

1911

EAST AFR. PROT

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REC'D  
17 SEP 11

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Forwarded by

Date

Northern Frontier of Jubaland

25 Aug

Submits memorandum on situation in view of approaching visit of Dr. J. Anderson.

Last previous Paper

W/23402  
W/23403

W/23402  
W/23403

Dr. J. Anderson

Dr. Stenger had left before this despatch arrived.

Telegraph to Dr. P. J. ... saying that Dr. J. has sailed & that he should send copy of his memo. to ... as ... to be ... to Dr. J. ... ?

Dr. J. has had a copy of ...  
Boudier's letter

There is nothing ... I think ...  
... Dr. J. has been along the ...  
... a ... matter ...  
... but had ... would probably ...

W/23404

W/23404

W/23404

Let's see the deep when he returns  
to the office

H. J. R.

1979

11/20/79

Telegraph as proposed  
An interesting review of the situation  
on the Abyssinian border

11/21/79

See 1.6/79

GOVERNMENT HOUSE,  
NAIROBI,  
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE

No. 29 (CONFIDENTIAL)

August 25th, 1911.

Sir,

With reference to your despatch No. 410 of the 27th July 1911, and in continuation of my despatch confidential No. 44 of the 25th May, 1911, I have the honour to state that in view of the approaching visit of the Inspector General I have prepared a Memorandum upon the whole situation for his information. This Memorandum covers the request put forward in your despatch of the 27th July, 1911.

2. Colonel Broadbent, with Mr. Archer who is in charge of the Northern Frontier District, will await Colonel Theisiger's arrival in dubuani and be able to furnish him with all further details.

3. Although the policy I have put forward

of

THE RIGHT HONOURABLE

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

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

Memorandum

Enclosure in do.

of allowing the various Somali tribes to settle their own differences, a policy that entirely commends itself to me, and it is one that prudence dictates, more particularly after our experience with the Somalis of British Somaliland. There will remain the question of the protection from incursions by the Somalis upon the Dabra, Boran, and other Northern Tribes, and our policy with regard to the Abyssinian boundary.

1. Consideration should, in view of the Inspector-General's visit, remain for the moment in abeyance, but I hope that the Memorandum which I have prepared will be of assistance to him in reviewing the past and present situation.

I have the honour to be,

Sir,

Your humble, obedient servant,

GOVERNOR.

ENCLOSURE

11th August 1899

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the course between the Juba and the Tana to occur by the East African Somali tribes excepting along the Juba River itself as between the south and Juba where a certain number of escaped slaves have formed themselves into a tribe known as the Wagocha. The Somalis consist of two main bodies, all more or less allied with the Gallas who spread up to British Somaliland. The Somalis of British East Africa are more or less divided amongst themselves. In the southern portion between the Indian, the Tees, Barara and Simayu are to be found the Aulihan, Bahamet, Bawla, Abdulah, Abdul War, Machabu, &c. and all more or less at daggers drawn with one another. In the northeast corner are the Benehan, who have even up to the present day been practically outside Government influence. They in their turn have been constantly at difficulties with the Aulihan Somalis to the south, and with the Barre, Gabre and Bona tribes - who are not essentially hostile to the west.

The Imperial British East Africa Company went onto the Juba River about 1890, the administration being taken over by Mr. Crawford, a Scotch gentleman, who had with him a few irregulars. A station was placed on the river, and an attempt at trading was made but failed. During this time the administration never left the river except for a few months. On a station was established at Buhulla but afterwards abandoned. Several attempts were made at agriculture,

Robson



later reinstated on the staff of Captain Dalziel. His necessary use of force and the other noted incidents, in 1901, of 1000 Borneo were consistent with the Gordon, in 1901, involving the payment of a fine of 1,000 dollars. As this fine was not readily paid, Colonel Harrison proceeded to Afadu in 1902 and rounded up the stock, which were driven into Fidayu and sold. Matters continued to be fairly peaceful until 1904 when Ali Nohay, the peasant, was murdered. No action was taken beyond an order to pay blood money. Several men were deported, and the Herle ordered to pay a fine. From that time forward until 1909 matters remained fairly quiet in Jubaland.

In May 1900 Captain Dalziel, the Acting Provincial Commissioner, recommended that we should occupy Afadu, Fort Durnford and Senelli, and open a market for the goods at Afadu.

Throughout these years 1902-09 very little had been done in so far as the administration was concerned, and not an effective occupation of the northern frontier as from Senelli to Lake Rudolf. The Anglo-Egyptian Boundary Commission had carried out its work, both under Captain Wood and Major Deyon in 1902 and 1903, and, on the advice of the British Minister at Addis Ababa, an agent of the Foreign Office, Mr. Zerkiro, was told to settle which our interests in the boundary was finally settled. It proceeded to the frontier at the end of 1905 and established relations with the Gama and Boran tribes at Moyale and Sala. No disturbance of any kind took place. In December 1906 instructions were received from the Colonial Office to relieve Mr. Zerkiro by a British Officer, and Mr. Barrett was sent from Jubaland with a detachment of British African Rifles to Moyale, via the Colonial Office (Circular No. August 11th 1906 and reply of August 22nd

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1899. Mr. Barrett reported that there was considerable opposition amongst the Galla, due to the lack of protection given to them, and that they were arming themselves, and he suggested that a frontier force should be organized. This could not be effected at the time as the Secretary of State was even adverse to the occupation of Afanadu. Before the despatch of Mr. Barrett, permission had been obtained to occupy Merabbi in order to maintain the trade route with Abyssinia, vide Colonial Office telegram April 15th 1900.

Mr. Archer with some irregulars accordingly established himself at that post at the end of 1900. Mr. Barrett on arrival at Moyale was instructed to place himself in communication with Mr. Archer and take his orders from him - the whole country being designated the 'Northern Frontier District'. On Mr. Archer proceeding on leave he was relieved by Mr. Hope in October 1910. Mr. Hope shortly afterwards reported that the Abyssinians disputed our rights to any occupation up to Major Gynn's line and even held that our post at Fort Harrington (Moyale) was within Abyssinian territory. He declined to discuss the question of the position of Moyale, and was of opinion that owing to the position of the Galla and our relations with the Horn it was desirable to open a station at Anisiss and DeLo as early as possible. The British Minister at Addis Ababa, in a despatch No. 40 dated 17th October 1910 to Sir Edward Grey, stated that he had pointed out to the Abyssinians that owing to constant raids on our frontier it was necessary for the British Government to have a line that they could patrol; that if he received information of any more raids the British Government would take measures for safeguarding their line; and that he would hold the Imperial Government responsible for any incidents that might occur. He suggested that on the 1st

information of Abyssinian raid is being continued the British Government should adhere up to Major Gynn's line. He was of opinion that the Baran-tribes should be returned to Abyssinian territory, and held sure that if this happened there would be no difficulties. He stated that the Abyssinians acceptance of Major Gynn's line. He thought that he should not allow any sentimental objections to be raised to stand in the way of a final settlement. Mr. Lansbury's despatch, covering copy of a despatch of 1st September 1910 from H.M. Minister at Addis Ababa. Sir Edward Grey stated that he proposed, with the concurrence of the East of Africa, to approve Mr. Inspector's demand as therein reported. In a letter to the Under Secretary of State for Foreign Affairs, Mr. Piddes stated that he was instructed by the Secretary of State to acknowledge the receipt of a despatch of 24th September 1910, and that the same had been received in the early which it was proposed to send to the British H.M. Minister at Addis Ababa. In October 1910 Sir Percy Curzon wired to Mr. Inspector at Addis Ababa that the Abyssinian Officer at Addis Ababa had stated that there was a line of the north of the boundary. In reply to this telegram Mr. Inspector replied that the Abyssinians were serious in their demand and that he had already written Mr. Gynn to hold fast, adding that the Abyssinian demand was contrary to the agreement at Addis Ababa. On the 29th November 1910 Mr. Curzon, the Acting Governor, informed the Secretary of State for the Colonies that he had received a letter from Mr. Inspector enclosing a copy of a despatch which Mr. Inspector had addressed to the Secretary of State for Foreign Affairs advocating that in exchange for Major Gynn's line, with the wells of Musanda and Geraf, we should agree to return to the Abyssinians all Baran and Gama. Mr. Curzon stated that

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living on our side of the line. Although a sentimental reluctance might be felt to the early over of these people, the proposal as he (Mr. Theisner) stated, was a final settlement of the whole boundary question and the removal of all the main danger of friction. In a despatch to Mr. Hope dated 2nd November 1910, Mr. Theisner informed him that the Abyssinian assertions were all rubbish and bluff, and that if anything was said to him (Mr. Hope) about moving out of Fort Harrington he should refuse to do anything of the kind, and that when the matter had been settled at Addis Ababa he would get his orders as to what had been settled and that in the meantime things should remain as they were.

The request of Mr. Theisner for the return of the Boran and Gabra to Abyssinian territory was not viewed favourably by the Secretary of State, vide Colonial Office despatch No. 38717/1910 of 2nd December to Under Secretary of State for Foreign Affairs. Another proposal was then put forward by Mr. Theisner, with regard to the Merehan, suggesting that they should be disarmed by force, vide his Memorandum on the Merehan enclosure to his confidential letter of the 27th April 1911 to Sir Percy Girouard. Sir Percy Girouard in his despatch confidential No. 44 of the 25th May was of opinion that by far the best method of dealing with these people was the same as that adopted previously in the Juba Valley, namely plor occupation and leaving the tribes to themselves in their internal affairs. In order to effect this it was proposed to erect stations at Bealiga and Bole, and the whole matter was discussed at the Colonial Office with the Inspector General and the Under Secretary of State.

Since my return to the Protectorate I have become aware

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By  
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UNIVERSITY

PORTUGUESE EAST AFRICA BLACK LIST.

Foreign Office.

Nov. 22nd. 1916.

Banco Nacional Ultramarino	
Becker, E	Beira.
Behrens	Lourenco Mar- ques.
Brzezyner & Wirth	
Brito	(Palma, Port Amelia, Ibo.
Da Sousa, Pismark	Palma, Ibo & Porto Amelia.
Da Souza, Luiz Moreira	(Palma, Ibo & Porto Amelia
Dencke, Alexander	Lourenco Marques
Deuss, Ludwig	
Deutsche Ost Afrika Gesellschaft	
Deutsche Ost Afrika Linie	
Empreza Nacional Navegacao	
Figueredo, Antonio	Palma, Ibo & Porto Amelia.
Grothkop	Lourenco Marques
Gubler, H	
Haberer	
Herz & Schaberg	
Hoffman, Hugo	Lourenco Marq ques.
Hoffmann Oswald	
Holland-Bombay Trading Co.	Lourenco Marques
Hueffer, A	Beira.
Jung Lenz	
Koch	Lourenco Marques
Koppel, Arthur	
Molu	Palma, Porto Amelia, & Ibo.
Mradner, Paul	

of the fact that a very large number of arms indeed have been pushed not only into Uganda but into the Verehan and Garry country via Abyssinia, and Colonel Breading in his memorandum on the situation in the Northern Frontier District, dated 5th August 1911, is of opinion that it would be wise to establish military posts either at Bantaa or Boko. It is further reported that Abdurahman Mural, who has in the past been of considerable service in keeping peace in the Juba valley, has now been almost thrown in his lot with the malignant and proceeded from Sereuli towards Eil Wak. I have instructed the Officer Commanding Troops, with Mr. Barrett, who was on his way to Moyale, to proceed via Kimsayu, look thoroughly into the whole question and be ready to advise the Inspector General on his approval.

I may state that over two years ago Lieut. Colonel Kirkpatrick, who had a very intimate knowledge of the Frontier, was of opinion that small detachments at Boko and somewhere near Bantaa would be effective. He was present at the meeting at the Colonial Office, but I think that if he had been aware of the large number of arms at present in possession of these tribes his opinion might now differ, and more or less coincide with that of Colonel Breading.

Colonel Breading's proposal is that the north-east corner of the Frontier would be best administered by political officers, with headquarters at Eilo and Bantaa, these officers to have a small personal escort or irregulars, the troops to remain at Moyale and Sereuli as he considers that our prestige would probably suffer if they were withdrawn. A Flying Column and two Infantry Companies to be stationed at Sereuli. The presence of this column, he considers, would have a good moral effect upon the

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The necessity of special treatment in the Sudan  
is a matter which has been discussed in the past  
and the Officer Commanding the Sudan has stated  
that this could not be done except by military operations on a  
large scale or a large military occupation.

The position as regards the Anglo-Abyssinian boundary  
is therefore as follows:-

The Secretary of State for Foreign Affairs, on the  
advice of the British Minister at Addis Ababa, has distinctly  
told the Abyssinian authorities that we will maintain  
our rights and prevent any further raiding. Within this  
portion of the country we are now in effective occupation  
of Moyale, Marsabit, and a post near Lake Rudolf, and are  
giving sufficient protection to the tribes in that area.  
These tribes are the Rendile, Samburu, and Turkana, who  
are not of Somali origin. In the Jubba Valley itself, the  
scene of many past difficulties with the Gaden, there  
would appear to be no difficulty in maintaining peace.  
Most of our difficulties in the past have been due to in-  
terference in tribal disputes. The North-East corner  
presents the greatest difficulty of all, involving our  
relations with the Abyssinians, the Negshan, the Horen,  
the Gabrg, and the Garre. The proposal to disarm our  
tribes in this area, has, I think, been rightly rejected,  
as it would involve military operations on a very large  
scale and probably - as in the case of British Somaliland -  
lead to no result of a permanent character. In fact here  
I am inclined to agree with the proposal put forward by  
His Excellency the Governor of Italian Somaliland that  
we should permit the tribes to retain some of an ancient  
system of our own manufacture. This can only be done if

Office of the Secretary of State for Foreign Affairs  
 Department of State, Washington, D.C.  
 The necessity of special troops in the border  
 regions of the Sudan, regarding the Maasai and other  
 tribes, the British Government has long held the view that  
 this could not be done except by military operations on a  
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 His Excellency the Governor of Italian Somaliland that  
 we should accept the traditional restrictions of an ancient  
 system of our own manufacture. This can only be done if

the French authorities concerned. I do not think there is any danger in the appointment of military officers with small amounts of experience as being unwise. It has been observed in the past that we are there for the benefit of the tribes. The main result of this observation has been to observe that the tribes are afraid not so much with any intention of putting our administration or of protecting themselves from one another and from the Abyssinians.

There would therefore appear to be two lines of conduct open to us: (1) to continue the system of observation, with a fairly strong backing at Moyale and Dire Dawa, leaving the tribes themselves their internal affairs; or (2) to frankly withdraw from the country as has been the case in Somaliland. Of course in consequence of our statements to the Abyssinians this would appear to be both unjustifiable and dangerous.

I cannot see that the situation is a dangerous one, but it is certainly one of much difficulty, and I have prepared this Memorandum in order to place the Inspector General of the King's African Rifles as far as possible in possession of the general outline of facts of the case. I feel convinced that if <sup>in</sup> the past, both in Jubaland and on the Frontier, we had not interfered with tribal differences but merely occupied the country and equitably by means of trade relations to secure peace and unity, the position in which we are to-day would never have arisen. I am still of opinion that the best line to proceed upon is that of observation, and that it is both wise and desirable to occupy both Dolo and Banisea with political officers only and a small irregular force. To attempt to-day to disarm the Senjeh and other North-West tribes would, I feel sure, not only lead to a general conflict but might also involve the

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Magden in the valley of the Tuba, who have, in so far as  
general administration is concerned, been fairly successful  
for the last two years.

Ed/- H. P. C. CLARKE

Government House,

Nairobi.

Nairobi

August 23rd 1911.

Received from Colonel [Name] 14/9/1914

MEMORANDUM on the situation in the NORTHERN FRONTIER DISTRICT by the Officer Commanding Troops.

I take it that the main objects of our occupation of the NORTHERN FRONTIER DISTRICT are as follows:

- (a) To keep the boundary line between this PROTECTORATE and ABYSSINIA intact.
- (b) To bring under our influence the various tribes living on our side of the boundary and as far as possible, to protect them from ABYSSINIAN raiding parties.

His Excellency has made it abundantly clear that he does not desire any complications with the native tribes which might and probably would lead to military operations.

For this reason I am of the opinion that it is inadvisable to put small detachments of regular troops at DOLO and BANISBA as has been decided on. For instance a Civil Officer with a backing of half an infantry company is certain to be applied to for protection or redress from Native Chiefs under him. Perhaps the complainant has had his cattle stolen and asks the Civil Officer to recover them. If he refuses to move out with his men the complainant naturally thinks it is because the Government is afraid and our prestige sinks lower on each occasion we fail to take active measures.

On the other hand if he does move out with troops he runs a considerable risk of coming to blows with the tribes, an incident which may easily devolve into subsequent military operations on a large scale. Again the continual passage of supply convoys to and from these posts would offer a tremendous temptation to the younger men among the tribes, who are not really properly under the influence of their chiefs.

In view of all these considerations I am of the opinion that the best method of influencing the tribes in and around BANISSA and DOLO would be to put civil Officers in them backed by a few irregulars (see 20). These Officers should act as friends and advisers to the tribes in their Districts and would in fact be Political Officers. I consider it very necessary that to each of these should be attached an Arab known to and respected by the SOMALIS and feared by them on account of his reputation for Holiness. Such a man for instance as SHRIEF ABDUL BARI of GOBWEH who would probably take on the billet if sufficient pay was offered him.

With regard to the stations already garrisoned viz: SERRNELI, MOYALI and KULAL I consider that troops should remain at them as loss of prestige must result, were they to be removed.

The proposed garrison for MOYALI viz. half an infantry Company, is I consider sufficient. I suggest that a force of 2 $\frac{1}{2}$  infantry Companies should be stationed at SERRNELI of which 1 Company should form a permanent garrison, the remaining 2 companies to form a flying column. The whole or part of this flying column would be available for patrolling the various SOMALI water holes and visiting at frequent intervals the Political Officers in their Districts. It must however be borne in mind that this proposed flying column will be quite useless without its permanent transport. I am aware that His Excellency has expressed in the past a very strong opinion against the upkeep of anything in the nature of a permanent or, to put it in his own words, a "Small Transport Corps". But I would most respectfully emphasise the fact that should this flying column be obliged to rely on the local tribes for transport

transport its usefulness as such would be nil. I am strongly of the opinion that the moral effect on the tribes of the occupation of SERENLI by a flying column ready to move out at a moment's notice would be greater than the presence of small bodies of troops widely scattered about the country. I do not deny that the Political Officers wandering about the country backed only by a few irregulars do run some risks, but I consider that the presence of the flying column at SERENLI and frequent visits by Officers patrols of regular troops would largely minimise this.

With regard to the arms traffic, I do not consider the proposals for dis-arming the tribes put forward by Mr. Hope and Capt. SALKELD to be workable. No SOMALI will give up his arms any more than he will his live stock without a fight unless tackled by a very superior force. In the event of one tribe being disarmed it immediately becomes at the mercy of its neighbours.

Among the suggestions put forward is one that natives should be made to register their arms and ammunition at one or other of the Government stations. I fail to see how this can be accomplished or what advantage the natives gain by doing so. Even were they invited to do so with some corresponding advantage it would only result in arousing their suspicions as they would naturally infer that this registration of arms was only a preliminary to taxation. In short, I am of the opinion that the

disarmament

disarmament of the natives in the N.E. corner of the Protectorate can only be accomplished by means of military operations on a considerable scale or, at least, a large military occupation.

I consider a very important point is that all officers stationed in the Districts under discussion should be instructed against giving orders which they cannot enforce. The failure in the past by Officers to realize this has had very serious results, notably in NORTHERN SOMALILAND.

The latest information (dated KIENYU 10th JULY) is to the effect that one BILLI IBRAHIM head of the RER ADEN (AULIHAN) has established himself at ELWAK and declared against the Government. Without knowing details his move is probably due to the fact that he has been ordered to supply camels for Government transport. With regard to the situation created by this reported action of his I consider it inadvisable to express any opinion. The RER ADEN are a comparatively small section of the AULIHAN, but on the other hand I know that BILLI IBRAHIM was on friendly terms with the GURRE and some of them may be in with him. It is also possible that he may have sympathisers among other sections of the AULIHAN. I propose therefore to defer giving any opinion until after our arrival at SEREPLI.

(Sd.) G.R. BREADING, Lt. Col.  
Commanding Ard Br. K.A. Rifles.

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and asks the Civil Officer to recover them. If he  
refuses to move out with his men the complainant  
naturally thinks it is because the Government is  
afraid and our prestige falls lower on each occasion  
we fail to take active measures.

On the other hand if he does move out with  
a considerable force of regular troops he shows  
that we are not afraid and our prestige is raised  
and we are enabled to carry out military operations on a  
large scale. Again the continual passage of regular  
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 position as the younger men among the  
 tribe, who are not really properly under the  
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In view of all these considerations I on of the  
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 Infantry Company, is I consider sufficient. I

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 be stationed at SENEHI of which 1 Company should  
 be permanent garrison, the remaining 2 companies  
 being a flying column. The whole or part of this

column would be available for suppressing the  
 all water holes and cutting off the routes  
 of Political Officers in their Districts.

It may be borne in mind that this proposed  
 force will be quite useless without its  
 support. I am aware that His Excellency  
 in the past a very strong conviction

against the chance of anything in the nature of a permanent one, to put it in his own words, a "small transport corps". But I would most emphatically emphasize the fact that should this flying column be obliged to rely on the local tribes for transport its usefulness as such would be nil. I am strongly of the opinion that the moral effect on the tribes of the occupation of SERRILI by a flying column ready to move out at moments notice would be greater than the presence of small bodies of troops widely scattered about the country. I do not deny that the Political Officers wandering about the country backed only by a few irregulars do run some risks, but I consider that the presence of the flying column at SERRILI and frequent visits by Officers patrols of regular troops would largely minimize this.

With regard to the arms traffic, I do not consider the proposals for disarming the tribes put forward by Mr. Hope and Capt. SAHID to be workable, No. SOMALI will give up his arms any more than he will his live stock without a fight unless backed by a very superior force. In the event of one tribe being disarmed it immediately becomes at the mercy of its neighbours.

Among the suggestions put forward is one that natives should be made to register their arms and ammunition at one or other of the Government Stations. I fail to see how this can be accomplished or what advantage the natives gain by doing so. Even were they invited to do so with some corresponding advantage it would only result in increasing the number of suspicions as they would naturally have been the destination of arms was only a preliminary to a seizure, and I am of the opinion that the Government should concentrate the arms in the N.E. corner of the Protectorate.

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 Protectorate



3080

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30 pm

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DRAFT

Telegram  
(Code)

Governor

Nairdi

MINUTE.

Mr. Butler Sept 25

Mr.

Mr. Fiddes

Sir H. Just.

Sir C. Lucas.

Sir J. Anderson.

Lord Lucas.

Mr. Harcourt.

f.3

Inspector General I.K.A.R.  
in honorant

had ~~sent~~ before receipt of  
already left on receipt of  
legua here ranconella  
for despatch of 25 August  
and dated

confidential Fg  
com porta

Please

Send copy <sup>Kismayu</sup>  
crimelless  
to be handed <sup>over</sup> to him  
and send  
in a several  
envelope.

Lord Lucas to  
Mr. Harcourt.

Mr. Phelps

As we did not seem to have any formal  
inf. <sup>to go</sup> re the compulsory banking, I  
wrote to Mr. Stockman, the Chief  
Veterinary Officer of the D.C. of Africa,  
wh. from his wide experience - & I suppose  
is very competent to advise on the  
matter. He has been so busy w. his  
duty that he has been unable to  
state his views fully (see his  
letter annexed) & I think that  
the best plan will be to ask him  
to prepare a short memo. for Mr.  
Harcourt on his return from leave.

H. J. R.

7/8

Yes: ask him

about P.D. 9

W. J. R.

Please see the attached letter dated

No. 9. about Mr. Stockman, and the

Done  
Mr. Stockman  
reminded  
H. J. R.  
no

to which has referred  
the article throws considerable light on the  
value of a carefully devised 315  
branding for the ~~benefit~~ ~~of~~ ~~the~~ ~~stock~~ ~~trade~~  
and for dealing with stock diseases. If  
the Harcourt deserves something more,  
I will ask the Stockman to supply it.

In any case, I think we should now  
ask Sir P. C. Girouard what measures he  
recommends out of those discussed with  
us in August.

W.B.

Nov 30

W.B.

U. 4.12

6.5.12

Done.  
W.B.  
Dec

I thank Mr. Stockman for the article.  
Write as proposed to Sir P. Girouard:  
if he suggests branding, we should  
point out the advantages of the  
"three-piece system"

U. 6.12.11

St. Hubert

7. Review of

Cont.

76

W. B. B.

I believe that has been discussed  
with the S. G. S. Is there any need  
to remind the O. A. G.?

W. B. B.

This was discussed May 2

Yesterday with the S. P. S., who  
Dr. J. Anderson, Dr. J. Zeller, Dr. P. J. [unclear]  
& myself were present. Dr. P. J. said  
that he had put his suggestions for  
medical measures before the Settlers  
but that they had made no reply, & it  
was agreed that it should be left  
to them to make the next move.

Put by

at mee.

W. B. B.

2/15

27<sup>th</sup> Nov 11

216

Dear Mr Baker,  
In looking up articles  
in a volume on handwriting  
I cannot recall one in  
the International Review Journal  
which probably contains all the  
articles. I have written to  
you (see pp 67-71)  
if these were submitted,  
and it might open up  
a way for a further



more specific reference should more information be desired. The volume is from the Board: library

There is no hurry about returning it, but it stands against my office. Let me hear what you think.

Yours sincerely

Stewart



5th Oct / 11

Dear Read  
I have been unable to put anything on paper re standing Acts, as my time has been fully occupied with these annoying outbreaks of foot & mouth disease. I have had no leave yet, but as I can't hold out much longer, I am taking a week's holiday tomorrow & will return on the 12th.



having a good deal of correspondence with Montgomery over swine fever, which seems to be giving a lot of trouble there. I have got their virus at my lab now, & find it a specially virulent type. I hope to be able to do something with it, but you should advise to go in for the stamping out policy before the disease has too widely disseminated. Vaccination is all very well, but is no finality in it.

Believe me

Yours sincerely  
P. Stockman

The Veterinary  
Bacteriologist of  
the V.S.P.

H. J. R.

319 -

required. My view on the  
necessity for a Branding Act  
in places like S. Africa is,  
that it can hardly be done  
without. It makes thefts of  
cattle difficult, in the sense  
that a thief can be more easily  
traced. Branding also facilitates  
tracing the origin of diseased  
cattle, which, of course, means  
a great deal. If Mr. Isaacs  
would like a memo. on the  
subject, please let me know  
& I will prepare one as soon  
as I can get a day or  
two to myself. I envy you  
your trip to S. Africa. I am

GOVERNMENT HOUSE,  
NAIROBI,  
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE.

August 26th 1911.

No. 471

(Incl. 2)

C. O.  
30241  
RECD  
SEP 16 SEP 11

Sir,

I have the honour to transmit the proceedings of a meeting with representatives from the following Associations for the purpose of discussing the question of Stock Thefts in the Protectorate:-

- The Convention of Associations
- The Pastoralists Association
- The Lumbwa Farmers Association.

2. The details of the measures which it is proposed to take to deal with this class of crime will be furnished later.

I have the honour to be,

Sir,

Your humble, obedient servant,

*[Signature]*  
GOVERNOR.

THE RIGHT HONOURABLE

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

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

INCLOSURE  
No. 30241  
321

His Excellency said he had called the Delegates of the various Associations together to discuss the question of stock thefts in consequence more particularly of the commission of a serious crime which had resulted in what could only be called a gross miscarriage of justice, throwing disrepute upon the system of trial by jury instituted in this Protectorate. He spoke plainly because nothing could be gained by glossing over palpable facts, for even though the letter of the law might have been carried out its spirit had been violated in a manner to do great harm to the progress of government in the country. The matter had passed out of his hands, and, as they would have seen, had been brought to the notice of the Imperial Government both privately and by the Government of this country; and the Secretary of State had publicly stated that, if he found trial by jury in East Africa led to a constant miscarriage of justice, he would consider steps to prevent it. That was a very serious and weighty pronouncement, and one which he must beg the community to take to heart, for it indicated a setback in the rapidly improving opinion of the condition of affairs in this country from which it would require all their time and care to recover. Stock thefts were not infrequent in the country, but he was yet to be persuaded that they had reached alarming proportions, or even that they materially exceeded

exceeded the proportion of that crime witnessed in some of their elder Colonies, just as they certainly did not compare with the prevalence of such crime existing in early days in all their Colonies. Nor was he aware of any joint representations having been made to Government on the subject. Any effective and justifiable measures found to be practicable, beyond those in their hands, would be seriously considered with a view to the prevention of such crime.

Causes of  
Stock Thefts  
and Preventive  
measures.

He would like to put before them what he considered to be the main and even the minor contributory causes which produced stock thefts, and the remedial measures which might be adopted, and subsequently to place these various matters before the meeting one by one when they could be discussed, and if any of the gentlemen who had kindly come to meet him could offer remarks upon them or indicate further contributory causes and remedial measures, due notice would be taken of them and the matter considered. The main contributory causes appeared to him to be:-

The system of squatting by natives upon farms.

Trespass by natives.

Vagrancy.

Lack of registration of natives.

and as minor causes:-

Disposal of carcases by stock farmers.

Lack of good fencing.

Inferior construction of cattle kraals.

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Causes of Stock Thefts and Preventative measures.

He would like to put before them what he considered to be the main and even the minor contributory causes which produced stock thefts, and the remedial measures which might be adopted, and subsequently to place these various matters before the meeting one by one when they could be discussed, and if any of the gentlemen who had kindly come to meet him could offer remarks upon them or indicate further contributory causes and remedial measures, due notice would be taken of them and the matter considered. The main contributory causes appeared to him to be:-

- The system of squatting by natives upon farms.
- Trespass by natives.
- Vagrancy.
- Lack of registration of natives.

and as minor causes:-

- Disposal of carcasses by stock farmers.
- Lack of good fences.
- Inferior construction of cattle kraals.

The Remedial and preventive measures which they had at their command, but which might require improvement or alteration, were primarily:-

- (1) Sentences which were allowed by law for stock thefts.
- (2) The operation of the trespass and vagrancy laws.
- (3) Pass Law.
- (4) Branding.
- (5) Secret Service and Policing.
- (6) The regulation of squatters and Kaffir farming.
- (7) Collective punishment, and one or two minor remedial measures which he would refer to later.

Among the primary main contributory causes

he had mentioned squatting. This he referred to at length, giving the view of the South African Commission. He then referred to trespass and vagrancy, saying that he thought much could be done by co-operation between Government and farmers. He was aware that the trespass and vagrancy laws were not entirely suited to their requirements but thought this could be remedied. At the same time it had always to be remembered that they did not wish to hinder the free passage of bona fide natives who were seeking work. If it was too vigorously applied to farms which were contiguous to native reserves the labour supply would be interfered with. It was desirable to consider the whole country and not particular interests.

Contributory causes.

Squatting.

Trespass by Natives.

Vagrancy.

Lack of Registration.

Lack of registration, as another contributory cause, would be discussed when they came to the question of remedial measures and the pass law.

nor contri-  
tary causes.  
disposal of  
carcases.

As a minor cause he had given the disposal of carcasses by handing them over to the natives. He did not think he required to refer to the situation which naturally arose from such acts.

Lack of good  
fencing.  
Inferior cons-  
truction of  
cattle  
Kraals.

Bad fencing and bad construction of kraals were matters of capital but nevertheless they were minor causes.

Medial and Pre-  
ventive Measures.  
Sentences.

As to remedial measures, he had first mentioned sentences. The present maximum sentence which could be imposed under the laws dealing with stock thefts was three years; if the act amounted to house-breaking or the thief was a servant of his employer the sentence could be one of 7 years. He then referred to the case of South Africa where the sentences for such thefts were one and two years respectively. Recently the Courts here had been sentencing rigorously. Naturally the Executive had no control over the cases. He himself had seen the sentences. The Judges had told him that stock thefts were the only crime in the country which had increased, and the temptation to thieves had naturally increased with the increase in settlers flocks and herds. The Judges would not say that the number of stock thefts had increased in proportion to the temptation. The number of sheep stolen was small compared with the number of sheep owned. According to the stock-thefts reported to the Police there had been 201 cases dealt with. The animals concerned in these

cases numbered 1,210, of which 432 were recovered, or 35%. The convictions secured were 86, approximately 45%. The number of stock which it was estimated colonists had at present in their possession - sheep and cattle - for the year 1909 was 64,066 sheep and 12,300 cattle, in 1911 160,000 sheep and 17,000 cattle. He recently had an opportunity of ascertaining from a Colony which approximated in conditions their own - viz: Southern Rhodesia - the number of stock thefts which occurred there. They could not give the exact number of cattle and sheep separately, nor those belonging to native and settler, but there were in the Colony 771,000 cattle, sheep and goats and the number of cases of stock thefts reported last year was 225; the proportion of convictions was 75%. They were unable to furnish any reports as to the percentage of stock recovered. Now, though the proportion of recovery which was not at present 1% - was high, in our conditions of a long line of farms with native reserves in every direction it could not be considered a very high one, and he might mention the curious fact that the thieves were almost always first offenders. They did not appear to be habitual stock thieves and therefore it seemed to be all the more necessary that they should get at these people primarily. Unless the question was tackled it appeared to him that they would produce habitual stock thieves.

6  
(3) Pass Law.

It had been frequently urged that the Pass Law would provide a sufficient remedy. There was a Pass Law in the country, which, he frankly admitted, was at present inoperative. To put it into operation in so far as the Highlands were concerned, without even extending the measure to the whole Protectorate, would necessitate its application to the Wakamba country, the Kikuyu, the Masai, the Nandi, and the Kavirondo. It was also frequently urged that the Pass Law elsewhere had proved very effective. If they were to take up the Pass Law seriously it would mean a very large expenditure of money, owing to the difficulty of natives obtaining passes as the District Commissioners' time was all taken up with their other duties and it would be impossible for them to issue passes. If the work could not be done properly it would be useless doing anything at all.

4) Branding.

The next remedial measure was that of branding. They had no compulsory branding. In the present condition of things the Courts were undoubtedly of opinion that branding had had a very good effect indeed in the prevention of stock thefts.

5) Secret service and Policing.

To put secret service employees upon farms was a much more difficult matter than appeared at first sight. No confidence could be placed in the Wakamba or Wakavirondo. If men of a higher

higher race were placed on the farms they would possibly very quickly detect thieving, but they would soon be known and would be regarded with suspicion. Policing generally and trial by magistrates would however to a certain extent control stock thefts. He had been informed by the native chiefs that many of the stock thefts had been committed by natives who had cast themselves adrift from the tribe and were living just outside the boundaries of the reserve and were therefore not within the jurisdiction of their chief. These men were rarely seen by any administrative officers or were used by the police.

This was a very large question, and one on which the settlers of this country were divided in opinion. The South African opinion, formed after a good many years' experience, he had read to them. Undoubtedly to his mind this was one of the most fruitful sources of producing thieves existing in the Provinces.

(7) Collective Punishment.

He had been urged that collective punishment when it came in was not viewed entirely with favour by some of his unofficial advisers. They feared that it would be a great hardship upon the native. It was now urged upon him as a useful means of punishment of the natives when they had offended against the settler. The Collective Punishment Ordinance was introduced to provide for the punishment of collective crime between natives, i.e. where one tribe had attacked another one.

If they could not trace and bring into Court the actual offenders then it was necessary to impose a fine upon the tribe as a whole. It was not introduced as an ordinary measure of law, nor could it be considered as such. It was an extraordinary measure due to the large population living in a communal condition. There might be instances where stock thefts could be traced to the actual head; so far he had not been able to find any cases in which he could do so. Recently in talking over the matter with the chiefs - and he impressed upon them strongly their responsibility for the loss of horses and stock that had been taken - he had recently gone to the country and brought back some sheep. They have been absent two years. 'Should we be punished for the loss of the people?' He could not give a definite answer. It could be definitely traced that some of the sheep had been direct into the hands of the natives. It was thus within the knowledge of the chiefs, then came an opportunity of applying the Ordinance, but not otherwise. With regard to cattle, it was fairly safe if they were branded. Sheep were nearly always, he believed, disposed of immediately.

He would now propose to take up these matters one by one - what he considered to be the main contributory causes - and ask their opinion upon them.

Mr. Anderson asked whether the meeting was to be public or private.

His Excellency replied that he had no

objection

objection to its being considered at a public meeting.

Mr. Anderson thought that, before discussing the various points which had been brought up, they should first hear the views of people who had experience of losses.

His Excellency did not know whether the gentlemen would like to give their experiences.

Mr. Anderson, continuing, said he had upon his mind that there was a feeling that the Judicial side of Government thought these stock thefts were not numerous in proportion to other countries. He was rather inclined to think that these stock thefts were excessive taking all things into consideration

His Excellency asked Mr. Anderson whether he would regard them as excessive considering the age and civilisation of the native tribes here as compared with native tribes which had been in contact with civilisation over 10 years.

Mr. Anderson contended that they were excessive considering the number of stock held by settlers.

His Excellency did not think the number could be considered excessive compared with other countries.

Mr. Anderson was of opinion that the number today in proportion was greater than it was a year or two ago.

Mr. Watkins thought that they should proceed in the order suggested by His Excellency. With regard to the matter of squatting he thought it was very objectionable as far as the settlers were concerned. He himself understood that the objections generally

were

Contributory Causes.

1) Squatting

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His Excellency asked Mr. Anderson whether he would regard them as excessive considering the age and civilisation of the native tribes here as compared with native tribes which had been in contact with civilisation over 40 years.

Mr. Anderson contended that they were excessive considering the number of stock held by settlers.

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Contributory Causes.

1) Squatting

930

were that the labour was not free to the extent that should be, and that it was a means by which the natives helped to isolate himself from the control of the police, because the police probably had not the same control on private farms. He considered it most desirable that as few natives as possible should remain on private farms and that all beyond those required by the owner of the farm should be placed in reserves. He thought some law might be devised - similar to that of South Africa - for the regulation of squatting.

Mr. Anderson agreed with what Mr. Watkins has said. He regarded it as dishonest for a man to take up land and leave it alone and he thought this should be put a stop to.

His Excellency said he would like to hear any remarks with regard to the trespass laws at present existing. He did not know whether the gentlemen quite understood the provisions of the trespass law.

Mr. Notley briefly explained the provisions of the trespass law and the difficulties in obtaining convictions for trespass.

Mr. Watkins was of opinion that the trespass and pass law went together. If a native was found on property without his being in possession of a pass he considered that that native should be arrested as a vagrant and a trespasser. He thought the application of the pass law would meet that case very well indeed if the pass law was efficiently carried out.

His Excellency asked whether it would not be difficult

30  
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His Excellency asked whether it would not be difficult

Trespass  
and va-  
grancy.

difficult to prove trespass with a pass law.

Mr. Notley said there were separate trespass and pass laws in South Africa. Any person could be arrested who could not explain why he was on the property.

His Excellency said there were precedents in other Colonies for making more stringent pass laws.

Mr. Anderson said that did not appeal to him, as he did not see that it would help them very much. Natives in going about the country were bound to cross privately-owned farms. How would these natives know when they were on private property?

Mr. Hill said that the vagrancy law could take the place of the pass law. It was suggested to him by Judge Hamilton and Mr. Porter that trespassers really were vagrants, and he had obtained six convictions that month. These were really vagrancy, not trespass, cases.

Mr. Notley stated that in so far as vagrancy was concerned it was necessary to secure some evidence as to the general habits and character of the person charged with vagrancy, and the mere fact of a man's being on private property and being caught was not evidence that he was a bad character, or that his habits were such that he could be considered a habitual criminal, which under the existing law it would be necessary to prove to secure a conviction under vagrancy.

His Excellency asked how the law of this country differed from that of the Orange River Colony.

Mr. Notley

Mr. Metley explained that any man in the Orange River Colony who was found without a pass could be arrested by any burgher (European inhabitant) or land owner and brought before a J.P. or Magistrate and he had to explain to the magistrate how he gained his livelihood. If the witness was not satisfied he could either send him to the workhouse or to the prison or to the workhouse.

Mr. Metley said that the workhouse was a very bad place for a man to be in and that the prison was a very bad place for a man to be in and that the workhouse was a very bad place for a man to be in.

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Mr. Tarlton thought it would be a very great help to them if the vagrancy law could be made more stringent. He did not think it would affect the labour supply because an employer would not wish to enforce the law with every native that came on the place.

In reply to a question by Mr. Farlton as to what the position would be if a boy were found in one of the houses on a farm, His Excellency said that he presumed it would be considered an offence.

Mr. Notley said that it would be house trespass.

His Excellency said that in changing the Pass Law he presumed they could deal with a house as a fenced enclosure.

Mr. Farlton thought it would be of very great assistance to them if they could deal with natives wandering over their farms.

Mr. Hill said his convictions fully bore that out.

Some cases where the boys were found simply wandering, although the boys said they were looking for another case which was rather complicated.

Some of the boys under the pass law, nor under the pass law. They were carrying 'tembo' for and therefore they could not be considered vagrants. It was a custom in his district for natives to carry 'tembo' round the district and make the head boy drunk and then steal the sheep.

His Excellency said that this should be stopped.

Mr. Hollis mentioned that under the existing law no native could sell liquor without his being in possession of a license which cost Rs. 30. District Commissioners used their own discretion as to the issue of licenses.

His Excellency enquired how Mr. Hill would propose to stop these natives.

Mr. Hollis thought that probably none of the natives would have licenses.

Mr. Hill said they could give licenses but no passes.

Mr. Notley

Mr. Netley said that the natives were not allowed to hawk beef.

Mr. Hill said that the natives were not prosecuted on that point. They were prosecuted under the vagrancy law.

His Excellency could not understand why the Court did not take notice of the other matter.

Mr. Netley said it was rather difficult to prove that the natives were selling or even attempting to sell. It had to be proved that they were attempting to sell or did actually sell.

His Excellency said that he would like Justices of the Peace to deal with these cases. He particularly wanted the deputations opinion upon the vagrancy law. He wondered how many of them ever read the Vagrancy Act or the Trespass Act. He was trying to get a small manual prepared for Justices of the Peace showing what they could and what they could not do.

In reply to a question by Mr. Anderson as to whether His Excellency wished them to move elsewhere with regard to vagrancy, His Excellency said that he did not think he would ask for resolutions. He would ask them for their opinions generally. The vagrancy and trespass laws should be made more stringent and they would in any case put the onus of proof upon the man and in the case of thefts it would seem desirable to consider an enclosure on the same lines as a hut.

Dr. Atkinson referred to natives sleeping on farms at night. He meant in temporary huts put up on the borders of the farms.

His Excellency said that he understood that if there

there was to be any change in the law Government must appeal to precedent. They could not go in for innovations but where they had got precedents he would wish to establish these precedents as well as he could. Of course a great many thefts were committed at night. He thought it would strengthen their position very much, more especially if Justices of the Peace could be given power to deal with the cases.

Mr. Tarlton thought the difficulty with the recent vagrancy act was its interpretation. Mr. Hill had said it was working satisfactorily in his district. He thought they could not get sufficient evidence to prove vagrancy even though the boy pleaded guilty.

Mr. Watkins referred to the complaints of magistrates and to some of the decisions given which he said were unaccountable to an ordinary individual. He thought it should be arranged that magistrates should remain in the district.

His Excellency said that he took it they were all agreed that it was desirable to consider changes in the vagrancy and trespass acts - to make them more stringent within fenced enclosures and what could be considered to come within the term 'fenced enclosure'.

Mr. Tarlton asked if a natural boundary could be considered a fenced enclosure - a natural barrier, say a river. It would be a fence as far as the stock was concerned.

His Excellency assumed that if a river was dry it could not be considered a barrier.

Mr. Young considered that if stock could not go across it would be a fence.

Mr. Tarlton asked whether, if he did not consider

it

336  
it necessary to fence it, it would be a fence within the meaning of the law with regard to a native crossing or would it be necessary to double fence such a natural barrier?

Mr. Young replied that if cattle could get across it, it would not be a fence.

Dr. Atkinson said the object was to indicate the limits of private property so that every boy might know, when he was on private land and when he was not.

His Excellency enquired whether a natural barrier was not a sufficient indication.

Dr Atkinson replied that unless it was high enough to keep in stock it was not a fence. With all the meaning of the law.

Mr. Young was of opinion that sheep and cattle stock could not cross would be considered an enclosure.

His Excellency, referring to the Pass Law as a remedial measure, said he would like to hear Mr. Wetley's views.

REMEDIAL AND PREVENTIVE MEASURES.  
1) The Pass Law. He had explained it as far as he could, and he thought Mr Wetley would be able to give them further information as to whether the Pass Law could be administered here except at great expenditure. In writing to him (His Excellency) some farmers had suggested compensation. If all sheep and cattle that were lost were fully compensated for it meant far less expenditure than effective working of a Pass Law. He thought that by co-operation, having the trespass and vagrancy acts enlarged, and giving Justices of the Peace an opportunity of dealing with trespass and vagrancy so that farmers would not have to go such long distances for magistrates, they would have a great deal off their hands.

Mr. Watkins

Mr Watkins said, with reference to the Pass Law, that he thought it was a fact, as His Excellency had explained, that the expense would be very great indeed. He thought the enforcing of the Pass Law would have a very good effect in putting down crime. He also felt that if they had proper police patrols it would have a good effect in putting down crime and, after all, that should be the object of Government. Stock thefts were very difficult to trace as there was an enormous native population, and he thought it would be very much simpler and better plan than to have people against. He did not think the Pass Law would have the effect of interfering with and disorganizing labour. He thought for himself it was simply his own opinion.

Mr. Anderson presumed that the Government had to put up with the same difficulties as the old days. The properties were not as good as they were not so. They were rather inclined to be of their country as compared with an old country like South Africa. They knew how long the Pass Law had been in force in South Africa - it was of comparatively modern introduction. He did not see it was not a duty of Government to spend money but they must spend it as wisely as they could. It would require a very great expenditure of money to properly administer a Pass Law and he thought they would all agree that ineffective measures were worse than nothing. A Pass Law which would probably cost £8,000 to £10,000 a year was beyond the financial possibilities of a new country.

Mr. Anderson did not think that ~~same~~ sum would be near the mark. He thought it would more likely be £50,000. He would like to hear what Mr Netley thought of the Pass Law as a means of putting down crime. His (Mr Anderson's)

view

view was that the Pass Law was quite impossible in the present state of our finances.

His Excellency pointed out that, with regard to South Africa, he was quite certain that, if the Pass Law was abolished the next day there would not be any decrease in police. He asked what would happen if passes had to be issued to the Kavirondos and other lake tribes. They were dealing largely with the Highlands but they must deal with all or none. That would be a difficulty.

Mr. Anderson suggested as a temporary expedient that every native passing into or out of a district should have a Pass.

His Excellency said that this was about the most that his majesty had to deal with. He had to go to the natives on farms. They could not be

settled, said he thought the Pass Law was the best but it was a question of issuing passes which meant they would require to have pass stations or issuing offices all round the country. The districts - practically every known road. They would not have facilities to not apply the law.

Mr. Anderson thought that settlers might issue passes.

His Excellency was in favour of co-operation. It must be a system, and if it came to a Pass Law it must be effective.

Mr. Anderson suggested whether it could not be made effective in one district or at least tried.

His Excellency pointed out that if a native went to a settler to get a pass he might say he was from Karuri's or Wamboga's. Now was the settler to verify this.

Mr. Atkinson

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Dr Atkinson considered that the Pass Law was useless. He was sure the labour supply would be interfered with and was perfectly satisfied that it would mean no labour at all.

His Excellency in reply to Mr. Hepcraft said that if a native came on to a farm with a chit from a neighbour it ought to be sufficient evidence of good intention.

Mr Cameron mentioned that cattle stealing had been very prevalent in his district. Within the last 3 months 18 cattle had been stolen in the Lumbwa District, and out of that number only one had been recovered. The members of the Lumbwa Pastoralists' Association would like Collective Punishment applied to the natives in the Lumbwa District if the thefts were traced to their country. In a district where a lot of thieving was taking place he thought the chief's pay should be kept in abeyance until such time as something could be found out in reference to the thefts.

His Excellency thought this might be done if they were able to trace several cases into a district. His unofficial members were quite right in saying that this was hardly 'English'. Now they were saying it was English. The Collective Punishment Ordinance was only to be applied under very special circumstances. It was outside the Courts and had to be referred to the Imperial Government. He himself had not the authority to apply it, and the Government could not impose a collective punishment without the knowledge of the very Imperial Government. He thought that was a wise provision.

Mr. Cameron mentioned that at the present time if

any

any cattle were stolen the Government at Haricho would only provide one of the boys. They proposed that with the native stock sold out of the native reserves all the money should be put aside to secure a large number of ~~native~~ and pick up the trail of stolen cattle. With ~~the~~ <sup>the</sup> ~~chance~~ <sup>was</sup> no chance of tracing stolen cattle ~~was~~ <sup>was</sup> put aside for the purpose. ~~It might be considered~~

Mr. [Name] said that personally he agreed with the Government that they could not possibly have law in this country.

Mr. Hill did not think the Pass Law would help to catch a thief, and it was a case of catching him. There was no difficulty about identification: the difficulty was to catch him.

His Excellency thought that identification could be established by a system of finger prints. It would be easier the identification of criminals, and the system was becoming more widespread.

Mr. Hill was of opinion that a native who was a stock thief was always a stock thief. He thought such natives should be branded 'stock thief' and then it might do some good.

Mr. Watkins said he was afraid that unless the Pass Law could be applied effectively it would be useless to apply it at all. He did not believe in partial application: unless complete it would be an utter failure. He was very strongly of opinion that it could be applied, and a great many people of his district thought it should be applied, and they had repeatedly told him to bring the matter before the Governor. He was of opinion however that unless it could be properly and effectively applied

some other means should be devised.

In reply to a question by His Excellency as to whether Mr Watkins's people had mentioned the question of cost, Mr Watkins said they had not. He quite agreed that the issuing of passes would mean a great deal of work for the District Commissioners and he thought they would require some special machinery for the purpose. If that could not be done it would be better to leave it alone altogether.

Mr Stanning did not think there was a great majority in favour of the Pass Law.

His Excellency thought that probably about half would be more in favor of the Pass Law than agriculturalists.

Mr Anderson said that owners were more in favor of it than anybody.

His Excellency pointed out that it was possible to regulate tongs but they were trying to deal with the country. It would be quite possible to apply the Pass Law to a tong.

Mr Hartley was of opinion that the Pass Law at the present time would be quite impracticable. He did not believe it would prevent stock thefts very materially.

2) Branding.

Referring to the question of branding, Mr MacDonald said that he considered branding had checked thieving to a very large extent and he thought branding was very popular with settlers. Still a few had not gone in for it and this put facilities in the way of stealing. He would be inclined to say now that branding should be made compulsory as far as cattle were concerned. With regard to sheep it was much more difficult to introduce branding. If all the sheep were merinos they could be registered.

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With graded sheep it was most difficult to do that, and branding on the nose had not had very good results in Australia; but, as regards cattle, branding had checked thieving and he thought it should be made compulsory. If people did not brand their cattle it was a temptation to the natives to go and steal.

In reply to a question by Dr Atkinson, as to whether the cattle which had been stolen lately were branded, Mr Cameron said that some were branded with the Government brand and some were not. The natives would kill and eat the unbranded cattle but they would always keep a close watch on the branded cattle. Mr Cameron said that the Government should make it compulsory for the cattle to be branded.

Mr Atkinson replied that the Government should take steps to make branding compulsory. He said that it should be made compulsory for the cattle to be branded. A certain degree of branding should be made compulsory.

In reply to a question by Mr. Excellency as to why a law was made against compulsory branding he (Mr. Watkins) said that he did not think it could be done in a new country like East Africa as farmers would not care to go to the trouble and expense of branding. He thought however that in their own interests they should go in for branding.

Mr MacDonald said he understood the question had been raised at a meeting of the Naivasha Pastoralists' Association when a resolution was passed asking that branding should be made compulsory.

Mr Anderson thought that if Government were to make branding compulsory they should go further

and

and get every farmer to keep a stock book showing every-  
thing on their property. If Government would allow  
the inclusion of stock as part of development he  
did not think there would be any objection to compul-  
sory branding.

Mr Hesperaft, said he had seen cattle taken down  
on the Mores with all sorts of brands on them. I  
saw many bearing the Government brand he having  
been of the serum test. Consequently if it was  
made compulsory and cattle were taken down  
into the Mores "any one's country what help were  
they going to get? The natives had got their own  
brands.

Mr MacDonald pointed out that the percentage of  
branded cattle which had been stolen was very small.  
Many of the settlers he had spoken to on the Mores  
were in favor of branding.

Mr Anderson did not think the Home Government  
would agree to compulsory branding. They ought to see  
what it would. Could branded stock be considered an  
improvement of property?

Captain Riddell pointed out that in the case of  
sheep every sheep farmer would require to have his  
own station mark on the ear. Sheep however would not  
take the station mark.

Mr MacDonald did not think that this question  
should be admitted.

Mr Watkins thought it would be a very good thing  
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Mr Cameron referred to the mudding and blotching

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Mr Hopcraft said he had seen cattle taken down  
to the Masai with all the brands on them, a  
great many bearing the Government brand as having  
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Mr Cameron referred to the smudging and bleaching



belonging to natives as well as whites it would go a long way towards preventing thefts.

His Excellency thought that Mr Tarlton was putting forward a very fair proposal. It would appeal not only to the Government here but to the Government at home. It would be rather ridiculous to have a branding system for the most part of the native

... he did not think there was any chance of their having branded a large number of cattle. He did not think there would be any objection on the part of the Masai, or the

... that all cattle in these parts were branded with an 'S'. He also mentioned the possibility of branding the cattle of the natives with the Government brand.

In reply to a question by His Excellency Mr Hollis said he did not think the Masai would object to branding. All the Masai cattle were marked with native brands.

Mr Tarlton said that if the branding of native cattle was made compulsory it would be necessary for the Government to brand them with the Government brand. If the natives were allowed to have brands of their own it would be no protection at all.

Mr Hollis said this would mean an enormous task for the Government. The estimated number of Masai cattle was 30000.

Mr Hill

Mr Hill asked whether it would not meet the case to make it illegal for the Maasai to own cattle bearing European brands.

Mr MacDonald said that it was illegal for a native to own cattle with European brands on them unless the brands had been reversed.

Mr Tarlton : Only one brand?

Mr MacDonald replied that the last brand must be reversed.

In reply to Mr Hill Mr MacDonald said that the brands could easily be reversed over the top of the head and the branding should be done.

Mr Tarlton said it seemed to him that the Government had directed about branding 180,000 head of cattle. It was not a thing that was going to be done without the approval of the Veterinary Dept. had the Government been asked to brand the cattle, it would have been a good idea to have done so as it was the only way of branding.

Mr Hill said that his personal opinion was that before making branding compulsory the question should be submitted to the different Associations.

His Excellency said that branding was admitted to be useful and that it stopped thieving to a certain degree. Government could put forward proposals.

(3) Secret  
Service and  
Policing.

With regard to Secret Service and Policing, His Excellency said that perhaps Mr Notley would say what was being done now.

Mr Notley said that as far as the city areas were

were concerned the actual policing of the district was done by a system of patrols. In European districts every farm was visited once a month. They also had native patrols - usually two natives - visiting farms, if possible once a fortnight; they took round with them a book in which settlers were requested to enter any complaints. In any special case - for instance if a European complained of thefts on his farm - special efforts were made to deal with it. All native constables in plain clothes were if possible taken from other districts; they were not known to the native population and were taken on by settlers. In some instances they had managed to capture thieves in the way the theft in also very common was that of the herd boy. other reply to a question of efficiency The nat

other Mr. [Name] could see a fairly efficient system of patrolling. It was pointed out that it required a large force. Mr. [Name] said he thought the system at present met the requirements.

Mr. [Name] said that, with regard to patrolling, native constables did visit the various farms at different times with a book which was filled in occasionally but it appeared to him that no one ever knew of it complaints were put there. He referred to a complaint made by a settler in which it was stated that a constable had set fire to the grass on his farm. He did not know whether any action was taken in the matter. He also referred to the removal of the Masai which left the road open to Nyeri. The cattle which had been stolen from him were taken that way. When the Masai were there he had had no trouble at all. He complained that the country where the Masai had been was not properly controlled

controlled and he was sure it would be for the benefit of the settlers if it was controlled. He did not think the present system was much good. He thought mounted white police should be employed or, failing that, good trustworthy askaris.

Mr Anderson said he had extreme confidence in the Police in all matters outside stock thefts. He did not think they were very effective in tracing stolen stock. Cattle had been stolen from his farm, 6 miles from Nairobi, and the matter placed in the hands of the police within 5 hours, but they were unable to find and track. He thought that the police force should be strengthened with 3 or 4 white policemen with large experience in tracing stock thefts. It was not work that an ordinary policeman could take up. He would suggest that 3 or 4 trained men should be appointed; they should be paid a higher salary but should be men of very great experience of that work. He thought it would have a very good effect in this country. He did not think the plain clothes native men very useful.

11. Experience also that the plain clothes men have knowledge of the natives. Anyone from outside would take a long time to get a knowledge of the natives.

Mr Anderson said it might be that Mr Notley had some men who had a certain amount of such training. He would suggest that these men be put on that work only and relieved of other work. Trained white men were essential.

Mr Notley thought that men with such experience must naturally be better than men who had no such knowledge, but he very much doubted whether Mr Anderson's suggestion was a practicable one. He thought that in so far as tracing stock was concerned the only possible way was by 'Spooking'. He did not think they could get a white man to beat the

the native at that. Natives were available for that purpose, and wherever stock-thefts had taken place and the police had been advised within a reasonable time an endeavour had been made to get these natives on to the work.

His Excellency presumed that it would be desirable, as Mr Anderson had pointed out, that one or two white men should direct.

Mr Anderson said that one native without a white man was not satisfactory. No native born was equal to the average white man, he reversed.

Mr Will said that his experience of the Police was that they did everything possible to help. They had great difficulties to contend with. The white man on foot, however, was absolutely hopeless as he could not get about quickly.

With regard to ostrich feather stealing, Mr Netley said he must admit that they found enormous difficulty in tracing thefts of ostrich feathers as the feathers were difficult to identify. Unless the native was caught in the act it was almost impossible to get a description.

Mr Parlane did not agree with Mr Netley that there was difficulty in identifying ostrich feathers. A man with experience of ostriches would have no difficulty in identifying the feathers.

Dr Atkinson thought they must get a Kikuyu to catch a Kikuyu. He did not mean a detective who had very likely been a criminal himself or a man appointed by chiefs of their own country. HE wanted patrolling in plain clothes on the borders to try and catch the man not when he was leaving the district but when

he was coming back to it. He did not think there would be any danger of these detectives giving false information. It would not seem to be an expensive operation to pay such men. If the appointments were to rest in the hands of the chiefs they would only fail to secure the criminals.

His Excellency asked if he understood that the Moran acting as police in the settled areas.

Dr Atkins stated that he meant only the settled areas.

His Excellency thought that it might be arranged for such areas. The Moran had no power over the natives but these natives could be brought under the control of police.

His Excellency thought it would be an advantage to have tribal retainers and he thought they should not get from time to time the message of the sultans. The sultans were generally settled in the forests and the only thing to do was to go there from time to time and clear out all the natives and even the cattle they had got.

His Excellency said that was what he proposed to do on the Aberdares.

Mr Cameron said that when he was in the Lumbwa reserves he had enquired of the sultans (chiefs) whether they were advised of cattle thefts and they said they were not. He thought that in all cases of thefts the chiefs and headmen of the district should be advised.

His Excellency mentioned that Lumbwa was one of

of the most difficult parts to deal with. They had the Nandi on one side and the Lumbwa on the other. The Kotik was one of the most difficult places in the whole country. He did not hear the same complaints coming from the Usin Gishu. The question of policing would have to be enquired into. It seemed a practical suggestion and was not an expensive one.

Mr Netley said it was a question of getting the right men.

In reply to a question by Mr Watkins Mr Netley said that any natives who assisted the police in recovering cattle were awarded. As a rule the award was not a large amount.

Mr Anderson, His Excellency was asked the question of employing white men as special policemen. He considered the matter and said that these matters would come before the Government.

Mr Anderson said that the Government was not in favour of squatters and that this question had considerable weight and that there should be some restriction.

Dr Atkinson did not think that the law would meet the requirements of the whole country.

Mr Anderson said that everyone would agree that every native on a private farm must be under the control of the farmer.

His Excellency said that one of the main difficulties of Government was to get farmers to decide as to a form of agreement. In many cases the agreements were one-sided. He thought Government should draw up a form of agreement which the people must accept.

Mr Hollis mentioned that a short time ago a...

form of agreement had been drawn up by one Association in which it was stipulated that every man, woman, and child should work ten hours a day on the farm and that if they did not agree to these terms they should be turned out. Several natives had been compensated by farmers which meant a loss to them. Subject to native rights, he thought they ought to endeavour to come to an agreement. He quite agreed that the control should be with the settler. As regards the buying up of all rights of native tenants, before the land was sold by Government - he did not think the Government should allow the whole of the land to be bought up by the Government. He fancied most of the settlers would say how white do not intend to do that. They would say the Government could buy up the land if the laws did not include a provision. Mr Anderson asked whether this had not been recommended by the Land Board?

By whom?  
Mr Anderson by the occupier.

His Excellency said that natives must be supplied on terms. He also referred to certain clauses of the old labour agreement which had been drawn up. He did not think this question was so pressing in farms upcountry as it was in the Nairobi district. It was an absolute block in the case of some farms. He was inclined to think that serious consideration should be taken of this, and that the land owner should be given full control. He also referred to the suggestion made by Mr MacDonald only last year with regard to dogs.

Mr MacDonald said that certain settlers should

make

make use of dogs in their kraals at night.

Mr Cameron said it was a great protection to have dogs in the boma.

Mr Hill was also in favor of dogs being used in this way.

3) Collective Punishment.

Referring to the question of collective punishment, Mr Anderson said it was not a usual British custom to punish collectively but His Excellency in his previous remarks had drawn their attention to the fact that there was a very great danger that they did not conduct trial by jury in a better way, that they collectively were going to be punished. He went on to say that supposing cattle were stolen from him and they passed through a chief's district his experience was that the cattle, especially if branded, could not pass through without the native district authorities knowing it. He held that if strange cattle passed through a native district the chief was to have it reported to him, no matter whether the cattle belonged to Europeans or cattle belonging to natives. If strange cattle did go through a district, and the chief was asked why it was not reported to Government, he could not make any excuse. If it was not reported on the second occasion it happened the chief should be deposed. He contended that the chief should be held responsible. Once the chiefs realized that they were going to be punished a great deal of this stock-stealing would be put down.

Dr Atkinson did not think they could ask that all

all the Wa-Kikuyu should be punished, When a stock theft was traced to a section of the tribe a fine should be imposed upon that section. Where a conviction had been made it might be possible to inflict a fine upon the family instead of only punishing the individual.

(6) Sentences.

Mr. Watkins said he would like to refer to the question of sentences. The sentences which were being imposed he considered far too light. Where there was a previous conviction the punishment should be as severe as possible. His Excellency stated that he had already referred to sentences.

Mr. Hollis read the relevant section from the Collective Punishment Ordinance. With regard to Dr. Atkinson's remarks he (Mr. Hollis) believed that most of the thefts were committed by natives who had practically left the tribe, and it would be unfair if one who committed a theft for the whole family to be punished. If the boy had taken the stock to his family they would have to be punished under the Ordinance.

Mr. Anderson said he would like that every movement of strange cattle, whether stolen or not stolen, should be reported. Regarding the question of sentences, he was not in favor of heavy sentences being imposed, though the Association he represented, he thought, on the whole were Government should rather try and prevent crime.

His Excellency said they had endeavoured to thrash out everything and regarding such subjects as they had discussed and on which they apparently were in agreement he would certainly take early steps, - such as the law of trespass and the law of vagrancy.

vagrancy. He would also take steps with regard to  
 the Pass Law and branding. The Secretary of Secret  
 Affairs and Police, he would  
 appearance and it had been thoroughly investigated  
 He would advise Parliament that  
 proposed where the  
 the  
 to  
 what the suggestions put forward as to  
 the movement of animals which were quite  
 preferable. He would desire to invite the deputation  
 for coming to meet him in  
 way in which they had discussed the matter  
 In reply to Mr Anderson His Excellency said  
 and each member of the deputation  
 would be furnished with a copy of the report of the  
 proceedings.

The meeting closed with a vote of thanks to  
 His Excellency which was proposed by Mr Watkins.

30941

356

15 Dec 1911

Sir

DRAFT.

Case no 732

1929/12

I have the honor  
to acknowledge the receipt of

your letter of 14th of the

26th inst. regarding

a copy of the proceedings

of the meeting held by you

regarding the regulation

of the currency

of the Port of London

the question of stock

in the Port of London

I shall be glad to

be informed that because

you have been

present at the meeting

of the

reference to the

and to the

of the

I have done this

Yours

Dec 8