  
 son. It would be less than a  
 if he had not acted as Capt. Grogan  
 does. Let him look to himself.  
 by his deplorable weakness  
 at the bench that has resulted in  
 the native becoming as dangerous  
 a beast as he is at present. Let us  
 hope worse cases of this kind will  
 not follow and that Capt. Grogan's  
 army put the check on  
 natives in future.

The Times of East Africa  
March 23

## CORRESPONDENCE.

To THE EDITOR,

Sir,

Since the native flogging incident so many wild rumours have been circulated as to the offense committed by the culprits and so strong is the feeling that the safety of our white womenfolk is endangered that I have today felt it advisable to ascertain the real facts of the case. I learn from Captain Grogan that there is no truth whatever in the statement that an indecent act of any sort took place. I myself was told by a white lady to do certain work: they refused and were when punishment was threatened. Captain Grogan's action was consequently taken to assert the authority of the white man and to draw public attention to a state of affairs which he regards as unsatisfactory. Captain Grogan's political motives require no justification from me and his would be the last person to desire any interference in his acts. As far as he is concerned he did not at any time authorise the circulation of reports that assault of any sort had been attempted on white women. In giving publicity to these facts I have no wish to conceal the fact that I was present at the flogging and went there with the intention of taking part in whatever occurred but I also wish to place on record that the only way I personally discovered as to the reason of the occurrence, but I am convinced that the majority of the people present were labouring under a false impression and feel that the person or persons responsible for the circulation of false reports are under the gravest responsibility to a public either wilfully or carelessly misled.

I am etc.

V. M. NEWLAND.

Nairobi, 22nd March, 1907.

The Times of East Africa  
March 23

**CORRESPONDENCE.**

To THE EDITOR.

Sir,

Since the native flogging incident so many wild rumours have been circulated as to the offence committed by the culprits and so strong is the feeling that the safety of our white womenfolk is endangered that I have today felt it advisable to ascertain the real facts of the case. I learn from Captain Grogan that there is no truth whatever in the statement that an indecent act of any sort took place. The natives were told by a white lady to do certain work: they refused and were threatened with punishment when Captain Grogan's action was consequently taken to assert the authority of the white man and to draw public attention to a state of affairs which he regards as unsatisfactory. Captain Grogan's political motives require no justification from me and he would be the last person to desire any interference in his acts. As far as he is concerned he did not at any time authorise the circulation of reports that assault of any sort had been attempted on white women. In giving publicity to these facts I have no wish to conceal the fact that I was present at the flogging and went there with the intention of taking part in whatever occurred, but I also wish to place on record that the only man I personally observed as to the reason of the occurrence, but I am convinced that the majority of the people present were labouring under a false impression and feel that the person or persons responsible for the circulation of false reports are under the gravest responsibility to a public either wilfully or carelessly misled.

I am etc.

V. M. NEWLAND.

Nairobi, 22nd March, 1907.

GAZETTE

Ma

## EAST AFRICA PROTECTORATE.

**Notice.**

It is hereby notified that in consequence of the circulation of unauthorized and unfounded reports of the existence of a pestilence amongst certain sections of the native population the Acting Commissioner has the opportunity of reassuring the public and of informing them that there is not the slightest ground for any such supposition.

F. J. JACKSON  
Acting Commissioner

May 11th, 1907

The East African Standard

March 23

# THE FLOGGING INCIDENT.

## Was it Justified P

### THE TRUTH AND THE WHOLE TRUTH WANTED.

While Hunting the White Offender is the Black Offender to be Forgotten.

Last week's telegrams from Nairobi gave details of the public flogging of three Natives who it is alleged were guilty of insulting white women. Since the publication of these telegrams we have further particulars. We have heard the side of those citizens who took the law into their own hands knowing well the consequences and we have heard the side of those citizens who took no part in the incident and regard the actions with disavour. In commenting we ask ourselves: Where the circumstances such as to justify the action in the eyes of the world? This is the question of the moment. Captain Grogan was undoubtedly justified in using physical force as the provocation of a kind which no man will look at and it does not matter whether the assault was committed on a native or a European. We have never heard of any man who has appealed to the law to punish his wife's insult.

Was Captain Grogan justified in avenging the insult in the way he did? This is a question which can only be answered when full light is thrown upon the field, when an inquiry has been held and all sides have been heard we will answer this question. Yet another question: What is the position of the other participants? They were no doubt actuated by the common feeling of kinship. They looked upon the incident as a prominent method of showing the World that in their opinion more drastic measures were needed with the local natives than had hitherto been meted out. Their

action was purely a protest. We would have preferred the protest to have taken the course of a widely signed petition to the Administration for the removal of those Officers who had allowed the natives to reach such a pitch as to make it possible for them to insult a white woman. This would have been the better course but blood heats and in a tropical climate the Caucasian is apt to be intemperate. We hear that the whole forces of the Administration are to be turned against the alleged offenders. If this is so we sincerely hope that in hunting the white men alleged to be guilty of resisting a policeman or whatever crime if any, may have been committed the Administration will not overlook our black friends, the Turkshams, who are known to be guilty of highway robbery and foul assassination.

### Our Nairobi Correspondent Writes:

On Tuesday Messrs. Grogan, Bowker, Gray, Fichat, Burn, Bennett and Low were served with summonses. The authorities have not been content to make one definite and distinct charge but make four all issuing from the same cause. The first three named gentlemen were those who took actual part in chastising the three natives, but many are wondering why the other four have been selected out of some 150 who were present, of whom several made their themselves very prominent.

It is a curious fact however that the selected four have during the past been the most prominent members of the community to publicly criticise the policy and doings of the Administration of the Protectorate, it may of course be merely a coincidence. It is just rumoured that Mr. McLellan Wilson the Secretary of the Colonists Association has been summoned as well. The case comes before the Magistrate on Monday next the 25th instant but only as a preliminary proceeding.

publicity.

WE received the following notice from our Sub-Commissioner's office on Sunday morning last. Official notice. It is hereby notified that there is absolutely no foundation for the rumour of a native rising

in the East Africa Protectorate. We were not aware that there is any rumour that the natives of the East Africa Protectorate are out; that a section of the natives of the East Africa Protectorate did rise and that to some purpose only a few days ago we are fully aware. The notice evidently does not refer to the Turkhans who attacked the Trading Companies because this action has passed the present stage. We are rather anxious to know what the Administration proposes to do in the Turkhans matter. Of course we recognise that Baluchis, Swahilis, etc., were murdered but if we cannot protect our own traders how are we going to justify our position as Protectorate save the mark in the eyes of the other Signatories to the International Treaty. We have heard it said that the Baluchis were in a closed district whatever that means. Well if they were then let us punish those few Baluchis that have escaped. Let us be honest and avenge the death of those who were not so fortunate. We are financially stifled by the up-keep of two battalions of troops why not let them earn their wages.

THE EAST

# African Standard

MONDAY TIMES & UGANDA ARDUE

SATURDAY, MARCH 23, 1907.

## Forewarned, etc.

In last week's issue we published a telegram from our correspondent in Nairobi setting forth the fact that the citizens of Nairobi had taken the law into their own hands and administered punishment after the fashion of Lynch's Law. It is remarkable how history repeats itself and in no country does it repeat itself so frequently as in Africa. We have had sixteen years experience of this life and we have watched the movements grow in size and we have seen the end of growth has been reached.

As the white man comes more in touch with the native he is used to his manner of thought, he sees that native shyness which always overcomes the African when he first comes into contact with a white fellow being. Little by little confidence comes to him and he begins to trust the white man and regard him as he should do, as a being on a higher plane of life than himself and a plane which he knows has been reached only through centuries of civilization. At this

stage the Native is ripe for good Government but when that good Government is not administered to him he begins to think himself an equal and attempts to step into a position above his rightful place.

This is presumably the stage at which the Nairobi Native has been allowed to reach, a stage which means trouble for him and necessitates continual punishment, whereas it would be infinitely more equitable to punish those who have stood so to speak in loco parentis for him in the past.

When Natives reach the stage of insolence the cause is always without exception to be traced to the local Government. It has been the fault of indifference, ignorance, mistaken justice, or willfulness on the part of those under whose control they have been which causes Natives to commit such acts as we understand natives have been guilty of in Nairobi, namely, the killing of a white man.

In Natal in the early days the Government was slack and indifferent to the Native, indifferent as to his training, indifferent as to his morals, indifferent as to what he did or how he did it, with the result that the assaulting of white women became common. No white woman was safe, even the lives of little girl children were blasted for ever to the despair of sorrowing parents by these miscreants of hell.

As time went on Natalians' meanness returned to them and they rose to stifle this fearful ill; but alas! they have found that it takes a longer time to stamp out an existing evil than it does for the evil to come into existence. Even to-day despite strenuous legislation and the combination of every white man in the Colony the evil is not yet dead. In the Southern States of America and many other places the same evil also still exists though the measures now adopted are gradually eliminating it.

With these experiences before us, we must see to it and at once that the cursed evil gets no foothold here. We must rule the Native with a stern hand. It is pitiful to hear the hopeless arguments that the law for the white man must be the same as the law for the Black. It cannot be, it has been proved times without number that it is a fallacy, an impossible policy, cruel to the native and unjust to the white man. Are not our natives forbidden to prospect for minerals on their own native land? Are not our natives forbidden to indulge in strong drink? It is the grossest hypocrisy for us to even suggest that our laws for both are the same. Let us then face the problems before us. Let us beware of that fearful policy of the past, in which natives were taught, through the ignorant impertinence of their masters, that civilian white men were no other than the white men of the "Sirkali," a caste apart and a lower one as that which is now bearing and will yet bear bitter fruit, such teachings by both word or manner must necessarily cease, for self-protection.

tion demands it. Officials and citizens must join for the common protection of their women folk. The native must be taught intolerance to a white woman is a crime and that white women makes a thing sacred; to touch which offensively means death.

Our laws do not make allowance for the death penalty to be executed on a native guilty of abusing a white woman, therefore these laws must be amended, otherwise we do not see how we can prevent the introduction of "Mob Law," a law hateful in itself, but one which has always found itself into communities where black and white live side by side, when stern necessity arises for vengeance.

As to Sir Charles Elliot we must be grateful for stifling this extraordinary attitude. Many of the older Officials will bear us out. — Ed



006  
13510 CAP

229

Paraphrase of office telegram  
sent to Jackson, Nevada, April 5<sup>th</sup>

With reference to your important  
despatch of March 25<sup>th</sup>, do not act  
upon instruments sent by mail  
of April 8<sup>th</sup> - pending for the  
establishment of a Legislative Council  
until the Commissioner arrives.

The matter may then be  
proceeded with unless he sees any  
objection.

Elyria



C<sup>2</sup> EAD  
13510

Provision of cable telegram  
to O'Leary, EAD  
April 25<sup>th</sup> 1907.

With reference to your confidential  
desp<sup>ch</sup> of March 25<sup>th</sup> do not rest  
upon the instruments which  
provide for the establishment of  
a Legislative Council, which were  
sent by the mail of April 8<sup>th</sup>,  
until Sadler arrives.

The matter may be pressed  
without delay, unless he sees  
any objection.

Uyia.